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## Abstract

The United Nations has long characterized Myanmar's Rohingya as one of the world's most persecuted minorities and Myanmar consistently denies their existence or considering them illegal immigrants from Bangladesh. They have been being kept in ghetto-like villages - encompassing restrictions on religious freedom, lethal use of force, forced displacement and denial of equal citizenship rights - has not only exasperated the humanitarian crises confronting the Rohingya but also threatens to undermine democracy transition and commit crime against humanity.

To understand the nature of Rohingya problem, it is necessary to see the historical background of Myanmar dictators who violated their own laws as well as international laws. All human beings should be equal before the law; implementing particular laws for the particular people in a country is not only illegitimate but also a crime against humanity. Improving a community is possible only by elevating the young generations to the rank of humanity, not by obliterating the bad ones; spreading propaganda against other faiths or races will harm stability and prosperity of the country.

Those who are full of bad feelings and whose souls are influenced by the egoism look like human beings, whether they really are human is doubtful. Rules and regulation are beneficial to guarantee human happiness and help us attain true humanity while the apartheid policy destroys human dignity. Humanity is a tree, and nations are its branches, denying a nation for its biological and ideological differences harms existence of the tree.

Denying the existence of Rohingya and their legitimate right of citizenship, Myanmar authority has committed crime against humanity. I will explain two aspects of institutionalized violations; depriving legal rights of Rohingya and eradication of historical evidence by the State that will be enough to bring Myanmar criminals who committed crimes against humanity to International Criminal Court for trials. The front cover picture was a Rohingya under torturing by the police in SanPyä (Bafara) of Sittwe and the picture in the back is some of the sick persons of Myanmar; their ideas and intentions harm humanity, who must be cured by the international community.

## Introduction

Apartheid, an Afrikaans word meaning “apartness,” describes an ideology of racial segregation that had been practiced in South Africa from the time of the Cape Colony’s founding by the Dutch East India Company in 1652. Keeping two different traffic lights in the black and white in the same road may damage both. Similarly, implementing the 1982 citizenship law for Muslims excluding Buddhists will never bring democracy and peace in Myanmar.

This legal analysis considers persecution of the Rohingya in Myanmar constitute genocide, as defined by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Convention,<sup>1</sup> which was adopted by the General Assembly of the United Nations in 1948 and entered into force in 1951, declares that genocide is a crime under international law.

I will present legal point of view and historical point of view to see the clear picture of crime against humanity against Rohingya in Myanmar. Though Rohingya enjoyed citizenship right as well as indigenous

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ethnic right until 1965, during the dictatorship era, General Ne Win planned to annihilate Rohingya through State policy. Ne Win, changed name of Rohingya first, then, started the institutionalized persecution. Military junta, since 1988, systematically committed genocidal process against Rohingya.

The 153-page report, “‘All You Can Do is Pray’: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State,” describes the role of the Burmese government and local authorities in the forcible displacement of more than 125,000 Rohingya and other Muslims and the ongoing humanitarian crisis. Burmese officials, community leaders, and Buddhist monks organized and encouraged ethnic Arakanese backed by state security forces to conduct coordinated attacks on Muslim neighborhoods and villages in October 2012 to terrorize and forcibly relocate the population. The tens of thousands of displaced have been denied access to humanitarian aid and being unable to return home.<sup>2</sup>

Professor William Schabas, the former president of the International Association of Genocide Scholars, says: "When you see measures preventing births, trying to deny the identity of the people, hoping to see that they really are eventually, that they no longer exist; denying their history, denying the legitimacy of their right to live where they live, these are all warning signs that mean it's not frivolous to envisage the use of the term genocide."<sup>3</sup>

During the 1942 riots between the Rakhine Moghs and the Rohingyas, over a 100,000 Rohingya were killed and more people fled Arakan to take shelter in Southern Chittagong.<sup>4</sup> In 2012, 1000s of Rohingya's houses were burnt down, killed 100s of them, looted their property and kept them in the concentration camp. Daw Aung San Su Kyi did not make a statement condemning the brutal murder of Rohingya.

The Rohingya are a Muslim minority group in Rakhine State, which occupies the western coast of Myanmar. An estimated more than one million Rohingya live in Rakhine State, primarily in the northern townships.<sup>5</sup> Since the government passed the 1982 Citizenship Act, Rohingya have been denied equal access to citizenship. Rohingya have also been subjected to grave human rights abuses at the hands of the Myanmar authorities, security forces, police, and local Rakhnes. These actors have perpetrated violence against Rohingya, claiming thousands of lives. Hundreds more Rohingya have been the victims of torture, arbitrary detention, rape, and other forms of serious physical and mental harm. Whether confined to the three townships in northern Rakhine State or to one of dozens of internally displaced persons camps throughout the state, Rohingya have been deprived of freedom of movement and access to food, clean drinking water, sanitation, medical care, work opportunities, and education.

## Legitimate Citizenship

On January 1946, General Aung San said in a public speech that “No man, however great, can alone set the wheels of history in motion, unless he has the active support and co-operation of a whole person. Aung San said, “When we build an independent Burma, ethnic people and Bamar [Burman] must have equality without discrimination.”<sup>6</sup>

General Aung San accompanying with Hintada U Mya and U Aung Zan Wai arrived in Sittwe for the independence campaign in 1946. While Aung San met Kanman leader Pho Khaine and Rohingya leaders, he gave a speech that "Please, you Muslim people, stand hand in hand with us.



I shall give Blank-Cheque. Die together and alive together. Claim as you wish.<sup>7</sup> I shall allow as much as I can. If natives are divided, it is difficult to achieve independence of Burma."<sup>8</sup> In order that the people of Burma may decide on the future constitution of their country, treaty of Aung San-Attlee was signed between General Aung San and Prime Minister Clement Attlee of Great Britain on 27th January 1947. Under Annex (A) of Aung San-Attlee agreement, it is mentioned regarding citizenship that "A Burma National is defined for the purposes of eligibility to vote and to stand as a candidate at the forthcoming elections as a British Subject for the Subject of an Indian State who was born in Burma and resided there for a total period of not less than eight years in the ten years immediately preceding either 1st January, 1942 or 1st January, 1947."<sup>9</sup>

As the treaty is still legitimate and no law invalidated it, it should be the fundamental principle to determine the citizenship of a person; Rohingya are citizens of Burma based on the treaty and no one can annul their rights.

After the assassination of General Aung San, the Nu-Attlee Agreement was signed between Prime Minister U Nu and Prime Minister Clement Attlee on Oct 17, 1947 as transferring power to Burma was very important as to the determination of citizenship status of the people and race in Burma. Article 3 of the Agreement states; Any person who at the date of the coming into force of the present Treaty is, by virtue of the Constitution of the Union of Burma, a citizen thereof, and who is, or by virtue of a subsequent election is deemed to be, also a British subject, may make a declaration of alienage in the manner prescribed by the law of the Union, and thereupon shall cease to be a citizen of the Union. The Provisional Government of Burma undertakes to introduce in the Parliament of the Union as early as possible, and in any case within a period of one year from the coming into force of the present Treaty, legislation for the purpose of implementing the provisions of this Article.<sup>10</sup>

1947 Constitution of Union of Burma drawn for the independent State also states; "There shall be but one citizenship throughout the Union; that is to say, there shall be no citizenship of the unit as distinct from the citizenship of the Union. Every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty's dominions, and who has resided in any of the territories included within the Union for a period of not less than eight years in the ten years immediately preceding the date of the commencement of this Constitution or immediately preceding the 1st January 1942 and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner and within the time prescribed by law, shall be a citizen of the Union."<sup>11</sup> Legitimate requirements for the citizenship of 1947 Constitution is impartially compatible to the Aung San-Attlee agreement of 1947. And it also emphasized only one citizenship on article 10 of the 1947 Constitution.

Article 3 (1) of the Union Citizenship Act of 1948 reads: 3. Any person: - (a) who was born in any of the territories which, at the time of his birth, was included in His Britannic Majesty's dominions; (b) who had resided in any of the territories included in the Union for a period of not less than

eight years in the ten years immediately preceding either the first day of January 1942 or the fourth day of January 1948.<sup>12</sup>

In Section 4 (2) of the Registration of Residents in the Union of Burma Act, 1949 defined and was enacted as follows:

"The Registration Officer (or) assistant registration officer shall issue a card in accordance with the rules of this Act, which proved the provided facts therein, in respect of every registered person. Such card referred hereinafter as the certificate." <sup>13</sup>

The Registration of foreigners Act of 1940 and 1948, all foreigners were issued FRC cards and citizens of Burma and indigenous people were issued NRC cards by the State according law and by law. Article 4 (2) of the Union Citizenship Act was enacted on 4th January, 1948 (amended up to 1960) states; Any person descended from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in any of such territories shall be deemed to be a citizen of the Union.<sup>14</sup>

According to Aung San-Attlee and Nu-Attlee agreement, 1947 Constitution, 1948 citizenship law, Rohingya are citizens of Burma. Rohingya could enjoy not only citizenship right, but also could participate among the decision makers of Burma.

According to Aung San-Attlee agreement, 1947 Constitution, 1948 citizenship law, and 1974 Constitution, as mentioned in chapter-6, Scrutiny Cards must be issued to Rohingya, instead, they were let to fill form-2 and were left them without Scrutiny Cards. Accusing Rohingya illegal immigrants by using the State's power, manpower, and by force, is against the law. Labelling "ThweNaw" mixed blood to Rohingya and Muslims by the Immigration Department and forcing them to apply according to article-65;"Any person may apply to the Central Body when it is necessary for a decision as to his citizenship, associate citizenship or naturalized citizenship" and issuing National Verification Cards for them is also against legitimate law.

## Legitimate Rights

Citizens of the Frontier Areas shall enjoy the rights and privileges which are regarded as fundamental in democratic countries.<sup>15</sup>As Rohingya are indigenous ethnic of Arakan, and 1948 citizenship law approved them, they not only became citizens but also enjoyed the rights and privileges of the frontier area, Mayu Frontier after the independence.

### Frontier Areas

It is agreed objective of both His Majesty's Government and the Burmese Delegates to achieve the early unification of the Frontier Areas and Ministerial Burma with the free consent of the inhabitants of those areas. In the meantime, it is agreed that the people of the Frontier

Areas should, in respect of subjects of common interest, be closely associated with the Government of Burma in a manner acceptable to both parties. For these purposes, it has been agreed: - (a) There shall be free intercourse between the peoples of the Frontier Areas and the people of Ministerial Burma without hindrance.<sup>16</sup>

May Yu Frontier Area was administered by the Border Administration Department for directly. This administrative system was declared by the State Government and handover to May Yu Frontier Area but several of reasons halt not to arrange it practically. Initiative approach took place on 30<sup>th</sup> May 1961 for yield result in administrative system. May Yu Frontier Area is located at between East Pakistan and Myanmar fixed by Naf River for the measurement. That Frontier Area was west of East Pakistan, East to May Yu River, Sai Tin Creek, and South to Rakhine Coastline, Bay of Bengal, and North to East Pakistan. In previous time, Buthidaung Township, Maungdaw Township and North-West of Rathidaung Township were in Sittwe District. The total population of Mayu, at that time, was over 4 lakes to nearly 5 lakes in May Yu Frontier Area. Most of the people depend agriculture and fishing, 75 % of the total population in Mayu Frontier were Rohingya and a few of Rakhine, Dinet, Mro, Khami also lived peacefully with them.<sup>17</sup>

Prime Minister U Nu, Deputy Prime Minister and Defence Minister U Ba Swe announced the Cabinet decided that people live in Mayu frontier were ethnic Rohingya.<sup>18</sup> Later Rohingya enjoyed their indigenous ethnic broadcasting program like other ethnics from National Radio Broadcasting and Rohingya U Ba Tun was program announcer of Rohingya program.<sup>19</sup> Brigadier General Aung Gyi, Deputy Chief of Defense Commander (Army) praised Rohingya saying "You are our relatives" in his speech in Maungdaw.<sup>14</sup> Deputy Prime minister and Defense Minister U Ba Swe addressed Rohingya as natives and deserved equal rights.<sup>20</sup> When the Frontier administrator, Commissioner of Rakhine Division and members arrived at May Yu frontier district, they praised Rohingyas for defending Japanese; "You are courageous, peaceful, loyal to Union, we have approved broadcasting program of your own language"<sup>21</sup> Directorate of Education and Psycho affair under Ministry of Defense described with heading "Finding out the one of lost brethren" that 97% of Rohingya in Buthitaung – Maungdaw are our relatives.<sup>22</sup>

## Historical Background

The word "Arakan" was a derivation of the ancient word 'Arakha-de-sha' means the country of Arakan or land of Arakan, a Persian word which is found in line forty of Ananda Chandra inscriptions of Shitethaung pillar. "The geographical position of Arakan makes it likely that it received Indian colonies and Indian culture and civilization from a remote antiquity, a period certainly anterior to that of Indian colonization in Burma, and probably centuries before the Christian era".<sup>23</sup>

Arakanese Muslims were called in many different ways; Muslims, Mohamaden, Muhamedan, Bagalis, Chittagonian, Rohan, Roshan but the word Rohingya was used in 1732 for the first time.<sup>24</sup>

When Ibne-Batutah visited Chittagong in about 1350, he described it as a great place situated on the shore of the Great Sea and he mentioned that it was under the rule of Muslim King. This conquest of Chittagong by the Muslim king had taken place during the rule of the Arakanese king Mingai (Minhti 1279-1374) of Launggyet dynasty, when he courted the alliance of the sultans of Bengal.<sup>25</sup>

During the first decade of the 15th century A.D, one of his successors Naramaikhla fled to Bengal when he was ousted by the Burmese and however with the help of Bengal in 1430 he was reinstated as the vassal of the sultans of Gaur. From this time the Arakanese kings used Muslim titles and even their medallions bore the Kalima, the Muslim confession of faith in Persian character. Coin of Bahadur Shah (1555-60) with Persian inscriptions which include mint name reading "Arakan" and dated 965 AH.<sup>26</sup> The map showing South-East Asia during 500 and 1500 A.D appeared in the Time Atlas of World History indicating Arakan as an independent Muslim kingdom.<sup>27</sup> (Shown in Ref.) Coin of Bahadur Shah indicates the Prophet's Mosque of Madina, Saudi Arabia and in the square of the center, it is the verse of declaration of Muslim faith i.e. the Kalimah.<sup>28</sup> (Picture shown in Ref.) Map of cultural divisions of South-East Asia in 15th century A.D. appeared in the Time Atlas of World History indicating Arakan as an Islamic State too.<sup>29</sup>

People who lived centuries in Arakan whose historical records are much stronger than all ethnics of Burma are accused by the State centuries later. Though Myanmar dictators have been persecuting to annihilate the Rohingya people, they failed to erase records in the history.

Under the rule of King Min Bar Gyi, three ambassadors led by Persian emperor Phet Takardi arrived at the King. The Islamic preachers from India were together with them and they preached Islamic faith to Rakhines Buddhists who converted Islam.<sup>30</sup>

A Rakhine author, Bonpuak Tha Kyaw, (Rakhine) described that according to reports of Mr. Patson, Rakhine State Administrator and the historian Dr. Barnerjee's records there were 60000 Rakhines, 30000 Muslims, and 10000 were Bamar and other nationalities, total population was 100000 in 1825, when the British occupied Rakhine.<sup>31</sup>

Dr. Pamela Guttmann, Australia, pointed out that "presently dominant Rakhine are the last group of people who entered Arakan in 10th century and thereafter. The formal Rakhine was first found in the 12th and 13th century of Bagan and Ava inscriptions."<sup>32</sup> Dr. Kunango quoting Myanmar inscriptions says the name Rakhine was given to them by Burman. The consensus of almost all historians is that the early inhabitants of Arakan were Indians and Rakhine are a Tibeto-Burman race by all measure of ethnicity. They entered Arakan from 10th century and on group after group. On the other hand, here we can find traces of Indians and Rohingya of Arakan only Rohingya language alone has a close affinity with that of ancient inscriptions of Arakan. Therefore, Rohingya, are surely the progeny of early Indo-Aryan who brought civilization to this land. Even respected historian such as Sir Aurther Phayre described the King of Arakan; as the



King of “Roum”(Rohang).<sup>33</sup> Denying the term Rohingya as an innovation of post-independence is a sheer refutation of truth and intentionally plan to annihilate Rohingya.

The term Rohingya is as old as the history of Arakan itself. It may be the Rohingya of “Mayu” region today are the descendants of those early Muslims, because they (the Rohingya) also claim to be there for more than a thousand years. If not a thousand years, it might be eight-hundred years at least.<sup>34</sup> Rohingya was a privileged community in Maruk-U period. They were never compelled to speak Rakhine Language. In contrast, Rakhine speaks Rohingya Language. Not the common people, the ruling class too used to speak in Rohingya. King Thiri Thudamma conversed with Friar Marquee in Indian Language.<sup>35</sup>

Rakhine not only preferred the language, but used to keep Muslim names. Nearly twenty Rakhine Kings were found with Muslim names. In this situation, how can we expect Rohingya to speak Rakhine and to keep Rakhine names? <sup>36</sup> A Rakhine politician, former Captain, Htun Kyaw Oo bitterly opposes the idea of renaming Rohingya as Bengali. Htun Kyaw Oo was sentenced seven years imprisonment by the military junta for celebrating Rohingya national day in 1990. <sup>37</sup> Dictators cannot annihilate a race as a whole on their own will. It may be possible to change political maps of the world, but it is almost difficult to extinguish a nation. Despite Hitler's Holocaust there still are Jews. In Rwanda and Bosnia there still are those peoples who were subjected to genocide. Century long chauvinism does not bring any good fruits; peace and prosperity in Myanmar. Hatred towards non-Buddhists breeds hatred. Amity and friendship will bring peace, harmony, safety and prosperity. It is time for us to come into a sense and reasons. We must stop bickering. Unless we are courageous enough to accept the reality of history, we will be in fiasco.

## Islamic heritage in Arakan

The Myanmar government has participated in racial and religious persecution of Rohingya. In 2002, Human Rights Watch reported that the government issued military orders demanding that unauthorized Mosques be destroyed.<sup>38</sup> The government has closed Mosques and Islamic schools and used them as government administrative offices.<sup>39</sup> The government has also prohibited Muslims from repairing or renovating Mosques since 1960s. In 2001, mobs attacked at least 28 Mosques and religious schools. State security not only did nothing to stop the attacks, but also participated in the destruction.<sup>40</sup>

There were three ancient Mosques in Myebon. These are Zay Bine Mosque built in 1460AD Southern Mosque built in 1600AD and Kantha Hwetwa Mosque built in 1690AD. They were destroyed and burnt down on 23 October 2012. Military junta systematically planned to destroy all Rohingya's historical Mosques and monuments since 1989. Near the jetty of Sittwe to Buthidaung, there was an ancient Mosque built in the 17<sup>th</sup> century. In 1989, it was destroyed and

the land of the Mosque was confiscated by authority. Moshe Yager described about historical Badar Mukam in his "Crescent in Arakan"

The Mosque near the Point of Sittwe, built in 1727 was partially transformed into Buddhist Pagoda by Lieutenant Colonel Khin Maung Than on 27.3.2008, and partially left to ruin naturally without taking care of it. (See picture in Ref.)<sup>41</sup>

Sandi khan Mosque of Kawar-Loung village, Mrauk U, was built in 1433 A. D by General Sandi Khan during King Min Saw Mon (a) Nara Meik Hla reign.<sup>42</sup> Shar Shu Jar Mosque was built in 1668 A.D at the downtown of Mrauk-U surrounding 12 big lakes. Another Mosque was built in 1668AD in Pan Myaung of MinPyaw. Cemetery Mosque of Nazi (now SetYounZe) was built in 1668AD. All of those Mosques were destroyed for the annihilation of Rohingya in Arakan by the Generals of Burma.

There were Muslim doctors in the Royal Court of Arakan. One of them who was the possessors of magical secrets was well-established in Thirithudamma's confidence. The Arakanese called him Saragri. He came to Mrauk-U during the fine season of 1634. Maurice Collis states, "It seems that during the fine season a Mohammedan had visited Mrauk-U, a man who declared that he had made the pilgrimage to Mecca and passed himself off as a doctor and the possessor of occult secrets. He effected a number of cures and acquired the reputation of a master of magic. News of what claimed to be able to do reached the king's ears and was summoned to court... The doctor, as we shall call him, for we may be quite sure that the Arakanese referred to him by their term Saragri, was well established in the King's confidence"<sup>43</sup>.

Central Mosque of Sittwe<sup>44</sup> is under control of authority now, Rohingya could pray there till June 2012. Cemetery Mosque of Nazi built in 1668AD was destroyed by Rakhine authority using bulldozers in June 2012.<sup>45A</sup> Another two ancient Mosques near Bumay and Kadin Peik of Sittwe built in 1787AD are still safe.<sup>45B</sup> If authority wares of its date, may destroy. A famous quarter of Sittwe called Rohingya Fara (changed its name into ZayHaung Mawleik in 1980), there was an ancient Mosque built in 1775AD was also destroyed by the authority using bulldozers.<sup>45C</sup> Ywa Haung Jamae Mosque was built in 1740AD.<sup>45D</sup> If Rohingya were colonial settlers as the State's accused, who would build those ancient Mosques in Arakan?

## 1942 massacre

When the British withdrew, the administration of Arakan Division was entrusted to a Magh Buddhist, U Kyaw Khine, who was vested with the power of Commissioner of Arakan Division. This made the Maghs extremely happy. The Thakins who had been wanted by the government for various crimes came out of their hiding and started indulging in looting and plunder. Muslims were their natural victims. Before the Japanese bombed Akyab, most of the Muslims from different towns and villages left for their homes for fear of the rumor of an imminent anti-Muslim rioting going to break out in Akyab. The Japanese bombed Akyab on March 23, 1942 killing many British, Gorkha, Rajput and Karen soldiers. Many British soldiers left, leaving behind a large

quantity of assorted arms. Some misguided Karens sold or gave arms to the Magh fanatics bolstering their strength.<sup>46</sup>

More than 100,000 Muslims were massacred. Thousands of Muslim villages were destroyed. The Muslim majority areas in the east of Kaladan River had turned into a Muslim minority area. But the loss in terms of human civilization and moral values is much greater. The 1942 massacre impressed such an indelible black mark in the minds of Arakanese that the reminiscence of which shall serve as a constant source of impediment in a long way in the process of rapprochement between the two sister communities living together in Arakan from time immemorial.<sup>47</sup>

The destruction of Rohingya villages by the extremist Rakhine in 1942 are mentioned in the table.

Name of Township	Myebon	MinPya	Pauk-taw	Kyauk-taw	Punna-gyun	Rathe-daung	Buthi-daung	Maung-daw	Total
Villages	30	27	58	78	5	21	55	8	282

The 6000 Rohingya refugees sought refuge in East Pakistan and scattered all over Chittagong district because U Kyaw, the Commissioner of Arakan at Akyab not only bitterly refused to take them back but also said to Mr. Gundivia, the representative of the Indian Government, who came to Akyab and saw the former in connection with these refugees while the Indian Government decided to close down the refugee camps, that he would not allow the steamer to enter the Akyab Port with the refugees in question.<sup>48</sup>

On March 28 1942, Rakhines attacked the Rohingya in Sambli village of Minbya. Valuables and livestock were taken from the Rohingya by the Takhin party and looters. The attack lasted 40 days and at least 150,000 Rohingya were killed. Villages were looted, demolished, and rebuilt by Buddhist settlers. The 1942 events made cohabitation very difficult for the Rohingya and the Rakhine. Encouraged by the anti-Rohingya policies of the state, the Buddhists stepped up their attacks on the Muslims without prevention of the government.

Before recovering from the 1942 massacre, Rohingya found themselves at the target of yet another attack by the Burmese government in 1947. As a response to these attacks, some Rohingya factions launched armed resistance against the Burmese state. Today, as we see majority Rohingya live in Buthidaung and Maungdaw were once lived in Kyauktaw, MinPya, Mruk U, MyeBon, Ann, Rambre, during the 1942 massacre, their parents and grandparents moved to a frontier area.

In 1942 many British, Gorkha, Rajput and Karen soldiers were killed. Many British soldiers left leaving behind a large quantity of assorted arms. Some misguided Karens sold or gave arms to the Magh fanatics bolstering their strength to massacre Rohingya.<sup>49</sup>

## Evidence of the term "Rohingya"

Rakhine is one of the officially-recognized large minority groups in Myanmar; it has the second-largest number of speakers there and is used by about 4.4% of Myanmar's total population. It is spoken as by around 800,000 in Myanmar and 200,000 in Bangladesh; there are around 1,020,000 Rakhine speakers in Myanmar, as Rakhine is a language of wider communication throughout Rakhine State and in Paletwa Township, Chin State, Myanmar. In the 18th century, many Rakhine migrated from their homes in Rakhine (Arakan) State, Burma, due to political turmoil; they settled in southeastern Bangladesh and 150,000 Marma lived in Bangladesh. In the literature and through the years the Arakanese in Bangladesh have been given many different names including Mogh, Magh, Mugh, etc. For the Bengalis the word Magh (and its various forms) historically signifies a race of pirates who left a bitter memory of plunder and persecution. It is reported that for this reason, in the Census sheets of 1951 the "Maghs" requested that they be referred to as Marma.<sup>50</sup> Original inhabitants of Arakan are Indo-Aryan and Rakhine are Tibeto-Burma that is the reason Amartya Sen, Department of Economics from Harvard University said "The Rohingya did not come to Burma. But Burma came to the Rohingya"<sup>51A</sup> The term Rakhine was not mentioned even once in British record, they were called Magh.<sup>51B</sup>

Rakhine is considered a regional dialect of Burmese by many researchers<sup>52</sup> while others claim it is sufficiently different from standard Burmese to be a separate language.<sup>53</sup> Okell wrote Rakhine "preserved a strong sense of separateness" from the Burmese. Many Rakhine "continue to self-identify themselves by their relationship to the early modern Arakanese kingdom" and feel distinct separateness from the Burmese.<sup>54</sup> The Rakhaine-speaking Buddhists, began an exodus across the borders of East Pakistan into Burma; conversely, the Bengali-speaking Muslims of the Rohingya found themselves driven out of Burma, often by military force, to seek refuge in East Pakistan.<sup>55</sup> The fact clearly proved influx of Bengali Rakhine Buddhists from East Pakistan into Arakan and Rohingya's exodus from Arakan to Bangladesh.

In paragraph 7 of the Panglong Agreement mentioned "Citizen of the Frontier Areas shall enjoy the rights and privileges which are regarded as fundamental in democratic countries. In accordance with such facts meeting of Cabinet decided to prescribe May Yu Frontier Area, the inhabitants within May Yu Frontier Area had been prescribed as minority Rohingya natives and then also allowed to broadcast as a minority ethnic program from Burma Broadcasting Service with effect from 15th May, 1961. That is to be considered as a result arisen from paragraph 7 of the Panglong Agreement."<sup>56</sup>

The Citizenship law of 1982 approved indigenous people those who inhabited in Burma before 1823. A British Envoy, Francis Buchanan, who had officiated in Ava of Burma in 1795AD wrote that "I shall now add three dialects, spoken in the Burman Empire, but evidently derived from



the language of the Hindu nation. The first is that spoken by the Mohammedans, who have long settled in Arakan, and who call themselves Rooinga, or natives of Arakan. No one can deny the evidence of Rohingya in before 1823.<sup>57</sup>

In the Word, variety of ethnics have their own names, and every ethnic has right to express their own name. Rakhine and Thein Sein government accused that the term "Rohingya" was an innovation of Abdu Gaffar while he was in the cabinet of Burma in 1954. It was completely false accusation.

Similarly, the chart of terms, comparing Persian, Bengali and Rohingya dialects was described in the Classical Journal as a research. Buddhists such as Bengali Rakhine, Mro, Khami, Dinnet, and Thet who entered from Bangladesh are illegal immigrants. It can be proved through free and fair investigation of both communities; Rakhine and Rohingya of Arakan.<sup>58</sup>

The Mongolians freely intermarried and intermixed with the Hindus and slowly a new race called the Arakanese came into being. So the Rohingyas and the Arakanese are the pots of the same clay. There is Hindu and Mongolian blood in their veins. The history of Arakan in connection with the Arakenese has begun since then and lasted eight centuries until 1784, when the country was annexed by Bodawpaya (1782-1819) of Burma.<sup>59</sup> The Mongolians cut Arakan away from India (and Bengal) as they successfully established their kingdom. They were uncivilized people and their incursion led Arakan into a period of darkness.<sup>60</sup> Because of Islamic preachers, many Buddhists converted into Muslim during Mrauk U dynasties.<sup>61</sup> After the fall of Waithali (Vishali) Era, Indo – Aryans mixed blood with Mongoloids and then occurred present used Rakhin language. The Rakhine Language spoken by inhabitants in Thandwe district and surrounds of Ann town was almost the same as Bamar Language. The Rakhine Languages spoken by Rakhines, residing in Kyaukphyu District and Sittwe District were different in pronounce but only adjacent to Bamar Language.<sup>62</sup>

Francis Buchanan, a member of British diplomats, based at Ava in AD 1799. Francis had studied and researched languages in Myanmar. He had written that the two languages known as Rosswan and Rovinga were used by the majority of people, Rosswan Language was spoken by Hindu and Rovinga language was spoken by Muslims.<sup>63</sup> In the speech of Prime Minister U Nu by Cabinet decision delivered on (25-9-1954) stated that the Rohingya residing within Buthitaung, Maung Taw regions were Muslims. U Ba Swe, Deputy Prime Minister and Defense Minister also delivered speeches on (3-11-1959) and (4-11-1959) at Buthitaung, Maungtaw Public meetings that Rohingyas lived together with other natives for many years within the Union of Myanmar with equal status. He had also broadcasted about it from Burma Broadcasting together with historical documents.<sup>64</sup>

In respect of G.H. Luce's article, Dr. Than Tun described that Rakhine Kings had Muslim titles. He said " I think that those Muslims might be Rohingya residing in May Yu Region in East of Nat river.

They used to reside there for over 1000 years. But it was not such period and might be at about 1202 AD. When Muslims began to intrude in Bengal, since (800) years they might be arrived."<sup>65</sup>

Along the borders of Myanmar where mountain barriers do not hinder movement of population, minority groups are found on either side of the boundary. A small ethnic group named Young, who lives in northern Thailand, Laos and northern Vietnam can be found in Kyaington of southern Shan State. The Kokant Chinese group is found east of the Thanlwin River, Kokant Township. In northern Rakhine State, close to the border of Bangladesh at Buthidaung and Maungdaw Townships are the places where the Rohingya and Chittagonians live. These minority ethnic groups had settled in the border regions since early days.<sup>66</sup> Inhabitants of Frontier area of Arakan were shown as Rohingya ethnic in the map of High School Geography textbook.<sup>67</sup>

According to diary of Manaris Rev. the ceremony of taking throne of Thirithu Dhamma Yazar the King departed the palace by mean of surrounding by (600) Muslim mounted soldiers. During 1234-37 AD Rakhine King Nga Na Lone fought Chittagong and occupied it, brought half of the 42700 Chittagonian war victims to Rakhine and allowed to work reasonable businesses within Rakhine City. The scholars gave comments that the majorities were Muslims.<sup>68</sup> When Min Ye Kyaw Swar, son of Ava King fought Min Saw Mon, the last king of Loung Kyet Age, in 1470 A-D. Min Saw Mon took asylum under Deli King. After the destruction of the Loung kyet city, the Rakhine City was under the rule of Myanmar King for about (24) years.<sup>69</sup>

Deli king Suratan was very familiar with Min Saw Mon and allowed his Commander Wai Lu Khin (Walikhan) to occupy Loung Kyet City and the throne to Min Saw Mon. But Wai Lu Khin arrested Min Saw Mon and made king himself. Deli king Suraton sent Commander Sandikhan with 50,000 soldiers to cut off the Wai Lu Khan's head. Sandi Khan made that plan and gave the throne to Min Saw Mon in 1431 A.D. Sandi Khan's forces stayed in Loung Kyet for two Years and helped in construction of Maruk U City and then stayed in Mrauk-U in 1433. Due to forces of Sandi Khan's 50000 forces Mosques were built throughout Mrauk-U City. Sandi Khan's Mosque was contained in the ancient heritage list. There was no findings in respect of how many Muslims returned back among them. Some of the soldiers were appointed as judges and administrators. There was no clear record of those soldiers returned to their own country.<sup>70</sup>

While U Ye Htut denied existence of Rohingya on 25.7.2012, Rohingya showed him current syllabus of Geography textbook which mentioned Rohingya. In northern Rakhine State close to the border with Bangladesh at Buthidaung and Maungdaw townships are where the Rohinggas and Chittagarians live. These minority ethnic groups had settled in the border regions since early days. The speech of Brigadier General Aung Gyi, Deputy Chief of Defense Commander (Army) who had attended at the Mujahit surrendering ceremony, described Rohingyas as relative. Today, people in power and other politicians claim "There is no Rohingya repeatedly" They have been deceiving the World, concealing the reality, destroying stability and peace of Myanmar.<sup>70A</sup>

The word "Rohingya" wields power because it carries the torch of historical truth that dissolves the impossibly contrived case of ethnic cleansing, linking the Rohingya with the British Raj. This is the reason those who would carry out ethnic cleansing in Myanmar fear the term Rohingya.

Rohingya still have some copies of family lists and birth certificates in their hands issued by the Immigration Department of Burma in which the race is named "Rohingya" <sup>71</sup>We can show 1000s of records in the Immigration Offices of Myanmar written down the term Rohingya in them.

## Citizenship Law of 1982

In Chapter (2) of the Myanmar Citizen Law of 1982, provided as follows in respect of Citizenship.

Article (3) Nationals such as Kachin, Kayar, Kayin, Chin, Barmar, Mon, Rakhine, Shan etc., and ethnic group as have settled in any of the territories within the state as their permanent home from a period prior to 1185 B.E, 1823 AD are Myanmar citizens. According to this article and historical records affirmed citizenship of Rohingya.

Article (4) "Any ethnic group, whether which is ethnic group or not may be decided by the State Council (Now, Union Government). This article is the State's plan of discrimination based on religion, especially to oppress and deprive rights of Muslims and Christians in Myanmar.

Article (5) Every National and every person born of parents both of whom are Nationals are a citizen by birth. In Section 75, " In order to carry out the provision of this law " Cabinet" must stipulate required procedures by consent of the State Council (Now, Union Government)"

In Chapter (2) of Myanmar Citizen Procedures (Citizen Procedures), stipulated in (20-9-1983) as Notification No.13/83 of Cabinet under power section 75, provided as follows.

Paragraph (4) In 1824 English- Myanmar first war had been broken out. After such period entered in the State and resided as foreigners. Therefore, before the period of Myanmar Era 1185, Christ Era 1823 had been separated and prescribed.

Although Kachin, Kayar, Kayin, Chin, Bamar, Mon, Rakhine, Shan etc., are national, if they do not reside in Union permanently as Country of origin and resided in another country permanently as country of origin is not national. The same name ethnic groups who entered in Union and resided after 1823 were not national and not vested Citizens.

Paragraph (7) "The persons who were citizens on (15-10-1982), the enforcement date of Constitution under S.145, Subsection (b) of the Constitution of the Socialist Republic of the Union of Myanmar."

In respective citizen laws of countries of the world, provided as two types such as Citizen and foreigner only. Also in the constitution of 1947 and the constitution of 1974 provided citizen and foreigners, two types only. But the Citizenship Law of 1982 had been enacted against the operational constitution of 1974 as three types; (a) Citizen (b) Associate Citizen and (c) Naturalized Citizen.

Therefore, it is required to revise Chapter (1), Section (2), Section 2(c), Section 2(d), Section 2(g), Section 2(h) of the Citizen Act of 1982 and to cancel its all relevant rules, procedures, orders and directives in accordance with international norms.

The constitutions of 1947 and 1974, provided only a type of the Citizen but there were three types of Citizens provided in the Citizenship Act of 1982 so that hereby submit and advise ought to revise as only one type of citizen in accordance with the Constitution and international standards and norms.

On 2nd March 1962, General Ne Win staged a coup d'état and became head of state as Chairman of the Revolutionary Council, and also Prime Minister. Declaring that "parliamentary democracy was not suitable for Burma," the new regime suspended the constitution and dissolved the legislature. During the caretaker government led by the Army Chief of Staff, Ne Win to restore order, Rohingya, indigenous ethnic of Burma, had right of Rohingya broadcasting program approved by decision of the Cabinet. In 1965, General Ne Win deprived the right of broadcasting programs of Rohingya, PaO and La without publicly announcing any reason.

Dictator Ne Win @ Shu Maung was a mixed blood Chinese who developed hatred of Muslims and Chinese, and attempted to enforce discriminatory citizenship law of 1982. During the enactment of the 1982 law, Rohingya from Arakan State had to get permission for travelling throughout Burma that initiated corruption in the Township Councils of Arakan. In short, Rohingya's freedom of movement was restricted by the State.

On 2 March 1974, 12 years after his coup d'état, Ne Win dissolved the Revolutionary Council and proclaimed the Socialist Republic of the Union of Burma. He drafted and adopted a new Constitution of 1974 based on his desires. According to the Constitution of 1974, those who born of parents both of whom are nationals, are Citizens of the Union. Treaty of Aung San-Attlee, Constitution of 1947, Citizenship law of 1948, and Constitution of 1974 did not deprive rights of any citizen because rights by birth may not be performed to be lost in enacting new laws against retrospective effects.

While enforcing 1974 Constitution of Burma, Ne Win drafted discriminatory citizenship law of 1982 and tried to approve it in the parliament. The law was promulgated by U San Yu, Secretary of the Council of State without issue date and without referring particular time of enforcement. In reality, as it was enforced on 15.10.82, controversial definition of the terms of 1973, article 12 and 13 (b) remained questionable that it was enforced on 15.10.82. The law violates several fundamental principles of international customary law standards.



As it was enacted in the Chapter (2) of the Myanmar Citizen Law of 1982;(b) "Citizen" means a Burma citizen (c) "Associate Citizen" means an associate citizen prescribed by this Law; (d) "Naturalized Citizen" means a prescribed by this Law; classifying three different types of citizens opposed 1974 Constitutions of Burma, is incompatible mother law of Burma. Therefore, it is illegitimate to enforce and become null.

Though Citizenship law of 1982 was enacted on 15.10.1982, it was not enforced practically until 1988 nationwide democracy uprising. On 18 September, the 8888 Uprising came to an end when the military, led by General Saw Maung, took power in a coup d'état. In this way, Citizenship law of 1982 remained as a dead law for 6 years.

After martial law was imposed, protests were violently broken up, Senior General Saw Maung started to materialize the 1982 law again. Therefore, the law was materialized by the de facto government, not an elected government, and it was illegitimate.

However, the citizenship law of 1982 also states; "A person who is already a citizen on the date this Law comes into force is a citizen. Action, however, shall be taken under section 18 for infringement of the provision of that section."(Chapter-6)

Though they are eligible to be citizens of Myanmar, national rights, human rights, and birthrights, disrespecting the human right, they are accused illegal immigrants, mixed blood, and enacting against retrospective effects. Forcing them to apply according to article-65 is materializing discrimination based on race, religion, and violating human rights.

Main actor for implementation of the 1982 citizenship law was Dictator Ne Win who was a Chinese blood. Recently, Patron of ANP Party, Dr. Aye Maung, U Zaw Aye Maung, Minister of Rakhine Ethnic Affairs, held a seminar on 1982 law at Dolphin Restaurant, Kandawgyi, Yangon, where, human rights advocate, U Thein Than Oo criticized Chinese blood Dictator Ne Win and lack of international standard in the 1982 law. He also mentioned that U San Yu, who promulgated 1982 citizenship law, was also a Chinese mixed blood.

Faithful servant of Dictator Ne Win, General Khin Nyunt, Ex-intelligence chief who served in the front line of Western Burma mainly, is also a mixed blood of Chinese and Bamar.<sup>72</sup> In the former ruling of Union Solidarity and Development Party (USDP), U Thein Nyunt, who was Chairman of the Naypyidaw Council, is also a Chinese-Bamar mixed blood. Daw Kyaing Kyaing, wife of senior General Than Shwe was born of a Chinese-Pao mixed parent, a Chinese Kyu Tin and Pao Daw Pwa. They had three sons and five daughters.<sup>73</sup>

Brigadier General Aung Gyi, former vice-chief of Staff, also was Chinese-Bamar mixed blood. There are many mixed blood among the top political leaders and officers of Myanmar. The Immigration Department of Myanmar failed to verify them according to 1982 citizenship. Why did it fail to verify five persons mentioned above? Did it issue Scrutiny Cards of their children as

Chinese+Bamar mixed blood? Does the law say "Buddhists do not need to verify? Why does the Immigration Department force only Rohingya and Muslims to apply according to article-65?

The second group of people who are free from the citizenship law of 1982 is the Rakhine Mogh, Mro, Khami, Dainet, and Thet that entered from the Western gate of Myanmar. They can enter freely from the broken western gate of Myanmar whenever they want without any restriction. As soon as they entered into Rakhine territory, they are provided Scrutiny Cards, farmlands, health care access, security and everything to start a new life in Arakan. During Thein Sein era, Rakhine State conducted celebration of welcoming Rakhine entered from Bangladesh and planned a State's project for them. Though Chapter VIII article-72 of citizenship law states; "Except under any of the provisions of this Law, no foreigner shall have the right to apply for naturalized citizenship from the date this Law comes into force", Rakhine, Mogh, Mro, Khami, Dainet, Thet and they who are Buddhists from Bangladesh can enjoy citizenship rights Myanmar without any discrimination.

The third group of people is those whose NRC were confiscated by NaSaKa and issued White Cards for them. During Thein Sein administration, as the validity of White Cards was nullified, Rohingya became undocumented people of Myanmar. On the other hand, Thein Sein approved citizenship of Chinese "MonWan-Bamar" at the end of his term. The Citizenship law of 1982 was not applied for MonWan-Bamar because they are Buddhists. We doubt the State policy may make Myanmar a Muslim-free State very soon.

Even in the Rakhine's book, Arakan was stated as a nation of Kalar. Rakhine City was ruled by dynasties of Kalar Kings within first 1000 years. In 957 A.D, Rakhine history had been commenced; Rakhine City was a Kalar City before 957 A.D.<sup>74</sup>

The first president of Union of Myanmar, Sao Shwe Thike (Shan) had said that Muslims of Arakan certainly belong to one of the indigenous races of Burma. In fact, there is no pure indigenous race in Burma. If they do not belong to indigenous of Burma, we also cannot be taken as an indigenous race of Burma.<sup>75</sup>

Rohingya in the Rakhine State have been banned freedom of movement, travelling one place to another, deprived of educational rights, those who passed matriculation exam have no right to attend University, no medical access, discrimination in the hospital in case INGOs admitted them for emergency cases, if they get permission to travel to Yangon for medical purpose on their own expenses, they have to sign form-4, face malnutrition in IDPs as well as in the ghetto-like villages, rape, if any Rohingya complains against persecution, he or she is accused as respondent, torture of Border guards and other variety of human right violation are visible everywhere in Arakan against Rohingya.

Though Rohingya have been living for centuries and are native of Arakan, Thein Sein government, Rakhine literature and culture association, ANP party, USDP Party, 969 and MaBaTha extremist groups labelled them illegal Bengali immigrants, they were banned to express their own name

during the 2014 census, excluded them enumerative process, and Thein Sein Government broke to fulfill its commitments towards UN regarding the Rohingya issue.

During Thein Sein's administration promised to UN, EU, and US collect census according to international standard but it broke fulfilling its promises and did not enumerate Rohingya in the UN backed census rather attempted to make them illegal Bengali immigrants. That was one of the greatest human rights violations on Earth.

## Propaganda against Rohingya and Islam

With the cracking down of 1988 democracy uprising, military junta established Buddhist Dhammaryun in every street of Myanmar and gave favor to Sitagu Sayadaw to spread hatred against Islam and Muslims. General Khine Nyunt formed NaSaKa for the persecution and annihilation of Rohingya, make them statelessness by confiscating all the official documents in their hands. The State's media promoted Buddhism and boasted Myanmar, World's Buddhist center. In 1989, Sitagu built Buddhist University in Sagaing, Khin Nyunt built Kyaukdawgyi Pagoda in Sawbwagyi-gone of Yangon, and a hatred book was published in which Islam and Muslims are mentioned a threat to the State's security.<sup>76</sup>

Rohingya Muslims are faithful to the nation since centuries and never betrayed. Min Yazagyi was told by the Portuguese that "once they (the Muslims) had got a footing they were ill to throw out." Min Yazagyi responded that these troops posed no threat to either him or to the Portuguese. To put an end to the Portuguese protests, Min Yazagyi pointed out that his local representatives were there to monitor the situation and would evict the Muslims if they showed any signs of revolt.<sup>77</sup>

General Khin Nyunt states; "to establish indigenous villages in Buthidaung and Maungdaw, is necessary to bring people who are jobless and belong to no farmland in upper Myanmar and persecuted Buddhists such as Rakhine and Thet from Bangladesh. Establishing 24 Buddhists villages, he settled Rakhine and Thet from Bangladesh.<sup>78</sup> So General Khin Nyunt is responsible for the illegal Buddhists settlement in Rakhine State. Throughout Dictatorship era, all military Dictators spread hatred against Muslims, conducted ethnic cleansing based on religion especially Rohingya and Muslims. Instead of taking action to illegal immigrants, they encourage the Buddhists influx into Myanmar. This is one of the main factors of conflict and violence in Myanmar.

In 2011, Myanmar Generals formed 969 Buddhist group; Sitagu Sayadaw and Wirathu were chosen heads of the group and started propaganda against Rohingya with false allegations of attacking through social media especially Myanmar Express and Chit Thu Mya websites.<sup>79</sup>

Before 2012 violence, Rakhine extremists and Maungdaw District Administrators published a book named "Paccima Zone Magazine" in February 2012 which ignited violence in Rakhine State. The book is the clear evidence of their plan for the violence against Rohingya. RNDP party intentionally included destructive and negative articles which could cause misunderstanding among the members of both societies.<sup>80</sup>

On 3.6. 2012, excusing missing of U Aung Than Way, a member of Rakhine Development Party (RNDP), 100s of Rakhine gathered in a tea shop of Set Yun Su (Nazi), Sittwe and later they surrounded the Police Station. Nearly 300 Rakhine demanded the police to release Aung Than Way at 9 PM. At 10 PM, Dr. Aye Maung, Chairman of RNDP came to the Police station and demanded Aung Than Way. At 11 PM, though police released Aung Than way, the mobs attacked the police station and damaged it.

On the evening of 28 May, brother of Ma Thida Htwe, U Win Maung complained police Station of Kyauk Ni Maw that his sister was robbed, raped and murdered. The Police officer opened a case in the event, according to the section (pa)23/2012, code-302/382. The police arrested three suspects, Htet Htet @ Shofi, Rafi, Khochi@ Akwechay and sent them to Kyauk Pyu Court for trial. The rest were charged severe punishment. No one knows exactly that Htet Htet suicided or not. That can be considered as a preplanned murder case.

Soon after Thida Htwe case, on 3 June 2012, Rakhine Wantharnu group distributed pamphlets regarding her case and at 4 PM, they attacked Yoma Thissa Express Bus travelling Thandwe to Yangon at Taungup of Arakan and killed Ten Muslims passengers on the bus brutally. The next Myanmar National Newspaper highlighted the news on the front page with a "10 Kalars were killed by 300 mobs" that seemed a preplanned program of violence. Using the term "Kalar", a derogatory term for Muslims, violence was systematically created.<sup>81</sup>

Before the case happened, General Khin Nyunt went to Thandwe. Instead of condemning brutal killing of 10 Muslims, Dr. Aye Maung blamed Muslims for travelling that added fuel to the flames of violence. Based on the brutally killing of 10 Muslims in Taungup, Rohingya in Maungdaw prayed for justice after Friday Prayer. Meanwhile Rakhine came and attacked to start violence there at 3:50 pm on 8 June 2012. Soon, Rakhine mobs started burning and killing of Rohingya's houses in Sittwe, Pauktaw, MyayBon, Kyauk Pyu, Mrauk U, MinPya and Rathedaung . Mobs burnt, killed, and destroyed in front of police force and security forces and forced them to leave their houses. As a result, more than 140000 IDPs have been in the concentration camp since June 2012.

In the initiate state of violence, speech of Sitagu Sayadaw from National Television, added fuel to the flames by saying "Guests must respect hosts" referring Rohingya are guests and Buddhists



are hosts in Myanmar.<sup>82</sup> Since that time, 969 and MaBatha extremist groups have been organizing nationwide protests against Rohingya and damaged "Rule of law" They also used media which consistently publishing news on the title of "illegal Bengali immigrants from Bangladesh" that increased flames of violence throughout the nation.

Leaders of the MaBaTha extremist group, Sayadaw Wirathu and Ashin Pamoakha not only abused State Counselor, Daw Aung San Suu Kyi but also insulted U.N. human rights envoy, Yanghee Lee, calling her a "whore". That is the reason the Time Magazine expressed him "The face of Buddhist Terror". As a Government, failing to take action for the insult of UN envoy by a monk can be considered using stooge for the violence.

### Some lectures of 969 Buddhist monks

1. Wirathu: As soon as we give command to you, are you ready to start the violence? (All shouted) Yes, we are ready to do so. (Clapping) Former Government couldn't do for education, they were weak, what they had done like Naga Min operation, and other operations were not very effective. We didn't have good leaders against them (against Muslims). Now we have good leaders. Now we can easily make them (Muslims) without food. (Clapping) We will make them (Muslims) to face starvation without shelters. (Clapping). Watch video clip.<sup>83</sup>
2. Close or far, even Muslim shops are near and Buddhist shops are far from your house, go to the Buddhist shops, and walk for a while though you are tired. That is called "Protect our own religion" If you don't do that "Do you know what will happen?" As they (Muslims) are, in the 21st century, before 2100, all our generation, including kids will be slaughtered, all our next generation can be slaughtered or not? Can be slaughtered? Yes, can be slaughtered because they (Muslims) did develop like that, there were many examples in the past. In Malaysia, Indonesia and Afghanistan, they did the same. According to the record of a Muslim research expert, when they wipe out Buddhists in India, though Buddhism started in India, there was biggest monastery called Naganda University, they (Muslims) came on the horseback and 10000 monks were burnt them pouring petrol over them, none of them could escape, how can, they surrounded by them with horses. And they burnt all Buddhist scriptures that those scriptures had been burning till one month, that's all recorded in their records. Watch video clip.<sup>84</sup>
3. If there is 75% Muslims and 25% Buddhists, and if they let us practice our religion and we, can live peacefully, no problem even they are outnumbered. Now, it is not like that. If they became out numbers, they declare Jihad. Jihad means killing all those who are non-Muslims, in this way all our future generations will be slaughtered, now 2012, after 88 years they will be outnumbered, after 3 generations, it will happen. All our children, grandchildren will be slaughtered by them. So what shall we need to do? Shall we live carelessly without unity? Some shouted out .....should be united. What can we do? Two

things; educate our children Buddhism and unite to protect our religion. Watch video clip.<sup>85</sup>

4. I mean that they (Muslims) are outnumbering not because they are so smart but because we are weak. I am telling to make known that we have weak points. I am not criticizing others. They are very smart; they all are very united, they help each other, 786! From childhood, they are brainwashed to buy, sell and eat from 786 shops only. Their parent teach and guide that “These are Islamic shops, our religious brothers' shops, you should buy from them even there are no 786 sign on it. They tell their children that don't drink even free water from non-Muslims' shop. Look! How are they united, how do they be together. Yes or not? Yes, they are united like that. We Buddhists are not like that, we follow no discipline, no rule, no way, Buddhists lost their sovereignty when we didn't have discipline, you can see that in the history of Thipaw Min (Last king of Burma). Look at history how did they invade, even in the Royal castle, they built Mosque. Right or not? Rethink about that. Look at them 786! In the 21st century, the whole World will be dominated by Islam. First of all, they attacked America, WTC, European Union, Twin Towers, they exploded. They exploded the World's strongest Pentagon Headquarter of US. They went to destroy universally dominated white house. Watch video clip.<sup>86</sup>

## 2012 massacre

No one exactly know how many Rohingya were killed in 2012 massacre. Many media wrote only 200 dead causality of Rohingya but accurate figure might be fifty times more. In Sittwe alone, more than 200 Rohingya died, there was a mass grave in Sittwe and MayBon. 67 Mosques and 29 religious Madrasa were destroyed.<sup>87</sup> Before the violence, more than 20000 Rohingya lived in Pauktaw, after the violence only 7000 remained in Camps, the rest were either killed or missing. Similarly, in KyaukPyu, MinPya and MyayBon, 1000s of Rohingya were missing.

Since June 2012, when the latest wave of anti-Rohingya violence broke out, attackers have burned entire Rohingya neighborhoods, butchering the populace with knives, sticks, and machetes. Since then, half the population of Myanmar's Rohingya has been displaced. Some have tried to escape to other Southeast Asian nations on rickety boats often operated by human traffickers. If the migrants do not die of dehydration or heat stroke, they are frequently picked up by pirates or the Thai navy—which may not be much better than getting nabbed by pirates. Exhaustive reporting by Reuters seems to suggest that Thailand's navy is closely involved in shuttling Rohingya refugees into slave labor in Thailand's seafood, fishing, and other industries. Rohingya women who do not have enough to pay traffickers are forced into marriages or prostitution. On October 23, 2012, at least 70 Rohingya were killed in a massacre in the Yan Thay village in Mrauk-U Township.<sup>88</sup>

The violence directed toward the Rohingya in 2012 appears to have been provoked by dominant ethnic groups in Burma, led by both Rakhine extremists and Generals including President Thein

Sein. Since 1988, to control and deviate public from democracy, Myanmar military junta promoted chauvinism in the name of Buddhism that dominant groups initiate hostility among the masses, develop aggressive nationalism, where the dominant elite to create conflict in order to reinforce leadership.<sup>89</sup>

Lectures of 969 Buddhist monks shift from communal violence in June 2012 to the planned and organized violence by political and religious leaders in October 2012. The State's propaganda, State's sponsored monks' hate speech and violence directed toward the Rohingya are escalating, having reached a stage of overt crisis in 2012. As Government gives favor to the extreme monks, rule of law represents a transition from instability to violent conflict. Human Rights Watch reports that the crimes committed against the Rohingya in 2012 represent state-supported crimes against humanity, part of an overall campaign of ethnic cleansing.<sup>90</sup> indirectly, State forces did not prevent the violence directed toward the Rohingya by armed mobs of extremist Rakhine Buddhists.

Further, the Burmese state has not taken accountability by failing to investigate or persecute those involved in the organization and execution of the violence. Directly, the Arakan state's religious and political leaders are accused of planning and executing the violence with the objective of removing the Rohingya from their territory. While the June 2012 violence appears to have been led by Arakanese Buddhists masses in response to crimes committed by Muslims, the October 2012 violence appears to have been highly organized and coordinated, resembling systematic crimes against humanity as defined by the Rome Statute. In support of this observation, Human Rights Watch refers to anti-Rohingya hate speech and propaganda that was widely distributed leading up to the October 2012 violence.<sup>91</sup>

This is illustrated in the current massacres of the Rohingya and other minority ethnic groups such as the Shan, Kachin and Karen by the Burmese army. At the extermination stage, mass killings legally known as genocide, occur at the hands of armed forces in conjunction with local militias. On March 29, 2013, Genocide Watch issued an updated Genocide Emergency Alert for the Arakan State, calling on the authorities to cease human rights violations against the Rohingya and other minority groups and grant full citizenship to Rohingya.<sup>92</sup> The report deems that the Rohingya are subject to crimes against humanity by the Burmese government. The United Nations Special Rapporteur notes ongoing religious persecution, arbitrary arrests and restriction of movement of the Rohingya Muslims. Over 1,000 individuals, largely Rohingya men and boys, have been arbitrarily detained in poorly run prisons characterized by torture and maltreatment.<sup>93</sup>

## Genocidal Blockage

Dr. Maung Zarni, who co-authored the 2014 report "The Slow-Burning Genocide of Myanmar's Rohingya" in the Pacific Rim Law and Policy Journal, detailed official and popular narratives in Burma that call the Rohingya illegal immigrants, a threat to national security, "viruses" and "invaders," a threat to Buddhist culture, and economic bloodsuckers.<sup>94</sup>

As 2012-2013 violence were preplanned and well organized activities of army generals and Rakhine extremists for the annihilation of Rohingya, they keep Rohingya under genocidal blockage since 2012. Rohingya are not allowed to work freely, move one place to another, get medical access, and attend school, farming and fishing. Since 2012, we can see three types of Rohingya live in the ghetto-like villages; those who depend on a ration of WFP and other INGOS, those who have family members abroad and get their support, and those who face starvation and difficulties. The third group of people always seeks a way to leave the country and human traffickers take advantages of their weakness that caused boat people crisis.

Though Rohingya in Buthidaung and Maungdaw are not in the IDP camps, they are living in the open prison. They cannot move one village to another, even for shopping, they have to ask permission from the security guards. They are not allowed for fishing, collecting woods for cooking, and deprive of educational and healthcare rights.

With the formation of NaSaKa, marriage has been restricted for Rohingya; to get permission, a couple has to wait years, not only that, male NaSaKa examine virginity of girls and harass them in the headquarter of NaSaKa. In this way, they cannot get permission to marry and violate fundamental rights of Rohingya.

Section 345 of the 2008 Constitution states; "All persons who have either one of the following qualifications are citizens of the Republic of the Union of Myanmar: (a) person born of parents both of whom are nationals of the Republic of the Union of Myanmar; (b) person who is already a citizen according to law on the day this Constitution comes into operation."<sup>95</sup> But Rohingya who were citizens and had right to vote after the enforcement of 2008 Constitution, who had representatives in the parliament of the Thein Sein Government were accused illegal immigrants from Bangladesh after the 2012 violence.

Section 347 and 348 states; "The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth."<sup>96</sup>

Citizens shall enjoy equal opportunity in carrying out the following functions: (a) public employment; (b) occupation; (c) trade; (d) business; (e) technical know-how and vocation; (f) exploration of art, science and technology."<sup>97</sup>

Rohingyas had right to vote when the 2008 Constitution was approved by the consent of Myanmar generals. If elected parliament members who were among the approving figures of the 2008 Constitution, are not citizens of Myanmar, then the Constitution cannot be considered legitimate. They use Rohingya whenever they want and expel whenever they don't need them. It is a clear cut discrimination, and arrogant attitude saying "This is our land, we can do whatever we want".



Besides, Rohingya candidates for respective Hluttaw who competed in the General Elections throughout parliamentary elections of all governments in Myanmar since independence, are accused now illegal immigrants from Bangladesh as a State's plan of Rohingya Genocide. Among Pha Sa Pa La Parliament Members, some had served as Ministerial posts and Secretaries of Parliament posts.

Rohingya had served as military officers and military staffs in Tatmataw; as police officers and staffs in Police Force; as Professor, Lecturers, Assistant Lecturers, Tutors, Demonstrators of University and colleges under the Ministry of Education; Township Education Officers, Headmasters and teachers of High school, Middle schools and Primary schools; as Senior Officers and Staffs at other Ministries respectively. But now, we cannot find anyone appointed as government servant in the respective departments within Rakhine State as well as in Tatmataw and Police Force.

Department of Immigration and Populations confiscated national registration cards of Rohingya in Arakan in 1992-1993 and issued temporary certificates instead of national registration cards. It also issued a temporary certificate (white cards) to children who are descendants of holder of national registration cards. The issue of over 500,000 temporary certificates (white cards) after seizure of national registration cards from a holder of national registration cards is alleviation of status and those orders were overwhelming upon provisions of laws so that ought to cancel those orders.

According to above mentioned facts as the regional Rohingya in Arakan have been enjoyed rights of natives and Citizen formerly but now, they are being kept under genocidal ghettos accusing them illegal immigrants.

## **Rakhine Commission**

The Rohingya in Arakan have suffered serious and persistent human rights abuses. Myanmar authorities, security forces, police, and local Rakhine actors have engaged in widespread violence, acts of torture, arbitrary detention, rape, and other crimes causing serious physical and mental harm. The scale of these atrocities has increased precipitously since 2012. In the wake of the conflicts in 2012, the majority of Rohingya have been confined to villages or internally displaced persons concentration camps. The conditions in both villages and the IDP camps are dire: Rohingya lack freedom of movement, access to food, clean drinking water, sanitation, medical care, work opportunities, and education. They live in conditions that appear to have been calculated to bring about their destruction. The acts committed against the Rohingya, individually and collectively, meet the criteria for finding acts enumerated in the Genocide Convention and have been perpetrated against a protected group. There is strong evidence to justify such an inference of intent to destroy the Rohingya. For this reason we pleaded the United Nations

several times to establish a commission of inquiry on the human rights situation in Rakhine State, Myanmar.<sup>98</sup>

The Human Rights Council should adopt a resolution that mandates the commission of inquiry to conduct an urgent, comprehensive, and independent investigation of the widespread and systematic abuses committed against Rohingya. The commission should be tasked with establishing the facts and circumstances that, taken as a whole, may indicate that genocide has occurred or is occurring. An independent commission of inquiry, with the legitimacy conferred by a U.N. mandate and adequate power to investigate, can determine authoritatively whether human rights violations against Rohingya in Rakhine State constitute genocide.

After preplanned genocidal violence 2012 against the Rohingya, Thein Sein Government formed a Commission to investigate the case. The Statement of Rakhine Commission was full of bias and it is questionable why did it expel Muslim members of the Commission like U Nyunt Maung Shin and U Tin Maung Than. There is no explanation of their expulsion. It is uncertain that statement was released without or with the consent and approval all members.

At the end his term, President Thein Sein conducted a systematic plan of Rohingya Genocide. Those who were Parliamentary MPs of National Constituent Assembly, lawmakers, elected MPs of the 1990 elections, MPs of 2010, are accused illegal immigrants and attempted to issue temporary identity cards for them. Rohingya are banned to participate in the parliament. Who confiscated National Registration Cards of Rohingya and issued White Cards for them, why are responsible for not having Scrutiny cards?

Now, a new Commission was formed in which Former UN Secretary General Kofi Annan is a chairperson. We hope the Commission will find a solution for the problem facing in decades as it included international experts. We are also worried that some people may harm its free and fair investigation that may cause to conceal the reality.

Those who oppose the Commission bitterly are ANP party led by Dr.Aye Maung, USDP Party led by former President U Thein Sein, and MaBaTha Buddhist extremists. Because of their inhumane activities and cruel discrimination, 1000s of IDPs still remain in the camp, the persecution continues against the Rohingya, more than one million Rohingya have to live in the ghetto-like villages without enjoying any basic human right. This is the reason international community highlights genocide and ethnic cleansing in Arakan State of Myanmar. Respondents and criminals have been demanding to remove international experts from the Commission because they are afraid to be aware of their crimes; long term religious persecution in Myanmar.

Saying "Every person has his or her own personal identities" is a norm in the World. To erase the identity of Rohingya, State Counselor suggested to call Muslim instead of their own identity. UN opposes the idea. Myanmar is not ruled by the Rakhine. The Majority has no right to persecute minorities. Finding a solution by pleasing Rakhine is not logical and unacceptable idea. Rakhine

were also called Mogh in the history. Will they agree that name? We propose Commission to be free and fair in the investigation.

We hope the Commission will find solution of every problem based on international norms and the standard. We also that it can end the decades long persecution, human rights violations of Myanmar.

## State Policy

The motto of the Ministry of Immigration and Population is "The Earth will not swallow a race to extinction but another will." (Translation of motto Burmese " မြေမျို၍ လူမျိုးမပြုတ် လူမျိုးမှ လူမျိုးပြုတ်မည် " by the State) .The main functions of the Ministry of Immigration and Population are Rohingya Genocide and ethnic cleansing based on religion, especially against Islam in the name of "Preventing foreigners who enter the Union of Myanmar illegally" and "Preventing citizens who went to other countries and re-enter the Union of Myanmar illegally".

On 20.8.16, Director General of Immigration and Population Ministry, General Maung Maung Than invited leaders of all Muslim organizations in Yangon and some businessmen in his office and explained the State's racist policy towards Muslims that "State considered all citizens in Islamic faith impure, undeserving of full and equal right and Scrutiny Card. Whoever is holding "Scrutiny Card" will be verified again according to 1982 citizenship law and issued "Green Cards" for those who cannot show five Scrutiny Cards in his or her family members." All the leaders felt so upset and objected apartheid policy of the State.

Dictator Ne Win poisoned all Buddhist ethnics using the term "Tai Yin Thar" indigenous people of Burma, but he had been persecuting all ethnics for his Barmanization. Military Junta built Buddhist Dhammaryun in every street to deceive majority Buddhists and spread racism that have caused nationwide violence since 2012.

Now, elected civilian government led by Daw Aung San Suu Kyi is worse than Dictator Ne Win and Thein Sein's administrations in which Muslims could participate in the political and social movement. Thein Sein plotted genocidal violence against Rohingya and changed all villages of Rohingya into ghettos by blocking them. NLD government, instead of lifting the blockage to end genocidal process, it firstly tried to change the name of Rohingya into Muslim, then, make all of them impure and undeserved for citizenship. But now, they are trying to drive all Muslims out of Arakan, accusing them illegal immigrants, requested the UN to bring them to a third country. The cruel attitudes of MaBaTha, 969 and Rakhine extremists are unacceptable in this Modern World.

NLD MP of Kathar Constituency, Daw Pyun Kaythi Naing, freely accused Islam, Muslims and Rohingya threats of national security in the parliament on 6.9.16. It is 100 times worse than Ne Regime and Thein Sein government.<sup>99</sup>

Chinese who recently entered into Myanmar and Bangladeshi Rakhine refugees from Bangladesh very recently are considered citizens of Burma because they are Buddhists. The state of Myanmar may be held responsible for acts of genocide committed against Rohingya by security forces. States are responsible for acts of genocide committed by its state organs. According to the International Law Commission, state organs include “any person or entity which has that status in accordance with the internal law of the State.”<sup>100</sup>

The Myanmar Army, the Myanmar Police Force, and the NaSaKa (when it existed) are components of Myanmar’s security forces, so these entities are (or were) state organs. Since the 1962 military coup, Myanmar’s Army, called the Tatmadaw, has been the “primary coercive arm of Myanmar’s central government.”<sup>101</sup>

The United Nations and human rights organizations have reported that members of the NaSaKa, in particular, have committed atrocities against Rohingya. On March 6, 2013, the U.N. Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quin-Tana, urged the Myanmar national government to investigate and hold accountable the NaSaKa for committing human rights abuses against Rohingya.<sup>102</sup>

The state is responsible, under Article I of the Genocide Convention, for punishing perpetrators of genocide. Thus, Myanmar is directly responsible for the conduct of the NaSaKa and for failing to punish members of the NaSaKa who have committed acts of genocide.<sup>103</sup>

## Crimes against humanity

There are people who are beginning to awaken, to realize the illusion of Myanmar's generals under which they have been living. Many scholars, human rights activists, and World leaders have pointed out disease of Myanmar, that is not an ordinary disease, a harmful cancer; racism, ultra-nationalism, discrimination based on race and religion, persecution, human rights violation and genocide. We cannot cure a man suffering from such cancer by giving him a new coat; we cannot bring democracy in Myanmar where State's policy is like a cancer for all minorities of Myanmar especially, Rohingya, Muslims and Christians. What is needed is a correct diagnosis, radical surgery and constant back-up treatment. The State's apartheid policy is an obstacle to all developments, peace process and prosperity of Myanmar. It is the most fearsome disease, known as cancer, in Myanmar society. State's apartheid policy was a cancer forming an obstacle to every sort of progress.



Enforcing apartheid policy, segregation and discrimination are like acts of aggression against the whole humanity. Therefore those who committed such crimes must be received punishment. Those who afflicted cancer like disease calls the World, saying: please help us, we need your help, provided us such and such thing to develop our country. Before any kind of the World leaders should remove cancer, which can damage the whole body of Myanmar. Removing cancer from the body is the real help for people of Myanmar.

When António Guterres, the UN High Commissioner for Refugees, visited Yangon and asked for the release of the UN workers arrested by the authority in 2012, Thein Sein responded immediately that "Rohingya are not citizens of Myanmar. Therefore, the person who prompted for the ethnic cleansing and Genocide first and foremost was former President Thein Sein.

In the speech of Prime Minister U Nu by Cabinet decision delivered on 25-9-1954 stated that the Rohingya in Mayu Frontier region were Muslims. U Ba Swe, Deputy Prime Minister and Defense Minister also delivered speeches on 3-11-1959 and 4-11-1959 at Public meetings of Buthitaung and Maungtau that Rohingyas have lived together with other natives of Arakan since many years ago. They are within Union of Myanmar in equal status. He also broadcasted about it from Burma Broadcasting showing evidences of historical documents. No Rakhine protested at that time, why do they protest after 58 years? Can Rakhine claim that Rohingya bribed Prime Minister U Nu to announce equal right for them?

Now, Rakhine extremists and some politicians, including U Thein Sein claim "There is no Rohingya in history of Myanmar" and organize protests against them. Though Thein Sein announced to take action after the formation of Rakhine Commission, he failed to punish those who created violence and protected against his own citizens of Myanmar. It is clear that behind all violence and protests, there might be army generals.

75% of population in May Yu District are Rohingya.<sup>104</sup> According to the decision of the cabinet a Rohingya broadcasting program had been performed (3) times per week as a program of national with effect from 15-5-61.<sup>105</sup> Former Information Minister Ye Htut said "U Nu passed away, his speech harmed the nation, we cannot accept U Nu's cabinet decision". Does it logical if we claim "Nu-Attlee Agreement nullified after U Nu, no independence now in Myanmar, we should be subject of British again?

History has proved that Rohingya and Rakhine have lived peacefully in Arakan for centuries. In the struggle of independence, Rohingya community leaders such as the Sultan Ahmed from Maungdaw and MP Abdu Gaffar from Buthidaung worked together with general Aung San for the constitution of Burma. Those two Rohingya were among the 35 members drawn the 1947 Constitution. Rakhine Commission formed by former President Thein Sein commented Mr. Gaffar as a rebellion.

During dictatorship era of Ne Win, Immigration and Manpower Department of State announced 144 indigenous ethnic as an approved list of TainYintha on 9.12.1972 and it was announced again in the national newspaper on 23.2.1973 decreasing an ethnic, 143 indigenous ethnic groups of Myanmar. According to the list, Rakhine Cittagonian, Myanmar Muslim, Kaman, Maydu, and other Indian are the indigenous people of Myanmar.<sup>106</sup>

In the list of indigenous published in 1972, Dinet was an alien ethnic and Kokhant was not in the list at all. Later, they are included in the list and removed Rohingya and other Muslims. Who decided the exact number of 135 ethnic? Why did it remove 5 Muslim ethnics from the list, who are responsible for that? This is a symbol of hate state, Apartheid State.

State Consellor, Daw Aung San Suu Kyi and U Aye Maung proclaimed "It is time to change Myanmar" at end of their term before 2015 election and organized by people with the slogan of change. All Mulsims including Rohingya hoped positive changes after the election but within 100 days, situation became worse than Thein Sein administration. Rohingya in the whole Arakan are being forced to accept National Verification Cards instead of Scrutiny cards.

MaBaTha extremists and other mobs destroyed Mosque and houses of Muslims in ThuYeThamin, Waw Township, Pagu Division in front of police's existence. That is not different from violence in Mitthila. State Counselor did not say a single word to condemn the violence. Police officers announced "We cannot open any case because there is no plaintiff" against the laws. Similarly, another Mosque was destroyed in HpaKant. Can we say "Rule of Law" exists in Myanmar? Or State gives license to extreme Buddhists for the destruction of Muslims?

Hundreds of books and videos are sold openly, distributing nationwide, which encourage people towards hatred, racism, ultra-nationalism and violence. Most of those books were published with the approval of Information Ministry.<sup>107</sup> The State accuses Rohingya illegal immigrants from Bangladesh but only Rakhine Buddhists are entering and they are provided everything for the settlement in Arakan by the State.<sup>107A</sup>

100s of World's leaders including UN Secretary General, scholars and human rights advocates have been urging Myanmar Government to end persecution against Rohingya. In his speech, Speaker of the House of Commons, RT Hon. John Bercow emphasized the Rohingya issue "I call for a genuine independent analysis of the Rohingya people's history in Burma, so that misunderstandings can be corrected, misinformation countered and prejudices addressed. I call on the Government and civil society to invest in initiatives for inter-religious and interracial dialogue and reconciliation. And I applaud religious, political and civil society leaders who are already beginning this vital work. Rohingya are among the most marginalized, dehumanized and persecuted people in the world. They are treated worse than animals. Stripped of their citizenship, rejected by neighboring countries, they are rendered stateless. No human being

deserves to be treated this way. Whatever the perspectives – and there are, within my country, a variety of perspectives – about the origin of the Rohingya people, there cannot be doubted that those who have lived in Myanmar for generations have a right to be regarded as citizens, and that all of them deserve to be treated humanely and in accordance with international human rights. Seeing thousands of people living in dire, inhumane conditions in camps; seeing the segregation, the apartheid that has been established in Sittwe; seeing thousands risk their lives at sea to escape these deplorable and unbearable conditions – this is not a basis for a stable, peaceful future for my country.<sup>108</sup>

Dr. Gregory H. Stanton, President of Genocide Watch, strongly urged to restore citizenship rights of Rohingya; “This violation of fundamental human rights, this denial of citizenship is at the very heart of the violation of human rights of the Rohingya,” Stanton said. “Without citizenship, no human being can enjoy the basic rights that are guaranteed to every person under the Universal Declaration of Human Rights.” Matthew Smith of Fortify Rights said “But still the easiest way to prove intent to commit genocide would still be to show how the group has already been destroyed and obviously that’s not good enough.”<sup>109</sup> Mr. Tomas Ojea Quintana (Former UN Human Rights Rapporteur on Myanmar) spoke up about ongoing segregation, restriction on health care and “pattern of systematic discrimination”. No acts of revenge or restitution could make up for the deaths of thousands, the annihilation of Rohingya life in much of Burma, the destruction of property, and the shattering of trust and coexistence.<sup>110</sup>

Washington highlights about a slowing of reform and the treatment of the Rohingya, a minority living in apartheid-like conditions in Myanmar's Rakhine state. U.S. President Barack Obama said "Myanmar needs to end discrimination against Rohingya people if it wants to succeed in its transition to a democracy, something he has sought to make a legacy of his presidency. I think one of the most important things is to put an end to discrimination against people because of what they look like or what their faith is. And the Rohingya have been discriminated against. And that’s part of the reason they’re fleeing."

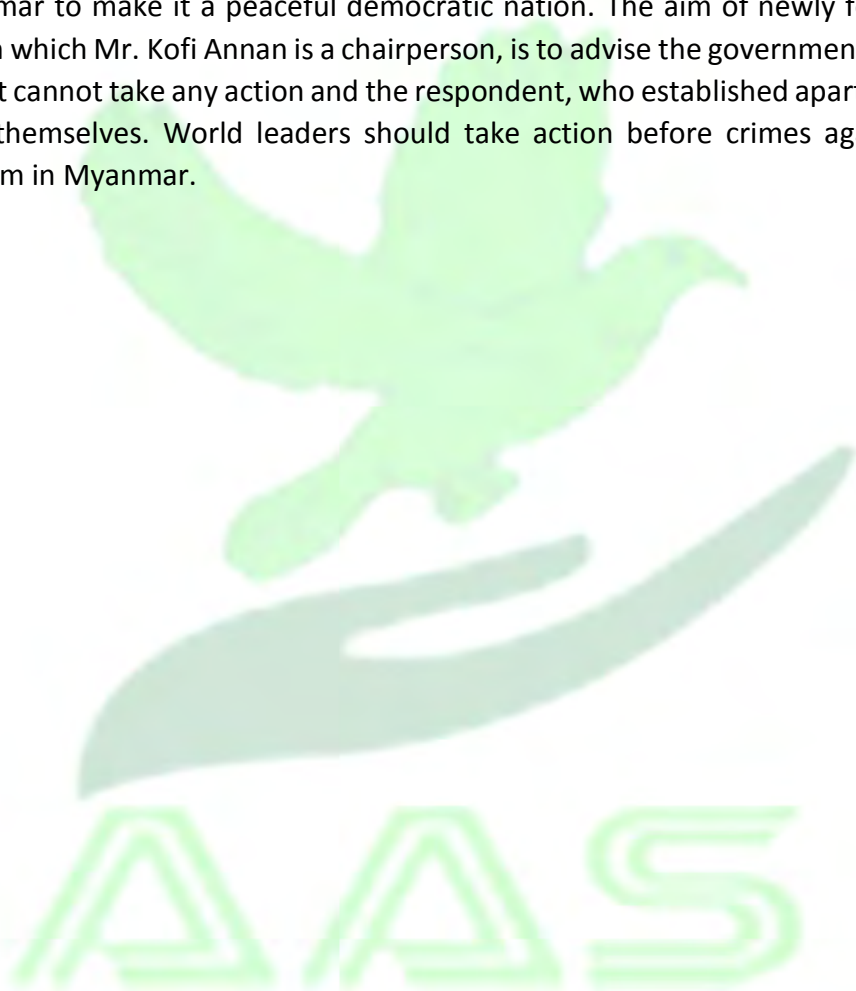
We have 1000s of disturbing pictures and videos, Myanmar's generals and Rakhine extremists' crimes against Rohingya. Since 2012, 100s of reports have been released by several organizations throughout the World but Myanmar government still keeps Rohingya in the concentration camps and ghetto-like villages, deprives basic human rights, and attempts to annihilate name and history of Rohingya.

Whatever name one applies to these heinous acts—crimes against humanity, genocide, mass atrocities—they seem to be the hardest crimes to deal with. China is a state party to the 1951 UN Refugee Convention and its 1967 Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, should end urge Myanmar Generals to end crimes against Rohingya rather than supporting them for the advantages of Golden Gas in

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Arakan. Universal jurisdiction was included in the 1973 United Nations Convention that declared Apartheid in South Africa to be a “crime against humanity”.

As Samatha Power chronicled in her study of Genocide, "A Problem from Hell", United States, as a party to the treaty, to take action to prevent ethnic cleansing in Arakan; State's policy to annihilate Rohingya and should punish those who committed crimes against humanity in Myanmar. Myanmar generals will never stop persecution and annihilation of Rohingya unless the international community takes action against them. The World should remove cancer from the body of Myanmar to make it a peaceful democratic nation. The aim of newly formed Rakhine Commission, in which Mr. Kofi Annan is a chairperson, is to advise the government after one year investigation. It cannot take any action and the respondent, who established apartheid policy will never punish themselves. World leaders should take action before crimes against humanity becomes a norm in Myanmar.





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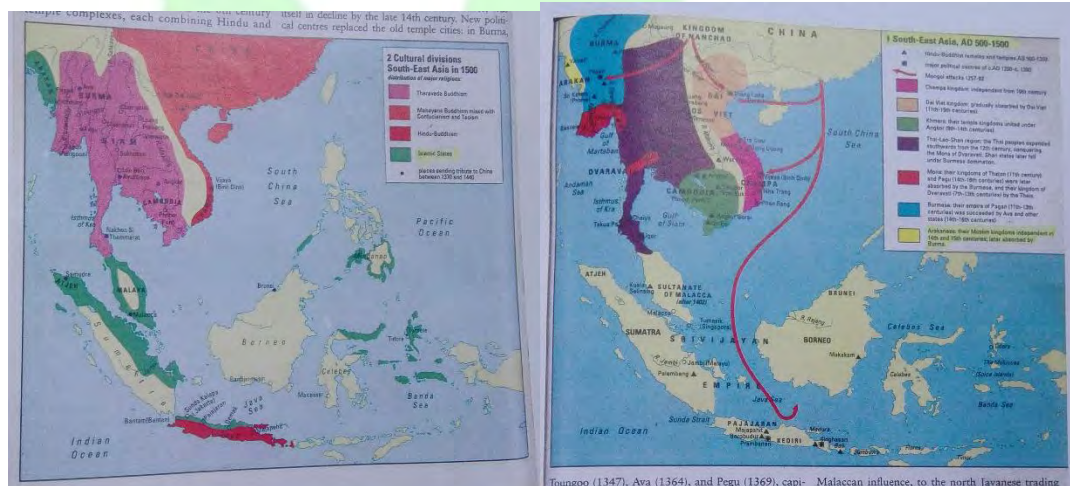
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41. As seen in the picture, part of the Mosque is left to ruin naturally without taking care of it and partially transformed into Buddhist Pagoda by Lieutenant Colonel Khin Maung Than on 27.3.2008.





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43. Ibid

44. Central Mosque of Sittwe, lands belong to the Mosque were confiscated by authority in 1980 and built governmental offices and market on its land. In 2012 violence, the Mosque was damaged partially and took under the control of authority.



45. 45A Besides the Mosque, there was cemetery in which many historical tombs dated 17<sup>th</sup> and 18<sup>th</sup> centuries could be seen, the Mosque and all of those tombs were destroyed using bulldozers by the State after driving all Rohingya inhabitants arounds it to the concentration in 2012.

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45B



45.C The picture was taken before the violence.



45.D



46. Massacre in Arakan in Urdu by Mohammed Khalilur Rahman translated by Mr. Shabbir Hussain, p. 5
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51. A The Chart clearly mentioned Rakhine dialect is old Burmese not Arakanese.

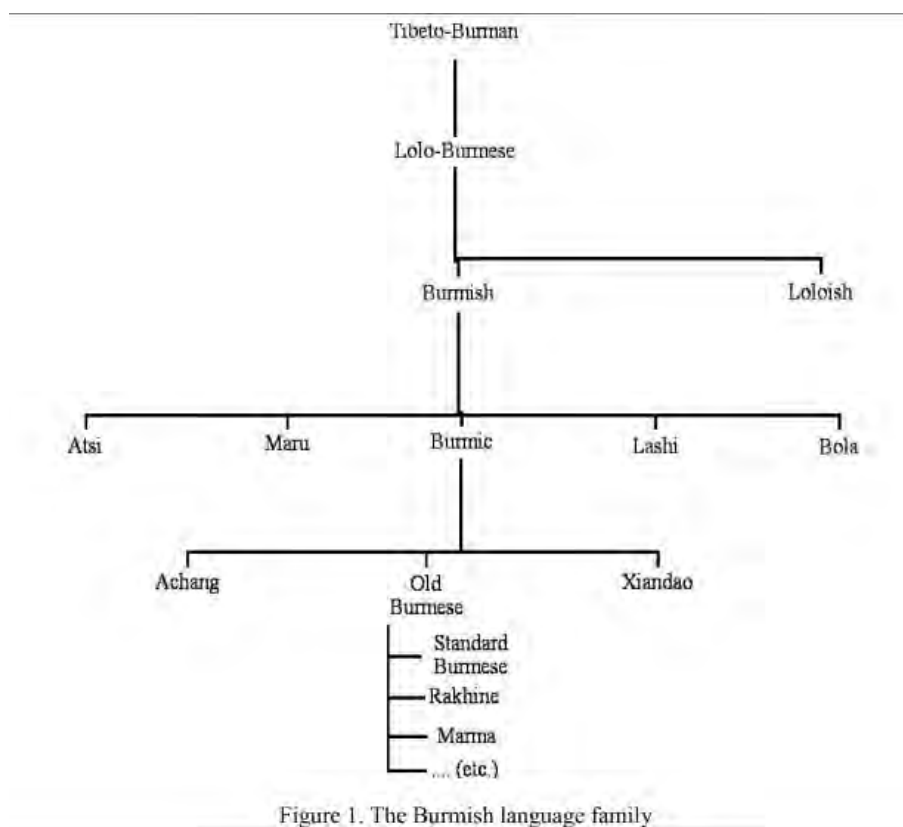


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speakers of Islam religion the Buddhists became as Islam in Mrauk-U widely and Buddhism might be weaken condition)

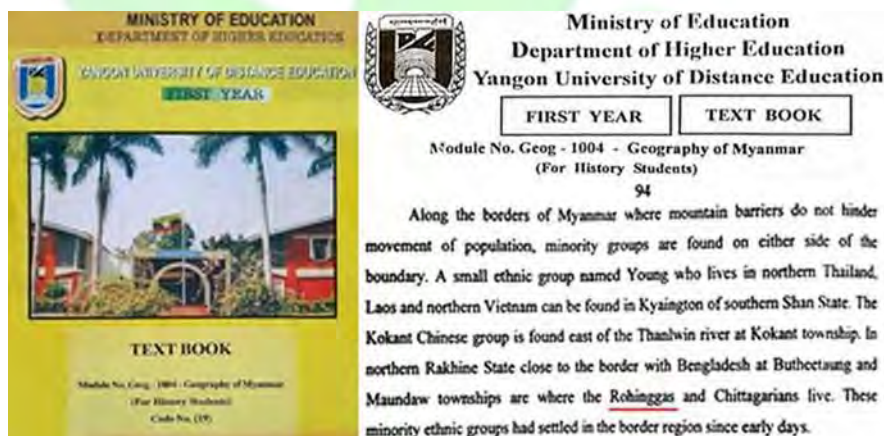
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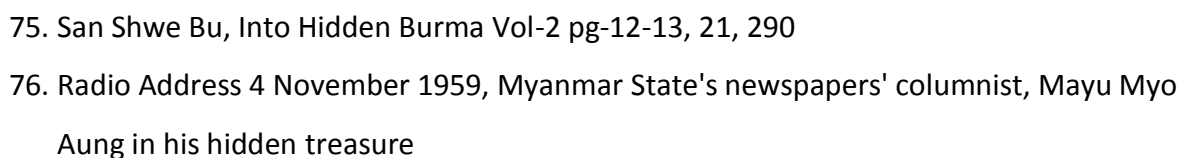
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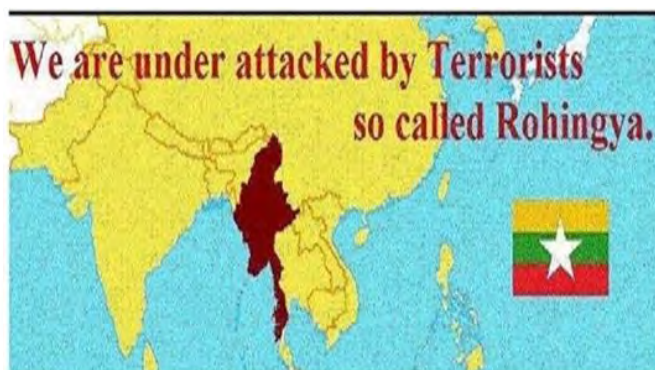


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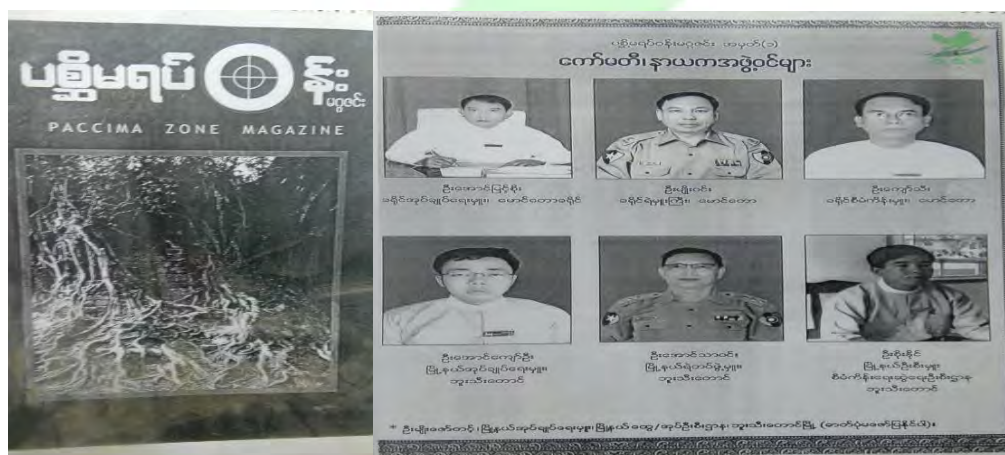




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