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“The Government Could Have Stopped This”

Sectarian Violence and Ensuing Abuses in Burma’s Arakan State





“The Government Could Have Stopped This”

Sectarian Violence and Ensuing Abuses in Burma’s Arakan State

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June 8, 2012
Thousands of Rohingya Muslims rioted in Maungdaw after Friday prayers, destroying Arakan property and killing an undetermined number of Arakan. In the ensuing weeks, Burmese security forces launched a violent crackdown on Rohingya, resulting in mass arrests and an undetermined number of deaths.

June 9, 2012
Violence erupted in and around the Arakan State capital, Sittwe, with both Rohingya and Arakan mobs burning homes and houses of worship, and launching attacks on each other. The violence left over 100,000 displaced.

May 28, 2012
An Arakan Buddhist woman was raped and killed in Ramri, allegedly by three Muslim men.

June 3, 2012
A large group of Arakan villagers in Toungop stopped a bus and brutally killed 10 Muslims on board.



BANGLADESH

CHIN STATE

ARAKAN STATE

BURMA

Naf River

Bay of Bengal

NORTHERN ARAKAN STATE

-  General areas of sectarian violence and abuses documented by Human Rights Watch
-  Precipitating events that led to outbreak of sectarian violence
-  Refugees and pushbacks
-  State capital
-  Burma-Bangladesh border
-  State boundary
-  Township boundary
-  River

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Summary

In June 2012, deadly sectarian violence erupted in western Burma's Arakan State between ethnic Arakan Buddhists and Rohingya Muslims (as well as non-Rohingya Muslims). The violence broke out after reports circulated that on May 28 an Arakan woman was raped and killed in the town of Ramri allegedly by three Muslim men. Details of the crime were circulated locally in an incendiary pamphlet, and on June 3, a large group of Arakan villagers in Toungop stopped a bus and brutally killed 10 Muslims on board. Human Rights Watch confirmed that local police and soldiers stood by and watched the killings without intervening.

On June 8, thousands of Rohingya rioted in Maungdaw town after Friday prayers, destroying Arakan property and killing an unknown number of Arakan residents. Sectarian violence then quickly swept through the Arakan State capital, Sittwe, and surrounding areas.

Mobs from both communities soon stormed unsuspecting villages and neighborhoods, killing residents and destroying homes, shops, and houses of worship. With little to no government security present to stop the violence, people armed themselves with swords, spears, sticks, iron rods, knives, and other basic weapons, taking the law into their own hands. Vast stretches of property from both communities were razed. The government claimed that 78 people were killed—an undoubtedly conservative figure—while more than 100,000 people were displaced from their homes. The hostilities were fanned by inflammatory anti-Muslim media accounts and local propaganda.

During the period after the rape and killing was reported and before the violence broke out, tensions had risen dramatically in Arakan State. However, local residents from each community told Human Rights Watch that the Burmese authorities provided no protection and did not appear to have taken any special measures to preempt the violence.

On June 10, fearing the unrest would spread beyond the borders of Arakan State, Burmese President Thein Sein announced a state of emergency, transferring civilian power to the Burmese army in affected areas of the state. At this point, a wave of concerted violence by various state security forces against Rohingya communities began. For example, Rohingya in Narzi quarter—the largest Muslim area in Sittwe, home to 10,000 Muslims—described

how Arakan mobs burned down their homes on June 12 while the police and paramilitary Lon Thein forces opened fire on them with live ammunition. In northern Arakan State, the Nasaka border guard force, the army, police, and Lon Thein committed killings, mass arrests, and looting against Rohingya.

In the aftermath, local Arakan leaders and members of the Arakan community in Sittwe have called for the forced displacement of the Muslim community from the city, while local Buddhist monks have initiated a campaign of exclusion, calling on the local Buddhist population to neither befriend nor do business with Muslims.

* * *

Drawing on 57 interviews conducted in Burma and Bangladesh with Arakan, Rohingya, and others, this report describes the initial events, the acts of violence that followed by both Arakan and Rohingya, and the role of state security forces in both failing to intervene to stop sectarian violence and directly participating in abuses. It examines the discriminatory forced relocations of Rohingya by the Burmese government from an Arakan population that feels long ignored.

Witness after witness described to Human Rights Watch how the Burmese authorities failed to provide protection to either side in the early days of the violence and that Arakan and local security forces colluded in acts of arson and violence against Rohingya in Sittwe and in the predominantly Muslim townships of northern Arakan State.

A 31-year-old Arakan mother of five told Human Rights Watch how a large group of Rohingya entered her village outside Sittwe around June 12 and killed her husband. She said the government had provided no security. “They killed him right there in the village,” she said. “His arm was cut off and his head was nearly cut off. He was 35 years old.” A 40-year-old Arakan man in Sittwe said, “The government didn’t help us. We had no food, no shelter, and no security [when we fled], but we protected ourselves using sticks and knives.”

A Rohingya man, 36, in Sittwe, described how the security forces took part in the violence: “[An Arakan mob] started torching the houses. When the people tried to put out the fires, the paramilitary shot at us. And the group beat people with big sticks.” A Rohingya man from Narzi said, “I was just a few feet away. I was on the road. I saw them [the police] shoot

at least six people—one woman, two children, and three men. The police took their bodies away.”

Local residents said that soon after the sectarian violence began, state security forces conducted systematic and abusive sweeps in the predominantly Muslim townships of northern Arakan State, claiming to be looking for suspected Rohingya rioters. Between June 12-24, these forces entered villages around Maungdaw Township, opened fire on Rohingya, looted properties, and rounded up men and boys, taking them to unknown locations where most have since been held incommunicado. Family members of those arrested told Human Rights Watch that they had not heard from their relatives since the security forces boarded them onto trucks and took them away.

A 22-year-old Rohingya man who fled from security forces that entered his village of Kampu on June 26 told Human Rights Watch: “We were running out of the village and wading through the water on the street [from monsoon rains] and they shot at us in the street. I saw 17 people shot and 9 of them were boys and young men. Police from Maungdaw, Lon Thein, and Nasaka were all involved in the sweep.... The bodies were lying on the street, I don’t know what happened to them because I ran away to avoid arrest. The sound of bullet fire was continuous.”

The sectarian violence and abuses that have followed have created urgent humanitarian needs for both Arakan and Rohingya communities. The humanitarian response to the crisis has been severely hampered by restricted access to the affected areas, particularly to northern Arakan State. UN and independent humanitarian agencies and their local staff have been subjected to arrests, threats, and intimidation. At the time of greatest need, their work has been brought almost to a standstill.

Local organizations have provided food, clothing, medicine, and shelter to displaced Arakan populations, largely supported by domestic contributions, but Rohingya populations have been less fortunate. Human Rights Watch spoke to Rohingya in Sittwe who had been living in hiding for several weeks, fearing they would face imminent attack from local Arakan if they ventured out in public. Their access to markets, food, and work remain limited because of the dangers of venturing into public spaces.

Other Rohingya have been living in makeshift camps overseen by the army, in the jungle, or surviving in home-stay situations, seeking shelter in some of the last standing Muslim neighborhoods in Sittwe. Their local movements are restricted by the Burmese army, ostensibly for their own protection, but many still lack adequate aid and the physical conditions of the internally displaced person (IDP) settlements are degenerating under the strain of overcrowding and monsoon rains.

Some Rohingya in displacement camps told Human Rights Watch that some Burmese soldiers had shown great compassion and gone to the market on their behalf to purchase rice and other necessities, but that their willingness to do so has since stopped. The soldiers' refusal to informally help Rohingya buy food correlates with a local campaign by Arakan Buddhist monks—the most revered members of local Arakan society—who have distributed pamphlets advocating for separation of the communities and imploring the Arakan people to exclude Muslims in every way. “They are eating our rice and staying near our houses,” the author of one pamphlet told Human Rights Watch. “So we will separate. We need to protect the Arakan people.... We don't want any connection to the Muslim people at all.”

In late June, the national government authorized an inter-agency emergency rapid assessment by the UN and international relief agencies, which enabled the agencies to understand the scope of the immediate needs. However, the agencies have been unable to assess the situation in some parts of northern Arakan State. Humanitarian access has been limited by both the Burmese government and resentful local Arakan populations who claim the agencies have focused primarily on Rohingya populations over the years while neglecting the plight of the Arakan.

While all security forces operating in Arakan State have been implicated in serious human rights violations, the army at times has taken positive action. In the early days of the violence, the army's presence in Sittwe had a calming effect and was welcomed by both communities. Human Rights Watch observed Burmese army units in Sittwe playing a constructive role in stemming violence in late June by guarding groups of displaced Rohingya and making public calls for residents to disarm. Human Rights Watch also witnessed the army escorting Rohingya through the state capital in late June to collect personal belongings from their homes and market stalls in the city before returning to

displaced person sites, though we were unable to determine whether this was done as part of normal duties or for payment.

At the same time, the army has collaborated with other elements of the security forces in abusive sweeps across northern Arakan State. According to a 27-year-old Rohingya man who fled Maungdaw township, “The military came and spoke to the chairman of the village and told him to give them the names of the people who took part in the violence. They went house-to-house, door-to-door, taking people. Those on the list ... no one knows where they are, and those not on the lists can be set free if they pay money.”

* * *

The Rohingya and Arakan populations in Burma, estimated to total 800,000 to 1,000,000 people, have often clashed in daily life and long expressed mutual animosity. Successive Burmese governments have discriminated against the Rohingya, who they assert are foreigners with no right to live in Burma, a view shared by much of the Arakan population. This has been state policy since 1982, when a citizenship law passed by the then-military government excluded the Rohingya from Burmese citizenship, effectively rendering them stateless.

The Rohingya’s lack of legal status has contributed to tensions in Arakan State. By law, full citizens are persons who belong to one of the enumerated “national races,” which does not include the Rohingya, or those whose ancestors settled in the country before 1823, the beginning of British occupation of what is now Arakan State. Those who cannot provide “conclusive evidence” that their ancestors settled in Burma before 1823, are denied full citizenship and attendant rights. Rohingya face restrictions on freedom of movement, access to education, and employment— rights guaranteed to non-citizens as well as citizens under international law. Thousands of dispossessed Rohingya would likely face serious hunger and possibly starvation annually without interventions by the United Nations World Food Program.

Anti-Rohingya and anti-Muslim sentiments, long a part of the political and social landscape of Burma, have become rampant since the outbreak of violence in June. Burmese government officials typically refer to the Rohingya as “Bengali,” “so-called Rohingya,” or the pejorative “Kalar,” which has a variety of disturbing translations. The

Rohingya face widespread animosity from broader Burmese society, including from longtime pro-democracy advocates and members of ethnic nationalities who themselves have long faced oppression from the Burmese state.

In a European tour during the crisis—her first trip abroad in 24 years—democracy icon and opposition party leader Aung San Suu Kyi characterized the sectarian violence in Arakan State incorrectly as the result of the government’s failure to enforce its immigration laws. She said she “does not know” if the Rohingya should be considered Burmese, lending credence to popular views that Rohingya are foreigners or “intruders.” She suggested “some of them” would meet the requirements of the citizenship law, and blamed the problem on the law’s lack of clarity.

A number of other longtime democracy activists have made incendiary anti-Rohingya statements. In early June, prominent pro-democracy activist Ko Ko Gyi spoke at a press conference in Rangoon and categorically denied that the Rohingya are an ethnic group of Burma. While conceding that ethnicity is not a requirement for citizenship, he blamed the sectarian violence on “illegal immigrants from Bangladesh” and “mischievous provocations from the international community,” referring to Western attention to the Rohingya. “Such interfering efforts of powerful nations on this issue without fully understanding the ethnic groups of Burma, will be viewed as offending the sovereignty of our nation,” he said.

Mistreatment of the Rohingya has not been limited to Burma, evident in the inhumane and illegal response of neighboring Bangladesh to the crisis. Rohingya have sought safety in Bangladesh by journeying by sea in barely seaworthy wooden boats, or crossing the border at the Naf River or alternative routes. In southern Bangladesh, approximately 30,000 Rohingya refugees have been living for decades in two of the world’s most squalid refugee camps, and an estimated 40,000 barely subsist in what are called “informal camps”, and a further 160,000 living outside of camp settings. Yet when sectarian violence broke out in June, the Bangladeshi government, in violation of its international legal obligations towards asylum seekers, ordered its border guards and naval services to prevent anyone from crossing the border. Rohingya men, women, and children arrived onshore and pleaded for mercy from Bangladesh authorities, only to be pushed back to sea in their frail boats during rough monsoon rains, putting them at grave risk of drowning or persecution in Burma. It is unknown how many died in these pushbacks.

Those who have made it into Bangladesh remain in hiding with no official protection from the Bangladeshi government or the UN and no access to humanitarian assistance as a result of policy decisions by the Bangladesh government.

Key Recommendations

On June 10, President Thein Sein addressed the nation. “If we are sticking to endless hatred and revenge by killing each other, it’s possible that the danger will be more widespread, not only in Arakan State,” he said. “If that happens, make no mistake, it would cause a severe loss to our fledgling democracy—stability and development.” These were welcome words and helped to calm the situation. However, on July 12 the president appeared to join forces with anti-Rohingya extremists when he said that the “only solution” would be to expel the Rohingya to other countries or to camps overseen by the UN High Commissioner for Refugees (UNHCR)—undoubtedly a reference to UNHCR camps in Bangladesh. “We will send them away if any third country would accept them,” Thein Sein said. “This is what we are thinking is the solution to the issue.” The UNHCR quickly rejected the proposal, saying, “As a refugee agency we do not usually participate in creating refugees.”

Thein Sein was right that this unrest and continuing abuses by the security forces could derail the democratic reform process and spread to other parts of the country, as other ethnic minority groups could become increasingly wary of the government’s proclaimed commitment to improving relations with ethnic populations. Such blatant persecution of a minority group would make it more difficult for donor governments, multinational bodies, and international financial institutions to press ahead with development assistance. If the government wants to be seen as reforming and deserving of the large amount of international aid, investment, and support it so clearly desires, it needs to rein in its security forces and end discriminatory policies, practices, and public statements against a demonstrably vulnerable population. The government also needs to commit to reform its discriminatory and outdated citizenship law. The Rohingya cannot and should not be asked to leave their homes and should be entitled to citizenship on the same basis as members of other national groups.

To demonstrate its seriousness in addressing abuses, the government should grant the UN special rapporteur on human rights in Burma, Tomas Quintana, full access to investigate

abuses on all sides and take action to hold perpetrators accountable. Those responsible for ordering or participating in abuses during and after the sectarian violence in Arakan State should be impartially investigated and disciplined or prosecuted as appropriate. For the safety of those being held, the government should immediately disclose information to the special rapporteur about the presumed masses of Rohingya who remain in incommunicado detention.

To address the chronic and systematic abuses in Arakan State and elsewhere, the government should invite the UN Office of the High Commissioner for Human Rights (OHCHR) to open an office with a full monitoring and protection mandate, including the ability to operate in and open sub-offices in Arakan State and other parts of the country. The government should work with local and international nongovernmental organizations, and UN agencies to meet the urgent humanitarian needs of the Rohingya, Arakan, and non-Rohingya Muslim populations, allow unfettered humanitarian access to affected populations, and address the continuing threats to safety and security of humanitarian organizations. In the medium term, the authorities need to work with displaced populations to find solutions that respect their rights to return home and live safely. Where appropriate, the government should provide local populations restitution for destroyed property and develop a comprehensive strategy to end violence and promote reconciliation with local populations.

The government should quickly amend discriminatory provisions in the 1982 Citizenship Law so that Rohingya are treated in the same way as members of the eight other ethnic groups named in the citizenship law, as well as the unnamed ethnic groups still protected under the law and who are treated as citizens. All other discriminatory laws, policies, and practices should be revised or repealed.

The Burmese government also needs to confront the deep-seated prejudice within its own ranks and Burmese society that manifests itself in discrimination and violence against the Rohingya population. It should engage in a broad based public information campaign endorsing tolerance and non-discrimination. In particular, it should emphasize that the Rohingya are one of the many diverse ethnic groups that make up the Union, and that the country's development depends on ending this longstanding cycle of violence and discrimination.

Numerous Arakan and Rohingya have reached the conclusion that the outbreak of the sectarian violence and the abuses that followed could have been avoided. A 29-year-old Arakan man and an older Rohingya man captured the local sentiment when they each told Human Rights Watch, separately but in the same words, “The government could have stopped this.” It is not too late for the government to take effective action to bring the realities on the ground in line with the pervasive rhetoric of democratic reform. Any failure to do so will almost certainly ensure future bloodshed and abuse.

The Bangladeshi government should also rethink its policy of refusing to provide safety to Rohingya asylum seekers. It should accept offers of humanitarian assistance already made by donors—and demand more. It should accept offers of limited resettlement of Rohingya already in official camps—and ask for more. But it cannot claim to be a rights-respecting government or upholding international law, as the Bangladeshi foreign minister did in parliament in June, if it turns away people facing death with little more than a bottle of water.

None of this will happen if the international community does not respond with a dramatically increased sense of urgency. If these same events had happened one or two years ago, before the reform process in Burma was underway, the United States, European Union, Australia, the UN, and others would almost certainly have roundly condemned the Burmese government in the strongest terms. The failure of the government to prevent the violence and later to engage in serious abuses would have been seen as further proof of the need for wholesale reform of the government and security forces. Now, apparently caught up in the excitement of Burma’s opening to the democratic opposition, talks with ethnic armed groups, and the opportunity to dramatically increase trade and investment in the country, much of the world has offered only a muted response, at best.

The US has led the way in dropping many sanctions and encouraging investment, even announcing on July 11 the ending of key investment sanctions at the height of the crisis in Arakan State. The US and others have a special responsibility to send clear signals to the authorities in Burma that brutal repression of the Rohingya and other vulnerable minorities will not be tolerated and will harm their relationships with the government. The way that Burmese authorities responded to the crisis and continued persecution and discrimination should come at a cost to these relationships. World leaders should be saying so in clear and unequivocal terms.

Methodology

Human Rights Watch conducted research for this report in June 2012 in Burma and Bangladesh. It is largely based on 57 interviews with individuals who witnessed or were otherwise affected by the violence, including 22 ethnic Arakan and 28 ethnic Rohingya.

Neither Burma nor Bangladesh allow independent nongovernmental organizations to freely conduct research or monitor human rights issues inside the affected areas. As a result, obtaining and verifying credible information presents great challenges. In Burma, Human Rights Watch visited three informal camps for internally displaced Arakan in Burma's Arakan State. We interviewed Rohingya in secure locations in Arakan State and in Bangladesh.

We conducted interviews primarily in the Burmese, Arakan, and Rohingya languages with English interpretation, using competent interpreters appropriate for each community. In a few cases, we conducted interviews in English. Because of possible reprisals, we have withheld the names of the victims and witnesses and the precise dates and locations of interviews. We have used pseudonyms for all interviewees named in this report, and interviews are cited with initials that do not reflect the actual initials of those interviewed; the initials are merely to enable the reader to distinguish among interviews. In some cases, other identifying information has been withheld in the interest of confidentiality and security.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. All provided oral consent to be interviewed. None received compensation.

In addition to the research described above, we drew on a number of secondary sources including United Nations reports, academic studies and other publications, previous Human Rights Watch reporting, and other nongovernmental organization reports.

I. Background

Arakan State is located in western Burma, bordering the Bay of Bengal to the west, Bangladesh to the northwest, Burma's Chin State to the north, and Magwe, Bago, and Irrawaddy Divisions to the east. The fertile plains and coastal wetlands of the state are separated from the rest of Burma by the dense jungles of the Arakan-Yoma mountain range, which for centuries enabled Arakan kingdoms to maintain political independence from lowland Burmese kingdoms.¹

The population of Arakan State is largely agrarian and remains one of Burma's poorest, with over 43.5 percent living below the poverty line, second only to Chin State, according to a 2011 study by UNDP.² Yet tens of billions of dollars' worth of verified natural gas deposits have been found in the Bay of Bengal off the coast of Arakan State. Chinese, South Korean, and Indian companies are mining the gas in partnership with the state-owned Myanmar Oil and Gas Enterprise, among others, under undisclosed contracts negotiated under the former military government.³ Oil and gas transport pipelines are currently being constructed from Arakan State to Yunnan Province in China.⁴

Interpretations of early and modern Arakan history are contested. The historical question of who among the inhabitants of the state have a valid claim of indigenusness, besides the predominantly Buddhist ethnic Arakan, is deeply controversial. The government of Burma and Burmese society at large roundly reject claims that the Muslim populations of Arakan State, many of whom identify as Rohingya, are entitled to Burmese citizenship, let alone recognition as a distinct ethnic group in Burma. Most citizens of Burma, of all

¹ The ethnic Burman polity finally conquered the Arakan kingdom in 1784—a year of great historical significance for today's fiercely nationalistic ethnic Arakan—and the area has remained politically and economically stifled ever since. The Arakan people are, generally speaking, staunchly opposed to what they regard as an ethnic Burman-dominated central government.

² UN General Assembly, "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar," A/66/365 (September 16, 2011), p. 17; UNDP, "Integrated Household Living Conditions Survey in Myanmar (2009-2010): Poverty Dynamics Report, June 2011.

³ See Human Rights Watch, "*Untold Miseries*": *Wartime Abuses and Forced Displacement in Burma's Kachin State*, March 2012, p. 32-33, <http://www.hrw.org/reports/2012/03/20/untold-miseries> (accessed July 16, 2012); "Burma: Natural Gas Project Threatens Human Rights" Human Rights Watch news release, March 24, 2007, <http://www.hrw.org/news/2007/03/23/burma-natural-gas-project-threatens-human-rights> (accessed July 16, 2012); Matthew F. Smith, "Bad Business for Burma," *International Herald Tribune*, April 3, 2011, <http://www.nytimes.com/2011/04/04/opinion/04iht-edsmith04.html> (accessed July 16, 2012); See also the Shwe Gas Movement, www.shwe.org (accessed July 16, 2012) and EarthRights International, www.earthrights.org (accessed July 16, 2012).

⁴ Human Rights Watch, "*Untold Miseries*", p. 32-33,

ethnicities, do not acknowledge the term Rohingya and commonly refer to the Muslim population in Arakan State as “Bengali,” “so-called Rohingya,” or the pejorative “Kalar,” claiming that they are all illegal migrants from what is now Bangladesh.

Nevertheless, there have been Muslim inhabitants in western Burma for centuries. Use of the term “Rohingya” in English dates back at least to research published in 1799 on the languages of Burma, by Francis Buchanan, M.D., who wrote of a dialect in western Burma “spoken by the [Muslims], who have long settled in Arakan, and who call themselves Rooinga, or natives of Arakan.”⁵

Arakan was in ancient times regarded as an extension of northern India.⁶ Some sources suggest the territory of Arakan State was largely inhabited by Indians until the area was invaded in the 10th century by one of the earliest Tibeto-Burman tribes to enter what is today Burma, at which point the “newcomers mixed with the original inhabitants and formed the Kingdom of Arakan.”⁷ In 1404, when the Kingdom of Ava from northern Burma invaded the Arakan Kingdom, the Arakan king Naramithla fled to Bengal, where he lived in exile until 1430 before returning to Arakan to establish the Arakan capital of Mrauk-U. While in exile, the king was exposed to Islam in the Bengali city of Guar and its influence was reflected upon his return to Arakan, when he established what has been called “a remarkably hybrid Buddhist-Islamic court, fusing traditions from Persia and India as well as the Buddhist worlds to the east.”⁸ Thereafter, in the 15th century, Arakan kings copied and used coins with Islamic inscriptions and coins from Bengal; Persian language was used in diplomatic exchanges in the 17th and 18th centuries; and Mughal-Arakan wars in eastern Bengal gave rise to an active, and lamentable, trade in Bengal slaves.

The British colonial period led to a shift in ethnic and religious relations in the state. The first Anglo-Burmese war, from 1824 to 1826, left Arakan territory under British colonial rule until Burma’s independence in 1948. During the colonial period, the British moved the capital from Mrauk-U to what is known today as Sittwe, and there was no political border

⁵ Francis Buchanan, “A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire,” *Asiatic Researches* 5 (1799), p. 234, www.soas.ac.uk/sbbr/editions/file64276.pdf (accessed July 26, 2012).

⁶ Michael Charney, “Arakan, Min Yazagyi and the Portuguese: The Relationship Between the Growth of Arakanese Imperial Power and Portuguese Mercenaries on the Fringe of Southeast Asia,” *SOAS Bulletin of Burma Research*, 3:2, 2005.

⁷ Quoted in Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948*, (Chiang Mai: Silkwork, 1999), p. 65.

⁸ Thant Myint-U, *The River of Lost Footsteps: Histories of Burma* (Farrar, Straus & Giroux: New York, 2006), p. 72

between Arakan and Bengal, giving rise to new population flows between Chittagong, or east Bengal, and Arakan.⁹ The Muslim population of Arakan State grew significantly during this period, from approximately 58,000 in 1871 to 179,000 in 1911, according to British colonial records.¹⁰ This information has been used by some to argue the Rohingya as an ethnic minority per se does not exist; that the Rohingya exist merely as a modern construct; and that all “so-called Rohingya” are direct descendants of migrants from Bengal during the British colonial period.¹¹ The latter claim is widely accepted in Burma, and it is operative, because current Burmese law denies citizenship to those who cannot verify their ancestry in Burma prior to British colonial rule. While the Rohingya and Bengalis from Bangladesh are in many ways physically indistinguishable from each other, the Rohingya in Burma speak a unique dialect of Bengali, distinct from the Bengali spoken across the border, and many Rohingya in Burma also speak Burmese.¹²

After Burma’s independence in 1948, the country underwent a post-colonial political reformation marked by political instabilities and armed ethnic conflict until a coup by the army in 1962 introduced military rule that would last for over 60 years. Throughout the period of military rule, up to the present—which is still marked by a military-dominated parliament—the Burmese army has committed numerous human rights violations against both the Arakan and Rohingya populations of Arakan State, including killings, widespread forced labor, rape, torture, land confiscation, and other abuses.

The Arakan people have played an important role in defending human rights and promoting democracy in Burma, despite enduring great repression. For instance, ethnic Arakan were key in building momentum for the 2007 nationwide demonstrations led by Buddhist monks against government-imposed fuel price hikes. In the early stages of the protests, on August 28, 2007, as state security forces arrested protesters in Rangoon, approximately 200 Buddhist monks took to the streets in Sittwe, significantly altering the course of the protests—the biggest in Burma in two decades. Soon, hundreds of thousands of people took to the streets in protest throughout the country. Dubbed the “saffron

⁹ Jacques Leider, “Arakanese Studies: Challenges and Contested Issues,” conference paper, “Arakan History Conference,” Bangkok, Thailand, November 23-25, 2005, p.15-16.

¹⁰ Aye Chan, “The Development of a Muslim Enclave in Arakan (Rakhine) State of Burma (Myanmar),” *SOAS Bulletin of Burma Research*, Vol. 3, No. 2, Autumn 2005, p. 401.

¹¹ *Ibid.*

¹² Human Rights Watch, *Perilous Plight*, p. 6.

revolution,” for the color of the monks’ traditional robes, the Burmese military government brutally cracked down on protestors to the shock of the international community. Among those forcibly disappeared in the government crackdown were several monks and activists in Arakan State.¹³

Since independence there have been relatively small and sometimes short-lived Arakan and Rohingya armed insurgencies in the state, both pitted against the central government toward different ends, but none of the insurgencies have proved to be of much political significance. The Arakan Liberation Party—the political wing of an Arakan armed group—in April 2012 signed a ceasefire agreement with the Burmese government, and still enjoys broad moral support in Arakan State.¹⁴ This contrasts with various Rohingya armed insurgencies, which had little support among local Muslim populations and reportedly received some assistance, though nominal, from international extremist organizations.¹⁵

While both populations suffered terribly under military rule, the oppression of the Rohingya was uniquely compounded by their denial of Burmese citizenship. For example, in the mid-1970s, Burma required all citizens to possess National Registration Certificates under the Emergency Immigration Act, but Rohingya were only given Foreign Registration Cards, which many schools and employers would not accept.¹⁶

In 1977, the government initiated a program called Naga Min (Dragon King) to “scrutinize each individual living in the State, designating citizens and foreigners in accordance with the law and taking actions against foreigners who have filtered into the country illegally.”¹⁷ While the program was nationwide, in Arakan it degenerated into massive human rights abuses against the Rohingya by the army and the local Arakan residents and authorities.¹⁸ There were killings, mass arrests, torture, and other abuses, driving more than 200,000

¹³ Human Rights Watch, *Crackdown: Repression of the 2007 Popular Protests in Burma*, December 2007; Human Rights Documentation Unit, National Coalition Government of the Union of Burma, *Bullets in the Alms Bowl: An Analysis of the Brutal SPDC Suppression of the 2007 Saffron Revolution*, March 2008, p. 37.

¹⁴ The Arakan Liberation Party (ALP) agreed to a ceasefire with the government on April 5, 2012. See “Myanmar’s peace process with ethnic rebel groups,” April 6, 2012; Several Arakan interviewed by Human Rights Watch expressed support for the ALP. See, for example, Human Rights Watch interview D.A., Sittwe, Arakan State, June 2012.

¹⁵ See Andrew Selth, “Burma and International Terrorism,” *Australian Quarterly*, vol. 75, no. 6, Nov.-Dec. 2003, pp. 23-28.

¹⁶ Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, September 1996, p. 29, <http://www.unhcr.org/refworld/docid/3ae6a84a2.html> (accessed July 12, 2012).

¹⁷ Statement by the Ministry for Home and Religious Affairs, November 16, 1977, quoted in Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p. 12.

¹⁸ Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p. 12.

Rohingya to Bangladesh.¹⁹ At the time, the government of Burma claimed, “19,457 Bengalis fled to escape examination because they did not have proper registration papers,” referring to the Rohingya as Bengalis and grossly underestimating the number of refugees.²⁰ In Bangladesh, the authorities withheld food aid to the refugees in an attempt to force them back to Burma; more than 12,000 starved to death.²¹ The survivors were forcibly repatriated to Burma, settling primarily in northern Arakan State.²²

In 1983, in what appeared to be a response to Bangladesh’s mass repatriation of Rohingya to Burma, the Burmese government completed a nationwide census in which the Rohingya were not counted, rendering them stateless through exclusion. The 1982 Citizenship Act had legalized this exclusion.

In 1991, the Burmese army repeated its expulsion of Rohingya, driving more than a quarter million out of Arakan State into Teknaf and Cox’s Bazaar in Bangladesh. The Burmese army slashed and burned its way through villages, killing hundreds and forcing a new outflow of refugees. Bangladesh was again hostile to the refugees and forced them into squalid refugee settlements.

Human Rights Watch documented Bangladesh’s forced repatriation to Burma of some 50,000 Rohingya between September 1992 and the end of 1993. At the time, the United Nations High Commissioner for Refugees (UNHCR) was not present in Burma and had no agreement with the Burmese government to provide assistance to returnees.²³ There were serious abuses in the camps in Bangladesh, including beatings and the denial of food rations by camp authorities, which were directed at forcing the refugees back to Burma,

¹⁹ Human Rights Watch, *Perilous Plight: Burma’s Rohingya Take to the Seas*, May 2009, p. 6, <http://www.hrw.org/reports/2009/05/26/perilous-plight-o> (accessed July 12, 2012); Human Rights Watch, *Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia*, August 2000, <http://www.hrw.org/legacy/reports/2000/malaysia/index.htm#TopOfPage> (accessed July 12, 2012); Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*.

²⁰ Quoted in Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948*, p. 317.

²¹ Alan Lindquist (head of UNHCR sub-office in Cox’s Bazaar in 1978), “Report on the 1978-1979 Bangladesh Refugee Relief Operation,” June 1979. Lindquist states on p. 9: “None of the U.N. agency heads raised any objection to using food as a political weapon.” See also Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p.3.

²² Carl Grundy-Warrand and Elaine Wong, “Sanctuary Under a Plastic Sheet: The Unresolved Problem of Rohingya Refugees,” *IBRU Boundary and Security Bulletin*, vol.5, no.3, Autumn 1997, pp.79-91; Human Rights Watch, *Perilous Plight: Burma’s Rohingya Take to the Seas*, May 2009, p. 6.

²³ Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*, vol.8, no.8, September 1996.

similar to the behavior of Bangladesh in 1978.²⁴ Nevertheless, the vast majority of the 50,000 refugees who returned to Burma did so involuntarily, and UNHCR was unable to trace them upon their return.²⁵

In 1994, UNHCR established a small field presence in Arakan State, at which point additional Rohingya were forcibly repatriated to Burma by Bangladesh authorities. At the time, UNHCR promoted mass repatriation on the grounds that the situation in Arakan State was conducive to return, although Human Rights Watch later documented that the refugees did not return voluntarily.²⁶ The effort was marked by the use of excessive force, including killings, by Bangladeshi security forces and Burmese troops receiving the Rohingya.²⁷ In 1995, some of the returnees were granted Temporary Registration Cards (TRC), which provided only limited rights to movement and employment in northern Arakan State.

Since then, thousands of dispossessed and stateless Rohingya in Arakan State have subsisted on humanitarian aid from international agencies and the UN World Food Program, surviving brutal repression by Nasaka, a Burmese border guard force comprising an amalgam of the army, police, immigration, and customs officials. Nasaka has law enforcement, military, and administrative authority in the predominantly Muslim townships of northern Arakan State, making it an entity unique to all of Burma. Nasaka routinely conscripts Rohingya for forced labor, and last year alone Nasaka arbitrarily detained between 2,000 and 2,500 Rohingya for “offenses” such as repairing homes without permission. Those in custody are often beaten and mistreated, and they secure their release through payments to Nasaka commanders, usually through brokers or middlemen.²⁸

Every year, thousands of stateless Rohingya—fleeing repression and abuse in northern Arakan State and unable to travel overland in Burma—take to the seas in dangerous journeys to Bangladesh, Thailand, and Malaysia. These travels frequently result in violence and exploitation by human traffickers, push-backs to sea, and prolonged, indefinite

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid., p. 5.

²⁷ Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*, vol.8, no.8, September 1996; U.S. Committee for Refugees, “The Return of the Rohingya Refugees to Burma: Voluntary Repatriation or Refoulement?” Washington, DC, 1995.

²⁸ Human Rights Watch interview #15, Yangon, Burma, June 2012.

detention in foreign lands.²⁹ Hundreds of thousands of Rohingya work illegally in Malaysia, Thailand, and the Middle East, or have sought asylum in other countries.

Thousands of Arakan have also fled abuses and poverty in Burma and live abroad as undocumented workers or as asylum seekers in India, Malaysia, Thailand, and other countries. Due to their ability to travel freely in Burma, Arakan rarely join the perilous sea journeys taken by Rohingya.

²⁹ See Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas*, May 2009.

II. Violence in Arakan State since June 2012

The sectarian violence in Arakan State took place primarily from June 8 to 12, 2012, when Arakan and Rohingya mobs attacked homes, shops, and houses of worship. Witnesses described mobs from both populations storming neighborhoods, pillaging and setting fire to homes and other buildings, and beating those they found with crude weapons, such as swords, bamboo sticks, metal bars, and poles. Members of both communities conceded to Human Rights Watch that members of their own groups were responsible for violent acts, including killings.

Burmese security forces operating independently and, in some cases, alongside armed Arakan villagers responded to the violence with numerous human rights violations. These abuses, detailed below, occurred primarily from June 10 onward in Sittwe and in northern Arakan State against the Rohingya population.

The immediate cause of the violence can be traced to a series of violent incidents, beginning with the May 28 rape and murder of Thida Htwe, 27, an ethnic Arakan Buddhist woman, in Ramri in southern Arakan State, allegedly by three Muslim men. On June 3, in reaction to incendiary pamphlets that were circulated locally detailing the rape and killing, a large group of Arakan villagers in Toungop town, southeast of Ramri, stopped a bus and beat and killed ten Muslims who were on board. At the time of the attack on the bus, three Muslim men suspected of involvement in the rape and killing were in the custody of authorities in Kyaukphu, near Ramri. The three were found guilty of the offenses. One suspect reportedly committed suicide in prison, while the other two were sentenced to death on June 18. In contrast, there have been no convictions in connection with the killing of the 10 Muslims in Toungop, despite hundreds of witnesses to the attack.

On June 8, thousands of Muslims in Maungdaw town in northern Arakan State rioted after Friday prayers, destroying property of Arakan residents and killing an unknown number of Arakan. Violence then quickly spread to Sittwe, the capital of Arakan State, where Rohingya and Arakan mobs attacked each other. In numerous cases groups from one side attacked unsuspecting villages of the other.

On June 10, Burmese President Thein Sein declared a state of emergency in Arakan's Sittwe, Maungdaw, Buthidaung, and Rathedaung townships, giving authority to the Burmese military to intervene in the sectarian violence. While the violence was contained in Sittwe in a few days, in northern Arakan State, the security forces began committing serious abuses, including arbitrary arrests and unlawful use of force during mass sweeps primarily against Rohingya villages. Over 100,000 Rohingya and Arakan were displaced and living in separate makeshift sites as local and international humanitarian organizations scrambled to provide emergency assistance.

Accurate numbers of the dead of and injured caused by the sectarian violence and the mass sweeps across northern Arakan State are still unknown. Government figures put the death toll at 78.³⁰ Human Rights Watch investigations indicate this figure is grossly underestimated.³¹

On July 12, about one month after the violence began, Thein Sein announced that the “only solution” was to send Rohingya to other countries or to refugee camps overseen by UNHCR.³² UNHCR promptly rejected the proposed plan.³³

From June 27 to July 1, three members of Burma's national human rights commission—led by chairman Win Mra, an ethnic Arakan—traveled to Arakan State to assess the situation. Its findings were published in a statement in state-run media on July 11, in which the commission reported on no government abuses, claimed all humanitarian needs were being met, and failed to address Rohingya citizenship and persecution.³⁴

³⁰ See, for example, “78 dead in sectarian violence: gov't figures,” Mizzima, June 27, 2012, <http://www.mizzima.com/news/inside-burma/7400-78-burmese-dead-in-sectarian-violence-govt-figures.html> (accessed July 31, 2012).

³¹ Human Rights Watch interviews Z.E., Z.F., A.A., and D.F. alone refer to 90 killings.

³² “Myanmar moots camps, deportation as Rohingya 'solution,’” Agence France Presse, July 12, 2012, <http://www.rnw.nl/english/bulletin/myanmar-moots-camps-deportation-rohingya-solution-o> (accessed July 13, 2012).

³³ “UN Refugee Chief Rejects Call to Resettle Rohingya,” Associated Press, July 12, 2012, http://abcnews.go.com/International/wireStory/refugee-chief-rejects-call-resettle-rohingya-16762724#.T_-RvHBVekl (accessed July 13, 2012).

³⁴ The Myanmar National Human Rights Commission, “Statement No. (4/2012) of Myanmar National Human Rights Commission concerning incidents in Rakhine State in June 2012,” *The New Light of Myanmar*, July 11, 2012.

III. Human Rights Violations by State Security Forces

Government Failure to Protect Victims of Sectarian Violence

During the height of the sectarian violence from June 8 to 12 in Sittwe and northern Arakan State, members of both the Arakan and Rohingya communities committed horrific acts of violence and destruction of property. There were reports of beheadings, stabbings, shootings, beatings, and widespread arson. Witnesses from both communities told Human Rights Watch that they lacked protection from the authorities during this time, despite the obvious seriousness of the situation.³⁵ The government's failure to appropriately intervene contributed to a further escalation of violence, which involved well-planned and coordinated attacks by both sides in a lawless situation. Even with regard to the initial June 3 attack on Muslim travelers by an Arakan mob in Toungop, police and army soldiers witnessed the killings but did not intervene.³⁶ A witness told Human Rights Watch that the authorities took action only to collect the dead bodies.³⁷

Despite consistent reports of a failure by security forces to protect Arakan, Rohingya, and non-Rohingya Muslims in the early days of the strife, Human Rights Watch observed that Burmese army units deployed by the government to maintain order were playing a positive role in stemming violence in the state capital, Sittwe, in late June during our visit to the city. However, other security forces, particularly the local police and paramilitary forces, have been responsible for numerous abuses in both Sittwe and northern Arakan State against Rohingya. Human Rights Watch witnessed the army escorting Rohingya through Sittwe in late June to collect their belongings before returning to displaced person sites—though we were unable to determine whether this was done as part of normal duties or for payment. One Rohingya told Human Rights Watch, “The police are Arakan, too. They hate us. The army is Burmese [Burman]. They are protecting us.”³⁸

³⁵ The killing of the 10 Muslim travelers in Toungop on June 3 and the Muslim riots in Maungdaw were accompanied by an unprecedented increase in biased Burmese media coverage that was in some instances openly hostile towards the Rohingya and non-Rohingya Muslims. For example, in its coverage of the killings, *The New Light of Myanmar* referred to the killed Muslims using the derogatory term “Kalar.” This enraged many Burmese Muslims, several of whom told Human Rights Watch they interpreted the statement as a clear indication that Muslims are regarded as “second-class citizens.” *The New Light of Myanmar* later ceased use of the word but did not apologize for its use. Human Rights Watch interview #01, Yangon, Burma, June 2012.

³⁶ Human Rights Watch interview D.A., Sittwe, Arakan State, June 2012.

³⁷ *Ibid.*

³⁸ Human Rights Watch interview Z.F., Sittwe, Arakan State, June 2012.

Rohingya Violence against Arakan

An Arakan woman, 31, with five children, told Human Rights Watch that a large group of Rohingya, some of them carrying handguns, entered her village near Sittwe around June 12 and killed her husband. She said there was no security presence in the village:

My husband was killed two weeks ago but I don't know the exact date. The first Muslim people [who arrived] used guns. At that time, we heard the shooting and my husband tried to attack the Muslim people. They killed him right there in the village. His arm was cut off and his head was nearly cut off. He was 35-years-old.³⁹

A 40-year-old Arakan woman from Banphu village outside Sittwe told Human Rights Watch that a large group of Muslims arrived in her village in the middle of the night on June 11 wearing homemade armor fashioned out of thick plastic. They carried knives and one-liter bottles of fuel, which they used to burn down homes. There was no security. She said:

I fell down and couldn't breathe I was so scared. I saw all the violence. Around 300 Muslims came to attack our village. They came and burned the houses. I saw them burning the houses.... The police did not come during the violence. When the Muslims came and burned the village, I fled. It was not until I got to Sittwe that I saw any police.⁴⁰

An Arakan woman, 49, told Human Rights Watch that in the absence of any protection from the authorities, hundreds of Rohingya attacked her village, which is outside Sittwe, on June 10. She said:

They were throwing and shooting stones at us with slingshots. They had knives and sticks, but there were just 40 of us. The number of the [Rohingya] was so high. We couldn't defend ourselves so we moved to another place and they burned our houses down. There were eight houses and two monasteries that were destroyed there. There were too many Muslims, we

³⁹ Human Rights Watch interview C.A., Sittwe, Arakan State, June 2012.

⁴⁰ Human Rights Watch interview C.B., Sittwe, Arakan State, June 2012.

couldn't defend ourselves. They were trying to catch us and cut us with knives. They were from Sittwe.⁴¹

The state's failure to adequately protect villages under attack fueled the violence as the members of each community took their security into their own hands. A 40-year-old Arakan man in Sittwe told Human Rights Watch, "The government didn't help us. We had no food, no shelter, and no security [when we fled], but we protected ourselves using sticks and knives. We haven't slept well since this began."

Arakan Violence against Rohingya

Various state-controlled and domestic media outlets in Burma claimed the violence in Arakan State was perpetrated solely by Rohingya against Arakan, while international media focused on violence against the Rohingya.⁴² The independent Eleven Media Group said in a statement: "Foreign media are now presenting bias [sic] reports on the clashes between [Arakan] people and Bengali Rohingyas to destroy the image of [Burma] and its people.... Only Rohingyas killed [Arakan] people and burned down their houses."⁴³

Human Rights Watch found that as the violence escalated both communities became more organized in their attacks on the other. An Arakan man, 45, from Sittwe told Human Rights Watch he participated in a local meeting in Sittwe before June 11 during which a collective decision was made to burn down Muslim villages around Sittwe. He said:

We discussed it and decided to burn down some [Rohingya] villages that all the Muslims used as a headquarters. For example, Narzi and Bhumi. We first started to set fire to Bhumi village, the headquarters of the Muslim people. We burned down the houses and then they burned down ours. In some areas, we did not burn down houses. It would have been foolish in some areas where most houses are near Arakan houses. They would all

⁴¹ Human Rights Watch interview A.I., Sittwe, Arakan State, June 2012.

⁴² See Hannah Hindstrom, "The Freedom to Hate," *Foreign Policy*, June 14, 2012, http://www.foreignpolicy.com/articles/2012/06/14/the_freedom_to_hate (accessed July 16, 2012).

⁴³ Eleven Media Group, "Biased reporting of foreign media of Rakhine-Rohingya issue disgraces Myanmar images," June 2012, http://eversion.news-eleven.com/index.php?option=com_content&view=article&id=602:bias-reporting-of-foreign-media-on-rakhine-rohingyas-disgraces-myanmar-images&catid=42:weekly-eleven-news&Itemid=109 (accessed July 16, 2012).

catch fire. It was a three-day offensive. It started near Bhumi village near Sittwe University because Bhumi is their headquarters.⁴⁴

During this campaign, which was described locally as “defensive,” law enforcement did nothing to prevent arson in Sittwe.

The attacks appeared designed to inflict maximum damage on the Rohingya community, while not harming Arakan homes. Rohingya witnesses confirmed that Arakan mobs did not burn down their homes when they were near Arakan homes but used alternative means of destruction. An elderly Rohingya man told Human Rights Watch:

Where we lived separately, the Arakan burned down the Muslim houses. But where we were mixed they didn’t burn them down because the fire would spread so they just brought violence. They beat and killed and destroyed houses by other means.⁴⁵

Several other Rohingya said that the lack of security during the height of the sectarian violence allowed for unimpeded killings and other violence. A Rohingya woman in Sittwe, 38, told Human Rights Watch that on June 11 about 50 armed Arakan men surrounded her house while she and her family were inside. She said:

They were pointing at our house and said, “This is a Muslim house,” and then 10 of them came upstairs. When they came upstairs my brother-in-law jumped out the window. When he jumped, the people outside caught him and killed him [by slashing his throat]. I was hiding at the very end of the house. They kept coming and breaking down doors. The door to the room we were hiding in was very strong. They couldn’t break the door. They said, “You will either come out or burn to death, which do you prefer?”⁴⁶

She told Human Rights Watch that her husband telephoned the police but they failed to respond. She said: “Since my husband is a businessman he often has contact with the

⁴⁴ Human Rights Watch interview B.G., Sittwe, Arakan State, June 2012.

⁴⁵ Human Rights Watch interview A.Z., Sittwe, Arakan State, June 2012.

⁴⁶ Human Rights Watch interview Z.H., Sittwe, Arakan State, June 2012.

police, so he kept calling them and saying that there were people threatening us outside the house. He kept calling and calling but no one came.”⁴⁷ She said the mob beat her and her husband, her father-in-law, two servants, and a neighbor, all of whom were in the house. The assailants looted their home and would have killed them, she said, had an Arakan neighbor not intervened to stop the group.

The mob took them to the police station and subjected them to beatings along the way. “When we got there, there were 200 to 300 policemen. Some of them are friends of my husband. He asked, ‘Why are you not protecting us?’ The policeman said, ‘We have not been given any order to take action. We are still waiting for orders.’”⁴⁸

This woman and her husband said that they saw local shopkeepers openly distributing metal rods and spears to local Arakan people on June 10. She said:

I saw a lady distributing sharp iron spears and also giving iron rods. They are about one inch around. I saw that [from the house] before they came to the house. I witnessed it many times. I don’t remember how many people [got weapons] but I have seen it many times. The shop owner was passing them out. ⁴⁹

Collusion between Arakan and Local Security Forces

Residents in Sittwe and northern Arakan State told Human Rights Watch they witnessed groups of Arakan villagers armed with sticks, swords, spears, metal rods, and knives traveling together with police and appearing to work in concert from at least June 10 onward.

A Rohingya man from Narzi quarter in Sittwe, 36, told Human Rights Watch:

My own village was burned and destroyed. The police came and I saw them, they were mixed together with the Arakan. They attacked my village and house. Some Arakan attacked our house and burned it, and the police were

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

standing by watching. The police did not stop them. I saw many villagers fleeing. The Arakan were attacking with knives and sticks.⁵⁰

A 26-year-old Rohingya man told Human Rights Watch he thought the coordinated attacks were retaliation for the Muslim riots in Maungdaw on June 8, when thousands of Rohingya destroyed Arakan properties and killed an unknown number of Arakan. He said, “I saw some [police/security police forces] and they came to our area with the Arakan people who burned our houses. They have the upper hand. The [police/security forces] were with them.”⁵¹

In Maungdaw, residents alleged that Arakan youth and security forces were working in concert. One witness to abuses told Human Rights Watch:

I saw some young Arakan with long swords and machetes walking together with law enforcement—the Nasaka and the police. You could see them traveling on the same truck, young Arakan with police on the same truck, some with homemade instruments. You wouldn’t see any Muslims in the street at that time, and during the night you wouldn’t see any Muslims either. Instead we saw many Nasaka and young Arakan, and we heard many shootings. Apparently it was them pushing the Muslims back. Arakan said the village was attacked by a group of Muslims, and Nasaka was armed.... We saw four or five young guys walking with machetes alongside four or five [Nasaka soldiers]. We could see villages burning. We could see smoke. We could hear shooting. We didn’t know who was shooting at whom. The shooting was not long. It would last a minute or two. Mostly it wouldn’t be intensive. It would be one shot, another shot, and at other times it was rapid firing.⁵²

Across Arakan State the security forces consistently failed to protect the Rohingya community from deadly attacks. A Rohingya man, 65, told Human Rights Watch that his two brothers-in-law were stabbed to death on the corner of Htee Twan Road and Aung Than Road in Sittwe on June 10. He said, “They were killed by the Arakan in front of me. The

⁵⁰ Human Rights Watch interview A.A., Sittwe, Arakan State, June 2012.

⁵¹ Human Rights Watch interview A.B., Sittwe, Arakan State, June 2012.

⁵² Human Rights Watch interview A.E., Yangon, Burma, June 2012.

police were right there. It was not far from the police. They were killed in front of me and the police did nothing.”⁵³

Killings by Security Forces

Security forces were responsible for the killing of numerous Rohingya in June in Sittwe and northern Arakan State.

Sittwe’s Narzi quarter, the largest and most economically important Muslim neighborhood in the state capital and home to approximately 10,000 Muslims and 300 Arakan, was largely destroyed on June 12. A group of Rohingya burned down Narzi’s small Arakan section, while a group of Arakan conducted what appeared to be a coordinated attack on the rest of Narzi, burning the entire area to the ground. Rohingya witnesses said that police and paramilitary Lon Thein—units specially trained to handle riots, and physically distinguished by red scarfs—opened fire on Rohingya as they attempted to extinguish fires that had been set by Arakan groups.

A Rohingya man, 36, told Human Rights Watch:

They [Arakan] started torching the houses. When the people tried to put out the fires, the paramilitary shot at us. And the group beat people with big sticks.... We collected 17 bodies with some help from the authorities [army].... I can only identify one person. His name was Mohammad Sharif. He was 28 years old.... We picked up the bodies. We put them on the military trucks. I saw one clearly; the bullet went through the chest on the left.⁵⁴

A 28-year-old Rohingya man from Narzi said:

In front of my eyes, first the Lon Thein came and said they came to protect us, but when the Arakan came and torched the houses, we tried to put out the fires and they started beating us. A lot of people were shot [by Lon Thein] at a close distance. I saw people get shot at close range. The whole

⁵³ Human Rights Watch interview C.F., Sittwe, Arakan State, June 2012.

⁵⁴ Human Rights Watch interview Z.E., Sittwe, Arakan State, June 2012.

village witnessed it. They were people from my village. They were 15 or 20 feet away from me.... I saw at least 50 people killed... When we tried to go put out the fire, we were not allowed to go. First they shot once in the air, and then at the people.⁵⁵

A Rohingya man, 36, who fled Narzi on June 12 told Human Rights Watch:

On the afternoon of June 12 I saw the police kill some people. I witnessed it. I was just a few feet away. I was on the road. I saw them shoot at least six people—one woman, two children, and three men. The police took their bodies away.... When we tried to defend our homes and extinguish the fires, they shot at us.⁵⁶

In northern Arakan State, Rohingya witnesses described how the security forces conducted violent sweeps, opening fire on fleeing villagers, killing what they said were dozens of Rohingya and wounding dozens more. A 22-year-old Rohingya man described what he saw as he ran away from security forces entering into the village of Kampu on June 26:

Nasaka [border forces] fired on the group and 17 people were shot during the sweep. We ran out to the street, which was full of water from the heavy rain. We were running out of the village and wading through the water on the street and they shot at us in the street. I saw 17 people shot and 9 of them were boys and young men. Police from Maungdaw, Lon Thein, and Nasaka were all involved in the sweep.... The bodies were lying on the street. I don't know what happened to them because I ran away to avoid arrest. The sound of bullet fire was continuous.⁵⁷

Mass Arrests of Rohingya

In June 2012, Human Rights Watch spoke to seven Rohingya from Northern Arakan State who had escaped violent sweeps by security forces in the immediate aftermath of the sectarian violence. They described to Human Rights Watch large-scale security operations

⁵⁵ Human Rights Watch interview Z.F., Sittwe, Arakan State, June 2012.

⁵⁶ Human Rights Watch interview A.A., Sittwe, Arakan State, June 2012.

⁵⁷ Human Rights Watch interview D.F., Maungdaw, Arakan State, June 27, 2012.

in which police, Lon Thein, Nasaka, and Burmese Army soldiers systematically went village to village around Maungdaw township rounding up residents and taking them to unknown locations. In some cases, security forces arrived with lists of people alleged to have been involved in Rohingya riots in Maungdaw between June 8-10. According to a 27-year-old Rohingya man:

The military came and spoke to the chairman of the village and told him to give them the names of the people who took part in the violence. They went house to house, door to door, taking people. Those on the list ... no one knows where they are, and those not on the lists can be set free if they pay money.⁵⁸

Human Rights Watch received consistent reports of mass arrests taking place in the town of Maungdaw and the more remote villages south of Maungdaw between June 12-24. Witnesses described how state security forces violently raided predominately Rohingya villages in Maungdaw township, firing on villagers and looting homes and businesses. A Rohingya youth, 17, described how he witnessed 17 and 18-year-olds taken into custody as well as an 8-year-old boy.⁵⁹

While collusion between security forces and Arakan occurred during the sectarian violence in early June, witnesses also described Arakan community members accompanying security forces during raids and mass arrests later in the month, sometimes participating in attacks on Rohingya. A 27-year-old Rohingya man from Maungdaw Township told Human Rights Watch:

Twenty-five of my relatives have been arrested.... I saw with my own eyes, two of my nephews were taken by the military and Nasaka. They tried to hide themselves in the large embankments in the paddy fields, but some Arakan found them and stabbed them with long knives. They stabbed them and took them to the jail.⁶⁰

⁵⁸ Human Rights Watch interview D.D., Bangladesh, June 28, 2012.

⁵⁹ Human Rights Watch interview D.H., Bangladesh, June 28, 2012.

⁶⁰ Human Rights Watch interview D.D, Bangladesh, June 28, 2012.

The location of those arrested in northern Arakan State is largely unknown. Family members of those in custody told Human Rights Watch that they had not heard from their relatives since the security forces boarded them on trucks and took them away. Northern Arakan State has multiple Nasaka bases and given the Nasaka's history of abuses against the Rohingya population there are serious concerns about the safety and detainees who may be held in such bases.⁶¹ While exact locations are unknown, one resident of Maungdaw explained that he had seen a truckload of detained Rohingya being driven through Maungdaw in the direction of Buthidaung, where a large prison is located. He said:

They caught people from Thanda, Kampu, and Wassa and they were brought to Maungdaw township, I saw them coming into town on a Nasaka truck. They were taken to Maungdaw and then put in Buthidaung prison and some are in the police stations.⁶²

In late June, in the southern coastal town of Moulmein, 82 fleeing Rohingya were reportedly arrested in late June and sentenced to one year in prison for violating immigration laws.⁶³

Excessive or Unnecessary Use of Force by Security Forces

While the sectarian violence in and around Sittwe was largely contained by June 12, residents of northern Arakan State told Human Rights Watch the security forces used unlawful force in the conduct of large-scale security operations in Maungdaw and surrounding villages. Maungdaw residents described being unable to leave their homes to go to markets to buy food or move freely around the town for fear of attack by security forces. One resident told Human Rights Watch, "We are hiding in our house, when we leave our homes they shoot. The Army and Lon Thein are both in the front and back of our village."⁶⁴

⁶¹ For a discussion of past abuses against Rohingya in Burma and the conduct of Nasaka, see Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas*, May 26, 2009; Human Rights Watch, *Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia*, August 2000; Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, September 1996.

⁶² Human Rights Watch interview D.E., Maungdaw, Arakan State, June 25, 2012.

⁶³ Lawi Weng, "Rohingya Boatpeople Sentenced to Immigration Charges," *The Irrawaddy*, June 22, 2012, <http://reliefweb.int/report/myanmar/rohingya-boatpeople-sentenced-immigration-charges> (accessed July 26, 2012).

⁶⁴ Human Rights Watch interview D.E., Maungdaw, Arakan State, June 25, 2012.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that law enforcement officials shall, as far as possible, apply nonviolent means before resorting to the use of force. When the lawful use of force is unavoidable, law enforcement officials shall exercise restraint in such use and act in proportion to the seriousness of the offense and the legitimate objective to be achieved and minimize damage and injury. Lethal force may only be used when there is an imminent threat to life and only as strictly necessary.⁶⁵

The security forces regularly conducted violent beatings during arrests and attacks on villages. Some of these beatings reportedly resulted in death. A Rohingya youth, 17, said:

They [security forces] were finding the elderly and beating the young children. They tied them in the back and then kicked them with their boots on. When they tied them up they stomped on them and hit them with the butt of their guns. It was only when they were weak would they let them go.⁶⁶

In the same village another Rohingya, 27, told Human Rights Watch that on June 24 soldiers and Nasaka violently attacked and raped his aunt and two other women:

They tried to snatch the gold jewelry she had, her earrings and her nose ring, but she didn't let them. Then they cut her ear lobe and her nostril with a knife to take it. When she tried to stop them, they tore her blouse open and then raped her. Twelve military and Nasaka entered two houses and they raped the women.⁶⁷

Religious Rights Violations

During and after the June clashes, Rohingya attacked Arakan Buddhist temples and Arakan attacked Rohingya Muslim mosques. Authorities also prevented Muslims from burying their dead as required by Islam, and some were allegedly cremated.

⁶⁵ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

⁶⁶ Human Rights Watch interview D.H., Bangladesh, June 28, 2012.

⁶⁷ Human Rights Watch interview D.D., Bangladesh, June 28, 2012.

In at least one case, an attack on a house of worship took place after the majority of the destruction of property in early June. A Rohingya man told Human Rights Watch about an attack on a mosque in Sittwe on the morning of June 29 that, until that time, had been unaffected by the sectarian violence. He said:

The municipal people [local government employees] were destroying the Rohingya mosque at the corner of Merchant Street and Aung Htaw Oo Street. That mosque is ours and they are destroying it. They were government and fire brigade and other people from Sittwe. They are still destroying that mosque.⁶⁸

Rohingya in several locations also alleged that the authorities appropriated the bodies of Rohingya who had been killed in the violence, effectively denying them proper burial.⁶⁹ They told Human Rights Watch that the denial of proper Muslim burial was highly distressing to the Muslim community.

After witnessing the police open fire and kill Rohingya in Narzi quarter, Sittwe, on June 12, a 26-year-old Rohingya man told Human Rights Watch he helped collect several Rohingya bodies and put them on military trucks. He said, “They [army] let us take some dead bodies, but the rest of them we couldn’t take. Most of the Muslim bodies were taken away by the authorities and cremated in the Buddhist cremation center. The place I am living is less than a mile away from the cemetery. We could see the burning [at the cremation center].”⁷⁰

Rohingya in northern Arakan State also reported being unable to give proper Muslim burials to victims of the violence. A Maungdaw resident explained what he saw:

When the violence broke out on June 8, the bodies were piled up near the bridge. We could not get them, to give them a religious burial. Still if one goes to the bridge, you can see bodies under it.⁷¹

⁶⁸ Human Rights Watch interview C.F., Sittwe, Arakan State, June 2012.

⁶⁹ Ibid.

⁷⁰ Human Rights Watch interview Z.E., Sittwe, Arakan State, June 2012.

⁷¹ Human Rights Watch interview D.C., Sittwe, Arakan State, June 2012

Violations of Property Rights, Forced Relocations, and Returns of Displaced Persons

The government of Burma has acknowledged that the extent of displacement in Sittwe was more severe and will take longer to resolve than elsewhere in Arakan State.⁷² The demographics of Sittwe are split nearly even between Buddhists and Muslims, with a total of approximately 288,000 ethnic Arakan Buddhists, Rohingya Muslims, and non-Rohingya Muslims, alongside smaller pockets of ethnic Chin Christians, Hindus, and migrants from Bangladesh. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has reported that the government “is looking at a comprehensive township planning exercise in the medium term” to solve the problem of displacement in Sittwe.⁷³

Property Destruction

Both Arakan and Rohingya communities experienced widespread property loss due to the sectarian violence. The economic impact of the destruction will be severe on the already impoverished population, the second poorest in Burma.⁷⁴ Several displaced Arakan told Human Rights Watch that they lost all their belongings to arson by Muslim mobs. An Arakan man, 56, who fled Narzi quarter on June 12 said: “We cannot go back. Everything is destroyed. We lost everything. We lost all our property, even our clothes. We don’t know what will happen. We are very poor.”⁷⁵

An Arakan woman, 49, whose village outside Sittwe was attacked by an armed group of Rohingya on June 10, said: “I lost my house and all my belongings. If I had stayed in my house, I would have been killed. They had sticks and other weapons.... I lost my house and I cannot rebuild it myself.”⁷⁶

⁷² UN Office for the Coordination of Humanitarian Affairs, Myanmar: Displacement in Rakhine State, Situation Report No. 4, July 5, 2012, p. 2.

⁷³ Ibid.

⁷⁴ 43.5 percent of Arakan State inhabitants live below the poverty line, second only to Chin State, according to a 2011 study by the UN Development Program. See UNDP, “Integrated Household Living Conditions Survey in Myanmar (2009-2010): Poverty Dynamics Report, June 2011; See also, UN General Assembly, “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar,” A/66/365 (September 16, 2011), p. 17.

⁷⁵ Human Rights Watch interview C.C., Sittwe, Arakan State, June 2012.

⁷⁶ Human Rights Watch interview A.I., Sittwe, Arakan State, June 2012.

A Rohingya woman, 38, who survived a violent attack by an Arakan mob that entered her home on June 11, told Human Rights Watch, “While some of them were beating us, slapping, punching, and kicking us, others were stealing everything. They took all our belongings, and they beat us.”⁷⁷ She later sought refuge with family in Aung Mingala, the last standing Muslim quarter of Sittwe, and then to the outskirts of town. She has not regained lost property and does not know if her home is still standing.⁷⁸

A Rohingya man, 28, who fled Narzi quarter after witnessing killings, beatings, and arson, told Human Rights Watch his family had lost all its material possessions, and that their house had been burned down. He said, “Please tell the authorities to give our property back, to let us go back to our properties and our homes. That is all we ask.”⁷⁹

In northern Arakan, Human Rights Watch also received reports that state security forces stole and looted property from homes during violent raids resulting in mass arrests. A Rohingya boy, 17, said:

They went door to door, from house to house and found the older people of the family and were beating the young children....They go from house to house looking for anything expensive, which includes gold nose rings and they took away rice and other food and put it on the truck. They would loot the small shops, taking money, goods, anything.⁸⁰

In late June Human Rights Watch witnessed some Rohingya business owners in Sittwe being escorted by the army to recoup materials from their damaged market stalls, though we were unable to determine whether this was done as part of normal duties or for payment. There has been no systematic Burmese government assistance to displaced Rohingya to enable them to return to Sittwe safely and secure their homes and property.

⁷⁷ Human Rights Watch interview Z.H., Sittwe, Arakan State, June 2012.

⁷⁸ Ibid.

⁷⁹ Human Rights Watch interview Z.F., Sittwe, Arakan State, June 2012.

⁸⁰ Human Rights Watch interview with D.H., Bangladesh, June 28, 2012.

Forced Relocations

Muslims were visibly absent from Sittwe, the previously bustling, multiethnic state capital, during Human Rights Watch’s visit. This was in part due to security, as Muslims felt unsafe in Sittwe and stayed indoors, and in part because many had been burned out of their otherwise large neighborhoods in Sittwe, causing them to go elsewhere. The government has also forcibly relocated some Muslim residents to areas on the outskirts of town.

While the forced relocations were presumably conducted in the interest of preventing Arakan attacks on Muslim populations, and vice versa—the manner in which the populations were relocated appears discriminatory, targeting only the Rohingya population.

Applicable to the situation in Arakan State are the UN Guiding Principles on Displacement,⁸¹ which are drawn from accepted principles of international law.⁸² The Guiding Principles set out limits on the relocations of populations. All authorities have an obligation under international law “to prevent and avoid conditions that might lead to displacement of persons.”⁸³ Prior to any decision requiring the displacement of persons, the authorities need to explore all feasible alternatives, and when no alternatives exist, take “all measures” to minimize displacement and its adverse effects.⁸⁴ No one should be arbitrarily displaced from their home, as is certainly the case when the aim or result is to alter the ethnic or religious composition of the affected population.⁸⁵ This is a genuine concern given President Thein Sein remarks on July 12 that the “only solution” is to send Rohingya to third countries or to refugee camps overseen by UNHCR.⁸⁶ The Guiding Principles also stipulate that displacements should not be carried out in a way that violates the rights to life, dignity, liberty and security of those affected.⁸⁷ And any displacement shall “last no longer than required by the circumstances.”⁸⁸

⁸¹ Guiding Principles on Internal Displacement (“Guiding Principles”), U.N. Doc. E/CN.4/1998/53/Add.2 (1998), noted in Comm. Hum. Rts. res. 1998/50.

⁸² The introductory note to the General Principles state: “The Principles reflect and are consistent with international human rights law and international humanitarian law.” *Ibid.* para. 9.

⁸³ *Ibid.*, principle 5.

⁸⁴ *Ibid.*, principle 7.

⁸⁵ *Ibid.*, principle 6.

⁸⁶ “Myanmar moots camps, deportation as Rohingya ‘solution,’” Agence France Presse, July 12, 2012, <http://www.rnw.nl/english/bulletin/myanmar-moots-camps-deportation-rohingya-solution-o> (accessed July 13, 2012).

⁸⁷ Guiding Principles, principle 8.

⁸⁸ *Ibid.*, principle 6(3).

A Rohingya man, 42, told Human Rights Watch that on June 23, the authorities forcibly relocated hundreds of displaced Rohingya from Aung Mingala in Sittwe, to fields near Thackabyay, several kilometers outside Sittwe, on the outskirts of the capital. He said, “I saw with my own eyes. First came six big military trucks, and then two, and then another truck. They put the elderly, kids, and adults together. Each and every truck was full. And they just took everyone to Thackabyay.”⁸⁹ In this case, the authorities categorized the relocated population as “guest persons,” raising alarm in the Rohingya community, who are denied citizenship under Burmese law even if they have resided in Sittwe for generations.

A 38-year-old Rohingya woman told Human Rights Watch that she witnessed large groups of displaced Rohingya being dropped off by the military in a relatively desolate area without adequate provisions. She said:

The rains now make life very difficult. There were about 600 or 700 people moved here [Thackabyay], we don’t know exactly, in more than 10 military trucks. The military said they had shelter for them. The trucks arrived around 10 a.m. They said, “You are on your own now, ask help from your Allah.” That is what they were told when they were dropped off.⁹⁰

Challenges to Returns

There is mutual animosity between the displaced Arakan and Rohingya populations that will complicate the process of displaced persons returning home and rebuilding lives.

In Sittwe and vicinity, where the majority of the displaced population is located, there appears to be a broad desire among the Rohingya to reclaim property and rebuild homes, but questions remain among them as to what the government will decide with respect to their right to return. Several Rohingya in Sittwe expressed feelings of hopelessness and powerlessness.⁹¹

Displaced Arakan in Sittwe, by contrast, had clear visions of their return. Several of the 22 Arakan interviewed by Human Rights Watch demanded to live in completely segregated

⁸⁹ Human Rights Watch interview Z.I., Sittwe, Arakan State, June 2012.

⁹⁰ Human Rights Watch interview Z.H., Sittwe, Arakan State, June 2012.

⁹¹ See, for example, Human Rights Watch interviews Z.F., C.E., C.F., Sittwe, Arakan State, June 2012.

communities in the future, a scenario that envisioned moving the Muslim population out of Sittwe. Arakan also told Human Rights Watch that they wanted to see a greater military presence in the state⁹² and indicated that property rights and freedom of movement of the Rohingya community should be limited.

The desire for segregation and for rejecting Rohingya citizenship is, for some, rooted in political and economic considerations, including protecting already limited economic opportunities for people of Arakan ethnicity. For others, the desire for segregation is rooted in fear stemming from the recent violence.

Arakan opposition to the return of Muslim populations to their previous neighborhoods in Sittwe appeared widespread. A displaced Arakan woman, 49, told Human Rights Watch:

If there are no [Rohingya], we will go back. I want the government to move the [Rohingya] out of our community. If they do not move them we'll be attacked again someday. I would like to demand that there be no [Rohingya] in the community. The [Rohingya] should move to Muslim countries.... Many of us don't have houses and we say we would rather live in the camps because we don't want to live in the villages with the [Rohingya]."⁹³

This sentiment is echoed at both the community and political levels. In Sittwe, a prominent Arakan leader of a local political party told Human Rights Watch:

I think they [Rohingya] have no right to get back their land. The issue is not for the local state government. It is an issue for the union government in Naypyidaw. Also, the international community has to consider a fair solution. In the [Sittwe] city area, to live in peaceful coexistence is not pragmatic. It will not be easy, because the people feel great trauma in their hearts and have great fears and hatreds, and to build mutual trust will take time. I think the local government will plan for their settlement elsewhere.⁹⁴

⁹² See, for example, Human Rights Watch interview C.D., Sittwe, Arakan State, June 2012.

⁹³ Human Rights Watch interview A.I., Sittwe, Arakan State, June 2012.

⁹⁴ Human Rights Watch interview B.I., Sittwe, Arakan State, June 2012.

The government of Burma remains fully responsible for protecting the rights of members of the affected communities in Arakan State. Any return or resettlement program for displaced persons would require a fully supported reconciliation and reintegration strategy carried out under the authority of the national government. Numerous Arakan and Rohingya told Human Rights Watch that the outcome of this situation would depend on decisions made by the government.⁹⁵ The government will need to overcome expectations that rights will not be a priority. In Sittwe, Arakan told Human Rights Watch they expect the government to expel all Muslims from the capital, and Rohingya interviewed by Human Rights Watch said they do not expect government decisions to be made in their favor.⁹⁶ A 65-year-old Rohingya man said:

What happens in the future depends on the government policy. Here the state government, the state ministers, and the state's most powerful people are Arakan people, and we are dependent on their decisions. The national government is enforcing the emergency law. Now we are in a helpless position.⁹⁷

Apprehension about the role of the Burmese government was reflected in statements by Rohingya refugees in Bangladesh. They told Human Rights Watch that they were no longer safe in Burma and returning to Burma would result in death or a life without dignity. As one refugee explained, "In Burma we live a life without dignity and with harassment. It is better for us to shelter in a country of safety and security even if we are not treated well here."⁹⁸

⁹⁵ Human Rights Watch interviews Z.A. and A.E., Yangon, Burma, June 2012, and A.H., A.I., B.Z., B.A., B.B., B.D., B.I., C.A., C.D., C.E., C.F., C.H., Sittwe, Arakan State, June 2012.

⁹⁶ Ibid.

⁹⁷ Human Rights Watch interview C.F., Sittwe, Arakan State, June 2012.

⁹⁸ Human Rights Watch interview D.G., Maungdaw, Arakan State, June 2012.

IV. Humanitarian Concerns

As of July 19, the government of Burma estimated that 70,000 people had been displaced by the sectarian violence in Arakan State since June 8.⁹⁹ UNOCHA reported that an inter-agency rapid needs assessment covered 104, 719 internally displaced persons (IDPs) located in 114 locations in four townships.¹⁰⁰

Most of the displaced populations are in the state capital, Sittwe, and in Sittwe township—at 102 sites total¹⁰¹—where widespread arson and destruction of villages and homes have displaced Arakan and Rohingya to monasteries, mosques, schools, host families, and makeshift tent camps on the outskirts of town, the last of which are populated by displaced Muslims. Human Rights Watch was unable to visit camps housing Rohingya IDPs in Sittwe due to restricted access by the authorities and the risk of physical harm from members of the local Arakan community, but we did visit three Arakan IDP sites in Sittwe including a school, a monastery, and a community of host families. Displaced Arakan were sleeping on dirt floors in overpopulated, unsanitary conditions. In Sittwe, all schools were closed and children were not receiving education in camps; food and medical aid was minimal. In at least one Arakan IDP site, residents and volunteer staff perceived there to be a lack of security and expressed fears about the possibility of future clashes with nearby Muslim populations.¹⁰²

Under the UN Guiding Principles, “[n]ational authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”¹⁰³ The government shall apply the Guiding Principles “without discrimination of any kind,” including religion, national or ethnic origin, or legal status.¹⁰⁴

⁹⁹ UN Office for the Coordination of Humanitarian Affairs, Myanmar: Displacement in Rakhine State, Situation Report No. 5, July 19, 2012, p. 1.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² Human Rights Watch interviews A.I., B.Z., Sittwe, Arakan State, June 2012.

¹⁰³ UN Guiding Principles, principle 3(1).

¹⁰⁴ *Ibid.*, principle 4(1).

The Guiding Principles set out the government’s responsibilities towards displaced persons. The life and security of displaced persons are to be protected, including from attacks on their camps and settlements.¹⁰⁵ The displaced retain the right to freedom of movement and “shall not be interned in or confined to a camp.”¹⁰⁶ The government also has an obligation to ensure access, without discrimination, to food, shelter, health care, education and employment, among other necessities.¹⁰⁷

With respect to the provision of relief, the Guiding Principles provide that “[a]ll humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.”¹⁰⁸ While primary responsibility for providing assistance rests with national authorities, they “shall grant and facilitate the free passage of humanitarian assistance” and allow “rapid and unimpeded access to the internally displaced.”¹⁰⁹

Access to Food and Restrictions on Movement

The displaced Rohingya population have faced an even more difficult humanitarian situation than the rest of the affected population because of government-imposed restrictions on movement and attacks on Rohingya who left displaced camps and villages. For example, Rohingya who were not displaced were unable to leave their homes in the closely guarded neighborhood of Aung Mingala in Sittwe due to threatened violence from Arakan. In other areas of Sittwe as well as in northern Arakan State, the security forces have imposed restrictions on movement, preventing Rohingya from moving around town. Tens of thousands more Rohingya have gone to displacement sites outside main towns, some in the forest, or have been hiding around Maungdaw and Sittwe. Some have been staying with host families.

A Rohingya man, 65, who had been living in hiding with his family in a home in downtown Sittwe, said:

¹⁰⁵ Ibid., principles 10 and 11.

¹⁰⁶ Ibid., principles 12 and 14.

¹⁰⁷ Ibid., , principles 18, 19, and 23.

¹⁰⁸ Ibid., principle 24(1).

¹⁰⁹ Ibid., principle 25.

The difficulty is that we are not getting services and we cannot move freely from one place to another. I cannot keep silent any longer. We have been indoors for two weeks. On Wednesday at 6 a.m. I went secretly to the market. I was the only one and got some curry and mangoes for my family. I saw most of the Arakan people marketing very happily but the Muslim people cannot go. That is our suffering. We cannot go outside freely. How long will we be staying in this house? How long can we live in this condition? I don't know what the government is planning to do with us.... We cannot get rice. The lack of rice is the main problem.¹¹⁰

In northern Arakan State much of the Rohingya displacement is due to security force abuses after the initial clashes in early June. The affected villages are also in more remote areas around Maungdaw where access by humanitarian agencies is severely inhibited by longstanding government restrictions on Rohingya populated areas, and the state of emergency imposed after the June clashes. Food stocks in these areas were looted in recent attacks, and Rohingya have been unable to travel to market, making them increasingly vulnerable. These particular communities were not affected by the violence and have not benefited from humanitarian assistance even though they have had no access to food and resources since their villages were attacked in police sweeps.

Food aid for Rohingya is entirely dependent on UN and international agencies, as Rohingya are unable to use local markets or depend on donations from the broader Burmese population. Arakan NGOs are attending to the needs of the affected Arakan community. On June 29, Buddhist monks in Sittwe distributed incendiary pamphlets to the local Arakan population, advocating divisions between the communities and demanding that Arakan people neither support nor befriend Muslims in any way. This has exacerbated the ability of Rohingya to access food and basic services. The monk who spearheaded this discriminatory effort told Human Rights Watch:

This is directed to the Arakan people. This morning we handed this pamphlet out downtown. It is an announcement demanding that the Arakan people are not to sell anything to the Muslims or buy anything from the Muslims. The second point is the Arakan people are not to have friendships

¹¹⁰ Human Rights Watch interview C.F., Sittwe, Arakan State, June 2012.

or be friendly with the Muslim people. The reason for that is that the Muslim people are stealing our land and drinking our water and killing our people. They are eating our rice and staying near our houses. So we will separate. We need to protect the Arakan people.... We handed this pamphlet out to the market. We don't want any connection to the Muslim people at all. The Islamic leaders are very dangerous men. They have contact with al Qaeda.¹¹¹

The Arakan monks' call to exclude the Muslim community has evidently been accepted by the broader Arakan community. A displaced Rohingya man, 42, said, "Most of the Arakan are now refusing to sell food to the Muslims."¹¹² Even the Burmese military appears to be complying. Rohingya told Human Rights Watch that Burmese army soldiers who would previously go to the local market on their behalf to buy rice and other supplies will no longer do so. This is compounded by the fact the Muslims themselves are prevented by the military from leaving the camp settings, and by the fact that they risk being subjected to violence perpetrated by local Arakan if they take the risk to clandestinely leave the Muslim sites. A displaced Rohingya woman, 35, residing in Aung Mingala quarter in Sittwe, said:

We have very little food. If we try to go to another village, the Arakan beat us.... They [the Burmese army] prevent us from leaving the area. How can we stay in the quarter? We are facing problems with the lack of food. We still don't hear any changes. Before, when we gave money to the soldiers, they would buy food for us, but now they won't do it. It's like being in a cage. We would like the authorities to help us as much as they can, especially with food. We would like them to help us get food from the market.¹¹³

Human Rights Watch received several reports of Rohingya who ventured out of their area for food and other provisions and were beaten and killed;¹¹⁴ Human Rights Watch was unable to independently verify the claims.

A displaced Rohingya man, 28, located in one of the main displacement sites outside Sittwe that is now home to at least 10,000 Rohingya, told Human Rights Watch:

¹¹¹ Human Rights Watch interview C.D., Sittwe, Arakan State, June 2012.

¹¹² Human Rights Watch interview Z.I., Sittwe, Arakan State, June 2012.

¹¹³ Human Rights Watch interview C.E., Sittwe, Arakan State, June 2012.

¹¹⁴ See, for example, Human Rights Watch interviews Z.H., A.Z., C.E., Sittwe, Arakan State, June 2012.

The authorities right now are really taking care of us who are close to the main road. But those who are far from the main road are not getting anything. The high-ranking military officers are coming and telling us they will take care of us. They will build the houses and take care of us, they said. The WFP came and gave some food but it is not enough. They came to count heads but in the woods there are thousands hiding, and they are scared and don't want to come out. They are really scared and hungry there.¹¹⁵

A Rohingya woman, 38, in Aung Mingala quarter—the last remaining Muslim neighborhood in downtown Sittwe—told Human Rights Watch:

This area is very small but extremely populated. It is very difficult to eat. We have no food. The whole area is surrounded by Arakan people. If we go outside, we are afraid we'll be killed by the Arakan, so no one dares to go out. No one has delivered food. The government has not given us anything so far.¹¹⁶

The Burmese government has obligations under international law to ensure that all displaced persons have adequate access to food and other humanitarian relief. The government has failed to meet its obligations by not addressing the security concerns of the Rohingya population, by imposing discriminatory restrictions on Rohingya freedom of movement, and by unnecessarily restricting humanitarian agencies that are seeking to provide for populations at risk.

Risks to Humanitarian Relief: Local Resentment and Threats

On June 10, all international and non-essential humanitarian aid workers from international agencies were evacuated from northern Arakan State and Sittwe to Rangoon because of security concerns. Since then, the agencies have sought to return and the authorities have authorized limited access for a handful of them, though some agencies have been denied re-entry to their original areas of operation. While some emergency aid

¹¹⁵ Human Rights Watch interview Z.F., Sittwe, Arakan State, June 2012.

¹¹⁶ Human Rights Watch interview C.H., Sittwe, Arakan State, June 2012.

efforts have been launched, access is still restricted to certain areas and access to many Rohingya-populated areas has not been possible.

There is widespread resentment of UN and humanitarian agencies among the Arakan community in Arakan State. Arakan interviewed by Human Rights Watch said they were angry that the agencies have worked primarily with Rohingya populations in northern Arakan State for many years, with less focus on the better off, but still largely impoverished, Arakan populations.¹¹⁷ Many Arakan said they feel the agencies have neglected Arakan needs over the years and contributed to divisions between the Arakan and Rohingya communities, which has fed hostility towards aid agencies and aid workers.¹¹⁸ UNHCR only works with Rohingya due to its mandate and the statelessness of the Rohingya, but even this has fed resentment and perception of bias among members of the Arakan community. Since the violence erupted many rumors and misconceptions have circulated about the agencies role and activities.

This resentment, whether or not justified, has an impact on aid efforts. It gives rise to more security threats against humanitarian agencies and their staff, further hindering their access.

The local acrimony toward international humanitarian agencies—as well as ethnic bias against Rohingya—seems to have been a factor in the arrest and detention of several staff of UN and international NGOs. Local authorities arrested 10 Rohingya staff of UN and international NGOs in June in relation to the sectarian violence, including 6 from Medecins Sans Frontieres (Doctors Without Borders).¹¹⁹ Some of the arrested aid workers were reportedly accused of treason and of imparting information abroad about events in Arakan State—a common charge in several past cases of political imprisonment—and their cases are pending.¹²⁰

¹¹⁷ There are more than 10 international NGOs and UN agencies operating in northern Arakan State, an area that ethnic Arakan people refer to pejoratively as “Kalar country,” as it is an area populated predominantly by Muslim Rohingya.

¹¹⁸ Human Rights Watch interviews B.B., B.C., B.D., B.F., C.D., C.H., D.A., Sittwe, Arakan State, June 2012.

¹¹⁹ “10 Aid Workers Held in Myanmar: UN,” Agence France Presse, July 6, 2012, <http://www.rnw.nl/english/bulletin/10-aid-workers-held-myanmar-un> (accessed July 16, 2012).

¹²⁰ Maung Aye, “Arrested NGO Employees Produced in Court in Maungdaw,” *Narinjara News*, July 11, 2012, <http://www.narinjara.com/main/index.php/arrested-ngo-employees-produced-in-court-in-maungdaw/> (accessed July 16, 2012).

Several Arakan from various social backgrounds told Human Rights Watch that Rohingya staff of humanitarian agencies were linked to al Qaeda and other international extremist groups. The resentment against the international agencies has also been communicated through pamphlets inciting the population to attack staff and supporters of specific agencies. A pamphlet circulated locally, obtained by Human Rights Watch, says anyone working for the Rohingya will be recognized “as traitors and thereby our enemy.... We will no longer sit and watch you stay in our country and work for the [Rohingya’s] development.” The pamphlet goes on to say landlords who rent space to international NGOs in Sittwe will be targeted. Regarding UN agencies, it says, “We have to attack them.”¹²¹

A local Arakan activist and two Arakan political leaders—from the Rakhine National Development Party and the Arakan League for Democracy—acknowledged and shared the longstanding local resentment for aid agencies, and the reasons behind it, but dismissed the threats to physical security. They told Human Rights Watch the UN and international NGOs would be welcomed in Arakan communities now and in the future.¹²² To date the Burmese authorities have undertaken no investigation into the threats on aid workers and aid agencies.

The rumors and misinformation campaigns have created a hostile environment for the UN agencies and international NGOs, threatening the delivery of life-saving humanitarian aid to both communities.

¹²¹ The undated pamphlet is entitled, “Beware! NGOs that came here to assist Bengali Kalars,” and is signed by a group identifying itself as Wuntharnu Ethnic People. Unofficial translation, June 2012.

¹²² Human Rights Watch interviews B.B., B.I., D.A., Sittwe, Arakan State, June 2012.

V. Denial of Citizenship Rights to Rohingya

The Burmese government has long denied Rohingya the right to obtain citizenship in Burma. This has facilitated human rights abuses against them, and poses a serious obstacle to achieving a durable solution to the sectarian violence in Arakan State and resolving the situation of Rohingya refugees. Burmese authorities consider most Rohingya who have been permitted to reside in Burma as “resident foreigners,” and deny them citizenship. In practice, the term Rohingya itself is generally not accepted or used by the government, which commonly refers to the population as “Bengali,” “so-called Rohingya,” or the pejorative “Kalar.”¹²³

Most protections of international human rights law extend to non-citizens as well as citizens, except for limitations on political rights, such as the right to vote. However, various human rights violations have accompanied Burma’s denial of citizenship to Rohingya, including restrictions on freedom of movement, discriminatory limitations on access to education, arbitrary detention, forced labor, and discriminatory taxation and confiscation of property. While many of these abuses have been meted out by the Burmese government on the ethnic Arakan population as well, the Rohingya in Arakan State are often the main targets of such abuse.

The Rohingya’s inability to obtain Burmese citizenship dates back decades. In the mid-1970s, Burma required all citizens to possess National Registration Certificates under the Emergency Immigration Act, but Rohingya were only given Foreign Registration Cards, which many schools and employers would not accept.¹²⁴

In 1983, in what appeared to be a response to the mass repatriation of Rohingya refugees from Bangladesh in 1978, the Burmese government completed a nationwide census in which the Rohingya were not counted, rendering them stateless through exclusion. The

¹²³ A person who has communicated with senior government officials on the issue told Human Rights Watch that in everyday usage the authorities do not use the word “Rohingya,” opting instead for “Bengali.” He said: “The government regards them [Rohingya] as foreign invaders, and if you give aid to them, you are feeding the enemy. This is how they think in Nyapyidaw.” Human Rights Watch interview #14, Yangon, Burma, June 2012. The ethnic Arakan population commonly uses the pejorative “Kalar,” “Bengali,” and “so-called Rohingya” in reference to the population.

¹²⁴ Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, September 1996, p. 29, <http://www.unhcr.org/refworld/docid/3ae6a84a2.html> (accessed July 12, 2012).

1982 Citizenship Act legalized this exclusion by omitting Rohingya from the list of ethnic groups entitled to citizenship. The law designates three categories of citizens: (1) full citizens, (2) associate citizens, and (3) naturalized citizens. Color-coded Citizenship Scrutiny Card's are issued according to citizenship status—pink, blue, and green, respectively. By law, full citizens are persons who belong to one of the eight recognized "national races" (Arakan, Burman, Chin, Kachin, Karen, Karenni, Mon, Shan) or those whose ancestors settled in the country before 1823, the beginning of British occupation of what is now Arakan State. If individuals cannot provide evidence that their ancestors settled in Burma before 1823, they may still be eligible for naturalization. Those persons who qualified for citizenship under the 1948 law, but who would no longer qualify under the 1982 law, are considered associate citizens if they applied for citizenship before the 1982 law went into effect.

Following the implementation of the 1982 law, foreigners may become naturalized citizens if they can provide "conclusive evidence" that they or their parents entered and resided in Burma prior to independence in 1948. Persons who have at least one parent who holds one of the three types of Burmese citizenship are also eligible to become naturalized citizens. Beyond these two qualifications, section 44 of the 1982 act stipulates that a person seeking to become a naturalized citizen must be at least 18 years old, able to speak one of the national languages well (the Rohingya language, a dialect related to Chittagonian, is not recognized as a national language), of good character, and of sound mind.¹²⁵ According to the terms of the law, only full and naturalized citizens are "entitled to enjoy the rights of a citizen under the law, with the exception from time to time of the rights stipulated by the State." All forms of citizenship, "except a citizen by birth," may be revoked by the state.

¹²⁵ Sections 42 to 44 of the 1982 Burma Citizenship Law on the qualifications required for Burmese naturalized citizenship read:

42) Persons who have entered and resided in the State prior to 4th January, 1948, and their children born within the State may, if they have not yet applied under the Union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence. 43) The following persons, born in or outside the State, from the date this Law comes into force, may also apply for naturalized citizenship: (a) persons born of parents one of whom is a citizen and the other a foreigner; (b) persons born of parents, one of whom is an associate citizen and the other a naturalized citizen; persons born of parents, one of whom is an associate citizen and the other a foreigner; (d) persons born of parents, both of whom are naturalized citizens; (e) persons born of parents, one of whom is a naturalized citizen and the other a foreigner. 44) An applicant for naturalized citizenship shall have the following qualifications: (a) be a person who conforms to the provisions of section 42 or section 43; (b) have completed the age of eighteen years; be able to speak well one of the national languages; (d) be of good character; (e) be of sound mind.

Provisions in the 1982 law perpetuate the citizenship crisis by denying citizenship to children born to non-citizens. According to reliable but confidential sources, there are an estimated 7,000 to 8,000 unregistered Rohingya children in northern Arakan State, referred to as “blacklisted children,” who are born to individuals below 18, unregistered couples, or to a parent in Bangladesh.¹²⁶ In order for a child to attain Burmese citizenship, at least one parent must already hold one of the three types of Burmese citizenship. Most Rohingya lack formal documents, any means of obtaining documents, or any way of providing “conclusive evidence” of their lineage in Burma.¹²⁷ Rohingya who cannot provide the government “conclusive evidence” of their lineage or history of residence find themselves ineligible for any class of citizenship, along with their children.

Apart from the question of citizenship is the question of ethnicity. Burmese law does not recognize the Rohingya as one of Burma's national races. While some Rohingya trace their lineage back centuries, many families migrated to and settled in Arakan during the British colonial period, which under the 1982 law directly excludes them from citizenship and does nothing to help establish them as an ethnic nationality of Burma. Even for those Rohingya whose families settled in the region before 1823, moreover, the onerous burden of proving it to the satisfaction of the Burmese authorities has made it nearly impossible for many to secure Burmese citizenship, let alone status as an ethnic race or nationality of Burma.

In June 2012, several Rohingya told Human Rights Watch that local authorities or Arakan confiscated their ID cards. A Rohingya woman, 38, who survived an attack by an Arakan mob, said, “They [the attackers] brought a lot of cars and they were loading our belongings into the cars. They even took our IDs. They forcibly took our IDs.”¹²⁸ Tens of thousands of Rohingya lost their belongings to arson in June 2012, which plausibly would have destroyed important documentation and identity cards of thousands; this will be create additional problems for them under the current legal framework.

A Rohingya man, 42, told Human Rights that he feared the forcible relocation of Rohingya outside Sittwe was being done in a way that would create a paper trail identifying the displaced as “guests” in Burma. He said:

¹²⁶ Human Rights Watch interview with international official, Rangoon, Burma, June 2012.

¹²⁷ Ibid.

¹²⁸ Human Rights Watch interview Z.H., Sittwe, Arakan State, June 2012.

A high-ranking immigration officer came today and said he wanted a list of people who are taking shelter. He said he wanted a list so we made a list. We were given a written form to fill out, and instead of referring to displaced people, the form referred to “guest people.” We said, “We are not guests here.” The immigration officer replied, “I cannot do anything, this is from the higher authority. I just have to follow orders.”¹²⁹

Human Rights Watch has long called on the Burmese government to amend or repeal the 1982 Citizenship Law to recognize or grant citizenship to Rohingya in Burma on the same basis as others with genuine and effective links to Burma by reasons such as birth, residency, or descent, and treat them as equal citizens under Burmese and international law.

¹²⁹ Human Rights Watch interview Z.I., Sittwe, Arakan State, June 2012.

VI. Forced Returns from Bangladesh

Since the onset of the violence on June 8, hundreds and perhaps thousands of asylum seekers have attempted to flee Burma, crossing the Naf River or finding alternative routes to seek refuge in Bangladesh. The Bangladeshi government, anticipating an influx of refugees, ordered its border guards and naval services to prevent Burmese asylum seekers from crossing the border into Bangladesh. A government minister justified this policy to local media by explaining “We can’t be friends of terrorists or rapists.”¹³⁰

According to media reports, the Bangladesh authorities claimed to have pushed back by land or sea between 500 and 700 Rohingya from June 8 until June 15.¹³¹ On June 18, a Human Rights Watch researcher witnessed the Bangladeshi coast guard push nine boats into Burmese waters from the jetty in the port town of Shah Pori Deep. Bangladeshi journalists who had been given access to the detained refugees that day reported that the group consisted of over 140 Rohingya.¹³²

Although they gave detained asylum seekers food and basic medical attention, Border Guard Bangladesh (BGB) authorities have sent refugees back in barely sea-worthy wooden boats during rough monsoon rains. There is evidence that Bangladesh’s push-back policy has had fatal consequences. A journalist told Human Rights Watch that he interviewed a mother of six whose family had been repeatedly turned back by Bangladeshi authorities during the second week of June, before the boat finally made it to Bangladesh. She told the journalist:

We could not bear the violence anymore, so we came to Bangladesh. The BGB made our boat turn back three times. We floated in the sea for four days and nights. My five-year-old daughter died in the boat. She starved to death under the hot weather in the sea.¹³³

¹³⁰ Comments by Syed Ashraful Islam, Minister of LGRD and Cooperatives, quoted in “No refuge for Rohingyas: Ashraf,” *Daily Star*, June 20, 2012, http://www.thedailystar.net/newDesign/latest_news.php?nid=38533.

¹³¹ Julfikar Ali Manik, “It’s no refugee influx,” *Daily Star*, June 15, 2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=238339>; Sadiqur Rahman and Mubin Khan, “BGB detains 18 as Rohingya keep sailing in,” *New Age*, June 16, 2012, <http://www.newagebd.com/detail.php?date=2012-06-16&nid=13930>

¹³² Julfikar Ali Manik and Dwaipayan Barua, “Rohingyas coming in again,” *Daily Star*, June 19, 2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=238934>.

¹³³ Human Rights Watch viewed a tape recorded interview with the victims and other members of her family on June 28th in Bangladesh.

Human Rights Watch also received reports of two boats that have reportedly not been seen or heard of since being turned around by the BGB, and are feared sunk in the waters off the coast of Bangladesh.¹³⁴

A BGB official informed Human Rights Watch on June 30 that they had not intercepted large boats due to rough seas, but had been consistently turning around smaller boats with two to three asylum seekers on board on a regular basis.¹³⁵ Push-backs of Rohingya continued in early July. For example, BGB officers reportedly confirmed that they had sent back 30 recently arrived Rohingya on July 2 and 3, and a further 25 on July 5.¹³⁶ Police and BGB were reportedly detaining dozens of recently arrived Rohingya inside Bangladesh on or around July 8.¹³⁷ Human Rights Watch is unable to verify the total number of Rohingya pushed back by Bangladesh authorities.

Although Bangladesh is not a party to the 1951 Convention on the Status of Refugees or its 1967 Protocol, it is obligated under the customary international law principle of nonrefoulement not to reject asylum seekers at its border when they are fleeing threats to their lives or freedom.¹³⁸

¹³⁴ Human Rights Watch, interview with Teknaf resident, Bangladesh, June 29, 2012

¹³⁵ Human Rights Watch, phone call to BGB commander (name withheld), Teknaf, June 30, 2012

¹³⁶ “25 more Rohingyas sent back,” *Daily Star*, July 5, 2012, <http://www.thedailystar.net/newDesign/news-details.php?nid=241025>

¹³⁷ Abdullah Juberee and Nurul Islam, “Fleeing Rohingya spreading deep inside Bangladesh,” *New Age*, July 8, 2012, <http://www.newagebd.com/detail.php?date=2012-07-08&nid=16351>

¹³⁸ UN High Commissioner for Refugees, *The Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, 31 January 1994, <http://www.unhcr.org/refworld/docid/437b6db64.html> [accessed 17 July 2012]. See also UN Doc. A/RES/51/75, 12 February 1997, para. 3.

VII. Recommendations

To the Government of Burma:

- Support an independent international mechanism to investigate alleged violations of international human rights committed by security forces in Arakan State and elsewhere in the country. In particular, provide unfettered access to all affected areas of Arakan State by the United Nations special rapporteur on human rights in Burma and representatives of the UN Office of the High Commissioner for Human Rights (OHCHR).
- Request that OHCHR establish an office in Burma with a full protection, promotion, and technical assistance mandate, and sub-offices in states around the country, including Arakan state.
- Provide UN agencies and humanitarian nongovernmental organizations safe, sustained, and unhindered access to all areas of affected populations in Arakan State, and make a long-term commitment with them to authorize relief, recovery, and eventual development support to populations in need. Specifically, lift restrictions on humanitarian agencies that prevent them from working in Arakan State and ensure they can freely move to remote villages to assess the needs of the affected populations and deliver necessary assistance.
- Investigate credible allegations of human rights violations and appropriately discipline or prosecute those responsible, regardless of rank or position.
- Immediately provide information about the fate of hundreds of people detained since the security operations in northern Arakan State began.
- Allow full and unfettered access to independent humanitarian organizations to all official and quasi-detention facilities in Arakan State where those detained in connection with the sectarian violence are being held.
- Ensure that anyone in detention has full access to legal counsel and is promptly brought before a judge.
- Immediately order security forces, including Nasaka, to stop mass arrests of Rohingya, and promptly release any person detained unless there are credible allegations against them.

- Ensure that law enforcement officials do not use excessive or unnecessary force, in accordance with the UN Basic Principles on the Use of Force and Firearms. Lift the state of emergency as soon as possible, as it allows for mass arrests without adequate safeguards.
- Lift all unnecessary restrictions on freedom of movement of the Rohingya, so that they are able to travel to markets and access food and other essential items, as well as return to their homes and recover property, and provide them protection as needed.
- Treat all internally displaced persons (IDPs) in accordance with the UN Guiding Principles on Internal Displacement.
- Make available alternative locations to accommodate IDPs and refugees who do not feel that they can return to their places of origin and who wish to relocate to other areas or to remain voluntarily in the vicinity of their displacement.
- Make clear public statements to address the ongoing tension in Arakan State and commit to equal protection of all individuals in Arakan State. Ensure that returns of displaced persons and refugees take place in accordance with international standards, on a voluntary basis with attention to the safety and dignity of the returning population.
- Initiate reconciliation programs with local communities to promote and facilitate the return and reintegration of refugees and IDPs.
- Engage in a broad based public information campaign endorsing tolerance and non-discrimination. In particular, emphasize that the Rohingya are one of the many diverse ethnic groups that make up the Union.
- Take all necessary steps to ensure the access and safety of humanitarian agencies and their staff in reaching all populations in need.
- Amend the 1982 Citizenship Act to recognize or grant citizenship to persons of Rohingya ethnicity on the same basis as others with genuine and effective links to Burma by reasons such as birth, residency, or descent, and treat them as equal citizens under international and Burmese law. Ensure, in accordance with article 7 of the Convention on the Rights of the Child, that Rohingya children have the right to acquire a nationality where otherwise they would be stateless.

- Sign and ratify the 1951 Convention relating to the Status of Statelessness and the 1961 Convention on the Reduction of Statelessness.
- Develop a long-term plan in consultation with the affected communities to promote reconciliation and end discrimination in Arakan State.

To the Government of Bangladesh:

- Immediately open the border to allow asylum seekers into Bangladesh and provide them with at least temporary protection.
- Provide free and unfettered access for humanitarian agencies to provide assistance to fleeing Rohingya asylum seekers and ensure that they have adequate food, shelter, and protection.
- Allow the UN High Commissioner for Refugees to register Rohingya asylum seekers in Bangladesh and to provide them with adequate reception conditions.
- Accept offers that have been made by foreign governments of resettlement of Rohingya refugees already in official camps.
- Immediately order the Border Guards Bangladesh (BGB) to cease pushbacks of boats of asylum seekers fleeing Burma or of those crossing by land.
- Allow domestic and international media, nongovernmental organizations, and foreign diplomats access to the areas]where asylum seekers are arriving.

To Governments concerned about Burma including Australia, Canada, members of the European Union, Japan, and the US:

- Press the Burmese government to allow the special rapporteur to conduct an independent investigation into abuses in Arakan state and OHCHR to establish an office in Burma with a full protection, promotion, and technical assistance mandate, and sub-offices in states around the country, including Arakan state. Provide adequate resources to allow the special rapporteur on Burma and OHCHR to be able to carry out these activities. Request that diplomatic missions in Burma are able to travel to the affected areas, including areas where displaced persons have gone.
- Provide support to UN agencies and nongovernmental humanitarian organizations providing assistance in Arakan State and in Bangladesh, and publicly promote

unfettered access for humanitarian agencies and the delivery of humanitarian assistance to all populations in need.

- Send clear signals to the authorities in Burma that brutal repression of the Rohingya and other vulnerable minorities will not be tolerated and will harm their relationships and international standing.
- Support reconciliation efforts between the Arakan and Rohingya populations in Arakan State, and publicly and privately press the Burmese government to address the discriminatory 1982 Citizenship Act, which denies Rohingya in Burma of the rights and protection of citizens.

To United Nations Agencies and the Donor Community:

- Make OHCHR staff and resources available to the special rapporteur on Burma to be able to conduct a full investigation into recent events.
- Ensure that humanitarian aid is delivered impartially to all populations in need in Arakan State; raise concerns both privately and publicly when humanitarian access is blocked to Rohingya or Arakan communities.
- Ensure that any assessments in Arakan State include not only the communities that were affected by the sectarian violence but also those affected by the violent sweeps and abuses committed by security forces throughout Arakan State in June and July.

To the World Bank, Asian Development Bank, and Other Donors:

- Ensure that any future development projects in Arakan State take into account the impact on both Rohingya and Arakan communities.
- Ensure that any future development projects in Arakan State do not discriminate against Rohingya on the basis that they are not Burmese citizens under the 1982 Citizenship Act.

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Appendix: Translation Pamphlets Advocating for Separation of the Communities

ANNOUNCEMENT TO ALL RAKHINE (ARAKANESSE) NATIONALS

1. Rakhines must not do business with [Rohingya].
2. (Rakhines) must not associate with [Rohingya].

Everyone understands and have a feeling that [Rohingya] who dwell on Rakhine land, drink Rakhine water and rest under Rakhine shadow are now working for extinction of Rakhines.

In order to prevent the matter (extinction of Rakhines), here we proclaim to all Rakhine nationals that you follow the instructions mentioned above.

Stamped,
Association (group) of Young Monks
Sittwe, Rakhine State

“The Government Could Have Stopped This”

Sectarian Violence and Ensuing Abuses in Burma’s Arakan State

In June 2012, deadly sectarian violence erupted in western Burma’s Arakan State between Arakan Buddhists and Rohingya Muslims. The violence started after three Muslim men were accused of raping and killing a Buddhist woman. Ten Muslims were later pulled off a bus by armed Arakan and killed. Rohingya and Arakan mobs then went on a violent spree, attacking unsuspecting villages, killing an undetermined number of people, and destroying homes, shops, and houses of worship. Over 100,000 people were displaced.

“The Government Could Have Stopped This”: *Sectarian Violence and Ensuing Abuses in Burma’s Arakan State*—based on 57 interviews with Arakan, Rohingya, and others in Burma and Bangladesh—describes how the Burmese authorities failed to protect ethnic communities, instead standing by as violence unfolded. While the army eventually stepped in to stop the mob violence, state security forces and local Arakan together targeted Rohingya communities, committing killings, rapes, and mass arrests. Humanitarian access to affected populations remains severely hampered by government restrictions, arrests of aid workers, and threats and intimidation from local Arakan residents. Rohingya who fled to Bangladesh have been pushed back to sea by Bangladesh authorities in barely seaworthy boats and during rough monsoon rains.

The violence against Rohingya comes against a backdrop of decades of official discrimination and persecution. Alone among major ethnic groups in Burma, Rohingya are not provided citizenship under the 1982 Citizenship Law. Burma’s president, Thein Sein, has increased tensions since the violence by advocating the expulsion of all Rohingya from Burma.

Human Rights Watch calls on the Burmese government to take urgent measures to end abuses by the security forces and punish those responsible, ensure humanitarian access, amend discriminatory provisions in the citizenship law, and permit independent international monitors to reach affected areas and investigate abuses. Bangladesh should abide by international law and not return Rohingya asylum seekers.



A Burmese soldier walks past a partially destroyed building in Sittwe, capital of Arakan State in western Burma, on June 14, 2012.

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