2010 ELECTION
IN BURMA

HUAMN RIGHTS VIOLATIONS IN BURMA: By Nurul Islam
2010 has come giving uncertain feelings in the hearts of the people of Burma. The few months ahead are challenging as ruling State Peace and Development Council (SPDC), despite it has been accused of being ‘an ostrich with its head stuck in the sand, while crisis in the country gets deeper towards uncertain future’, is determined to hold still an unscheduled general election this year, on the basis of its 2008 Constitution, which is a distortion of democracy, based on Snr. General Than Shwe’s goals of military dominance and, which does not grant equality, autonomy, culture and tradition to the ethnic groups.

Given the terms of the SPDC’s Constitution and Junta’s history, the election will not solve the country’s crisis, which is rooted in a political problem, specifically a constitutional one. Let us look into the 2008 Constitution together with constitutional crisis since Burma independence in 1948.

What is a constitution? In the context of state, a constitution is to establish organs of government, to detail the allocation of power between those organs of the government, to provide for the resolution of the dispute regarding the interpretation of constitution, and to provide for amendment of the constitution where appropriate. A modern constitution would also be expected to detail the fundamental rights and duties if its citizens, to specify the protection afforded to those rights, and provide due protection for minority groups.

Based on the Panglong Agreement of February 1947, a Union Constitution was drawn up in Burma in that year. During the 14 years of constitutional rule (1948-1962) it had been witnessed that power was not devolved to the national states, and the autonomy granted to the ethnic nationalities was nominal than real. Dissatisfaction developed among them; and when they were demanding for equality and genuine federal system, the then Burma Army Chief General Ne Win, seized power on 2 March 1962 and ruled the country through decrees.

Ne Win introduced a socialistic constitution in 1974. All democratic structures of the Union were abolished. Union Treaty or Panglong Agreement and
Union Charters were ended. All component states lost the ‘right of self-determination’. His new constitution emphasised assimilation and nationalization of the national groups. This constitution was again cancelled by the military State Law and Order Restoration Council (SLORC), the previous name of the ruling State Peace and Development Council (SPDC) of the military clique. Thus since 1988, Burma has been ruled by military without a constitution.

Now SPDC has given a strange and confused constitution in 14 years, without national reconciliation or tripartite dialogue, without taking lesson from the past, and without intention to solve the country’s problem. In fact it was passed without people’s mandate, through sham referendum held in 2008, for establishing militarism in the country. It completely undermines the system of federalism, self-determination of the ethnic nationalities and equality of all citizens and restoration and development of democracy and promotion and protection of human rights.

1947 Constitution was semi federal and Ne Win’s 1974 socialistic Constitution was a unitary one, designed under rigid centralization exercised by his one party Burma Socialist Programme Party (BSPP) system. These two constitutions of 1947 and 1974 could not solve the Burma’s political problem. Instead, it gave rise to civil war continuing till today.

The SPDC’s constitution is a bad constitution to enslave the Burmese people, to play divide and rule among ethnically diverse peoples of the country, and to grip the power in the hands of the military. It does not match with any known constitutional system; it does not ensure rule of law, guarantee rights and security and economic development of the people. Let us analyse 2008 Constitution:

“Basic human rights of people are not guaranteed. The principles of equality and popular sovereignty are ignored. The system of fair and proportional representation of the people is undermined. The military will be emerged as a special privileged class. They occupy 1/4th of the parliamentary seats in both houses and occupy 1/3rd of the seats in the States and Regions. No independent of judiciary. Judiciary is under the control of the Executive. Justice will be denied. Existing unjust law will prevail and more unjust laws will emerge. Nobody will be successful to repeal unjust laws and enact just laws. It deprives the three basic freedoms – the right to freedom of association, assembly and expression. The military will be law makers without election or people mandate, they will be controller of the judiciary and finance and resources. To become a president one has knowledge of military know-how. Chief of Staff is equal to Vice-President in status. They will be the ministers for Border, Security and Home Affairs. They have rights to interfere in legislature, Judiciary and Executive. Everything is theirs. They will not tolerate any just voice against their supremacy. If they see anything going against their interest they have the right to seize the power in the name of so-called stability or security of the Union. It undermines the Burmese people’s aspiration for federalism. The Panglong spirit of “unity in diversity” has been largely ignored. Right of self-determination of the ethnic nationalities is effectively denied”

SPDC’s constitutional principles are inconsistent with international human rights norms and Burma’s treaty obligations, including humanitarian law, which is significant to Burma, in terms of continued civil war in the country. The 2010 general election will not advance democratic reform. Whether Aung San Suu Kyi or National League for Democracy (NLD) runs for office or not, the government formed af-
the election will not be democratic. The demand of the minorities for greater autonomy in the form of “federalism,” is a word and concept that has been anathema to the military leadership for two generations. Amidst national and international demand for review of the SPDC’s Constitution, Snr-Gen Than Shwe recently told members of the Union Solidarity and Development Association and the War Veterans Association that there will be no review of the Constitution and the 2010 election will be held based on the junta’s seven-step “road map” to democracy.

Whatever the result of the still unscheduled election, ultimate power will continue to rest with the military, for constitutional changes without military concurrence are impossible. Military authority then will only in part be in uniform, as many former officers will be dressed in mufti as they retire to run for political office; many will be elected. Opposition voices in the two houses of the Burmese legislature at the national and local levels will be heard, but they will operate within strictures that cannot challenge major national issues. As Snr-Gen. Than Shwe said, democracy of the “discipline-flourishing” type he advocates is like a new well that first produces muddy water, and the military will be its filter for sometime.

2010 election will legitimize the 2008 constitution exalting the military leaders, who have run the country for nearly half a century, as the ‘dominant political force’ for decades to come. The army is increasingly obsessed with the lust for power. They claim to be the only protectors of the country and constitution. To them the people are not trustworthy. It looks like sovereignty belongs to the military. With the 2010 election, Burma’s future is bleak leading to more atrocities to the local people particularly in the ethnic areas, additional prisoners of conscience, more internally displaced people, and flows of forced migrants and refugees to the neighbouring countries. The regime will then make false promises with intimidation, suppression of dissidents and purging of critics within the rank and file. But the uprisings and suppression of dissidents will be a cyclic matter. The current intensity in violations of human rights of the dying alive Rohingya people, including rape, murder and destruction that account to ‘crimes against humanity’, by the Nasaka border security forces, army and police indicates the early sign of genocide against these helpless and hapless people.

Burma’s ‘living hell’ shows no signs of ending. If the election is held as planned, Burma’s problems will not be solved. The only effective way out is national reconciliation, through political dialogue, a tripartite dialogue between three groups: -- the ruling military, democratic forces and ethnic nationalities, including the Rohingyas.

**HUAMN RIGHTS VIOLATIONS IN BURMA**

By Nurul Islam

Human rights are those rights which are inherent in our nature or which a person enjoys by virtue of being human, and without which we cannot live as human beings. Fundamental freedoms and human rights are prerequisites to develop our human qualities, our intelligence, our talents, our conscience, and to satisfy our spiritual and other needs. It is now universally acknowledged that the observance of basic human rights is the cornerstone of peace and security for all nations. The denial of human rights and fundamental freedoms not only construes an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. Central to human rights law is the idea that human rights are rights with universal significance.

The UN Charter was the first treaty to make human rights a matter of global concern. “The Preamble states that the UN is determined to ‘reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women.’ Article 51 proclaims that the UN shall promote ‘universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.’ In the light of the above purposes and responsibilities of the Organization, the United Nations Security Council, which regards universal respect for basic human rights a necessary mean to ensure global peace, takes action against perpetrators of human rights violators. The Council regards violations of Human rights a
threat to the international peace, justifying non-armed or armed measurers in accordance with the Articles 41 and 42 of the UN Charter. It also demonstrates the more prominent role which human rights have come to play in international relations.

In December 1948, the UN General Assembly proclaimed the Universal Declaration of Human Rights (UDHR), which consists of a preamble and 30 articles, setting forth the human rights and fundamental freedoms to which all men and women, everywhere in the world, are entitled, without any discrimination. The UDHR enshrines internationally recognized human rights, and many of its provisions are considered to be reflective of customary international law binding on all states. Among the rights provided for in the UDHR are the right to life, liberty, and security; the right to equality before the law and guarantees of non-discrimination; freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile and the right to a standard of living adequate for the health and well-being of her/himself and of her/his family. The Declaration is a yardstick by which to measure the degree of respect for, and compliance with, international human rights standards everywhere on earth.

As a member of the international community, Burma has international responsibility to uphold and promote human rights, and to incorporate international law in its constitutional system. Also as a member of the United Nations, it should uphold the principles of the UDHR. There is nothing in the declaration that is hostile to Burma and any country. Since the military coup of 1962, it is increasingly difficult for people in Burma to meet their basic needs. Despite a wealth of natural resources, the country suffers from widespread poverty. Large scale internal displacement, extra-judicial killings and arbitrary executions, forced labor, forced relocation, torture or sexual violence have been rampant throughout the country. The use of children as soldiers in Burma results in serious human rights abuses. Children are killed, forcibly conscripted, unwillingly
The ruling military SPdc has made no serious commitment to improving the lives of the women of Burma. Thousands of Burmese women are forced to lead a life of prostitution within and outside the country. HIV/AIDS and other infectious diseases are widespread, while the education system is failing to produce skilled and unskilled work force in the country. There are still about 2000 political prisoners or prisoners of conscience incarcerated in varying conditions of severity and deprivation in Burma’s jails. Burma was designated one of six “countries of particular concern” by the U.S. for specifically severe violations of religious freedom.

Mr. Paulo Sergio Pinheiro, the then Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Burma stated, “I stress my report the record of widespread and systematic violations of human rights in Myanmar and consistent failure of the Government to protect the citizens prevail in the country. Requests for investigations to be conducted into allegations of serious human rights violations, rape of ethnic women and Depayan killings were met with inertia… I am particularly concerned that Muslim minority in Rakhine (Arakan)State remained excessively restricted and vast majority of them are remained defacto stateless…I am gravely concerned about credible reports of widespread human rights violations attributed to the military and armed groups operating in the ethnic minority areas, including but not only those relating to sexual violence, forced relocation, poterage, extortion, persecution of Muslims and forced conscription of child soldiers.”

United Nations Commission on Human Rights (UNCHR) expressed deep concern and/or condemned the systematic enforced displacement of persons; continuing violations of human rights, including extrajudicial killings and enforced disappearances, torture, forced labour, forced potering for the military, abuse of women and children, arbitrary seizures of land and property, violations of freedoms of movement of people and goods, and the imposition of oppressive measures directed in particular at ethnic and religious minorities; systematic programmes of forced relocations directed against ethnic minorities; summery and arbitrary executions, politically motivated arrests and detention, restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed in particular at ethnic and religious minority groups; flows of refugees to neighbouring countries.

In her address to the UN Commission on Human Rights, in March 1998, NLD General Secretary Daw Aung San Suu Kyi, said, “Unless there is rule of law in this country, unless there is a system of government which will guarantee the people the basic right to life – the very, very basic right to life – there will be a continuing stream of refugees fleeing across the borders… Unless our people enjoy basic human rights we will not enjoy peace or prosperity in this country. So international community should do what they can help implement the terms of the General Assembly resolutions by helping the people of Burma to realize their will which is to help us to achieve the early democratization of Burma.”

Burma is not a state party to most international human rights instruments, including International Covenant on Economic, Social and Cultural Rights (ICESCR), nor to the Convention on Elimination of all forms of Racial Discrimination (CERD). But she is a state party to the Convention of Discrimination Against Women (CEDAW) and the Convention on the Rights of Child (CRC). She is also state party to the four 1949 Geneva Conventions, but not to the 1977 protocols. Burma also ratified the International Labour Organisation (ILO) Convention No.29 concerning forced or compulsory labour in 1955. Yet SPDC ignores all these provisions and treaty obligations in its system.

The ruling military SPdc has deliberately deprived the Rohingya of their Burmese citizenship rendering them stateless in their own homeland. The human rights abuses and violations against the Rohingyas are systematic, consistent and widespread, which amount to ‘crimes against humanity’ as well as ‘attempted genocide’. They include denial of citizenship rights,
severe restrictions on freedom of movement, education, marriage and religion, land confiscation, destruction of settlements, extrajudicial killings, rape, torture, disappearance, arbitrary arrests, relentless taxation, forced labour, food insecurity and extortion on daily basis and expulsion from their hearths and homes in the most inhuman manner. Medicine San Frontiers (MSF) stated, “Rohingyas are listed as one of the ten world’s populations in most danger of extinction.”

Regarding Rohingya, in his statement at the 10th session of the Human Rights Council in March 2009, Mr. Tomas Ojea Quintana, Special Rapporteur on the Situation of Human Rights in Burma, said, “Despite being in this region for generations, this population is stateless. This population is not recognized by the Government as one of the ethnic groups of the Union of Myanmar and is subject to discrimination…..it should be granted all other privileges, including the citizenship, which recognized ethnic groups, citizens of Myanmar do enjoy in the Union.”

In 1988 the ILO charged, “Myanmar is guilty of an international crime that is committed in a widespread or systematic manner, a Crime Against Humanity” (ILO Report, August 1998). A Crime Against Humanity leveled specially at ethnic civilian may well be genocidal if it is part of the overall policy to destroy the group in whole or in part.

Under SPDC system violations of human rights will not cease when it emphasizes for supremacy of military rule as opposed to democratic governance.

PUSH BACK IS NOT A SOLUTION

AFK Jilani

As a member of the OIC, Bangladesh has moral obligation to protect the Rohingya Muslims in non-Muslim country Burma. As a close brotherly Muslim neighbour it has historical obligation to endeavor for a permanent solution of the Rohingya problem. Being affected by the Rohingya exodus, it should play a key role for an efficacious solution in her own interest. There is little question that the Rohingya issue is a humanitarian one. Bangladesh authorities, it is of critical importance that a strict supervision of Rohingyas, in line with accepted international laws, be undertaken and maintained. Push back is not a solution to refugee issue. Bangladesh should sympathathize and show compassion and try for a permanent solution to their issue with the coordination of international communities.

In Thailand more than two million registered and unregistered Burmese refugees are living where only few Rohingyas were rejected due to religious and racial discrimination. The Rohingyas main destination is Malaysia and Saudi Arabia because they thought that as Muslim majority and rich countries. Democracy in Burma is knocking the door. It is optimistic that when a democratic government is established in Burma, the position of the minorities including Rohingya will be better. Then the refugee exodus from Burma will be stopped forever.

In Thailand the Rohingyas were treated harshly. The boat people arrived in Thailand on way to Malaysia where they were drifted in to the deep sea by destroying engine and allowing only little food and water. Later they were rescued by Indian Navy in critical situation. At least 30% of the boat people were died on way back due to starvation and thirsty. Survivors of the practice have detailed how engines were stripped from their vessels before being towed out to sea. Thai Prime Minister Mr.Abhisit said his investigation had yet to uncover who was responsible but that he regretted any loses.” U Leo wrote to Irrawaddy News; “As well, Thai government needs to be held accountable for their abuses of the Rohingya (boat people). No body is ‘human garbage’ to be dumped at sea or left to starve in Ranong jail.”
John Carlin wrote in The Independent: “Prime Minister Abhijit Vejajiva admitted that such events had taken place, though, as far as anybody knows, no official inquiry has taken place. Should there be such an official investigation, the upshot would probably have to be charges of murder and attempted murder on a massive scale.”

John Carlin further wrote that, “They (Rohingyas) are discriminated against because they are Muslims in a Buddhist country, because they have dark skin than most Burmese (a senior Burmese diplomat described them recently as “dark brown” ugly as ogres)” and because of a complex history of resistance to central control (they sided with the British in the Second World War instead of the Japanese, whom the majority of Burmese favored). They find themselves stateless slaves in the country where they were born. They cannot move from one village to another without permission; they cannot marry or have children without permission; they are helpless to resist as their land is confiscated bit by bit and given to Buddhist settlers; they are forced to work the land that has been stolen from them, without pay, they are forced to do all the manual labour that the military might require, from building roads to cutting grass and are not allowed to worship freely. And there is a policy clearly aimed at the erosion of Islam in Arakan State anywhere who is caught performing any repairs on a mosque, from fixing a roof to painting a wall, is punished with jail and a fine.”

They are the worst victims of human rights violations. In addition to John Carlin’s statement of atrocities towards Rohingyas, they are also victims of rape, land confiscation, expulsion, destruction of settlements, arbitrary arrest, torture, extra-judicial killing and extortion on daily basis. Owing to these deliberate actions of the SPDC military Junta of Burma, today the Rohingyas have become increasingly landless, jobless, homeless, shelter less, handicapped, no access to education and health care and the most illiterate and unhealthy section of Burma’s population. They are counting their days in utmost miseries and dismay. These extreme conditions have forced them to leave their hearts and homes for various destinations of the world even risking their lives through turbulent seas and oceans by boats in search of better tomorrow.

Two million Burmese refugees get safe-heaven in Thailand. Two lack Burmese Rohingyas refugees are now in Bangladesh. Only 28,000 are registered and fed by UNHCR. The rest are vulnerable to arrest, push back etc and many have to go to beds at night fighting hunger pains as they are not allowed to go out for work. Some came to Bangladesh to get married as they can not afford to bribe for marriage permission in Burma. After marriage they have children but can not afford for living. Some husbands went for other places to earn money for their families by fishing boats and died on the way. As the husband never return, the wife was ultimately compelled to sell the child due to starvation and illness. Some new born fell prey to push back and died on the way. Some females fell prey to rape. Due to unbearable persecutions of Burmese forces Rohingyas continued to infiltration to Bangladesh alongside push back and arrest. Bangladesh though not a party to the 1951 Convention Relating to the status of Refugees and the 1967 Protocol should fulfill its obligations with regard to the non-refoulement of the Rohingyas. All will go back to Burma when the situation is favorable after the elections in 2010. For the time being they should be given temporary refugee status so that they can at least breathe freely.

When a viable solution to the Rohingya problem is found out there will be no further exodus from Arakan to Bangladesh. Then the Bangladesh Burma border will turn into a peaceful and dependable border for Bangladesh. Effective checks will be made against anti-Bangladesh elements or insurgency along the border. Arakan’s rich and unexplored natural resources will be of direct help to Bangladesh economy. Various kinds of industries, development projects and infrastructures can be established in Arakan. Arakan can accommodate substantial number of skilled and unskilled manpower from Bangladesh. Arakan strategic position in the Bay of Bengal will serve Bangladesh as the gateway to Southeast Asia and China helping her trade and commerce. Electricity and gas can be imported with cheaper prices from Arakan. Evergreen forest and fertile arable land are inviting the farmers of Bangladesh.
QULKHWANI OF MS R C JABINA

The Qulkhwani (Praying and Quran reciting) of Ms. R C Jabina, a former school Senior Assistant Teacher (SAT) of Maungdaw Government High School was held on January 9 morning at Chittagong.

The family members had requested relatives, friends, neighbours and other well-wishers to attend the Qulkhwani and pray for the departed soul. The Qulkawani started at around 9 am and concluded at about 11 am. About 200 persons participated. Rohingya people inside and abroad expressed deep shock at the death of Ms R C Jabina.

Ms R C Jabina, wife of Master Aman Ullah, the general secretary of Arakan Rohingya National Organization (ARNO) died of liver disease at the age of 52, on January 6, at about 11:45 am.

On that day, at about 6 pm, she was buried at the graveyard after Namaz-e-Janaja (funeral prayer) in Chittagong. Hundreds of people paid their last respects to her when her body was kept at the graveyard.

She left behind her husband, one son Naing Win Tun (23), an English major and one daughter Miss Zin Ma Oo (26), a Physics major.

She was the daughter of late U Hamidur Rahman (JAT) and Daw Hazera Khatoon of Sikdar Para of Maungdaw Township. Born in 1958, she passed her matriculation examination in 1975 from Maungdaw Government High School and did her B.Sc (Chemistry) from Rangoon University in 1979. After that she worked as a school teacher from November 1979 to 2002. During her tenure, she was the SAT teacher of Taung Bazaar of Buthidaung north, Aley Than Kyaw Middle School of Maungdaw south, Buthidaung High School and Maungdaw High School. She has many students inside Burma and abroad. During her SAT period, she also did her B. Ed, in 1990 through a correspondence course.

She had dedicated her life to the welfare of the poor, especially poor students while she was in Maungdaw town. She led most of her life without her family members just like Daw Aung San Suu Kyi.

She was also selected as Chairman of ‘Myanmar Muslim Organization’ of Maungdaw Township and was elected as a patron of Teachers-Parents Association of Maungdaw High school.

Rohingya people inside and abroad expressed deep shock at the death of Ms R C Jabina. The members of ARNO expressed their deep sorrow on the demise of RC Jabina. It is a great loss for the Rohingya community especially in education chapter and other social activities. We pray for her departed soul to be rest in the eternal peace.
Kaladan News  
December 24, 2009  
RARE INSTANCE OF IMPARTIALITY BY SARAPA IN BUTHIDAUNG

Buthidaung, Arakan State: There was a rare instance of impartiality on the part of Sarapa (Military Intelligence) of Burma’s border security force towards a Rohingya youth after a problem occurred on December 7 between a Rakhine primary school headmaster and a Rohingya betel quid seller of Taung Bazaar in Buthidaung north, Arakan State, said an eyewitness.

On December 7 at about 11 am, a primary school headmaster U Zaw Ma Oo (35) from Taung Bazaar market village in Buthidaung north bought three betel quids from a Rohingya youth Abdullah (18) of Rohingya Para (village) of Taung Bazaar village tract after having tea from the tea shop of U Maung Loon, the former village Chairman of Taung Bazaar village tract.

When U Zaw Ma Oo was leaving the betel quid seller demanded Kyat 100 for three quids. The irate headmaster severely beat up the betel quid seller without any provocation in front of the people, said another local youth also an eyewitness. A Sarapa officer of Taung Bazaar Nasaka camp, who was also sitting and having tea, saw everything. He asked the teacher, why he beat up the betel quid seller? Zaw Ma Oo was silent and the Sarapa officer scolded him.

After that, the Sarapa officer telephoned the Nasaka Commander of Nasaka Area No.9. The Nasaka Commander came to the spot immediately and warned the headmaster and told him off. “The commander said that Muslims have never created any problem against the government in Arakan State, but Rakhine people created many problems and we know everything. How do you dare create incidents among the vast Muslim people, the commander asked?” said a local shopkeeper.

“The Nasaka commander also asked him to stop creating problems, or else he would be in trouble. The betel quid seller did not commit any crime,” the shop owner quo the commander as saying. The following day, the wife of Saya Gyi (headmaster) Zaw Ma Oo and his mother went to Abdullah’s house and tried to give him Kyat 20,000 but the betel quid seller took only Kyat 8,000, lost due to the incident. A village elder on condition of anonymity said, “I am very happy seeing the fairness of the Nasaka Commander and Sarapa officer to solve the problem between two communities.”

Another local trader said, “If the junta boss Sr. Gen. Than Shwe believed in justice like the Nasaka Commander and Sarapa officer, Burma will become a peaceful place in the world.

Kaladan News  
January 14, 2010  
FAMILY LISTS AND GROUP PHOTOS COLLECTED FROM ROHINGYA VILLAGERS

Maungdaw, Arakan State: As of January 1, the Immigration Department in Maungdaw has been renewing family lists and taking family group photographs from villagers of Nasaka Sector No, 7 in Maungdaw Township, Arakan State, said a local village elder not wishing to be identified.

Every year, in January, the Nasaka (Burma’s border security force) and Immigration Department separately collect family lists and group photographs of Rohingya villagers in north Arakan. The Nasaka Sector or Nasaka area No. 7 Commander ordered the Immigration Department to collect Kyat 500 for deleting the names of the dead and to enlist new born children in the family list. Nasaka is comprised of the army, police, customs and immigration officials. But, the Immigration Department in collaboration with Village Peace and Development Council (VPDC) Chairmen collected Kyat 5,000 to delete the names of the dead and Kyat 6,000 to include new born in the family list, said a local trader on condition of anonymity.

Besides, they also collected Kyat 2,500 for family group photographs. The villagers as such are forced to pay a lot of money while facing acute poverty on account of joblessness and movement restriction. Moreover, between December 17, 2009 and January 2, the VPDC mem-
bers of Nasaka Sector No. 7 put up a number plate or marked the gate of every house in villages including Kunna Para (Thayai Gone Tan) village of Maungdaw Township. As a result, about 1,575 houses including mosques and Madrasa (religious school) had been marked in Kunna Para village by VPDC members on the order of the local Nasaka officer. For numbering or marking the houses, the authorities collected Kyat 6,000 for a new house and Kyat 1,000 for an old house. After taking the money from the villagers, it was divided between Nasaka and the village Chairman, said a close aide of Nasaka.

A local businessman on condition of anonymity said, “Since 1992, the Nasaka strictly rules Maungdaw Township dividing it into eight Nasaka areas to depopulate and to cripple the economy of Rohingya people in Arakan State. This is one part of their policy; otherwise, there is no need to list and check the Rohingya community excluding other communities.”

Another local youth said, “There is no let up on the brutal activities of the junta against the Rohingya people though the 2010 election is knocking at the door.”

BETWEEN THE RIVER AND THE SEA
Kristy Crabtree

Living in Limbo. Photo: Mohammad Islam/ Driknews

JHORA Khatul crouches on top of a square of bamboo, while curious neighbours, friends, and family swarm into the darkened room to hear her story. At once the room is packed and smoke from the make-shift kitchen fills the open spaces between bodies, until there is barely breathing room. As Jhora begins her story, nods of recognition move through the crowd, no doubt her fellow refugees share the same experiences.

Jhora has been living in this 150 square foot hut in Leda camp with twelve other family members for about forty days. Jhora is an unregistered Rohingya refugee. She fled to Bangladesh after her family’s farm was ransacked, their livestock confiscated and her husband tortured. Since then, life in Bangladesh has been “day to day,” as she explains, “there is no future to plan.” She complains that her husband must seek day labour jobs, but it is never enough and her family often goes to bed fighting hunger pains.

For many Rohingya refugees like Jhora the choice to flee to Bangladesh is a difficult one. Since 1982, the Rohingya have been deprived of citizenship in Myanmar, which means they are not protected by national laws and their basic human rights are severely restricted. In Myanmar, the Rohingya need permission to marry or travel, are prohibited from practicing their Muslim faith, and denied access to public education and health facilities.

Under these dismal conditions the Rohingya are fleeing to countries such as Bangladesh or taking risky, often life-threatening, journeys by boat to Malaysia and Thailand seeking refuge from persecution. Once in these countries of asylum, their options are still restricted because of their status as refugees. One refugee lamented: “We have nothing here in Bangladesh; our needs are not met here. We can’t really work or live in Bangladesh, but we also can’t return to Myanmar.”

As a nation that respects global human rights, there is a need for Bangladesh to protect and provide basic services for the Rohingya refugees. For decades, Bangladesh has been providing limited protection and services to the Rohingya refugees, but opportunities for integration are restricted.

Without the right to work and facing extreme restrictions on engaging in wage-earning activities, the Rohingya are completely dependent on aid, yet this aid is insufficient to meet their basic needs for security, sanitation, public health, primary education, and mental health.

Because their displacement in Bangladesh is likely to persist, there must be a more long-term solution. The Rohingya will continue to be dependent on aid, raising costs for Bangladesh and international donors unless there is progress towards integration that allows the Rohingya to engage in legal wage-earning employment or income-generating activities.

A durable solution to the displacement of the Rohingya cannot come from Bangladesh alone, though. The US, in particular, should further integrate the Rohingya into their refugee resettlement program. There is an unwarranted distinction made between Burmese refugees and the Rohingya, the latter are resettled in far fewer
numbers than other Burmese refugees. In 2008, US resettled 17,000 Burmese refugees, but not until 2009 did US begin to resettle Rohingyas, which were only a few families.

Although resettlement cannot be the only solution for the Rohingya, it is a critical factor in seeking a long-term solution to their displacement through the offer of citizenship. Further resettlement of the Rohingya in US would demonstrate the US government's commitment to seeking durable solutions for refugees and provide opportunities for the government of Bangladesh to support refugee integration and programs that promote refugee self-reliance.

The choice between living in a refugee camp or living in Myanmar under a hostile regime is, as one refugee stated, like a choice “between jumping into the river or the sea.” The Rohingya have been subject to this dilemma for decades; the choice between languishing inside the confines of a refugee camp, living without documentation or legal protection in a foreign country, or living under a regime that not only refuses to recognise the Rohingya as citizens but systematically persecutes them.

It is a difficult decision for the Rohingya to seek refuge from Myanmar by crossing borders, but Bangladesh and US, as nations that respect human rights, have a duty to protect the persecuted.

Kristy Crabtree, received her M.S. in International Law from New York University, and has conducted field research with the Rohingya refugees in the Kutupalong and Leda refugee camps. She is also a former US Peace Corps Volunteer having lived and worked in Gazipur and Cox's Bazaar.

(Source: The Daily Star, Dhaka, 22 January 2010)

Kaladan News
January 30, 2010
NATALA VILLAGERS ADOPT NEW TACTICS TO HARASS ROHINGYA VILLAGERS

Buthidaung, Arakan State: Natala villagers or model villagers have adopted new tactics to harass Rohingya villagers in Buthidaung Town-

ship north Arakan, according to village elder on condition of anonymity.

Natala villagers are mostly Burman people who were brought to Arakan north from Burma proper to be settled in Arakan by seizing Rohingya land. They harass local Rohingya villagers. Mostly, they are drug addicts and prisoners, who served long terms. They are lured by the authority by false promises to come to north Arakan or brought forcibly. They steal cattle, vegetables, chilli and other things from the Rohingya people; and rob and loot Rohingya villagers. They create problems between Rohingya and Natala villagers with the help of local authorities.

Recently, the Natala villagers adopted a new method to harass Rohingya villagers. Some of the Natala villagers with their wives went to a market, and entered clothes-shops pretending to buy clothes. The female Natala villagers took some clothes and put it in their bag while their husbands were talking to the shopkeepers, said a shopkeeper.

If the shopkeepers saw female Natala villagers stealing they did not dare complain because of fear of retaliation. The shopkeepers know that the Natala villagers are supported by police, the Nasaka and the army.

If the shopkeeper detains female Natala villagers for stealing, the police or Nasaka will come to the spot, and the shopkeepers will be arrested and extorted a huge sum of money. Fearing this some Rohingya shopkeepers went to the concerned authority and complained about Natala villagers, but no heed was paid.

Natala villagers also go out of the shop without paying money to the shopkeepers after buying clothes. If the shopkeeper asks for money, they create problems or quarrel with shopkeepers.

For instance, on January 25, three Natala villagers from Aung Thaya Natala village of Maungdaw Township went to a nearby water melon farm at night to steal while a Rohingya youth was watching. The Natala villagers forcibly took away watermelons. When the Rohingya youth stopped them, he was severely beaten up by the Natala villagers, said a local villager.
The Rohingya youth along with some Rohingya villagers went to the nearby Nasaka camp the following day and complained. The Nasaka detained the youth and three Natala villagers. They were forced to work in the camp for 10 days.

Kaladan News
January 30, 2010

SEIZURE OF 700 ACRES OF LAND IN BUTHIDAUNG, ARAKAN STATE

Buthidaung, Arakan State: The Township Peace and Development Council (TPDC) members of Buthidaung Township on the orders of Maungdaw District Peace and Development Council (DPDC) confiscated about 700 acres of farmland from Rohingya farmers of Nyaung Chaung Village Tract of Buthidaung township for settling Natala (model) villages from January third week, said a land owner of the locality.

A total of about 180 Natala families will be brought over soon from Burma proper to Buthidaung Township by the authorities to settle in northern Arakan. The authorities have been making houses for model villagers forcing Rohingya villagers to work on the construction after confiscating their lands. But, the authorities provide daily wages to the workers in construction of houses for Natala villagers.

Most farmers in Nyaung Chaung Village tract of Buthidaung Township have become landless after the seizure of land for Natala villagers. They will have no lands to grow paddy or vegetables next year, said a local youth.

Before confiscation of land for new settlements for Natala villagers, the Western Command Commander General Thaung Aye visited northern Arakan to study the situation in Arakan and to choose sites for new Natala villages. Local Rohingya villagers said that the visit of Western Command Commander to north Arakan was a curse for the Rohingya people.

A farmer of Nyaun Chaung village in Buthidaung Township said, “I have 10 acres of land and it was confiscated by the authorities for Natala villagers. I have 12 family-members. Now, I am old. How do I maintain my family?”

Another village elder who did not want to be named said, “It is a deliberate plan of action against the Rohingya people. Or else it is not necessary to bring Natala villagers to northern Arakan.”

“If the number of Natala villages goes up in our area, the harassment will also increase against the local Rohingya people,” said a local schoolteacher.

“Prior to the 2010 election, the junta will do whatever they want against the Rohingya community,” said a trader from Buthidaung.

The junta’s policy of setting up Natala (model) villages in northern Arakan calling Burmans from Burma proper has resulted in seizure of lands and forced labor from among the Rohingya community.

Prior to 1992, some model villages were built in northern Arakan. But, the construction of model villages reportedly intensified after the formation of Nasaka (Burma’s Border Security force) in 1992, said a local businessman on condition of anonymity. The junta set up Nasaka on September 1, 1992, under the supervision of former Military Intelligence Services (MIS) head Lt. General Khin Nyunt to systematically persecute Rohingyas. The authorities know that 85 per cent of Rohingya are farmers. So, they have been confiscating Rohingyas’ farm lands for Natala villagers, for military camps and for maintaining their families and business ventures, for rubber plantations, for growing paddy, vegetables and physic nuts to cripple them economically, the businessman added. The confiscation of land has pushed Rohingya farmers into a landless state. If the seizure of land from Rohingya villagers continues all the Rohingya farmers will become landless before long. Most Natala villagers are poor Burmans, retired civil servants and were lured by the authorities and forcefully brought to Arakan State.

The Natala villagers will be new comers in the first phase in 2010 in north Arakan, said another local elder.

Kaladan News
January 28, 2010
MASAKA NOT TO REGISTER MORE THAN TWO CHILDREN IN MAUNGDAW
By Tin Soe

Maungdaw, Arakan State: The Burmese border security force (Nasaka) has restricted registering more than two children while the authorities are collecting family list data and updating its programme, said a village authority member.

On January 25, Shamshu Alam and 21 Arakanese Rohingya of Kyauk Pyin Seik (Naribil) were stopped from registering their children. They had signed when they got marriage permits that they will not have more than two children, the village members said.

The order was issued by the military intelligence Sergeant Sein Hlin Htun at the outpost of Kyauk Pyin Seik under Nasaka sector number 5, the village member added.

Most from the Arakanese Rohingya community have more than two children, but the authorities are bent on controlling the population and issue marriage permission on the condition that they will not have more than two children, the village members said.

“If it only happens in our village tract, not other parts of Maungdaw. The authorities have no system and do whatever they want to,” said the teacher.

This order does not apply to other ethnic groups like Arakanese Rakhine community, said a student from Maungdaw.

NURSE ASSAULTS PATIENT IN HOSPITAL IN NORTHERN ARAKAN
By Tin Soe

Maungdaw, Arakan State: A patient was assaulted by a staff nurse in Maungdaw general hospital on January 25, a local from Maungdaw said.

The patient was Mrs. Nurul Saba (35) from Kha Moungzeik (Fakira Bazaar).

Nurul Saba was admitted because she was weak and suffering for a long time from malaria, said a relative.

The staff nurse gave her a saline drip which had become empty. Nobody came to check that blood had oozed in to the drip, the relative added.

After the nurse was informed by other patients, she came to the patient’s bed and slapped the patient, said a patient who was in the room.

“Why didn’t you take out the saline needle from your hand?” the nurse asked Nurul Saba. “If you had taken it out I would not need to come to take it out and there was no need to report to the doctor.”

The nurse is supposed to take care of patients in the hospital, not slap patients, said a student from Maungdaw.

“If the patient was an Arakanese Rakhine, the nurse would not have slapped the patient. But, the patient is Arakanese Rohingya,” the student said.

In Maungdaw hospital, patients have to buy all medicines and other materials for the hospital. Besides, the patient has to pay money to the nurse to take care of the patient, said a school teacher from Maungdaw.

In Maungdaw hospital, most of the people are Arakanese Rakhine and Arakanese Rohingya. But, for Arakanese Rohingya it is difficult to get treatment in the hospital, the teacher said.

COLLECTION OF FAMILY LISTS AND PHOTOGRAPHS IN MAUNGDAW

Maungdaw, Arakan State: Since January 22, the Village Peace and Development Council (VPDC) members of Naribill village along with local Nasaka personnel have been collecting family lists and taking photographs of the Naribill village of Maungdaw Township, said a local elder who did not want to be named.

They are collecting Kyat 2,000 per family for family group photographs, Kyat 5,000 to enlist new born in the family list, Kyat 5,000 for the dead for deletion from the list and to change the old family list to a new one, the villagers have to pay Kyat 6,000. If anyone wants to take photographs at his house...
separately, the photographer takes Kyat 15,000 per family.

Besides, since January 18, VPDC members of Nasaka area No. 7 have been collecting family lists of Rohingya villagers in Maungdaw Township, Arakan State. The local VPDC members were ordered to collect family lists of Rohingya villagers under Nasaka area No.7 by Maungdaw Township Peace and Development Council (TPDC) Chairman, said a local businessman on condition of anonymity.

They tabulated names, date of birth, name of parents, and name of the head of the family, the names of the parents and grandfather and grandmother. They also collected the list of members of the family who had fled, the list of the dead, and properties (cattle, goat, motorcycle, arable land, grazing land, etc). If a family has arable land, they also collected the list regarding that what kind of crops have been grown.

Moreover, they collected the list of shrimp projects –the acreage and the annual income from the project, said a schoolteacher from the locality.

On January 21, collection of the list from one of the villages Kuna Para under the Nasaka area No. 7 has been completed. But, they did not take any money from the villagers. Another village elder said, “They are nervous about taking list of properties because the concerned authorities will take steps regarding the property, they doubt.”

Kaladan News
January 23, 2010

FOUR VILLAGERS ABSCOND FOR HAVING MORE THAN TWO CHILDREN

Maungdaw, Arakan State: Four-villager have gone into hiding since January 20, to evade arrest by Burma’s border security force (Nasaka) for having more than two children flouting the agreement between Nasaka and them, said a close relative of one of the victims.

The villagers are identified as Abdu Salam (42), son of Fazal Ahmed, Dildar Hussain (27), son of Basa Meah, Nurul Amin (25), son of Abdul Hakim, and Md. Sayed (32), son of Tofile Ahmed. They all belong to Sarfaddin village of Nasaka area No. 6 under Maungdaw Township.

The local Nasaka has been after them since January 20, to arrest them on account of having more than two children. They had an agreement with the Nasaka that they will not have more than two children. This agreement was arrived at when marriage permission was given. But, at present, they have more than two children each. On that day, some Nasaka personnel of Nasaka area No.6 went to the village to collect family lists and to take photographs of the villagers and completed the lists and photographs on January 21, excluding the said villagers’ family lists. They were excluded because of defying the marriage agreement. But, they were summoned to the local Nasaka camp to complete their family list. But, the villagers did not dare to go to Nasaka camp because they would be arrested. After that they would be tortured and the Nasaka will demand lots of money for their release. So, they have gone into hiding, said another relative of the victim. A village elder said on condition of anonymity, “The Nasaka always finds new methods, to extort money from Rohingya villagers. This is the first time that the Nasaka attempted to arrest villagers who have more than two children.”

Incidentally, the Rohingya villagers are compelled to pay the money that the Nasaka demands because they have no option. If they are detained and tortured by the authorities continuously, no one could come forward to save them as they (authorities) are the plaintiff as well as the chief justice, said an elderly villager who preferred not to be named.
KYAT 102,000 FOR MARRIAGE PERMISSION IN NORTH ARAKAN

Maungdaw, Arakan State: In Maungdaw Township, Arakan State a Rohingya bridegroom needs Kyat 1,02,000 to bribe the authorities to get a marriage permission, said one of the parents who recently married his daughter to a local youth. At first, the bridegroom has to pay Kyat 5,000 to the local Nasaka camp for file preparation for marriage, Kyat 10,000 from the bridegroom and Kyat 10,000 from the bride to the local Village Peace and Development Council (VPDC) Chairman, Kyat 2,000 to the clerk of Nasaka camp, who will write the application for marriage permission, Kyat 10,000 for group photograph including the bridegroom and bride, and Kyat 65,000 to the local Nasaka camp Commander for the marriage permission. The total comes to Kyat 102,000, excluding other expenses, the parents added. There are other rules and regulations to be followed by the bridegroom and bride. The marriage age is 20 for males and 18 for females. They also have to make an agreement that they do not have more than two children. The bridegroom must be clean shaven excepting the Maulana (religious leader), said a local villager. There are humiliated in the Nasaka camp when the parents of both sides including the bridegroom and bride are summoned to the local Nasaka camp for queries about the marriage. For instance, the bride is asked in front of the both parents, why she chooses the bridgegroom instead of Nasaka officers among other unseemly questions. All the bridegrooms who submit application to the authorities don’t get permission for marriage. Those, who are able to pay money, will get marriage permission, those, who are poor or cannot pay the money, do not get the permission. As a result, many marriageable youths and girls are excluded from marriage because of poverty, said a former school teacher from Arakan State. When a Nasaka officer was asked by a local Nasaka aide, why the authorities restrict the Rohingyas’ marriage, the officer said, ‘Rohingya community’s population rate is very high. So, it is needed to be controlled. So, the government has the duty to restrict marriage of the Rohingya community.’ The bridegroom has other expenditures such as—food for wedding ceremony, clothes for the bride, gold ornaments and others. According to my knowledge, there is no other country in the world where the bridegroom and bride have to pay money for marriage permission, said a businessman from Maungdaw. The junta has been destroying our next generation overtly and covertly without caring for the international community, said another Rohingya trader from Maungdaw on condition of anonymity.

Dear Reader,

We hope “ARAKAN” with its new look and rich content will be able to keep you informed about Arakan and Rohingyas.

We welcome you to be part of this magazine by providing us with your valuable writings, comments, information and suggestions.

If you are an artist, please do send us your cartoons.

Would you like to advertise or support this magazine, please contact us at:

info@rohingya.org

Please get an online version of the magazine at:

www.rohingya.org