



REMAKING RAKHINE STATE

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Cover photo: Aerial photograph showing the clearance of a burnt village in northern Rakhine State
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INTRODUCTION

Six months after the start of a brutal military campaign which forced hundreds of thousands of Rohingya women, men and children from their homes and left hundreds of Rohingya villages burned the ground, Myanmar's authorities are remaking northern Rakhine State in their absence.¹

Since October 2017, but in particular since the start of 2018, Myanmar's authorities have embarked on a major operation to clear burned villages and to build new homes, security force bases and infrastructure in the region. According to the civilian-led government, much of the work is part of preparing for the repatriation of Rohingya refugees from Bangladesh, and also wider efforts to develop one of Myanmar's poorest states and address decades of chronic under-development and investment there.² However, the nature, speed and scale of the development raise serious concerns, not least because access to the region remains severely restricted, making it difficult to obtain a complete picture.

Based on in-depth analysis of satellite imagery; a review of recent photographs and videos showing destruction in specific Rohingya villages; and interviews with Rohingya in northern Rakhine State and across the border in Bangladesh, as well as with activists and other experts, this briefing sheds light on the ongoing efforts to rebuild and reshape northern Rakhine State. The evidence is alarming: burnt remains of Rohingya villages are being bulldozed, potentially destroying evidence of military crimes, while surviving buildings are being demolished and trees and other vegetation cleared. In many areas, the landscape has been rendered virtually unrecognizable.

In some areas, new construction has begun on or near cleared areas of former Rohingya villages, in the form of new security bases, infrastructure, and villages designated for populations other than the Rohingya. In at least one area, remaining Rohingya have been forced from their homes as Township authorities have confiscated land for a major new Border Guard Police (BGP) base. At the same time, there has been a hive of activity around a mine in Rathedaung Township, in addition to construction and expansion of ports in two locations, presumably part of government plans for new industry and investment in the region. The scale of the change is matched only by the speed with which it is taking place.

While the picture is only partial, the situation raises urgent concerns about its implications for the future of the hundreds of thousands of Rohingya women, men and children forced to flee to Bangladesh, as well as the tens of thousands who continue to live in the region. Amnesty International is deeply concerned that the Myanmar authorities are reshaping the region so as to accommodate more security forces and more non-Rohingya villagers, at the expense of homes, agricultural lands and villages where Rohingya have lived and farmed for generations.

Without greater transparency, access and consultation with the Rohingya themselves – and indeed other communities living in the state – the prospect for safe, voluntary, and dignified return becomes increasingly unlikely.

¹ Northern Rakhine State is typically understood to refer to Maungdaw and Buthidaung Townships, which collectively comprise Maungdaw District. However, in this briefing, given that the military's campaign of violence has also targeted Rohingya in Rathedaung Township, the term "northern Rakhine State" will be used to refer to all three townships. Rathedaung Township falls administratively under Sittwe District.

² *Reuters*, "Bulldozing Rohingya villages was not 'demolition of evidence', Myanmar official says", 26 February 2018, <https://www.reuters.com/article/us-myanmar-rohingya-enterprise/bulldozing-rohingya-villages-was-not-demolition-of-evidence-myanmar-official-says-idUSKCN1GA0VH>; *The Global New Light of Myanmar*, "The Report to the People on the Progress of Implementation of the Recommendations on Rakhine State", 13 February 2018; *The Global New Light of Myanmar*, "Our Performances will lead to the peace and development": Union Minister Dr Win Myat Aye", 7 November 2017.

BULLDOZING AND DEMOLITION

Amnesty International and others have documented how the Myanmar military carried out deliberate and targeted burning of hundreds of Rohingya villages in northern Rakhine State, as part of the ethnic cleansing campaign that followed the 25 August 2017 attacks on security force outposts by the Arakan Rohingya Salvation Army (ARSA).³ Across the region, but especially in Maungdaw Township, entire villages were burned to the ground. In some areas, the security forces and local vigilantes burned down Rohingya villages even after they had been deserted, indicating an effort not only to drive Rohingya from their homes, but to ensure they would not be able to return.⁴

Since late 2017, but especially since the start of 2018, Myanmar authorities have initiated a major operation, using heavy machinery to remove burned structures in villages which were attacked by arson. Most of the clearance has occurred in Maungdaw Township, which bore the brunt of the military's scorched-earth campaign. In village after village, burnt structures – at one time Rohingya homes, shops and businesses – have been bulldozed and cleared. Even surrounding trees and vegetation have been removed, rendering much of the landscape unrecognizable.

The mass bulldozing and clearance has also raised concerns about destruction of evidence and obstruction of future investigations into crimes under international law committed since the end of last August, in particular as international pressure mounts on both the military and civilian authorities to allow access to UN investigators.⁵ The Myanmar authorities have flatly rejected such accusations, insisting that the clearing of land is to facilitate the building of new homes for returnees.⁶ To date, Amnesty International is not aware of any efforts to secure and protect sites of suspected mass graves.

While many of the areas being bulldozed are villages which were completely burned to the ground, in some locations authorities are not only clearing burnt structures, they are also demolishing buildings in Rohingya villages which remained intact and which could still have been usable or inhabitable. For example, while most of the buildings in Khway Lar Bin Gar village in northern Maungdaw Township were destroyed by fire following the August attacks, a small group of buildings in a privately owned market was left standing. According to Rohingya sources, the buildings were destroyed when authorities began bulldozing the wider area on 17 January 2018.⁷ Amnesty International received six photographs which capture the destruction of the remaining structures by heavy machinery.⁸ Satellite images confirm the buildings were demolished between 28 December 2017 and 18 January 2018. The owner of the market was not offered any compensation, nor was he given any indication that he would be able to rebuild his business.⁹

³ See Amnesty International, *Myanmar: Scorched-earth campaign fuels ethnic cleansing of Rohingya from Rakhine State*, 14 September 2017, <https://www.amnesty.org/en/latest/news/2017/09/myanmar-scorched-earth-campaign-fuels-ethnic-cleansing-of-rohingya-from-rakhine-state/>; “My World Is Finished”: *Rohingya Targeted by Crimes Against Humanity in Myanmar* (Index: ASA 16/7288/2017), 18 October 2017; and Human Rights Watch, *Burma: New Satellite Images Confirm Mass Destruction*, 17 October 2017, <https://www.hrw.org/news/2017/10/17/burma-new-satellite-images-confirm-mass-destruction>.

⁴ Amnesty International, *Myanmar: Video and satellite evidence shows new fires still torching Rohingya villages*, 22 September 2017, <https://www.amnesty.org/en/latest/news/2017/09/myanmar-video-and-satellite-evidence-shows-new-fires-still-torching-rohingya-villages/>

⁵ See for example, Human Rights Watch, *Burma: Scores of Rohingya Villages Bulldozed*, 23 February 2018.

⁶ Channel News Asia, “Bulldozed Rohingya villages deepen fears Myanmar is erasing history”, 12 February 2018, <https://www.channelnewsasia.com/news/asiapacific/bulldozed-rohingya-villages-deepen-fears-myanmar-is-erasing-history-9953232>; Reuters, “Bulldozing Rohingya villages was not ‘demolition of evidence’, Myanmar official says”, 26 February 2018, <https://www.reuters.com/article/us-myanmar-rohingya-enterprise/bulldozing-rohingya-villages-was-not-demolition-of-evidence-myanmar-official-says-idUSKCN1GA0VH>

⁷ Amnesty International telephone interview, 23 February 2018.

⁸ Photographs on file with Amnesty International.

⁹ Amnesty International telephone interview, 23 February 2018.



Less than two kilometres south of Inn Din, imagery shows Gwa Son on 27 December 2016, before the mass burnings began. On 7 January 2018, the village appears burned and then on 11 February 2018, most of the burned areas have been scraped.

SMALLER-SCALE DEMOLITION AND DESTRUCTION

In addition to largescale bulldozing and clearance of burnt Rohingya villages, Rakhine State authorities are also engaging in – or otherwise allowing – smaller-scale destruction and demolition of Rohingya buildings. This appears particularly to be the case in Buthidaung Township, where most villages were not destroyed by fire, but have been deserted by inhabitants fleeing killings, starvation and the threat of further violence.¹⁰

Satellite imagery confirms ongoing, small-scale arson of structures in Rohingya villages. Unlike the widespread burnings in August and September 2017, these more recent burnings tend to be confined to single structures within a hamlet or village grouping. The current dry season in northern Rakhine State means that there is a higher likelihood of fires spreading to adjacent properties – unlike in August, when the rainy season would have prevented fire from spreading through villages. Despite this, none of the areas reviewed on satellite imagery showed signs of fires spreading, strongly indicating that fires were deliberate and targeted.

Amnesty International has also received recent reports that local authorities and non-Rohingya villagers are looting and slowly demolishing abandoned Rohingya houses and buildings. Satellite images corroborate this, showing destruction not caused by fire. A 35-year-old father of three who fled his village in Buthidaung Township in August 2017 told Amnesty International that he maintains regular communication with villagers who have not yet fled the area. He said that, on 10 February 2018, a friend sent him photographs of a partially destroyed building that he claimed was his house. *“Look at these!”* he said, when showing the photographs to Amnesty International. *“My home has been looted and destroyed... I have worked for years to earn money and build a home... But now, it's all gone.”*¹¹ Satellite images of the village confirm that a structure matching the photographs and description of his house was completely destroyed between 9 January and 13 February 2018.

Amnesty International has also received reports that mosques and other religious buildings which were not destroyed by fire were looted and targeted for destruction since late December 2017.¹² The organization investigated four locations, reviewing video and photographic evidence, analysing satellite imagery and interviewing current or previous residents. In some cases, building materials appear to have been looted – in particular tin roofing – while in others, the authorities have demolished mosques and madrasas during operations to clear burnt villages.

A 52-year-old religious leader from Zin Paing Nyar village in northern Maungdaw Township, who arrived in Bangladesh on 22 February 2018, told Amnesty International that the looting of mosques in his village began in the last week of December 2017 and continued in to January. *“The tin on the roof, doors, air fans, and cupboards, all were gone, taken away in cars by the military and BGP. During the violence [in August], they burnt down almost all the houses. Since January, they started to bulldoze the mosques, madrasas and big houses which were still intact.”*¹³ The man, who took refuge in a nearby village in the months before he left for Bangladesh, said that there was nothing left in Zin Paing Nyar after the bulldozers finished their work. Satellite images confirm the village was razed in early February. *“When I saw how the mosques were taken and bulldozed, I felt pain in my heart,”* he said. *“I turned my face when I couldn't bear to watch anymore”*.¹⁴

¹⁰ For more information on reasons for continued flight from northern Rakhine State, see Amnesty International, *Myanmar forces starve, abduct and rob Rohingya, as ethnic cleansing continues* (Index: ASA 16/7835/2018), 7 February 2018.

¹¹ Amnesty International interview, 21 February 2018. Eight photographs of the destroyed house are on file with Amnesty International. The location of the village has been withheld in the interest of the security of remaining villagers.

¹² Local media have also reported destruction of mosques and other religious buildings since late December. See *The Irrawaddy*, “Ninety Percent of Rohingya Population Ejected from Rakhine”, 23 February 2018, <https://www.irrawaddy.com/specials/ninety-percent-rohingya-population-ejected-rakhine.html>

¹³ Amnesty International interview, Balukhali Refugee Camp, 24 February 2018. Photographs and videos on file with Amnesty International.

¹⁴ Amnesty International interview, Balukhali Refugee Camp, 24 February 2018.

NEW CONSTRUCTION

Almost as soon as villages are cleared, signs of new construction and development emerge. The denial of access for independent observers into northern Rakhine State – and the fact that large parts of the region have been completely depopulated of Rohingya – make it difficult to obtain a full picture of what is happening on the ground. However, in-depth analysis of satellite imagery, couple with interviews with Rohingya in the state and those who have recently fled, indicates a major effort to reconstruct the state.

NEW SECURITY FORCE CONSTRUCTION

Since the August 2017 ARSA attacks, and indeed even before, the Myanmar authorities have asserted the need to reinforce and upgrade the security presence and infrastructure in the region to ensure they are equipped to deal with the emerging “terrorist” threat.¹⁵ Witness testimony and satellite imagery shows these efforts are well underway.

In at least three locations in northern Rakhine State – two in Maungdaw Township and one in Buthidaung Township – Amnesty International has detected the presence of new security force bases under construction. The largest of these is in the village of Ah Lel Chaung in Buthidaung Township, where local media have confirmed the authorities are constructing a major new Border Guard Police (BGP) base.¹⁶ Rohingya who recently fled the village indicate that the authorities may also be constructing a new NaTaLa village – state-built villages which are inhabited by individuals and families who have been transferred from other parts of the country.¹⁷

Amnesty International interviewed five Rohingya villagers from Ah Lel Chaung who fled to Bangladesh in January or February 2018, soon after authorities began construction of the new base. Musana, a 40-year-old widow from a family of farmers explained that the situation had become increasingly difficult since October 2017, when security forces began harvesting Rohingya fields to the west of the village and took the crops away in trucks. With limited food, the villagers returned to the land to plant potatoes, melons and cucumbers, but in December BGP, military and township officials ordered the villagers to stop farming the land. In January, the authorities came back and planted flags across a large area of the land. *“Two weeks after [that] they returned and called a meeting with the villagers,”* she explained. *“They announced that the area where they had planted the flags had been confiscated and they would be building a security post and a NaTaLa village.”*¹⁸

Four interviewees confirmed that around this time the authorities started constructing a large fence between the village and the planned new site. *“It’s a very long fence, made of iron with a cement foundation. It’s taller than my head when I stand,”* said Abdul Zolil, a 31-year-old casual worker who fled the village in early January 2018 as the construction started. Abdul Kasim, a 54-year-old teacher who fled to Bangladesh on 12 February, described how the fence stretched along the edge of several Rohingya villages down to the ethnic Rakhine village of Kin Chaung. *“The BGP and military are always [around] there,”* he said. *“They come by motor bikes and patrol around and go back.”*¹⁹

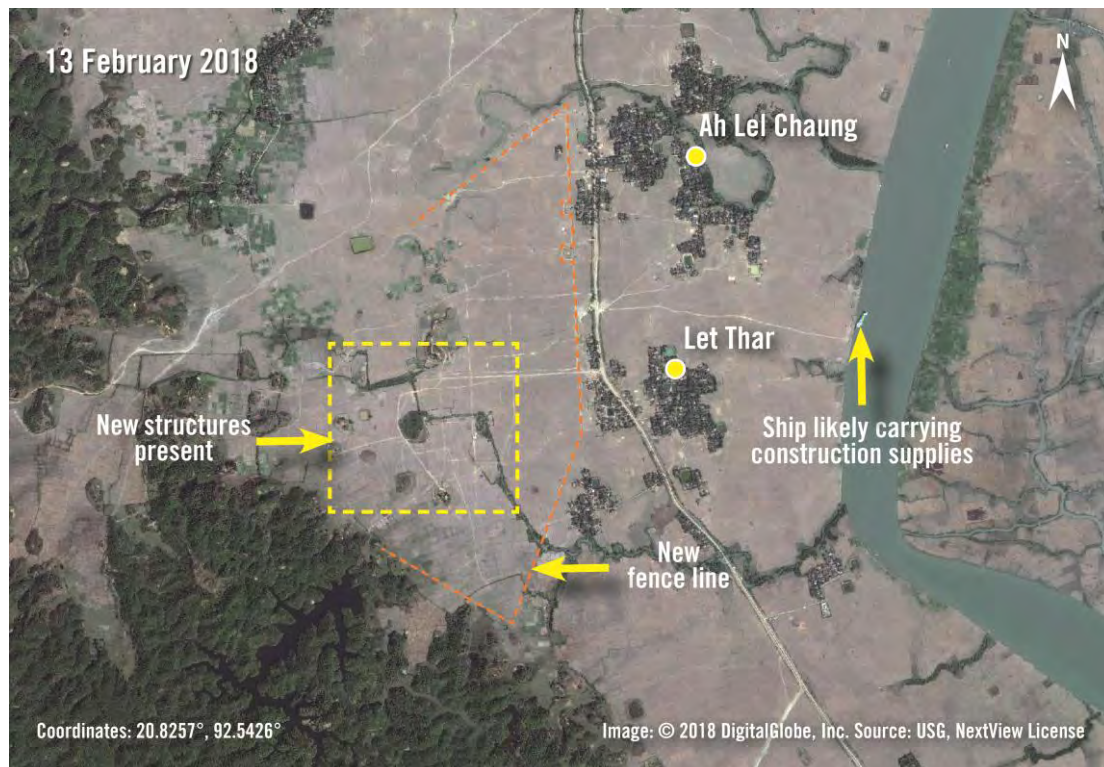
¹⁵ *Radio Free Asia (RFA)*, “Myanmar Officials Plan to Fortify Border Fence Between Rakhine State and Bangladesh”, 7 September 2017, <https://www.rfa.org/english/news/myanmar/fence-09072017174551.html>; *Frontier Myanmar*, “Security, infrastructure in northern Rakhine receives massive cash boost after refugee exodus”, 11 October 2017, <https://frontiermyanmar.net/en/security-infrastructure-in-northern-rakhine-receives-massive-cash-boost-after-refugee-exodus>.

¹⁶ *The Irrawaddy*, “Construction Plan for New Police Regimental Base Causes Rohingya to Flee”, 16 February 2018, <https://www.irrawaddy.com/news/burma/construction-plan-new-police-regimental-base-causes-rohingya-flee.html>.

¹⁷ The policy of establishing NaTaLa villages dates back to the 1990s and involves relocating ethnic Rakhine and other non-Rohingya people to newly built villages. Most people who were relocated to NaTaLa villages are former prisoners or the urban poor, and the villages were often built on land confiscated from Rohingya using Rohingya villagers for forced labour. The practice has continued even in recent years and the state media has confirmed plans to construct new NaTaLa villages since the August violence. See Amnesty International, *The Rohingya minority: The Rohingya: Fundamental rights denied* (Index: ASA 16/005/2004), May 2004, pp 22-24; and *The Global New Light of Myanmar*, “Rebuilding houses in Maungdaw”, 15 October 2017.

¹⁸ Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.

¹⁹ Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.



Imagery from 13 February 2018, shows a new fenced perimeter under construction adjacent to Ah Lei Chaung and Let Thar. On 9 January 2018, major activity is not visible. By 18 January 2018, new vehicle tracks are present. On 13 February 2018, a new fence is visible along with new structures and large vehicles. A defined track is visible west of the fence suggesting vehicles are patrolling the perimeter. A ship is present in the river east of Let Thar, possibly bringing construction supplies to the area.

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Abdul Zolil explained that the construction of the new fence and security posts in Ah Lel Chaung had created fear among the villagers and had caused many to flee to Bangladesh. “*People are in a panic,*” he explained. “*No one wants to stay because they are afraid of more violence against them.*”²⁰

Satellite images confirm major construction in and around Ah Lel Chaung. New vehicle tracks appear in mid-January, less than 10 days after a 9 January 2018 image shows no major activity visible in the area. By 13 February, new structures, large vehicles and a new fence are visible to the west of the village. Clearly defined vehicle tracks exist along the western side of the perimeter, which corroborate reports of regular security patrols.

According to all five interviewees, construction is being led by the BGP and military, with a workforce including members of the security forces and ethnic Rakhine villagers. Four of those interviewed said that Rohingya were also used in construction; one said the Rohingya labourers were paid, three said there was at least some forced labour. Amnesty International was not able to confirm the practice of forced labour, though it has long been a practice of the Myanmar military in ethnic minority areas, including Rakhine State.²¹

The interviewees also told Amnesty International that villagers from Noyapara – a small hamlet in the west of Ah Lel Chaung – had been instructed to leave their homes to make way for the new construction site. Salim, a 53-year-old farmer, was one of those forced to leave: “*The BGP came and told us they will build a new BGP post and a NaTaLa modern village. They ordered us to move. My family were forced to leave, and many households in Noyapara hamlet were also forced to move,*” he told Amnesty International from his shelter in the Kutupalong Refugee camp in Bangladesh. “*They harvested our crops. They confiscated our land. Where will we stay without a home? What will we eat? Fleeing is the only way left for us. It is what they want to happen.*”²²

In some areas, authorities are building new security structures directly on areas previously inhabited by Rohingya villagers, making it increasingly unlikely – if not impossible – that villagers from these areas will be able to return to their original places. Security forces burned Kan Kya (South) village on the outskirts of Maungdaw town soon after the 25 August attacks and satellite images captured on 6 November 2017 confirm that most of the structures in the village were destroyed by fire. Only a few buildings remained intact, including what appear to be two mosques.²³ By January 2018, the area had been cleared and all remaining structures and vegetation removed. As of early March, satellite imagery confirms at least 19 new structures, most of them long rectangular buildings with red roofs. The new structures are surrounded by a perimeter fence, which is similar to the fencing found around known security force bases. Four of the buildings are located slightly to the south, on the site where the now demolished mosque once stood. A trusted source living near the area and able to see the construction has confirmed the buildings are part of a new BGP base, and that the construction is on an area formerly inhabited by Rohingya villagers. The same source also confirmed that at least two mosques were destroyed to make way for the new base.²⁴

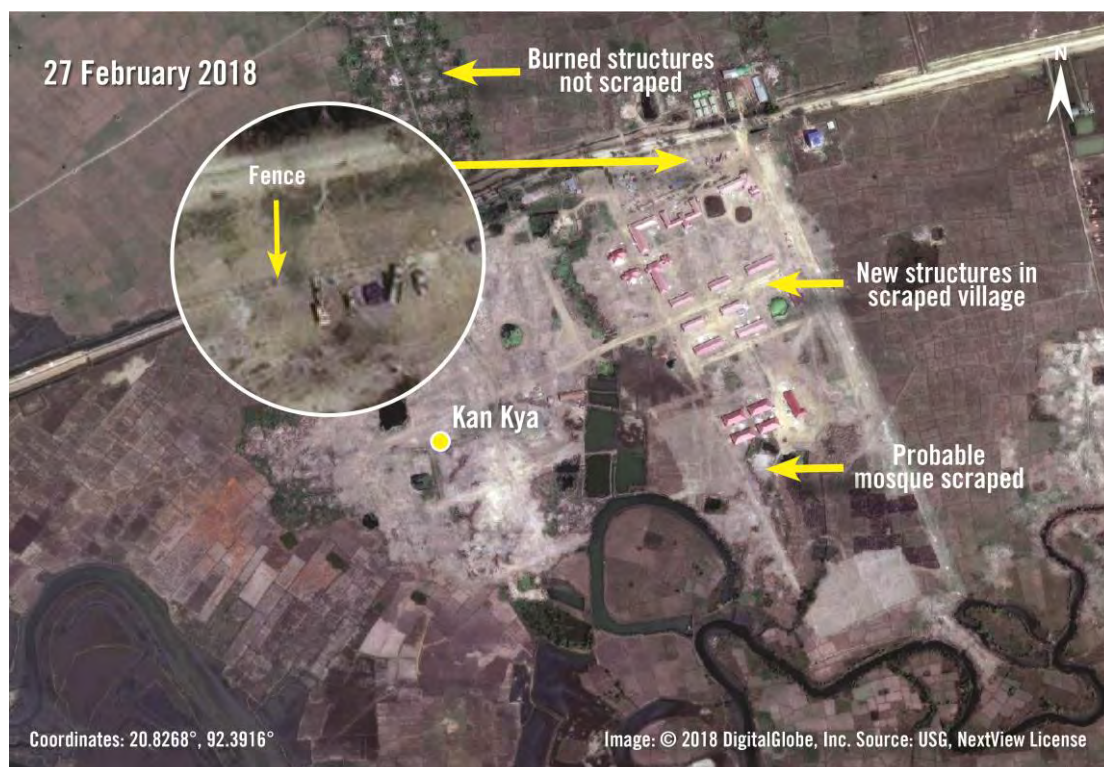
²⁰ Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.

²¹ See for example, Amnesty International, *The Rohingya minority: Fundamental rights denied*, (Index: ASA 16/005/2004), May 2004, pp 16-222; Amnesty International, *Myanmar: Exodus from the Shan State* (Index: ASA 16/011/2000), 10 July 2000; Amnesty International, *Myanmar: Leaving Home* (Index: ASA 16/023/2005), 7 September 2005; Human Rights Watch, *Untold Miseries: Wartime Abuses and Forced Displacement in Kachin State*, March 2012, pp. 25, 46-50; and International Labour Organization (ILO), “Report of ILO Commission of Inquiry reveals widespread and systematic use of forced labour in Myanmar (Burma)”, 20 August 1998.

²² Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.

²³ In contrast to most Rohingya homes and other buildings in rural areas, mosques are usually larger and well-built structures, often with tin roofs which are visible on satellite imagery. Rohingya refugees have also explained that in some villages, mosques also have a pool of water in the grounds, which also makes them more easily identifiable from space. A reliable source in the area has also confirmed the destruction of two mosques to make way for the new security base.

²⁴ Amnesty International communication, 1 March 2018.



Imagery from 25 October 2017, shows burned structures in Kan Kya, less than two kilometres east of Maungdaw town. As of February 2018 the burned village was scraped and new structures are visible. A fence is visible around the construction zone. The structures are similar in shape, colour and size to those found in Inn Din.

Amnesty International has also detected what appears to be construction of a new security force base in Inn Din village, in southern Maungdaw Township. Inn Din was a mixed ethnicity village until late August 2017, when security forces working with local vigilantes systematically burned Rohingya parts of the village, leaving non-Rohingya areas of the village intact.²⁵ Today, the burned buildings in the southern section of the village have been cleared and two new structures – long, rectangular buildings, similar to those in Kan Kya (South) – are visible. Close inspection of the surrounding area shows foundations for eight more structures in a similar formation to those at the BGP base in Kan Kya (South). What appears to be a small fence is also visible in front of construction site. The new construction at Inn Din has taken place at a rapid pace – satellite images from 7 January 2018 show no visible changes to the area, however by 11 February large parts of the Rohingya village have been cleared and construction is already well underway. Further down the coast south of Inn Din, authorities also appear to be expanding what is likely an old security base.

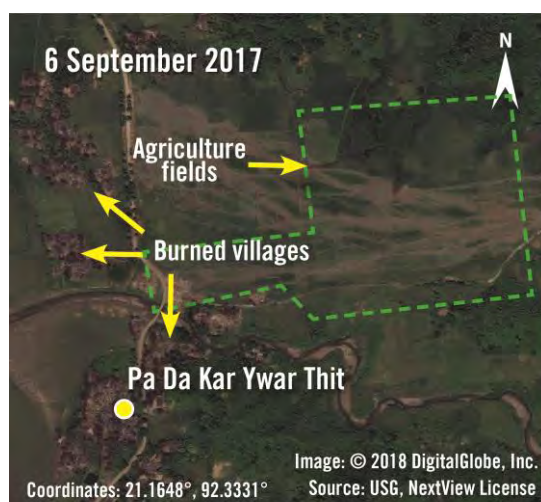
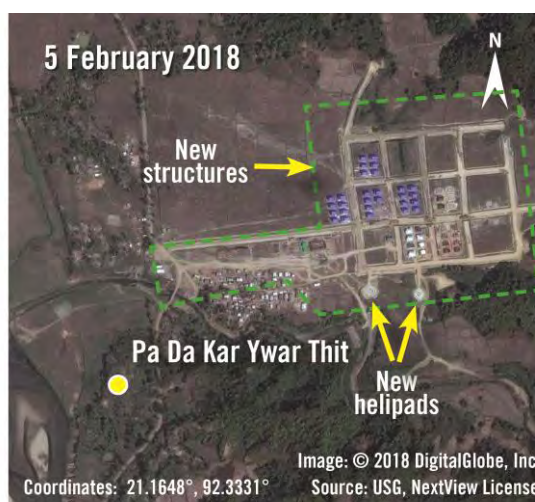


²⁵ For details of the attack on Inn Din, and the targeted nature of the burning in the village, see Amnesty International, *“My World Is Finished”*, pp. 18-19 and 32-35.



Imagery from 27 December 2016, shows Inn Din before the mass burnings occurred in August 2017. On 7 January 2018, the northern village appears intact while the southern section is razed. On 11 February 2018, much of the southern burned area has been scraped and two new structures are visible. Footprints for eight more structures are also apparent along with a new fence at the entrance. The new structures are similar in shape, size and colour to Kan Kya suggesting they are related to the security forces.

Amnesty International has also detected other new security infrastructure, including new helicopter pads in and around Hla Poe Kaung and Pa Da Kar Ywar Thit villages in Maungdaw Township, as well as Yin Ma Zay village in Buthidaung Township. The government previously announced the construction of helipads as part of efforts to improve transport infrastructure, however Amnesty International is concerned that construction is taking place on land previously inhabited and used for livelihoods by Rohingya.²⁶ In Pa Da Kar Ywar Thit, the two helipads are among a number of new structures built on what appears to have been agricultural fields next to a burnt Rohingya and Mro mixed ethnicity village.²⁷ At the Hla Poe Kaung transit centre, new helipads similarly appear to have been built on a formerly used or inhabited area.²⁸



²⁶ *The Global New Light of Myanmar*, "The Report to the People on the Progress of Implementation of the Recommendations on Rakhine State", 13 February 2018.

²⁷ Amnesty International was unable to confirm whether the burned structures in Pa Da Kar Ywar Thit were home to the Rohingya or Mro community, however according to a trusted source with knowledge of the village, the Rohingya community lived in the flatter, less mountainous part of the village.

²⁸ The government refers to the transit centre as being in Hla Poe Kaung, although much of the new construction has taken place on the burnt village of Thar Zay Kone in neighbouring Zin Paing Nyar village tract.

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Imagery in February 2018 of Hla Poe Kaung and Pa Da Kar Ywar Thit villages in Maungdaw Township shows newly built helipads. Yin Ma Zay village in Buthidaung Township also shows new helipads built in previously inhabited areas.

NEW HOMES AND VILLAGES

In addition to new security infrastructure, efforts to build new civilian infrastructure are underway across the state. Perhaps the clearest example of this are the three new centres for receiving and processing returning refugees. Two new reception centres have been built, one in Taung Pyo Let War, which is to receive refugees returning by land, and one in the village of Nga Khu Yar, which is to receive refugees returning from Bangladesh by river. According to the government, returnees will then be moved to a newly built transit centre in the village of Hla Poe Kaung, where they will be provided with food and access to health services.²⁹ It is unclear how long returnees will stay in the transit centre, although the government minister overseeing the process has said he expects it will only be a matter of months.³⁰

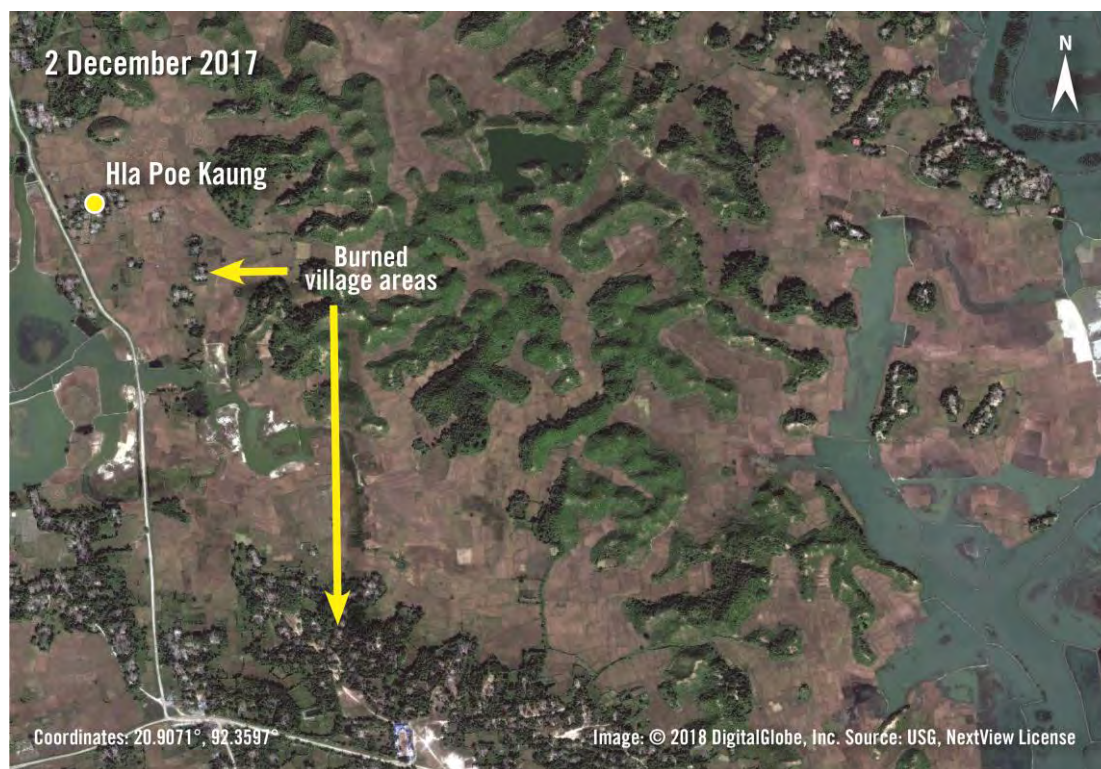
The pace of construction at the transit centre in Hla Poe Kaung has been frenetic. Satellite images from early December 2017 show no visible changes in the area, however by January construction was well

²⁹ *The Global New Light of Myanmar*, "Repatriation camps will be ready on time, say officials", 15 January 2018.

³⁰ *The Global New Light of Myanmar*, "The day that we can commence repatriation is 23 January. We therefore made preparations and we are now ready: Dr. Win Myat Aye", 25 January 2018.

underway.³¹ By early March 2018, there were scores of new structures visible in the area. As with the security bases in Myo Thu Gyi and Inn Din, the transit centre is built directly on land that was previously occupied by a Rohingya village, calling in to question the government's commitment in the repatriation arrangement with Bangladesh reached in November 2017 to "*encourage those who had left Myanmar to return... to their own households and original places of residence or to a safe and secure place nearest to it of their choice*".³²

As part of the repatriation arrangement with Bangladesh, the Myanmar government also committed to ensuring that returning refugees would not be settled in temporary places for long periods of time, and further stated that their freedom of movement would be allowed in conformity with existing laws and regulations.³³ Notwithstanding the obvious concerns about application of existing discriminatory laws and regulations restricting Rohingyas' movement, Amnesty International's review of satellite imagery and photographs of the sites, as well as interviews with humanitarian workers, diplomats and other experts raise further concerns about likely restrictions on the returning Rohingya population. The two reception centres are each surrounded by a fence perimeter, and interviews with recently arrived refugees in Bangladesh, humanitarian workers and diplomats confirm the presence of BGP and military forces in the area, including new security posts.³⁴ Although satellite images of the temporary transit centre in Hla Poe Kaung do not reveal a fenced perimeter, Amnesty International has detected two new small compounds with fenced perimeters. The new sites are similar to other secure checkpoints in the area. Both compounds were constructed after 28 December 2017, with the compound to the north being built on an area of burnt structures.



³¹ According to the "Physical arrangement for repatriation of displaced Myanmar residents from Bangladesh under the arrangement of return of displaced persons from Rakhine State", agreed between the governments of Myanmar and Bangladesh on 16 January 2018, repatriation was scheduled to begin on 23 January 2018, however the process was postponed before it could begin.

³² Arrangement on return of displaced persons from Rakhine State between the Government of the People's Republic of Bangladesh and the Government of the Republic of the Union of Myanmar, 23 November 2017, para. 2.

³³ Arrangement on return of displaced persons from Rakhine State between the Government of the People's Republic of Bangladesh and the Government of the Republic of the Union of Myanmar, 23 November 2017, para. 2.

³⁴ Amnesty International interviews, February and March 2018.



Imagery shows the burned village areas of Hla Poe Kaung on 2 December 2017. On 27 February 2018, many of the burned areas have been scraped and the reported repatriation processing centre is visible on the land. Two new secure areas are also visible.

While the authorities have the obligation to ensure the safety of returning refugees, Amnesty International is concerned about what appears to be excessive securitization of the area around the repatriation centres. Rohingya who fled death and destruction at the hands of the security forces are unlikely to find the prospect of living in close proximity to those same forces conducive to a safe return, especially given the continuing lack of accountability for human rights violations. Moreover, the heavy military and police presence suggests that authorities continue to view the Rohingya population first and foremost in terms of a security threat.

The security around the new reception and processing centres also raises concerns about restrictions on the freedom of movement of the returning population. In central Rakhine State, temporary camps established to house tens of thousands of Rohingya displaced during waves of violence in Rakhine State in 2012 have become increasingly permanent. Around 120,000 Rohingya – and other Muslim communities – have spent the last five years confined to these camps, unable to leave without permission from the state authorities.³⁵ There are therefore real fears that any Rohingya returning to Myanmar would face similar restrictions.

In addition to the new refugee reception centres, Amnesty International has detected construction of what appears to be new homes and villages. In some cases, these appear to be an expansion of existing villages, while in other areas structures have been built on newly scraped areas which just months ago were the smouldering remains of Rohingya homes and villages.

Thit Tone Nar Gwa Son village in northern Maungdaw Township is one such example. The entire village was burned following the August 2017 attacks, and, by early March 2018, the entire area had been scraped and new construction was visible on former villages and agricultural fields. A 38-year-old man from Ta Man Thar, a neighbouring village to the south of Thit Tone Nar Gwa Son, told Amnesty International that he and five others went back to the area in mid-February 2018, searching for food.

³⁵ Amnesty International, “Caged without a roof”: Apartheid in Myanmar’s Rakhine State (Index: ASA/16/7436/2017), 21 November 2017, pp 53-54.

While there, he watched security forces bulldoze the village madrasa in Ta Man Thar and saw non-Rohingya villagers cutting down trees and taking away the timber. Near Thit Tone Nar Gwa Son, he described seeing a new village built on land previously farmed by Rohingya villagers: “We saw people living there. I don’t know who they were, but they weren’t Rohingya. There are also two new BGP posts, one in the south and another in the north.” He explained that the new village was built on an area previously inhabited and used by Rohingya villagers as farm land.³⁶ Review of satellite imagery of the area between Ta Man Thar and Thit Tone Nar Gwa Son villages confirms the construction of 50 new structures, organised in four rows, on newly cleared land. State media has confirmed that Thit Tone Nar Gwa Son is one of five new villages that will resettle displaced Rakhine, Mro, Khami, Daignet and Thet communities.³⁷



³⁶ Amnesty International interview, 24 February 2018.

³⁷ *The Global New Light of Myanmar*, “New homes for residents in Maungtaw, Rakhine State”, 24 February 2018.



On 5 November 2017, imagery shows the heavily burned village of Thit Tone Nar Gwa Son. On 2 March 2018, the village has been scraped and new structures are visible.

As already mentioned, the Myanmar authorities have a long history of relocating non-Rohingya populations to northern Rakhine State to live in specially built villages, commonly known as NaTaLa villages. Since the August 2017 attacks, the Myanmar authorities have announced their intention to build new houses for “ethnic nationals”, leading to fears that lands used by Rohingya who have fled to Bangladesh will be confiscated for new NaTaLa villages.³⁸ Amnesty International has also detected what appears to be the expansion of an existing NaTaLa village in Kyauk Pan Du village tract in southern Maungdaw Township.³⁹

Added to this concern, in December 2017, local media reported that Rakhine civil society groups were encouraging ethnic Rakhine from other parts of the state to move to the northern townships.⁴⁰ Burmese language media have also reported that ethnic Rakhine families from nine other townships in Rakhine State have arrived in northern Rakhine State since December to settle there.⁴¹ Amnesty International is not aware of government support for the initiative; however, the organization is concerned that without government intervention, there could be further efforts to settle new populations from outside the township on land where Rohingya had formerly lived or used for their livelihoods.

³⁸ *The Global New Light of Myanmar*, “Rebuilding houses in Maungdaw”, 15 October 2017.

³⁹ State media has also confirmed construction of new homes for “ethnic nationals” in Kyauk Pan Du village. *The Global New Light of Myanmar*, “New homes for residents in Maungdaw, Rakhine State”, 24 February 2018.

⁴⁰ *The Irrawaddy*, “Settling Scores in Northern Rakhine”, 14 December 2018, <https://www.irrawaddy.com/news/burma/settling-scores-northern-rakhine.html>

⁴¹ See *RFA*, “A new village will be constructed near Inn din village”, 2 March 2018, <https://www.rfa.org/burmese/news/new-village-near-inndin-03022018070742.html>; *RFA*, “More than 60 people have arrived to settle in Maungdaw”, 13 December 2017, <https://www.rfa.org/burmese/news/new-village-maungdaw-12132017065518.html>; and *RFA* “New village Ramawaddy will be established”, 10 December 2017, <https://www.rfa.org/burmese/news/new-village-maungdaw-12102017073950.html>.

NEW ROADS AND INDUSTRY

Rakhine State is one of the poorest states in Myanmar, and all communities living in the region continue to suffer from decades of chronic under-development, lack of investment and infrastructure. The resulting poverty and lack of opportunities have been major drivers of tension and resentment among communities in the state. Since coming to power, the NLD-led government has repeatedly stated that it sees prioritizing investment and development of the state as a key solution to intercommunal tensions and has established a number of committees and commissions to this end. Amnesty International agrees that development is much needed in Rakhine State and is an essential part of improving the situation there. However, without efforts to also address and dismantle the underlying system of discrimination and segregation, which amounts to the crime against humanity of apartheid,⁴² development is likely to entrench and amplify existing inequalities, exacerbating conflict and perpetuating human rights violations and abuses.

As part of the redevelopment of Rakhine State, the Myanmar authorities have announced plans for major improvement to infrastructure and transport links, in particular a major upgrade to roads.⁴³ However, the construction in several specific villages raises concerns about whether the authorities are respecting the Rohingya population's right to return and whether all communities in Rakhine State, including Rakhine, Rohingya, Mro, Daignet and other ethnic or religious communities, are being adequately consulted in the process and are set to benefit from it without discrimination.⁴⁴

For example, a new road has been built directly on land where Rohingya homes had stood in the now depopulated Rohingya village of Ah Htet Nan Yar, in Rathedaung Township. Like many other villages, Ah Htet Nan Yar was burned to the ground during the early days of the post-25 August violence. Satellite imagery from 7 January 2018 shows how a road now cuts through the heart of the village, leading toward a recently expanded mine, discussed in more detail below. The road's placement, if permanent, would make it impossible for some Rohingya from the village to return to their land. By contrast, a new road in northern Buthidaung Township skirts neatly around the village of Sin Swei Ya, which sources in Buthidaung Township have confirmed is a predominantly ethnic Daignet village.⁴⁵

While Amnesty International has only detected this type of major road construction in a few areas, the differing levels of respect for Rohingya and non-Rohingya villages so far raises concerns about future construction, in particular given the widespread bulldozing of Rohingya villages in many areas and the government's stated plans to build new roads across the region.

⁴² See Amnesty International, *"Caged without a roof"*.

⁴³ Information Committee, "Upgrading of Angumaw-Maungtaung road to be completed in May", 10 December 2017, <http://www.statecounsellor.gov.mm/scoicen/upgrading-angumaw-maungtaung-road-be-completed-may>; *The Global New Light of Myanmar*, "The Report to the People on the Progress of Implementation of the Recommendations on Rakhine State", 13 February 2018.

⁴⁴ International human rights law and standards explicitly recognize the right of all refugees and displaced persons to voluntary return, in safety and dignity, to their original or former habitual homes and lands. See for instance, Universal Declaration of Human Rights, Article 13; International Covenant on Civil and Political Rights, Article 12.4; Human Rights Committee, *General Comment No. 27 Freedom of movement (Article 12)*, UN Doc CCPR/C/21/Rev.1/Add.9, 2 November 1999, paras 19-21. See also *Housing and property restitution in the context of the return of refugees and internally displaced persons: Final report of the Special Rapporteur, Paulo Sérgio Pinheiro Principles on housing and property restitution for refugees and displaced persons*, UN Doc: E/CN.4/Sub.2/2005/17, 28 June 2005.

⁴⁵ Amnesty International communication, 28 February 2018.



Ah Htet Nan Yar is located 1.5 kilometres south of Chut Pyin. Imagery from 10 November 2017, shows the village after it has been razed. On 7 January 2018, a large new road is visible leading to the mining area. Many burned structures were scraped to construct the road.



Imagery from 2 December 2017, shows a well-organized village. On 13 February 2018, a new vehicle track is visible that travels around the village.

In several areas in northern Rakhine State, satellite imagery detects the rapid development or expansion of mines.⁴⁶ For example, near Ah Htet Nan Yar, satellite images from February 2018 show major changes in the landscape, with significant excavation of an area with a terraced formation to the east of the village. Further north, two new roads and scraping are visible, suggesting possible further mining and excavation of the area, while to the east, slightly south of what used to be Ah Htet Nan Yar, two areas have been cleared. It is unclear whether the mine was operational prior to the August 2017 violence. Analysis of satellite imagery suggest several small roads in the mine area in July 2017, which could indicate mining was underway before the exodus. However, excavation at the site appears to have escalated significantly after August 2017 – in particular between 21 and 26 September 2017. Images captured on 10 November 2017 show large earthmoving machines present at a gathering spot in the village, and by 18 November, a new road has been built and major excavation at the mine was underway. Amnesty International has not been able to definitively ascertain what is being mined in the area, although a geologist with expertise in that part of Myanmar, and who reviewed satellite imagery, said it was most likely limestone quarries for cement.⁴⁷

Amnesty International has also detected new construction in other areas in the region. These include a major new port and buildings around the ethnic Rakhine village of Ma Gyi Chaung in Rathedaung Township, new mining and/or quarrying close to Aung Ba La village in Rathedaung Township, as well as the slight expansion of a pier in the still populated Shwe Zar village tract in Maungdaw Township, close to the site of a planned Special Economic Zone.⁴⁸ While the construction in and of itself is not necessarily a concern, it takes place in a context where communities are rarely adequately consulted about major investment and extractive projects, where land confiscation is common and where authorities often fail to ensure adequate safeguards against negative environmental and human rights impacts.⁴⁹ As a matter of priority, the Myanmar government should increase transparency about its plans for northern Rakhine State, and ensure it consults widely with communities from all ethnic and religious backgrounds.

⁴⁶ State Media has confirmed that since its establishment in July 2017, the Rakhine State Investment Commission has approved one new mining concession in Rakhine State, although details of the location and purpose of the mine are unclear. *The Global New Light of Myanmar*, “The Report to the People on the Progress of Implementation of the Recommendations on Rakhine State”, 13 February 2018.

⁴⁷ Amnesty International correspondence, 19 February 2018.

⁴⁸ Special Economic Zones in Myanmar are specific geographic areas which operate with a special legal framework for business activity. Civil society and non-governmental organizations have raised a number of human rights concerns in connection with these areas, including a problematic legal framework, lack of meaningful consultation with affected communities, lack of adequate compensation and limited access to effective remedies. See for example, International Commission of Jurists (ICJ), *Special Economic Zones in Myanmar and the State Duty to Protect Human Rights*, 1 February 2017.

⁴⁹ See for example, Amnesty International, *Open for business? Corporate crime and abuses at Myanmar copper mine* (Index: ASA 16/0003/2015), 10 February 2015.



Imagery from 16 February 2018, shows a new mine area has been constructed close to Ah Htet Nan Yar. The speed of construction of the mine and roads has been very fast, and geologists suggest the mine could be a limestone quarry. Many areas have been scraped and new roads built.

REMAKING RAKHINE STATE

ENTRENCHING APARTHEID? ONGOING CRIMES AGAINST HUMANITY

During the past 15 months, Amnesty International has documented in detail serious human rights violations by the Myanmar authorities, perpetrated knowingly as part of a widespread as well as systematic attacks on the Rohingya civilian population in Rakhine State. These constitute crimes against humanity under international law, and in the context of military operations in northern Rakhine State, include crimes of murder, deportation and forcible transfer of the population, torture, rape, enforced disappearances, persecution and other inhuman acts.⁵⁰

These crimes were also committed in the context of an institutionalized regime of systematic oppression and domination of the Rohingya population in Rakhine State. State authorities have used a range of laws, policies and practices to deprive the Rohingya of their rights to a nationality, to freedom of movement, to adequate healthcare, education, work and food, to freedom of thought, conscience and religion, and to participate in public life. Amnesty International has concluded that these laws, policies and practices form part of a systematic attack against a civilian population and also constitute crimes against humanity under international law, specifically, the crime against humanity of apartheid.⁵¹

The human rights violations documented in this briefing, in the context of the ongoing attack against the Rohingya population, may also amount to the crime against humanity of apartheid. Particularly it appears that the steps taken by the government of Myanmar to clear the burned out Rohingya villages, destroying and flattening houses, arbitrarily and illegally seizing houses, villages and farm land; to further strengthen the presence of the security forces in Rohingya civilian areas; to transfer non-Rohingya to previously Rohingya areas; and to construct potentially permanent holding centres for returning refugees are all policies designed and implemented to entrench the institutionalized regime of systematic oppression and domination of Rohingya.

CONCLUSION

Six months after the military launched a scorched-earth campaign to drive the Rohingya population out of Myanmar, efforts to remake the region are well underway. Burnt villages are being bulldozed, remaining buildings demolished, and trees and other vegetation cleared. In many areas, the landscape has been rendered virtually unrecognizable. New construction is underway, including new security force bases, infrastructure and villages. In many areas the construction is taking place directly on or next to former Rohingya homes and villages. The scale of the change is matched only by the speed with which it is taking place.

The situation raises serious concerns for the hundreds of thousands of Rohingya who fled death and destruction at the hands of Myanmar's security forces, and who are absent while authorities rebuild and reshape northern Rakhine State. It also raises concerns for tens of thousands of Rohingya who have stayed in northern Rakhine State. It is difficult to see how refugees will be able to return to their original places, let alone do so voluntarily, safely and with dignity in the face of increasing militarization of the area. The lack of transparency, information and consultation with affected communities means it remains unclear how returning refugees – and those still in northern Rakhine State – will benefit from any proposed economic development and have access to adequate housing, standard of living and other economic, social and cultural rights.

Rakhine State is a poor state, and development and investment are desperately needed to ensure that all communities there can live in dignity. However, the Myanmar authorities appear to be pushing forward with development in the absence of meaningful action to address the state-sponsored system of discrimination and segregation which made the Rohingya so vulnerable in the first place. They have similarly failed to allow any independent investigation of serious human rights violations, let alone ensure that perpetrators are held to account. The situation exposes Rohingya who have fled to Bangladesh and those who have remained to further violations of their human rights, adding to the

⁵⁰ See Amnesty International, *"We Are at Breaking Point": Rohingya persecuted in Myanmar, neglected in Bangladesh* (Index: ASA 16/5362/2016), 19 December 2016; Amnesty International, *"My World Is Finished"*; Amnesty International, *"Caged without a Roof"*.

⁵¹ See the detailed analysis in Amnesty International, *"Caged without a Roof"*, pp. 88-98.

Myanmar authorities' long list of policies of blatant, violent discrimination against the population.

Without effective action, the situation risks deteriorating further. It is therefore essential that the international community uses all possible avenues to pressure the Myanmar authorities – both civilian and military – to dismantle the decades of state-sponsored discrimination and segregation. It must also take effective action to ensure that those responsible for serious human rights violations and crimes under international law are independently investigated and brought to justice. Impunity for such abuses will only perpetuate the cycle of abuse. Finally, the international community, and in particular individual donor states, have a duty to ensure that any investment or assistance to Myanmar does not contribute to human rights violations. Contributing to a system that systematically discriminates against the Rohingya population and that makes the return of refugees even less likely could amount to assisting in crimes against humanity.

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REMAKING RAKHINE STATE

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