

Burned, Stabbed, and Shot

Physical evidence of atrocities committed against the Rohingya



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INTRODUCTION:

BROUK on the present crisis and the urgent need for accountability

On October 9th 2016, the long saga of oppression endured by Myanmar's Rohingya minority entered a new phase. For the first time in a generation, members of the group staged an armed attack, on this occasion against three Border Guard Police (BGP) posts in Rakhine State, killing nine officers and seizing weapons and ammunition.¹

According to rights groups, the assault was met with months of widespread and systematic violence perpetrated by Myanmar's military and police in parts of northern Rakhine state, near the border with Bangladesh.²

A "flash report" released by the UN's Office for the High Commissioner on Human Rights (OHCHR) on February 3 concluded that these operations likely involved crimes against humanity; the paper detailed acts of "devastating cruelty" including systematic rape, torture and killing and "likely" amounted to crimes against humanity.³

The conflagration has sent around 75,000 Rohingya across the border to Bangladesh and displaced at least another 20,000 in northern Rakhine.⁴ Officials within two UN agencies estimate that more than a thousand may have been killed.⁵

During the crisis, the Rohingya community also suffered from unnecessary assaults on their conditions of life. After the October 9th attacks, part of northern Rakhine State became a locked-off "military operations zone" in which "clearance operations" were being conducted by the Myanmar army. In this area humanitarian aid was all but suspended, endangering the lives of thousands of children with severe acute malnutrition and causing months of severe deprivation for aid-reliant communities.⁶ BROUK has been advised that it is likely that deaths occurred as a result.

In addition to this, massive psychological trauma has been imposed on communities subject to sudden night raids, arbitrary harassment, arrest, arson, torture and killings. The legacy of the army's crackdown is likely measurable in thousands of traumatised

¹ <http://time.com/4576079/burma-myanmar-arakan-rakhine-rohingya-tatmadaw-suu-kyi/>

² Amnesty International: <https://www.amnesty.org.nz/myanmar-security-forces-target-rohingya-during-vicious-rakhine-scorched-earth-campaign>; UN Office for the High Commission on Human Rights (OHCHR): <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

³ Ibid.

⁴ <http://www.reuters.com/article/myanmar-rohingya-cleansing-idUSL3N1GN27V>;

http://reliefweb.int/sites/reliefweb.int/files/resources/MMR_humanitarian_snapshot_mar17.pdf

⁵ <http://in.reuters.com/article/myanmar-rohingya-idINKBN15O0C5>

⁶ <https://www.irinnews.org/investigations/2017/01/12/exclusive-un-says-rohingya-malnutrition-rates-rising-during-myanmar>

vulnerable people, including children. The full toll of the suffering endured by Rohingya communities since the October 9th attacks will probably never be known.

And the crisis is not over; further escalations could occur at any time, not least because the conditions imposed on the Rohingya by state policy and security forces, encompassing lack of jobs, controls on movement and routine abuse, actively feed resentment and unrest.

The Rohingya insurgent group that initiated the crisis in October, now known as the Arakan Rohingya Salvation Army (ARSA), have told journalists that they are prepared to wage a relentless campaign against their perceived oppressor until their rights are restored.⁷ Given the hardline stance of the military with regard to basic Rohingya rights, let alone Rohingya militancy, the stage has been set for the possibility of a drawn-out conflict in which civilians will likely pay the dearest price.

The only antidote to this state of affairs is accountability and justice. With this in mind, BROUK has compiled this report which is intended to add crucial new material to a body of evidence that demonstrates massive crimes were visited on innocent and long-suffering communities in the aftermath of the October 9th attacks. This has been undertaken with a view to furthering the case that action must be taken against all parties that committed crimes during the recent crisis, without fear of favour.

It is with regret that BROUK notes that virtual impunity for these crimes looks set to be the order of the day. The government of Myanmar has strongly indicated that it will defy the will of the international community as expressed by a consensus resolution at the Human Rights Council in Geneva in which a fact-finding mission was to be dispatched to investigate credible allegations of atrocity crimes against the Rohingya.

Myanmar has “disassociated” itself from the resolution and has said it will not cooperate with the fact-finding team, which may mean that their access to the area where abuses are believed to have taken place will be blocked.⁸

The present situation looks set to be one in which Myanmar's security forces enjoy impunity for grave human rights violations, a state of affairs which the civilian government in Naypyidaw will become complicit in unless it can guarantee impartial and independent investigations.

BROUK shares the view of rights groups and international analysts regarding the profound inadequacy of government-commissioned probes that have been announced

⁷ <http://edition.cnn.com/videos/world/2017/02/03/inside-rohingya-resistance-watson-pkg.cnn> ;
<http://www.dhakatribune.com/bangladesh/2017/01/10/will-fight-last-drop-blood/> ;
<http://www.reuters.com/article/us-myanmar-rohingya-interview-exclusive-idUSKBN1722H2>

⁸ <https://www.irinnews.org/analysis/2017/04/04/un-convenes-rohingya-abuse-investigation-myanmar-says-it-won%E2%80%99t-cooperate>

since the crisis began, and believes that only the United Nations can undertake a truly credible investigation.⁹

The international community must not allow the possible obstruction of the Fact Finding Mission by the government of Burma to lead to further impunity. If obstructed by the government, the Mission must collect evidence by other means.

For the past 20 years the international community has failed to act when the government of Burma has ignored recommendations regarding the Rohingya made in UN General Assembly Resolutions, UN Human Rights Council Resolutions, and by Special Rapporteurs.

This must not be allowed to happen again after the Fact Finding Mission reports.



Rohingya residents of Kutupalong camp, near Teknaf, Bangladesh

⁹ See for example Amnesty International, National efforts to investigate Rakhine violence inadequate, <https://www.amnesty.org/en/documents/asa16/5758/2017/en/>; and The Arakan Project: Commission to whitewash atrocities: The need for an independent international investigation mechanism, http://www.burmalibrary.org/docs23/The_need_for_an_independent_international_investigation_mechanism.pdf

METHODOLOGY

This report is based on more than two dozen interviews conducted in the Cox's Bazar region of Bangladesh with Rohingya refugees who had arrived from Myanmar since the October 9th attacks; all of the cases had been assessed as credible through consultation with officials from NGOs operating in the refugee camps in the area.

The evidence of gunshot and other weapon wounds were checked against information collected by international NGOs working in the refugee camps, who wish to remain anonymous. Our photographic, video and testimonial evidence was shared with them and with rights experts, from organisations that wish to remain anonymous, for peer review.

The interviewees were consulted independently by the head of Burmese Rohingya Organisation of the United Kingdom (BROUK), U Tun Khin, in Bangladesh; all were asked a series of questions designed to elicit data according to best practices. The material was translated independently and double-checked by Rohingya speakers.

Analysis of gunshot wounds was sought from a medical doctor who was not paid for her opinions.

Interviews were conducted in the Kutupalong and Nayapura camps in Cox's Bazar region of Bangladesh; discussions mostly took place indoors within a space that would allow for maximum privacy and frankness.

ABOUT BROUK

BROUK was founded in 2005 to raise awareness of the plight of the Rohingya.

BROUK objectives are:

1. To promote or carry out various research activities, provide the students with stipends, learning materials and all out assistance for higher education.
2. To promote and publicize the genuine case and cause of the Rohingya people and to monitor the situation human rights of Rohingya and other peoples in Burma.
3. To support and express solidarity with the Rohingya national democratic movement(s), the struggles of all democratic and ethnic forces of Burma.
4. To share information, strengthen friendship and solidarity and understanding with the people of the United Kingdom. To provide advice to the community, to raised funds for the charity and to cooperate with other bodies.

Over the past eight years, BROUK has been a leading voice for Rohingya people around the world, particularly for those in refugee camps in neighboring Bangladesh and, more recently, for those displaced and facing grave humanitarian conditions and ongoing human rights abuses, particularly disenfranchisement and lack of citizenship rights, in Burma. In much of its advocacy efforts, BROUK has partnered with other human rights groups, including Christian Solidarity Worldwide, Refugees International, Burma Campaign United Kingdom, Amnesty International, Human Rights Watch, Physicians for Human Rights, Fortify Rights and the Arakan Project.

BROUK has briefed officials on the continuing human rights violations committed against Rohingya populations at the US Congress and State Department, British Parliament, Swedish Parliament, European Union Parliament and Commission, the UN Indigenous Forum in NY, the Organization for Islamic Cooperation and the UN Human Rights Council.

Tel: +44 20 34892760 Email: brorg.london@gmail.com web: www.brouk.org

EXECUTIVE SUMMARY

In this report BROUK will present what amounts to previously unrevealed *prima facie* evidence of abuses against Rohingya civilians committed by Myanmar's security forces during military operations in northern Rakhine State, Myanmar, between October 2016 and February 2017.

Previously, rights groups had published satellite photographs, testimony and analysis but no physical evidence of abuses; this report will present photographs of wounds taken first hand by BROUK with accompanying forensic analysis and the testimony of victims.

In the process of collecting and presenting this evidence BROUK has taken every care to avoid identifying victims, given that the security forces of Myanmar have a record of retaliation against those who testify against them.

The evidence that BROUK has collected appears to specifically support survivor accounts of incidents in which Myanmar's security forces indiscriminately fired on civilians and intentionally burned Rohingya villagers including children, while committing acts of arson. The carefully researched and credible work of organisations

such as Amnesty International and OHCHR record the testimony of Rohingya who say that they witnessed such incidents.¹⁰

BROUK strongly urges further investigation of the physical evidence abuses and is willing to cooperate with organisations such as the United Nations who wish to review the material it has collected.

BROUK notes with regret that the government of Myanmar has decided not to cooperate with a UN fact-finding mission approved in a consensus resolution of the United Nations Human Rights Council in Geneva. BROUK believes the findings of the UN's "flash" report released in February this year are credible and instructive.

If the government of Myanmar makes good on its vow to deny access to the UN fact-finding team it will only further the impression of an unwillingness to act in a manner befitting its new democratic status and as a party that has much to hide.

As the recommendations to the government of Myanmar contained at the end of this report will outline, BROUK considers the need for full and unimpeded access to the site of alleged atrocity crimes to be of tantamount importance in maintaining the nation's international reputation, and to fulfil the mandate of the UN's fact-finding team.

In the absence of accountability or justice, the new Rohingya insurgent movement, whose actions precipitated massive retaliatory violence from government forces, are likely to derive growing support from a base of resentful and largely hopeless Rohingya communities across Rakhine state.

BROUK fears that the cycle of violence will be furthered by such a lack of justice, with the effect that efforts to resolve tensions between communities in Rakhine state and to address the root problems of the crisis in the area will be postponed while parts of the state undergo heavy securitisation.

BROUK agrees with the assessment of Prince Zeid bin Ra'ad, the UN's High Commissioner for Human Rights, that the security forces of Myanmar appear to have committed widespread violations against the Rohingya in Northern Rakhine state which likely amount to crimes against humanity.¹¹

Crimes against humanity are not an "internal affair" as Myanmar has characterised its treatment of the Rohingya;¹² rather, they are a matter of international law that can and should be prosecuted in international courts if the government is unwilling or unable to

¹⁰ <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

¹¹ <http://www.un.org/apps/news/story.asp?NewsID=56103>; see also Amnesty's analysis, as reported here: <http://www.aljazeera.com/news/2016/12/rohingya-crimes-humanity-amnesty-161219045655733.html>

¹² <http://www.bbc.com/news/world-39218105> "The spokesman for Ms Suu Kyi's political party, the National League of Democracy, Win Htein, told the BBC... "We don't believe it's crimes against humanity," he added. "It's an internal affair - it's not an international affair.""

pursue justice. With this in mind, BROUK also strongly supports Prince Zeid's recommendation that Myanmar's abuses against the Rohingya be referred for review to the International Criminal Court.¹³

The physical evidence of abuses contained in this report constitute one small part of a body of evidence that BROUK believes is available to UN Fact Finding Mission investigators should they wish to pursue it. Given time restraints, the organisation could only speak to a relatively modest number of interviewees (around two dozen) and to document selected case studies of those wounded in a manner consistent with corroborating testimony.

Nonetheless, the evidence is compelling and BROUK considers it to be representative of a much wider pattern of violence. This view is bolstered by conversations held in private with NGO officials who work in the refugee camps around Teknaf that house the recent arrivals from Myanmar. Those officials confirmed to BROUK that they had seen similar cases and even treated victims. The United Nation's "flash report" released in February notes that it has several photographs of wounds that they documented on file; however, they were not included in the public report.

As this report notes in a section below, at least two credible rights groups – Fortify Rights and OHCHR – have told BROUK that they saw similar injuries firsthand.

The second part of this report is focused on the fate of those displaced by the recent violence. BROUK considers the matter of returns to Myanmar to be highly important, encompassing interconnected issues.

These include: refugee concerns about returning to Myanmar, including the likelihood of achieving citizenship and the threat of a coercive citizenship verification process, and the plan to relocate Rohingya refugees in Bangladesh to Thengar Char Island.

As the recommendations at the end of this report will outline, BROUK calls on the government of Myanmar to fully comply with international law and the will of the United Nations Human Rights Council going forward as it deals with the crisis which began on October 9th.

With regard to the issues associated with Rohingya return to Myanmar, or possible relocation in Bangladesh, BROUK implores both governments involved to act in accordance with their obligations under international law.

On the issue of citizenship, BROUK maintains its long-standing position that the discriminatory 1982 citizenship law should be repealed and replaced with legislation that is in accordance with international norms; the current process of "citizenship

¹³ <http://uk.reuters.com/article/uk-myanmar-rohingya-un-idUKKBN15I165>

verification” taking place for the Rohingya will likely lead to a normalisation of abuses rather than a significant improvement in Rohingya rights.

Finally, BROUK urges the Rohingya community to remain steadfast in its search for peaceful solutions to the current crisis and to wholly resist the temptation to support the actions of the armed group ARSA.

BACKGROUND: A HISTORY OF PERSECUTION

The Rohingya have been subjected to decades of persecution in Myanmar; since the era of military dictator Ne Win (head of state, 1962-1988) structural discrimination and violence have been normalised and enacted as state policy. Among the more serious examples of chronic abuse that the Rohingya have endured since that time are rape, murder, extortion, forced labour, arbitrary arrest and the systematic restriction of basic human rights, particularly freedom of movement.

Such violations have occurred with impunity, having been documented for decades,¹⁴ particularly in the highly securitised northern part of Rakhine state where the majority of the Rohingya live in apartheid-like conditions.

Cases of acute persecution, such as targeted violence and ethnic cleansing campaigns against the Rohingya have occurred on several occasions since policies of persecution began under Ne Win. In 1978, Operation “Naga Min Sitsin Yae” or (“Operation King Dragon” in English), the first outright ethnic cleansing campaign of the military dictatorship era, begun. During the operation, around 200,000 Rohingya were driven across the border to Bangladesh as part of a campaign ostensibly intended to drive out suspected Rohingya insurgents and foreign interlopers. The assault led by Myanmar’s “Tatmadaw” (Burmese language term for military), involved massive abuses, including gang rapes and an unknown number of killings.¹⁵

In 1991 another targeted campaign of ethnic cleansing saw a quarter of million Rohingya once again driven across the border to Bangladesh following state-backed violence which also involved rape and murder. Bangladesh eventually announced that it wanted to make

¹⁴ See: Human Rights Watch: “BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION” May 2000: <https://www.hrw.org/reports/2000/burma/index.htm> ; Human Rights Watch: “Crackdown on Burmese Muslims,” July 18th, 2002 <https://www.hrw.org/report/2002/07/18/crackdown-burmese-muslims> ; Fortify Rights:” Policies of Persecution” February 25th 2014 http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf

¹⁵ Human Rights Watch: “BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION” May 2000, Historical background <https://www.hrw.org/reports/2000/burma/burm005-01.htm>

arrangements with the then Burmese government to see all the refugees returned to their country of origin. Repatriation reportedly involved coercion and abuse.¹⁶

In 2001, yet another outbreak of violence occurred involving sporadic targeted attacks on Rohingya mosques and residential areas. The violence at this time was perpetrated by the largely Buddhist ethnic Rakhine community, with reported assistance from state security forces.¹⁷

In 2012, following the alleged rape and murder of an ethnic Rakhine woman, mutual skirmishes between the Rohingya and Rakhine communities mutated into an ethnic cleansing campaign targeting the former, in which whole neighbourhoods were razed and hundreds killed. Human Rights Watch determined that during this time that crimes against humanity were committed as part of an ethnic cleansing campaign targeting the Rohingya and the Kaman Muslim minority.¹⁸

More than 100,000 Rohingya were made homeless by these events and forced to live in camps for the displaced, where around 120,000 currently remain.

The latest outbreak of widespread acute military-led persecution and violence followed a surprise attack by a new Rohingya militant group on October 9th, 2016. The assault was undertaken by members of a previously unknown Rohingya militant group calling itself Harakah al-Yaqin (now known as the Arakan Rohingya Salvation Army, or ARSA) against three border guard posts in Rathedaung and Maungdaw townships in northern Rakhine State. The initial attack killed nine border guard police, and saw the deaths of several militants.

Following this incident, it is reported by credible rights groups and the corroborating testimony of hundreds of interviewees that the Myanmar Armed Forces engaged in a sustained, months-long campaign of violence against whole communities, in which indiscriminate force was deployed and mass atrocities perpetrated.¹⁹

While these outbreaks of widespread acute violence tend to be relatively rare, they have occurred against the backdrop of chronic persecution delivered through a legal framework designed to marginalise, oppress and control the Rohingya community which has been imposed since the 1980s, growing ever more restrictive as time goes on. The

¹⁶ Ibid.

¹⁷ Human Rights Watch: “Crackdown on Burmese Muslims”, July 2002: https://www.hrw.org/legacy/backgrounder/asia/burmese_muslims.pdf

¹⁸ Human Rights Watch: “All You Can Do is Pray”, April 22nd 2013: <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/ Crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>

¹⁹ United Nations Office for the High Commissioner of Human Rights (OHCHR) “Flash” report “Interviews with Rohingyas fleeing from Myanmar since 9 October 2016”, 3rd February 2017 <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

rights to education, marriage, freedom of movement and employment, protected under international law, have been systematically restricted as a result.²⁰

Official discrimination against the Rohingya was initiated during the reign of Military Dictator Ne Win. Under his leadership, Muslim communities were largely prevented from participating in the police and military service of their country.

The Citizenship Act of 1982 rendered the mass of Rohingya effectively stateless and ineligible for basic services such as health and social care, although they retained some voting rights. The Muslim Adhan (call to prayer from Minarets) was banned and later restricted to Muslim majority areas only.²¹

Northern Rakhine state was heavily securitised in the early 1990s, following an outbreak of state-backed violence which saw quarter of a million Rohingya driven into Bangladesh. Since that time policies that, according to some analysis, amount to the international crime of persecution have been imposed on Rohingya communities, in which aspects of their everyday life are tightly controlled and their rights systematically suppressed.

The web of rights restrictions tightened even further in recent years. Laws drafted in 2015 by the Buddhist-chauvinist Ma Ba Tha movement (“Ma Ba Tha” is a Burmese-language acronym that roughly translates as “Committee for the Protection of Race and Religion”) imposed population controls and restrictions on marriage.²² In the same year the Rohingya were disenfranchised en masse by the military-backed government, stripping them of representation in parliament and rendering them politically worthless to the central government, therefore more vulnerable to discriminatory legislation and policy.²³

BROUK fears that the emergence of the militant group ARSA will be used as a pretext for heightened everyday repression of the Rohingya, as well as acute violent persecution.

The evidence shared below is intended to be as much a documentation of abuses as a warning that these same crimes could be perpetrated again in the event that there are further escalations.

²⁰ http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf

²¹ Human Rights Watch, “The Government Could Have Stopped This,” July 31st 2012, <https://www.hrw.org/report/2012/07/31/government-could-have-stopped/sectarian-violence-and-ensuing-abuses-burmas-arakan>

²² <http://www.aljazeera.com/indepth/features/2015/09/buddhist-monks-myanmar-celebrate-repressive-laws-150922111750765.html>

²³ <http://edition.cnn.com/2015/02/12/asia/myanmar-rohingya-voting-rights/>

BURNED, STABBED AND SHOT:

Examining patterns of injuries displayed by Rohingya refugees in Bangladesh

During the army-led crackdown in Northern Rakhine State, the military and government of Myanmar severely restricted international access to the area.²⁴ This was accompanied by a propaganda campaign in which government information portals denied claims of atrocities made through the media and by Rohingya activists.²⁵

The only way for rights monitors and independent journalists to access Rohingya victims was to visit the large numbers of refugees who fled over the border to Bangladesh.

Refugees complained of cases of children being burnt alive, houses razed by fire, indiscriminate attacks with weapons and gang rapes, among other abuses.

BROUK has been able to document physical evidence of some of these crimes.



Burn wounds

A significant number of Rohingya respondents told rights groups (such as Amnesty, Human Rights Watch and OHCHR) that they had witnessed incidents in which children and adults were “burnt alive” or seriously injured in fires. The UN “flash” report observes that “the army deliberately set fire to houses with families inside,” including children, “and in other cases pushed Rohingya into already burning houses.”²⁶

Such allegations have also been noted by the international media; in both cases, the military is accused of perpetrating the violence. The mass of testimony points toward purposeful use of arson and the intentional burning of victims by Myanmar’s security forces.

²⁴ <https://www.hrw.org/news/2016/10/21/burma-aid-blocked-rakhine-state>

²⁵ <http://thediplomat.com/2016/12/the-dark-depths-of-myanmars-rohingya-tragedy/>

²⁶ <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

Interviews conducted with Rohingya refugees corroborate this body of testimony which is complemented by physical evidence seen directly by BROUK. The latter was documented photographically and analysed by third parties, including an NGO based in the camps that wishes to remain anonymous and a medical doctor.

BROUK understands that other organisations have seen similar evidence, and urges the expeditious investigation of these cases.

In the first case examined here (as shown in the photograph above) the victim presents standard physical signs of burn injuries,²⁷ including evident blistering.

The victim is an eight year old boy from northern Rakhine State who fled with his mother after attacks on his village. Speaking to BROUK, he blamed the military for his wounds. He said that his father was killed in a sudden attack on his village (the location of which, like his identity, has been withheld for his security), after which the military burnt his house. He was injured by the flames.

“Everything in our house was burnt. I was burnt on both my thighs [by the flames],” he told BROUK.

His mother corroborated his story, explaining to BROUK that the family “fled to Bangladesh because the military killed my husband when he was fishing.”

She added:

“When the military burnt my house, I was barely able to save my daughters from the fire, and to protect them from being raped by the military. Unfortunately I could not prevent my son from being burnt on both thighs. God saved his life.”

The wounds which the boy sustained bear all the hallmarks of burn injuries, a medical Doctor consulted by BROUK said. The evident burn marks (see photograph above) were “deep but surrounded by mostly healthy skin,” which indicated partial exposure to “chemical or direct fire” she said. Her analysis fits the testimony presented by the witness.

A second case involves a girl of six years old (the name of her original village has been withheld to protect her.) Her mother, a 24 year old woman, told BROUK that she and her family had fled an attack in October by the military in her village and moved to another locality (names of villages withheld for security). There they were also attacked by the military, during which time houses were set alight and she saw children “pushed” into fires by the armed forces.

²⁷ <http://www.nytimes.com/health/guides/injury/burns/overview.html>

“Another child was pushed [into the fire]. Someone pulled my child from the flames. She was unconscious for three days [afterwards.]”

“While my child was unconscious, I wept. I was beaten with a gun and injured on my head,” she added.

The child eventually recovered from her coma state once they reached Bangladesh, where she was admitted to hospital, her mother said.

The injury sustained by the girl shows clear evidence of a “deep burn,” as demonstrated by markings on the skin, a medical Doctor providing forensic analysis told BROUK. The wound looks like it was caused by “direct contact with something long that was on fire, which explains why the right little and ring fingers are not burned but the middle and index finger adjacent to the middle are burned deeply,” they added.



“The burns are deep and include the tendons to the little and ring fingers, the burn-damaged and scarred tendons are locked in position by the tendon scars and surrounding scarring,” she continued.

The third case involves a woman who claims that she rescued one of her children by pulling them alive from a fire started by the military.

The parent who told BROUK that she rescued one of her children by taking them out from a fire.



A medical doctor who examined the wounds said that her injuries were consistent with her testimony. She said that some of the wounding could have been caused “by a sleeve that caught on fire given that her fingers seem to be spared. The burns are deep with significant flexion contracture scarring of the elbow.”

She added that her claim seemed plausible because “the inside of her extremity, where she would support the child is the surface that is burned the most. [It appears] she was able to grab a foot or something on the child that was not on fire, thus sparing her fingers.”

The last case involves a 4 year old boy (below) whose body was burnt, according to his father, when a military attack was launched against their village in October 2016. The armed forces, the father said, “saw my motorbike in the parking lot and set fire to it,” an act which led to one of the tyres “bursting out and burning my son’s stomach.”

A doctor who reviewed the photograph of the wound told BROUK that “edges of the hypo-pigmented partial thickness burn scarring are well-circumscribed,” markings that are indicative of “contact with flame” in circumstances such as when clothing has caught fire.



Bullet wounds

The United Nations flash report notes that of those they interviewed, more than 10% reported being shot or stabbed. It further observed that “allegations of the random nature of shootings were corroborated by witness testimonies that showed that people were shot either while fleeing, when they were working on their farms, shopping in markets, or

while fishing. Some of those interviewed mentioned that they did not know from which direction bullets or grenade splinters hit them.”²⁸

The testimony that BROUK received from victims very much corroborates such accounts. Physical evidence of the violence appears to be demonstrated by bullet wounds sustained by multiple victims, the photographs and accounts of whom follow below.



Depending on the distance of the firearm from the victim, gunshot wounds are often identifiable through small entrance wounds similar in size to the circumference of the bullet.²⁹ As we shall see most of the bullet wound cases fit this pattern which indicates

²⁸ <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

²⁹ <http://library.med.utah.edu/WebPath/TUTORIAL/GUNS/GUNINJ.html> "Distant range wounds are lacking powder stippling and usually exhibit a hole roughly the caliber of the projectile fired." Injuries

that they were fired from a distance; a number of the following injuries were sustained on the legs of victims, which indicates they may have been shot while fleeing. Much of the following testimony refers to precisely such circumstances.

A nineteen year old man who had arrived in Bangladesh in December 2016 told BROUK that he was the victim of a military attack near his village north of Maungdaw in November. He said that he was shot at a distance when he encountered a group of security forces engaged in an attack on his village. (See photograph above)

“When I tried to flee with the crowd, they shot at me and a bullet entered my knee. I fell unconscious.”

He arrived in Bangladesh thanks to the assistance of his fellow villagers, who brought him across the Naf River while he was unconscious. Eventually his wound was treated by an NGO operating in Kutupalong refugee camp in Cox’s Bazar, Bangladesh.

A medical doctor who looked at his wounds described them as displaying a “deep and long lateral sharp trauma laceration into the knee joint,” [NB he did not mention knife attacks although other victims did, see below] which could have been caused by a knife or other weapon. His lower thigh showed signs of “bullet entrance and exit wounds.”



A 27 year old man from Wa Peik village north of Maungdaw (photo above), Rakhine state, who arrived in Bangladesh in November, told BROUK that he fled following an attack on his village in which his brother was shot in front of him. He also sustained a bullet wound.

“The military fired the guns at the villagers including myself,” he told BROUK.

A medical consultant told BROUK that the injury was clearly a gunshot “entrance” wound due to its conformity with standard documentation of such wounds (for example see footnote³⁰).

Another case documented by BROUK was that of a seven year old boy who described how he had also been shot in a similar incident. “I saw the military and was shot as I fled,” he told BROUK.

³⁰ <http://library.med.utah.edu/WebPath/TUTORIAL/GUNS/GUN011.html>

The Doctor who analysed his wound (below) told BROUK that said that the boy's case had the "typical appearance of a gunshot wound," given that the injury seemed to have been formed through the "deep penetration" of a "round pointed object."



A 16 year old minor from Kyine Chaung village (pictured below) in Northern Rakhine state described being shot at in the immediate aftermath of October 9th when the military entered his village.

"They [the military] fired guns and I got a bullet injury. Houses were burned and people were abused. The women were raped. I could not bear it so I fled," he said.

A medical doctor consulted by BROUK described the wounds as being consistent with "large bullet entrance and exit wounds and multiple surgical incision and suture scars," wounds which bear the hallmarks of the victim being shot as he was running away from an attack. Such analysis seems to fit his description of the events which he witnessed.



Another case involves a 5 year old boy. His mother told BROUK that “the military entered our village and started firing haphazardly into crowds,” during which time her son was shot while they were fleeing. The attack occurred in October. She recalled: “hearing the sound of gunfire, I ran to a forest...but my five year old son was hit with a bullet and fell to the ground with a scream.”

She added that the military were “searching for people with bullet injuries,” apparently in attempt to keep the evidence of their attacks from outsiders. The boy was treated by a medical NGO in Bangladesh where he had the bullet removed.

A medical doctor who reviewed the wound told BROUK that it had the characteristics of one that was received while the victims was fleeing gunfire. “The bullet grazed the skin which causes a speed-friction burn path as it passes,” the doctor told BROUK. “I wonder if it was close and that may be powder burns,” she added. The location of the wound on the back of the leg indicates that the victim had their back turned on their assailant and were running away from attack.



Cases of rape

Among the other abuses that refugees who spoke to BROUK reported, reports of rape were common. Many individuals told BROUK that they either witnessed or experienced rape during military raids on their villages.

A 30 year old woman who arrived in the camps in December 2016 told BROUK that she was sexually assaulted when Myanmar's armed forces entered her village, shooting indiscriminately at residents and burning down houses.

"The houses were burned and destroyed," she recalled. "The military raped me at that time."

She recognised members of the armed forces who abused her and attacked her village, as they were easily identifiable by their outfits. "They wore dark green uniforms. I knew [they were military] because of the uniform," she told BROUK.

"One of them stood there, two of the young soldiers said "take the Rohingya [rape them]," and they did this one by one," to a group of women, she recalled. She estimates that ten women were raped in the group; she herself was raped inside her house before it was burnt down.

The abuse she experienced occurred after an interrogation in which residents of her village were asked about militants and the defunct armed group known as the Rohingya Solidarity Organisation (RSO). The military "asked whether the rebels and RSO were there or not and forced the women to sit outside," while ethnic Rakhine neighbours "took all materials from our houses" – apparently a case of looting.

Another 30 year old woman told BROUK that she had been raped by soldiers during a raid on their village. The attack occurred on the 12th November; the name of her village has been withheld for her security.

The attack involved arson, arbitrary arrest, the occupation of property and sexual violence, according to the interviewee. The military occupied her house, "took a bath and went to the toilet there," even "had meals in my compound," she said, before the structure was destroyed by fire.

Following this, she was raped with a group of other women, she claims. "We were abused and raped," she recollected; the ordeal was somewhat drawn out, she said, because she kept on resisting and was able to temporarily interrupt the abuse "by screaming." Her husband saw her being raped, but "when he approached, he was arrested" she noted.

“We do not know if he is dead or not,” she added. Following the incident she fled with her children and eventually arrived in Bangladesh in December.

An 18 year old woman from a village (name withheld for safety reasons) north of Maungdaw, Rakhine state, Myanmar, also told BROUK that she was raped when a large group of soldiers arrived in a surprise attack. She described them as being easily identifiable due to their uniforms: “I knew them because of uniform. Some of them wore dark green uniforms and some wore uniforms which had different spots,” she said.

The rape occurred in November; she did not want to talk in detail about it, she said, because she felt self-conscious talking about it to a man.

Further abuses: rape following executions

Other reports of rape were witnessed by refugees who said they occurred in circumstances that closely match those mentioned above. In one particularly harrowing case, the combination of arson attacks and gunfire were followed by rape and the mass slaughter of local men.

A 35 year old woman told BROUK that the killing of the men occurred when they were divided from the community under attack. “The men were separated from us,” she said. The group of men numbered around 35 and were lined up and slaughtered in front of some of the local women, she claimed.

“They cut the necks of 35 men with a short knife,” she said. “This happened in front of our eyes... when we screamed, we were forced to turn our faces [away].”

This bloodletting followed arson attacks and gunfire. During the assault, the women were “were forced to go out from the village,” she said, and were “kept in a compound.” There, soldiers “selected young women and took them into houses” nearby, to be raped.

“We tried to pull the women, and prevent them [from being taken away]. Some of us were beaten,” she claimed.

Of those who were taken away was her daughter, she said. The house in which the rapes occurred was then set alight, and only five women out of eleven who had been taken returned.

“We saw the fire in the houses,” she said. “We do not know whether the young women died, were burned or were taken somewhere,” she said. She was reunited with her daughter.

Following this incident she went into hiding and eventually fled to Bangladesh.

Another woman reported that she witnessed executions involving the same “short knives” that were mentioned in the previous case. The 30 year old said that villagers were lined up by the army and lambasted by soldiers.

“I thought you told us there were no bad people here,” she recalled the military men saying, before using the weapon to stab some villagers. While this was occurring the faces of the women were turned away; this echoes the claims made in testimony above, regarding the use of knives in mass executions.

“They did not allow us to watch. I tried to look because the victims were screaming,” the woman said. She could not confirm whether the victims were killed or not, but did say that she “saw them fall” to the ground. After this she was moved away.

The cases documented here represent a small sample of the aggregate body of evidence collected by international rights groups regarding rape and other sexual violence; however they are representative of a pattern of systematic persecution corroborated in reports by OHCHR and Amnesty International, among others. The overall impression that BROUK gets from this material is that rape has been deployed against communities as means of perverse collective punishment for the initial attacks by militants on October 9th; the secondary purpose of such degrading and cruel treatment is to demoralise and terrify the victims, perhaps in order to encourage their exodus.

Independent corroboration

BROUK has consulted with several NGOs which have confirmed that they have seen identical injuries on recently-arrived Rohingya victims when they were in refugee camps in Bangladesh.

Some of those organisations did not want to be named. However, the Office for The High Commissioner on Human Rights (OHCHR), the rights agency of the United Nations were willing to be quoted as follows:

"OHCHR researchers also documented bullet, stab and burn wounds on Rohingya refugees who arrived in camps around Cox's Bazar, including on the bodies of children. This evidence, which fits with the testimony of survivors, would appear to demonstrate the indiscriminate nature of Myanmar's armed response to the October 9th attacks"

Fortify Rights, a Bangkok-based NGO which also travelled to the refugee camps told BROUK:

"Fortify interviewed survivors of the violence in Bangladesh who displayed bullet and burn wounds, and testified that these were sustained as a result of attacks by soldiers during the military crackdown"

Aid agencies based in Bangladesh also told BROUK that they had seen firsthand evidence of physical injury apparently inflicted by gunshot, knives and/or fire; in some cases the evidence had been analysed by trained professionals who came to the conclusion that the injuries bore the hallmarks of battlefield trauma.

Given the compelling, corroborated nature of the material gathered by BROUK we believe that it amounts to *prima facie* evidence of serious abuses committed against Rohingya. However, it is only a small part of a wider mass of evidence that other organisations possess but in many cases are not willing to share publicly. BROUK understands the reasons for doing this, but encourages other groups to compare the material they hold to ours and to conduct further investigation so that the fullest possible study of physical evidence undertaken.

THE ISSUE OF RETURN TO MYANMAR

Aung San Suu Kyi, de facto leader of Myanmar's civilian government, told the BBC recently that Rohingya refugees would be accepted back into the country if they chose to return. "If they come back they will be safe," she pledged.³¹

Despite such public gestures, there are indications that the heavily traumatised refugee population in Bangladesh feel uncertain about returning to Myanmar³², in part because they fear further persecution and violence at the hands of state security services.

Other issues complicate the question of return; chief among them the fact that the government has updated "household lists" which determine who has the right to reside in certain villages. Those whose names are not on the lists are ineligible to return to their homes; the update, which began while tens of thousands were displaced, has effectively rendered refugees homeless, *in absentia*.³³

Many Rohingya who spoke to BROUK in Bangladesh expressed openness toward the idea of returning home, but only on condition they were able to access rights in their homeland.

A recurring theme in conversations with refugees was their fear that if they return home they will be forced to take a citizenship verification or national identity card which will permanently cause them to be third-class citizens.

The government of Myanmar has long tried to answer international pressure on the issue of Rohingya citizenship (or on their lack of it; the vast majority of the community are deprived of citizenship rights and are effectively stateless) by attempting to "verify" the status of members of the community in accordance with the 1982 citizenship law.³⁴

This response is highly problematic in that the 1982 law was designed to be discriminatory and to further Rohingya marginalisation. The legislation collectively stripped the Rohingya of their citizenship rights and condemned most of the communities to statelessness or third-class citizenship in which they would be subjected to virtually the same level of rights limitations and persecution as before.

These are largely the choices they still face, as the government of Myanmar once again attempts to verify the Rohingya population as part of a nationwide verification campaign

³¹ <http://www.bbc.com/news/world-asia-39507350>

³² <http://www.voanews.com/a/rohingya-refugees-in-bangladesh-vow-never-return-to-myanmar/3658693.html>

³³ <https://www.irinnews.org/investigations/2017/01/02/exclusive-un-warns-myanmar-demolishing-rohingya-homes-will-%E2%80%98heighten>;

<http://news.trust.org/item/20170316150622-268u8>

³⁴ <https://www.hrw.org/news/2014/10/03/burma-government-plan-would-segregate-rohingya>;

at the end of which participants will be granted a National Verification Certificate (NVC), also known as Identity Cards for National Verification (ICNV).³⁵

BROUK is concerned that this process involves coercion. Sources inside the United Nations confirmed to BROUK that Rohingya fishermen in Myanmar have been told they will be unable to apply for fishing licenses without possessing the card; elsewhere, it was confirmed that authorities have held consultations with Rohingya community leaders in which they were informed that possessing ICNV / NVC would be a requirement for travel authorisation.³⁶

Rohingya refugees in Bangladesh had evidently heard such accounts and were almost entirely opposed to the verification programme, citing it as a major factor in determining how happy they would be to return to Myanmar.

For example, an interviewee who had been in the camps for two months, having fled from Myanmar in December, told BROUK: “I want to go back to Burma, but I shall not receive NV Card if they offer them.” He qualified his statement by adding that “those cards are given to us as Bengali. We want to get recognition of our ancestors.”

A 24 year old woman told BROUK that she would like to return to Myanmar. “We want to go back to our country... we do not want to stay here,” she said. However, she could only envisage such a journey “when there is peace” and when “we are recognised as Rohingya.”

“We will not accept NVC because it is said that we are the guests. We are Rohingyas and we will not accept those cards as Bengali,” she continued.

A 16 year old young man who had fled Myanmar in December told BROUK that he would not return to his homeland because he was frightened for his safety. He also cited the citizenship verification issue. “I heard about NVC cards from others. They try to finish our Rohingyas. They are trying to provide NVC as we are not citizens,” he said.

BROUK views such concerns as legitimate and strongly urges the government of Myanmar to cease all coercive activity with regard to the National Verification Certificate and to review its policy toward the use of household lists as a way of controlling the living space of Rohingya communities.

³⁵ <http://frontiermyanmar.net/en/news/government-resumes-citizenship-verification-rakhine>

³⁶ Private conversations with UN officials, January, February 2017.

THE ISSUE OF THENGAR CHAR



Conditions in Kutupalong camp, Cox's Bazar, Bangladesh

Other than returning to Myanmar, the alternative that Rohingya refugees face is staying in Bangladesh long-term.

The conditions in the refugee camps around Cox's Bazar are not dissimilar to those in Myanmar. Most Rohingya refugees have limited access to employment, education or freedom of movement and rely on international humanitarian support for survival.

However, in Bangladesh they are not subject to outbreaks of acute targeted violence.

The government of Bangladesh has long wrestled with the problem of how best to accommodate the growing number of Rohingya refugees in their country. Recently, the plan was refloated that the refugees could be resettled in Thengar Char, a remote island in the Hatiya sub district of Bangladesh, located dozens of miles off its southern coastline.³⁷

The location is geologically nascent: formed by silt flowing from the Himalayas into the Bay of Bengal, it only emerged from the waves 11 years ago; the island is largely uninhabited.

³⁷ <https://www.theguardian.com/global-development/2017/feb/02/bangladesh-government-plan-move-rohingya-remote-island-human-catastrophe>

The suggested move, which is yet to be finalised, has provoked significant controversy. Human rights groups have condemned the planned relocation, arguing that it is a “human rights and humanitarian disaster in the making,” stating that during the “monsoon season, the island is submerged; anyone living on the island will have to be evacuated, and any infrastructure would be damaged.”³⁸ The government of Bangladesh would violate its obligations under international law to protect the Rohingya’s “rights to freedom of movement, livelihood, food and education,” Human Rights Watch noted.

Government officials have countered that “housing, schools, hospitals and health centers, mosques and roads” will be built on the island to provide for the Rohingya and only coastal areas are subjected to floods.³⁹

Sources in the NGO community privately suggested to BROUK that the process of relocation may take a long time and expressed some doubt over whether or not it would actually be implemented.⁴⁰

Rohingya who spoke to BROUK about possible relocation to Thengar Char were unanimous in their rejection of the idea. This apparent consensus stems from fears over their own safety due to the threat from floods as well as pirates known to operate in the area, and the impact such a relocation might have on their struggle for recognition in Myanmar.

“We won’t go to the island. We want our rights in our country,” a 30 year old woman who fled from a village in Northern Rakhine state told BROUK.

“The island is very dangerous place to which the people did not go,” another respondent told BROUK. “That island is surrounded by the sea. It will be dangerous for our lives. It will be better to allow us to stay here rather than that island,” they continued.

Others were even more suspicious, citing fears of conspiracy. “We are trying not to go to the island. There is always flooding in that island. They [Bangladeshi authorities] are trying to take us to the island to kill us,” a 16 year old young man told BROUK.

A 27 year old man told BROUK that he would rather die on mainland Bangladeshi soil than face a similar fate in Thengar Char. “If we go there, the gangsters will kill us. It would be better if we are killed here rather than taking us there,” he said, echoing the concerns of other respondents.

He also believed that being placed on the island would damage the struggle for Rohingya rights in Myanmar. Rather than staying in Bangladesh at all, he said he would rather return to Rakhine State in an improved condition. “We want to get back to our land,

³⁸ <https://www.hrw.org/news/2017/02/08/bangladesh-reject-rohingya-refugee-relocation-plan>

³⁹ <http://thediplomat.com/2017/04/bangladesh-extending-aid-upgraded-facilities-to-displaced-rohingya/>

⁴⁰ Private consultations, Bangladesh, January 2017

Arakan [another name for Rakhine state] to stay there peacefully as before. We want our rights [in Myanmar],” he said.

An 18 year old man also expressed the desire to return to Myanmar in the hopes of gaining the rights associated with full citizenship. Permanent relocation to a remote island away from the border would hinder such prospects and render his community isolated and largely hopeless, he said.

“We want the international community to help us to get citizenship in Burma,” he said. “How can we go to the Island? If we are recognised as Rohingyas, we will return to Burma.”

[BROUK’s view on Thengar Char](#)

BROUK views the plan to relocate Rohingya refugees to Thengar Char as counterproductive. Although BROUK has the deepest sympathies with, and gratitude for, Bangladesh’s efforts to accommodate Rohingya refugees now and in the recent past, it implores the government to find a more suitable solution to the problem of refugee influx from Myanmar. This can be achieved through consultation, and in partnership with, international aid agencies and the United Nations.

BROUK is ready to liaise with Rohingya groups in Bangladesh for the purpose of moving toward a more constructive and rights-respecting solution to the current crisis.

Recommendations to the Government of Myanmar

Respect international law

The foundation point for the government of Myanmar and military in Myanmar in all issues relating to the situation in Rakhine state and the Rohingya should be to be guided by international law and respect for human rights.

Cooperate with the United Nations

The government should cooperate with the UN fact finding mission into the violence that took place following October 9th. The need for full accountability and justice is essential not only for the Rohingya community but to the broader process of reconciliation in Rakhine state.

Unrestricted aid access needed

Some humanitarian aid is now being allowed back to a very limited area, but for most people dependent on aid, it has now been disrupted for more than a month. 80,000-85,000 people are in the locked-down area. A return to the previous situation means a return to what was already an unacceptable situation costing lives and causing immense suffering. The government must not just lift new restrictions, they must immediately allow humanitarian organizations and agencies full unrestricted access to all communities in northern Rakhine State.

Repeal the 1982 Citizenship Law

The effect of the Burma Citizenship Law 1982 is to make it almost impossible for the Rohingya to gain citizenship. This violates the Universal Declaration of Human Rights, the Convention on the Rights of the Child and international norms prohibiting discrimination of racial and religious minorities.

In addition to this the government should:

Amend the Constitution and all legislation to ensure that these incorporate the principles set out in Article 18 of the UDHR, which reads: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Sign and ratify the International Covenant on Civil and Political Rights (ICCPR), without reserving on Article 18;

Extend an official and unconditional invitation to the United Nations Special Rapporteur on Freedom of Religion or Belief to visit the country and to travel within the country and meet representatives of different communities, political actors and civil society organisations without restriction or hindrance;

Adopt the principles and non-legislative proposals set out in the most recent report by the United Nations Special Rapporteur on Freedom of Religion or Belief, focused on hate speech (A/HRC/25/58, 26 December 2013); and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, which was adopted by experts including the UN Special Rapporteur on Freedom of Expression and Opinion and the Special Rapporteur on Freedom of Religion or Belief in Rabat in October 2012;

Take appropriate steps to counter hate speech, and to bring to justice anyone who incites violence on grounds of race or religion;

Bring to justice the perpetrators of violence against religious communities;

Institute a single education system under the Ministry of Education where all students are treated equally and without discrimination on the basis of religion and ethnic identity. Ensure that the education curriculum includes a balanced and independent teaching of the different religions, in order to promote understanding and respect;

Abolish the Ministry of Religious Affairs and replace it with an independent and impartial religious affairs commission with a mandate to eliminate all kinds of religious discrimination;

Engage constructively and respectfully with the government of Bangladesh to ensure that the refugee crisis does not escalate and that Rohingya can be safely returned to their homes;

Urgently review the practice of stripping displaced persons from household lists and thereby give them the right to return to their homes;

Those Rohingya who wish to come back to Myanmar should be able to return to their residences of origin unhindered once they set foot on Burmese soil;

The government of Myanmar should undertake a review of its conduct during the recent crisis so that it may conform to higher standards of impartiality and not dismiss credible reports of abuses before they have been properly investigated;

Full unrestricted and unmonitored access to northern Rakhine State be granted to the media and diplomats.