"I Thought I Would die"

Physical evidence of atrocities against the Rohingya

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EXECUTIVE SUMMARY

Myanmar's armed forces are committing a campaign of ethnic cleansing against the Rohingya. It is the fourth wave of violence that falls into this category – i.e. some of the most serious offences in international law – in five years.

This is occurring against the backdrop of a massive humanitarian crisis on both sides of the Myanmar-Bangladesh border. The latest figures in Bangladesh indicate that 144,500 children under five face malnutrition while more than 14,000 are close to death.[1] The figures in Northern Rakhine State, the site of appalling violence over the last two months is impossible to assess accurately as the Myanmar authorities continue to severely restrict humanitarian access. UN Secretary-General António Guterres has described the humanitarian situation in the region as "catastrophic".[2]

The new arrivals in Bangladesh are unlikely to be going home anytime soon.[3]

This is not the first crisis of its kind: on the contrary, it is the fourth time in five years that mass violence has accompanied ethnic cleansing against the Rohingya, with attendant humanitarian disasters following in its wake. [4]

The sheer frequency and acuity of this kind of abuse against the Rohingya, committed against the backdrop of chronic and decades-old state persecution, point to an ongoing strategy of "systemic weakening" of the ethnic Rohingya community as a whole, which has been argued to be a precursor stage to full-blown genocide.[5]

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[1] https://www.yahoo.com/news/skin-bones-doctors-fear-malnourished-rohingya-kids-042730102.html

[2] http://www.bbc.co.uk/news/world-asia-41260767

[3] https://www.chathamhouse.org/expert/comment/hard-truth-rohingya-refugees-are-not-going-home

[4] There were two violent campaigns against the Rohingya in 2012, see: https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims#495328 (chronology of events), in addition to the bouts in 2016 and this year.

[5] http://statecrime.org/state-crime-research/isci-report-countdown-to-annihilation-genocide-in-myanmar/

The government of Myanmar have insisted that the actions of state forces in Rakhine state are those of a responsible party to the conflict, acting defensively in response to coordinated attacks on security posts by the Arakan Rohingya Salvation Army (ARSA), a Rohingya insurgent group, on 25th August.[6]

Such claims are vitiated by the use of indiscriminate weapons like landmines against fleeing civilians, in addition to credibly alleged acts of collective punishment such as gang rape and massacres.

BROUK agrees with the UN and rights groups that this heavy use of state terror through traditional and long-documented means (the "Tatmadaw" or Myanmar Army have a certain modus operandi that is repeated in the case of Rakhine state but which has been seen in other minority regions), amounts to crimes against humanity.[7]

In this report, BROUK presents evidence of these crimes, including attacks on children, indiscriminate use of landmines, random firing on fleeing villagers and the use of rape. These accounts add to a growing body of evidence which points the finger squarely at the Myanmar security forces.

The only way in which the facts of this latest round of violence can come fully to light is if the government of Myanmar finally accedes to the will of the international community as represented by the decision of the UN Human Rights Council to send in a fact-finding mission to sites of violence.

Their failure to do so thus far appears to read like a virtual admission of guilt.

BROUK demands that the criminal actions of the military of Myanmar are met with a firm international response commensurate with the seriousness of the violations committed.

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[6] "proportionate": http://www.dailymail.co.uk/wires/afp/article-4972522/Myanmars-army-chief-says-Rohingya-exodus-exaggerated.html

"terror": http://www.moi.gov.mm/moi:eng/?q=news/28/08/2017/id-11375

[7] http://www.aljazeera.com/news/2017/10/myanmar-violence-crimes-humanity-171004083223963.html

https://www.reuters.com/article/us-myanmar-rohingya/rights-group-accuses-myanmar-of-crimes-against-humanity-idUSKCN1C10MR

Introduction: Drilling beneath the government line

Since the latest bout of violence against Myanmar's ethnic Rohingya minority erupted into life on 25th August 2017, the government and military wings of Myanmar's hybrid government have fallen back on tried and tested narratives of denial.[8]

For example, as early as the morning of the 25th August just hours after the ARSA attacks – Zaw Htay, a Government spokesman claimed that the Rohingya were burning their own homes down.[9]The only "evidence" presented to back up this assertion has since been thoroughly debunked, and analysis by credible rights groups point to the massive use of arson by state forces, contrary to government claims.[10]

The same claims were made during another conflagration which began in October 2016, which credible organisations said were caused by the military, and not the Rohingya.[11]

More recently, Senior General Min Aung Hlaing – Commander in Chief of the Myanmar military – doubted the numbers of Rohingya who had fled to Bangladesh provided by credible organisations when he met with the American Ambassador to Myanmar in October 2016.[12]

[8] http://www.bbc.com/news/av/world-asia-41339851/myanmar-crisis-un-human-rights-chief-suggests-sanctions

[9] https://twitter.com/ZawHtayMyanmar/status/901035588136058880

[10] http://www.bbc.com/news/av/world-asia-41219840/who-is-burning-down-rohingya-villages

[11] See for example, Human Rights Watch, Burma: Military Burned Villages in Rakhine State, 13 December 2016, https://www.hrw.org/news/2016/12/13/burma-military-burned-villages-rakhine-state; Amnesty International, 2We are at breaking point": Rohingya persecuted in Myanmar, neglected in Bangladesh, 19 December 2017, https://www.amnesty.org/en/documents/asa16/5362/2016/en/

[12] https://www.facebook.com/seniorgeneralminaunghlaing/posts/1736743383026809

Min Aung Hlaing, the military commander-in-chief, also asserted that the actions of his army were proportionate[13], despite the massive exodus that had occurred.

Such statements were prefigured in the words of State Counsellor Aung San Suu Kyi, de facto head of the civilian-led government. In a speech delivered in English on 19th September, she opted not to address credible allegations of mass atrocities, instead publicly declaring she would like to "find out what the real problems are," in the face of "allegations and counter-allegations" wanted to know why "this exodus [of Rohingya] is happening"– as if this question had not been satisfactorily answered by countless Rohingya telling the international media and rights groups that it was due to acute persecution.[14]

Suu Kyi's speech, which Amnesty International described as, at times, amounting to "little more than a mix of untruths and victim-blaming" had the effect of implicitly casting doubt on the real reasons for the human flood that her government was presiding over.[15] It was accompanied by a series of demonstrable falsehoods and a denial of the state of apartheid which exists in the region, for example, she claimed all people in Rakhine State can access healthcare and education without discrimination.[16]

Another theme of government communications has been the insistence upon a narrative which presents state forces as acting in a necessary and defensive capacity against "extremist terrorists," while being subjected to a wave of "fake news" about military conduct. [17]

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[13] https://frontiermyanmar.net/en/min-aung-hlaing-says-rakhine-refugee-exodus-exaggerated

[14] https://www.theguardian.com/world/2017/sep/19/aung-san-suu-kyi-myanmar-rohingya-crisis-concerned

[15] https://www.amnesty.org/en/latest/news/2017/09/myanmar-aung-san-suu-kyi-burying-her-head-in-the-sand-about-rakhine-horrors/

[16]http://www.bbc.com/news/world-asia-41312931

[17] See for example, https://twitter.com/ZawHtayMyanmar/status/905491376229326848; and https://twitter.com/ZawHtayMyanmar/status/904739285366063104

https://www.facebook.com/Cincds/videos/1446104175510443/

https://www.facebook.com/InfomationCommittee/posts/789940704512371

https://twitter.com/ZawHtayMyanmar/status/904909179244101632

Suu Kyi has bolstered this narrative by referring to an "iceberg of misinformation" about the Rohingya crisis, benefitting "terrorists."[18]

This communications strategy has been accompanied by tight control exercised over sites of violence so that independent observers have had limited access to witnesses and victims in Myanmar and even less freedom to independently view incidents of conflict.

The UN-mandated Fact Find Mission, tasked with the job of verifying and investigating allegations of crimes committed by Myanmar security forces has been kept out of Rakhine state while OHCHR, the UN agency dedicated to human rights has been frozen out of the country for months.[19]

In addition to this, aid workers in Northern Rakhine State, the area where fighting and alleged massacres against Rohingya are taking place, have been effectively rendered redundant, as UN agencies and NGOs are cannot operate in townships where military operations are taking place.

These developments, coupled with a decision to bring in the Red Cross Movement to facilitate aid replacement have led to fears that the government may be intending to permanently keep independent international observers out of Rakhine State. The Red Cross Movement is known for its rarely-broken policy of discretion in the field and is less likely to speak out than their counterparts.[20]

In the face of outright denials, control of humanitarian space and disparate attacks on the ability of humanitarian organisations to function in Northern and Central Rakhine State abuses against Rohingya are made far more difficult to document and verify.

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https://twitter.com/ZawHtayMyanmar/status/903145764892708864

[18] https://www.theguardian.com/world/2017/sep/06/aung-san-suu-kyi-blames-terrorists-for-misinformation-about-myanmar-violence

[19] https://www.hrw.org/news/2017/08/03/un-myanmars-threat-block-fact-finding-mission; OHCHR remains unable to access Myanmar.

[20] https://www.theguardian.com/global-development/2017/sep/15/humanitarian-catastrophe-unfolding-as-myanmar-takes-over-aid-efforts-in-rakhine-state-rohingya

The purpose of this report is to drill beneath the narrative being presented by the government of Myanmar to the international community.

For this reason, BROUK conducted interviews with a series of Rohingya who fled to Bangladesh to escape violence in Myanmar.

Their stories speak to a very different narrative: of civilians being targeted indiscriminately, subjected to arbitrary, needless cruelty as part of a military operation that is far from proportionate or necessary.

METHODOLOGY

This report is based on more than a dozen interviews conducted in the Cox's Bazar region of Bangladesh with Rohingya refugees who had arrived from Myanmar since attacks on August 25th. BROUK interviewed six child victims, four rape survivors/victims, a man who was injured by a landmine and two adult civilians who were shot while fleeing their villages. Aall of the cases had been assessed as credible through consultation with officials from NGOs operating in the refugee camps in the area.

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

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

Analysis of gunshot wounds was sought from either a medical doctor who was not paid for her opinions or checked against available data provided by NGOs who treated victims.

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

ABOUT BROUK

The Burmese Rohingya Organisation of the UK (BROUK) was founded in 2005 to raise awareness of the plight of the Rohingya.

BROUK's objectives are:

1. To promote or carry out various research activities, provide the students with stipends, learning materials and all-out assistance for higher education;

2. To promote and publicize the genuine case and cause of the Rohingya people and to monitor the situation human rights of Rohingya and other peoples in Myanmar;

3. To support and express solidarity with the Rohingya national democratic movement(s), the struggles of all democratic and ethnic forces of Myanmar;

4. To share information, strengthen friendship and solidarity and understanding with the people of the United Kingdom. To provide advice to the community, to raised funds for the charity and to cooperate with other bodies;

Over the past eight years, BROUK has been a leading voice for Rohingya people around the world, particularly for those in refugee camps in neighbouring Bangladesh and, more recently, for those displaced and facing grave humanitarian conditions and ongoing human rights abuses, particularly disenfranchisement and lack of citizenship rights, in Myanmar.

In much of its advocacy efforts, BROUK has partnered with other human rights groups, including Christian Solidarity Worldwide, Refugees International, Burma Campaign United Kingdom, Amnesty International, Human Rights Watch, Physicians for Human Rights, Fortify Rights and the Arakan Project. BROUK has briefed officials on the continuing human rights violations committed against Rohingya populations at the US Congress and State Department, British Parliament, Swedish Parliament, European Union Parliament and Commission, the UN Indigenous Forum in NY, the Organization for Islamic Cooperation and the UN Human Rights Council.

Tel: +44 20 34892760

Email: brorg.london@gmail.com

web: www.brouk.org

BACKGROUND: A HISTORY OF PERSECUTION

The Rohingya have been subjected to decades of persecution in Myanmar (also known as Burma). Since the era of military dictator Ne Win (head of state, 1962-1988) structural discrimination and violence have been normalised and enacted as state policy.

Among the more serious examples of chronic abuse that the Rohingya have endured since that time are rape, murder, extortion, forced labour, arbitrary arrest and the systematic restriction of basic human rights, particularly freedom of movement.

Such violations have occurred with impunity, having been documented for decades,[21] particularly in the highly securitised northern part of Rakhine

[21] See: Human Rights Watch: "BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLESOLUTION"May2000: https://www.hrw.org/reports/2000/burma/index.htm ; Human Rights Watch: "Crackdown on Burmese Muslims," July 18th, 2002 https://www.hrw.org/report/2002/07/18/crackdown-burmese-muslims ; Fortify Rights:" Policies of Persecution" February 25th 2014 http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf

state where the majority of the Rohingya live in apartheid-like conditions. Cases of acute persecution, such as targeted violence and ethnic cleansing campaigns against the Rohingya have occurred on several occasions since policies of persecution began under Ne Win. In 1978, Operation "Naga Min Sits in Yae" or ("Operation King Dragon" in English), the first outright ethnic cleansing campaign of the military dictatorship era, begun.

During the operation, around 200,000 Rohingya were driven across the border to Bangladesh as part of a campaign ostensibly intended to drive out suspected Rohingya insurgents and foreign interlopers. The assault led by Myanmar's "Tatmadaw" (Burmese language term for military), involved massive abuses, including gang rapes and an unknown number of killings.[22] In 1991 another targeted campaign of ethnic cleansing saw a quarter of million Rohingya once again driven across the border to Bangladesh following state-backed violence which also involved rape and murder. Bangladesh eventually announced that it wanted to make arrangements with the then Burmese government to see all the refugees returned to their country of origin.

Repatriation reportedly involved coercion and abuse.[23]

In 2001, yet another outbreak of violence occurred involving sporadic targeted attacks on Rohingya mosques and residential areas. The violence at this time was perpetrated by the largely Buddhist ethnic Rakhine community, with reported assistance from state security forces.[24]

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

[22] Human Rights Watch: "BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION" May 2000, Historical background https://www.hrw.org/reports/2000/burma/burm005-01.htm

[23] Ibid.

[24] Human Rights Watch: "Crackdown on Burmese Muslims", July 2002: https://www.hrw.org/legacy/backgrounder/asia/burmese_muslims.pdf

and the Kaman Muslim minority. More than 100,000 Rohingya were made homeless by these events and forced to live in camps for the displaced, where around 120,000 currently remain.[25]

Yet another outbreak of widespread acute military-led persecution and violence followed a surprise attack by a new Rohingya militant group on October 9th, 2016. The assault was undertaken by members of a previously unknown Rohingya militant group calling itself Harakah al-Yaqin (now known as the Arakan Rohingya Salvation Army, or ARSA) against three border guard posts in Rathedaung and Maungdaw townships in northern Rakhine State. The initial attack killed nine border guard police and saw the deaths of several militants. Following this incident, it is reported by credible rights groups and the corroborating testimony of hundreds of interviewees that the Myanmar Armed Forces engaged in a sustained, months-long campaign of violence against whole communities, in which indiscriminate force was deployed and mass atrocities perpetrated. The UN Office of the High Commissioner for Human Rights has stated that the campaign of violence "very likely" amounted to crimes against humanity. [26]

In August 25th this year, another round of violence broke out following coordinated attacks by ARSA on around 30 security outposts in the Rathedaung, Buthidaung and Maungdaw townships of Northern Rakhine State. So far, the military operation that these attacks elicited has been a devastating impact, causing at the time of writing, more than 600,000 Rohingya to flee to neighbouring Bangladesh.[27] The UN Special Rapporteur on the situation of human rights in Myanmar has estimated that at least 1,000 people have been killed.[28]

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[25] Human Rights Watch: "All You Can Do is Pray", April 22nd 2013: https://www.hrw.org/report/2013/04/22/allyou-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims

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

[27] https://www.humanitarianresponse.info/en/operations/bangladesh/infographic/coxs-bazar-rohingya-refugee-crisis-needs-and-response-24

[28] http://www.thehindu.com/opinion/interview/over-1000-killed-in-myanmar-violence-says-un-special-rapporteur/article19621467.ece

Such statements and estimates indicate that the current crisis is the most serious yet. Having said that, with the threat of further escalations and the existence of groups like ARSA, matters can always get worse.

THE CONDUCT OF THE MILITARY OF MYANMAR

The government of Myanmar has characterised the fight against ARSA as a battle against Islamist "terror", propelled by "extremist" religious motives and irredentist ideology intent on claiming territory in the Rakhine region for a Rohingya state.[29]

Such a narrative is convenient for the government because it frames the wildly disproportionate actions of state forces not as collective punishment and ethnic cleansing, but as necessary defensive measures undertaken to protect the sovereignty of the Union of Myanmar.

In such a scenario – of putative existential threat – almost anything can be justified.

Even if an observer were to assume that their claims – as questionable as they are – were correct, attacks on civilians are prohibited by international law, even in cases where government forces are tackling the scourge of terrorism.

The International Committee of the Red Cross has affirmed the need for "counterterrorism activities to be conducted in full respect of the protection afforded to all individuals by international law, in particular [International Humanitarian Law] and human rights law," which include provisions on proportionality and collective punishment.[30]

[29] http://www.bbc.com/news/world-asia-41160679

https://www.reuters.com/article/us-myanmar-rohingya-attackers-insight/karate-and-wooden-guns-how-new-insurgent-group-stoked-myanmar-crisis-idUSKBN16G36S

[30] https://www.icrc.org/en/document/terrorism-counter-terrorism-and-international-humanitarian-law

BROUK has documented a series of cases (below) in which women and children were injured by the military – through stabbings and gunshot wounds – in addition, the most heinous technique of military intimidation: rape.

We have also documented a case of a man wounded by a landmine, as well as an example of two individuals shot as they were fleeing (typically with wounds in the leg, hallmarks not of direct combat between belligerents but attacks on frightened civilian populations).

We believe that this material amounts to *prima facie* evidence of inexcusable government attacks on civilians, a mere sample of a much wider body of evidence accessible to organisations who wish to investigate in Bangladesh.

ATTACKS ON CHILDREN

Here, consistent with the UN Convention on the Rights of the Child, a child is defined as anyone under 18 years old.

BROUK documented six instances where children were targeted by military action.

A sixteen-year-old boy from Buthidaung told BROUK that he was shot when the "military came into our village and burned houses with a rocket launcher" in early September. He tried to flee "but the military shot at us. Many people died," he said.

"Those who lived were separated from the dying" by the military. After being shot during the assault he said he fell unconscious and awoke after he was taken to a doctor in Northern Rakhine state.

From there he travelled to the border with Bangladesh. "I had to hold my wound the whole time we were travelling," he added. "I thought I would die but God saved me. I was treated in a hospital here in Bangladesh."

16-year-old victim with a gunshot wound on his shoulder

BROUK has been in contact with the team who treated him who confirmed he was shot with a bullet in the back. A doctor who spoke on condition of anonymity referred to the wound as a typical "bullet graze and entrance wound."

A fifteen-year-old boy from Maungdaw Township told BROUK that he was shot when the military attacked his village, using "rocket launchers to burn houses while shooting at people."

"They also shot at me too," he continued. "I was in the fishing lake around 6 in the morning when I was coming home with some fish to cook and the military suddenly shot at me for no reason. I was hit and fell unconscious. Later I was awake while people were fleeing and they took me away."

"I am lucky because all those who were arrested in my village were taken away and never came back," he added. Security forces arrested and detained men and boys in the village but he managed to escape.

His wound was examined by a medical doctor who told BROUK that his injury was a "classic bullet wound."

15-year-old victim with a gunshot wound

A twelve-year-old boy from Maungdaw Township told BROUK that he was shot by the military during an attack on his village in September. He arrived in Bangladesh later in that month.

"I was at home when the military entered our village, shooting freely, killing people, using machetes against the people. The army shot my father and also shot me on my back," he told BROUK, displaying the injury on his back [see photo below]

"My father died from his bullet wound. They burned my house, along with many other houses," he continued.

"I was shot in my home," the boy observed. "After I was wounded, I lay down. My father, who was also shot, was alive for a while but then he stopped breathing. I still feel pain from my wound and heart-ache for the loss of my father."

The attacks on the village [name withheld for security reasons] came from a neighbouring military installation.

"The military camp is next to our village," the boy recalled. "They used rocket launchers to burn our villages."

When asked if he had any connections to ARSA, he replied: "I heard the name ARSA but I don't know anyone from the group. "

12-year-old victim displaying back injury

BROUK was able to make contact with the medics who treated the boy for his bullet injury, who confirmed he was shot.

12-year-old victim displaying injuries from front

An eight-year-old girl from a village Maungdaw township, Rakhine state, told BROUK that she was stabbed in the head by the military during a raid which occurred in her village in early September.

8-year-old victim

"The military stabbed my head inside my home; they stabbed me twice," she told BROUK.

"My father was shot; while he laid on the floor he asked for water, then was shot twice again and died. My younger brother was taken from my mother's lap and slammed on the ground. His hand is broken. I saw all this," she said.

"I will never go back to Myanmar," she added.

The victim's wounds on the treated by doctors of a medical organisation that works in the camps. They confirmed that she suffered from stab wounds.

A 12-year-old girl from Maungdaw Township told BROUK that she had been shot when the military conducted an attack on her village in early September.

the 12-year-old victim with cheek wound

“I was shot in my house by a military bullet,” she said. “At that time, the military seized the village and shot at people. When I was shot, I fell unconscious. I got treatment here [in Bangladesh] and in Myanmar.”

A medical doctor who examined the injury told BROUK that the cheek wound was identified as a “bullet wound” containing “graze” marks at the top with “what appears to be penetration” scars at the bottom.

An eleven-year-old boy from Rathedaung Township who fled violence in his village in late August told BROUK that the military entered the area and fired indiscriminately on civilians "three days before the festival of Eid Ul Adha."

"A bullet grazed my stomach," he noted. "I was shot inside my house. The bullets were being fired randomly."

11 old victim with a graze

"I was also shot in my leg. I was treated in Bangladesh."

BROUK has spoken to an organisation that confirmed it operated on the wound on his leg, which they identified as a gunshot injury.

the 11-year-old victim with a bullet wound

LANDMINE VICTIM

A twenty-five-year-old man from Maungdaw Township told BROUK that he had been struck by a landmine blast when crossing over from Myanmar.

"It took one day to come to Bangladesh [from my village]," he said. "I came here because of Rakhine mobs, security forces and military attacked us, shot us, stabbed us, burning down our houses. The military raped the mothers and sisters at night. Our houses were burned to ash. These are the reasons why we fled."

25-year-old landmine victim

Asked how his sustained his wounds he said "I was hit by a landmine at the border. It exploded on one of the main routes in which people who were fleeing were walking down. It was laid by the military; they were in that area before. People saw them placing them down. No one else could have put it there. They put in the way of people fleeing to Bangladesh knowing that this is where Rohingya would be walking."

Continuing, he added: "A man was walking in front of me with a buffalo. The buffalo stepped on the mine and the mine flew in the air and fell far away. There was flame everyone even though it was dark at the time. Many sparks and fragments struck me and I collapsed. I was unconscious for a time. When I came to, I realised that I had been brought to Bangladesh. My brothers took me to hospital. I feel better now."

foot injuries in landmine victim

A doctor who examined his wounds told BROUK that they bore the hallmarks of an injury from a missile or explosive fragmentary device. The "right arm [injury] could be an abrasion burn from a flying piece of metal from the landmine," they said.

Shoulder injury to landmine victim

Regarding his other injuries, they observed that the leg wound looked like it was an "imprint injury" from the fragments of the mine, coupled with "burns from hot metal."

The left shoulder injury looked like it was caused by a fragment or the impact of "landing" following tangential impact with the mine.

THE SIGNIFICANCE OF THE USE OF LANDMINES

The use of landmines by the military has already been investigated by Human Rights Watch, so BROUK uses the above cases as an illustrative example of the sort of indiscriminate practice that contradicts government claims on proportionality. [31]

Landmines are an internationally banned weapon. BROUK considers their use in these circumstances, placed in the path of thousands of men, women and children, as "heartless beyond words" to quote Human Rights Watch's South Asia Director, Meenakshi Ganguly. [32]

[31] https://www.hrw.org/news/2017/09/23/burma-landmines-deadly-fleeing-rohingya

[32] Ibid.

ADULTS INJURED WITH BULLETS

In addition to the cases detailed above, BROUK has been able to identify cases of adults who were shot with bullets as they were fleeing their homes.

A 23-year-old man from Maungdaw Township told BROUK he was injured in late August when the military began firing indiscriminately in his village.

"The military burned our house along with other homes, so we fled. As we were running away I was shot on my thigh. I was shot 3 to 4 times," he said.

"I fell to the ground when I was shot. I was carried by my fellow villagers who took me away so I survived. I was treated here when I arrived in Bangladesh."

"People were burned alive in front of me while I was in Maungdaw. I also saw people shot to death; others were wounded and treated in the hospital like me. All this was done by the military. Why did they shoot at me? I have nothing to do with ARSA."

Photographs of his wounds are displayed below.

a 23-year-old man with a bullet injury in leg

The wound in the first photo “appears to be around bullet or hot shrapnel entrance wound crossed by an incision,” alongside “four suture wounds”, according to a doctor who examined the image.

23-year-old victim displaying leg wounds

“The leg with multiple wounds and next singular wound/scar appear to be knife incision with paired parallel suture wounds/scar,” they stated on the second photograph.

A 21-year-old woman from Rathedaung Township told BROUK that she was injured when the military and Rakhine mobs entered her village in a surprise attack in late August.

"They came in without warning and started shooting, using ‘launchers’. There were a lot of army people everywhere. I watched from my window as attacks took place, hearing explosions and seeing burning houses," she said.

"I thought that if I stayed there I would die so I took my baby and ran out of the house. I was burned by the impact of a weapon from one of the 'launchers' they used on my neck and body also. The firing was completely indiscriminate," she observed.

She fled and hid in a paddy field, she told BROUK. "Two hundred or more people were laying down, hiding from the bullets there," she recalled.

the 21-year-old victim with wounds to her arm

"Many people were injured and dying. Bullets were fired at the field and a lot of people were hit. I myself got hit three times. My baby, who was sucking on my breast, was shot. I got a bullet to my hand and leg also."

A doctor who reviewed the photograph above told BROUK that it appeared to be "arm scarring from a bullet graze wound with friction burns, likely from joint being bent when the bullet grazed the skin."

the 21-year-old victim with wound at the ankle

The same doctor identified the above as a "gunshot wound to the ankle."

THE USE OF RAPE

Cases of rape during the military crackdown in Rakhine state strongly contradict the government line on its conduct during the crisis which began on August 25th. Acts of targeted sexual violence against women cannot in any way said to be part of a legitimate counter-terror operation by the military.

The testimony below represents a small selection of a much wider body of evidence gathered by human rights groups and the United Nations.

Accounts of "women with bruising on their bodies and bite marks on their breasts and genitals" treated in UN-run clinics in Bangladesh predate this report; as does appalling attempts to rebut allegations of sexual crimes by military personnel on the basis of claims that Rohingya women were "too unattractive" to be violated by his men.[33]

A recently released report from the UN's Office of the High Commissioner for Human Rights (OHCHR) observed that the military sought to instil "deep and widespread fear and trauma – physical, emotional and psychological, in the Rohingya victims via acts of brutality," including "rape and other forms of sexual violence."[34]

The report also noted that children as young as five years old had allegedly been violated.[35]

BROUK believes that the use of rape during the recent violence represents some of the most egregious crimes documented during our time in Bangladesh.

A 30-year-old woman from Rathedaung Township told BROUK that attacks against her village in August initially involved raids where gunshots were fired indiscriminately at civilians, Rakhine mobs attacked people with knives. During this raid, she was raped, along with other women.

"Military shot people to death with guns, Rakhine mobs also stabbed people and the army used 'launchers' to attack houses. The military raped women in our village," she said.

"We had no time to find out who had been killed or not because the attackers just murdered, stabbed or raped whoever they found in front of them. After they raped people, they killed them," she continued.

[33] https://au.news.yahoo.com/world/a/37204578/gang-rape-horrors-haunt-rohingya-refugees/?cmp=st https://twitter.com/pakhead/status/911890912233504775

[34] http://www.ohchr.org/Documents/Countries/MM/CXBMissionSummaryFindingsOctober2017.pdf

[35] https://m.bangkokpost.com/news/world/1340783/un-rohingya-villagers-burnt-to-death-inside-their-houses

“The military killed my brother in law and nephews. I saw my seven-year-old nephew knifed to death,” she added.

Describing her own abuse, the source said “the military came to our village around midnight. Three military men came to my house; one of them entered the house with a gun while the other two waited in front of the gate.”

first rape victim

“One of them tore my blouse by pulling at it; he pointed the gun at my breast and raped me,” she said. “I was raped for between 20 and 25 minutes… then another came in to try and rape me. At that point, I fled. They sought for me using torches in the night but I hid in low lying land near a forest.”

“My husband was in bed when the men came, but he fled because of the constant gunfire outside,” she added.

“From the forest, I found other Muslims who were fleeing and joined them. I managed to locate my children, but not my husband. I was told by other villagers that he had been killed,” she also noted.

In another case, a 20-year-old woman from Maungdaw Township told BROUK that she was accosted by a group of military men during a raid on her village in September.

“A group of military men stopped me trying to leave the village. One of them took me inside my house and raped me,” she recalled. “Another soldier held my baby. When I managed to struggle free, I took my baby and ran,” she said.

second rape victim

From there, she told BROUK, she fled to a nearby forest and eventually joined other groups of people trying to get to Bangladesh.

“My message to the world is that I want there to be justice for the destruction of Rohingya homes, the killing of Rohingya and the rape of women,” she said.

A third victim, a 35-year-old from a village in Rathedaung Township, told BROUK that her village faced “untold violence” during which rapes occurred.

The attack by the military occurred in September, she said. “Many people were stabbed or shot,” by mobs or the military, she recalled.

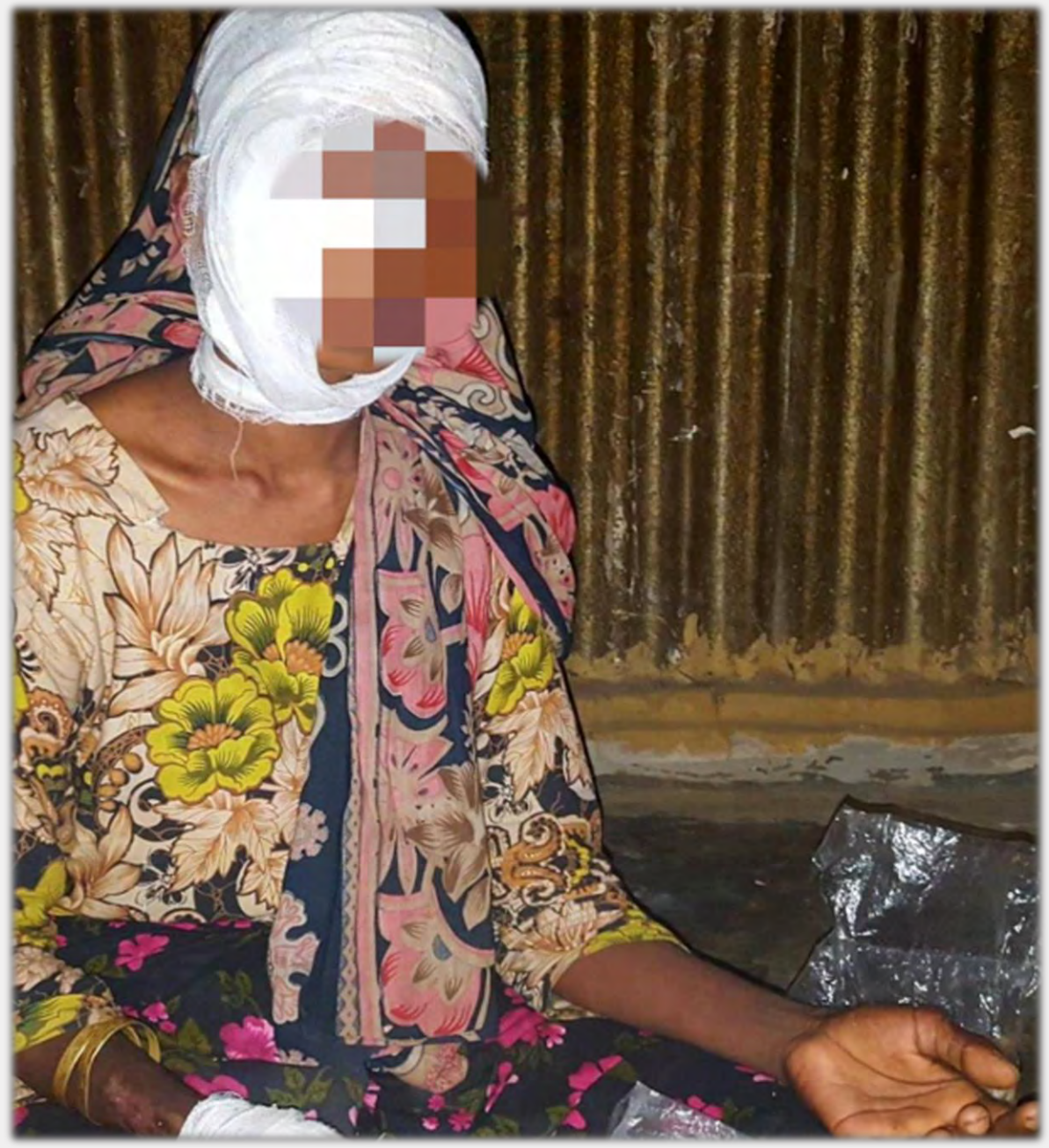
“They raped women in our village, including me. That’s why I fled to Bangladesh,” she added.

“Three military men came to the front of my house,” before they raped her, she recalled. “People everywhere were fleeing with children because of the shooting and stabbing. The military-led my children to run away but stopped me, took me inside my house and raped me.”

third rape victim

“Two soldiers waited outside the house while this took place. Ten or fifteen minutes into my abuse I managed to break free, screamed, and ran to the forest,” she noted.

Another victim told BROUK that at “8 o’clock in the morning the military suddenly entered to our village and set fire to it from one side. We all fled to the nearby river’s shore. All the men the military could find, they killed.”



Fourth rape victim

“All the women sat near the river bank. And from there, the military took five of us and beat them. And then they stabbed to death those who were still alive,” she continued.

“When the five women were dead, they burned their bodies. They raped us and struck our heads. They took six of us to another village, beat our heads, raped us, stole our gold and beat our nipples on our breasts,” she added.

“My daughter was stabbed three times. When I saw this, I ran into the forest. Later I found her dead body. They killed three of my four children. All this was done by Buddhists and the military,” she asserted.

The victim had burn wounds to large parts of her body which she said she suffered when she was playing dead near bodies that were being immolated.

fourth rape victim with leg injuries

A doctor who saw her wounds told BROUK that her leg was marked by “partial thickness burns from boiling water or clothing on fire.”

Recommendations to the government of Myanmar

Respect international law

The foundation point for the government of Myanmar and military in Myanmar on all issues relating to the situation in Rakhine state and the Rohingya should be to be guided by international law and respect for human rights. This includes its conduct in terms of investigating alleged abuses involving rape, indiscriminate violence and landmines as documented in this report. **The government is bound by international law to investigate credible allegations of human rights violations in its territory, especially where the United Nations has indicated that crimes against humanity may be occurring.**

Cooperate with the United Nations

The government should cooperate with the UN fact-finding mission mandated to investigate both the violence which began on October 9th last year and that which is occurring at the present time. **The need for full accountability and justice is essential not only for the Rohingya community but to the broader process of reconciliation in Rakhine state.**

Unrestricted aid access needed

A "humanitarian catastrophe" is unfolding at the present time in Rakhine state. There are concerns that, amidst this crisis, a new humanitarian arrangement in which the Red Cross Movement in partnership with the government administers aid to Rohingya- **could become permanent. Such a new modality would inevitably limit the capacity of organisations – including specialist organizations - mandated to provide protection to vulnerable people**. Capacity for human rights monitoring would also be reduced; indeed, **some suspect that is precisely because of this that the government is moving such arrangements forward.**

The government must not just lift new restrictions; they must immediately allow humanitarian organizations and agencies **full unrestricted access to all communities in northern Rakhine State.**

Repeal the 1982 Citizenship Law

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

Allow the fact-finding mission access to Northern Rakhine state

If Myanmar has nothing to hide, it has nothing to fear. Only a credible international investigation undertaken by professionals acting to global standards under the guidance of the United Nations can establish the facts of what occurred following the violence which began in October 2016, that which erupted again in August this year and the root causes.

Given the discredited way in which the government and military have behaved recently and in the past to effectively whitewash serious rights violations, there is no alternative at this stage to an international investigation at the level of an FFM or above. A UN-mandated Commission of Inquiry will surely have to be established if Myanmar does not comply with the FFM.

In addition, the government should:

Amend the Constitution and all legislation to ensure that these incorporate the principles set out in Article 18 of the UDHR, which reads: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in

community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

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

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

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

Bring to justice the perpetrators of violence against religious communities;

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

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

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

Immediately end the practice of stripping Rohingya from household lists and thereby give them the right to return to their homes;

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

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

Grant independent journalists and human rights monitor full, unrestricted and unmonitored access to all parts of Rakhine State, in particular, Northern Rakhine State.

Recommendations to the International Community

In view of the seriousness of the crimes that have been committed, the international community should act urgently, decisively and as one. BROUK recommends that firm action is taken and that international community should:

- Support the imposition of a UN-mandated global arms embargo against Myanmar;
- End all training and co-operation with the Myanmar military;
- Support the revival of a UN General Assembly Resolution on human rights in Myanmar;
- Ban investment and business with military-owned companies;
- Institute a ban on sale of all equipment (not just weapons) to the military;
- Support referral of the situation in Myanmar to the International Criminal Court.

BROUK further recommends that:

With respect to the International Fact Find Mission mandated by the UN Human Rights Council this year, the global community should:

- Call upon the United Nations Secretary-General to visit Myanmar in order to negotiate unrestricted humanitarian access and co-operation with the Fact-Finding Mission.