



“WE WILL DESTROY EVERYTHING”

MILITARY RESPONSIBILITY FOR CRIMES AGAINST HUMANITY
IN RAKHINE STATE, MYANMAR

AMNESTY
INTERNATIONAL



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Cover photo: Rohingya refugees stream into Bangladesh after crossing the Naf River, which separates Myanmar and Bangladesh, in September 2017. In the background, smoke rises from villages being burned in northern Rakhine State, Myanmar.

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MAPS





GLOSSARY

WORD	DESCRIPTION
ARSA	Arakan Rohingya Salvation Army, a Rohingya armed group also known as <i>Harakah al-Yaqin</i> , or “the faith movement”. It attacked security force posts in northern Rakhine State in October 2016 and again in August 2017.
BGP	Border Guard Police, a special Myanmar police force that maintains small posts in the majority of village tracts of northern Rakhine State. They are ubiquitous in daily life in the region, including in enforcing movement restrictions on the Rohingya. The BGP was established in 2014 to replace the force known as the NaSaKa, and usually operates under the control of the Ministry of Home Affairs.
ICC	International Criminal Court
IED	Improvised Explosive Device, typically a landmine-like or bomb-like weapon.
Hamlet	A subdivision of a village, akin to a neighbourhood. The term is sometimes used in northern Rakhine State to denote a specific village within a village tract.
LIB/IB	Light Infantry Battalion (<i>Hka Ma Ya</i> , in Burmese) and Infantry Battalion (<i>Hka La Ya</i>), Myanmar Army units that are subordinated to a higher command, such as a Light Infantry Division or Regional Command.
LID	Light Infantry Division (<i>Tat Ma</i> , in Burmese), one of two types of “combat divisions” in the Myanmar Army. There are 10 LIDs, which in turn have around 10 infantry battalions or light infantry battalions (IBs/LIBs). They are often deployed rapidly around the country.
MOC/OCC	Military Operation Command or Operation Control Command (both translations of <i>Sa Ka Hka</i> , in Burmese), which is the second of two types of “combat divisions” in the Myanmar Army. This report uses the term MOC. There are 20 MOCs in the Myanmar Army; three are based in Rakhine State, including MOC 15 in Buthidaung Township.
NVC	National Verification Card, a temporary identification card for those who apply to undergo citizenship “verification”.
Tatmadaw	The official Burmese name of the Myanmar Armed Forces. In this report, Amnesty International typically uses the terms “Myanmar Army” and “Myanmar military”.
Village Tract	An administrative subdivision in rural areas of Myanmar. In northern Rakhine State, it comprises a collection of villages, often of mixed ethnicity.

EXECUTIVE SUMMARY

“We got an order to burn down the entire village if there is any disturbance. If you villagers aren’t living peacefully, we will destroy everything.”

Audio recording of a Myanmar military officer, during a phone conversation with a Rohingya man from Inn Din village, Maungdaw Township, in late August 2017. Within days, the Rohingya areas of Inn Din had been razed by the security forces.

Early in the morning of 25 August 2017, a Rohingya armed group known as the Arakan Rohingya Salvation Army (ARSA) launched coordinated attacks on security force posts in northern Rakhine State, Myanmar. In the days, weeks, and months that followed, the Myanmar security forces, led by the Myanmar Army, attacked the entire Rohingya population in villages across northern Rakhine State.

In the 10 months after 25 August, the Myanmar security forces drove more than 702,000 women, men, and children—more than 80 per cent of the Rohingya who lived in northern Rakhine State at the crisis’s outset—into neighbouring Bangladesh. The ethnic cleansing of the Rohingya population was achieved by a relentless and systematic campaign in which the Myanmar security forces unlawfully killed thousands of Rohingya, including young children; raped and committed other sexual violence against hundreds of Rohingya women and girls; tortured Rohingya men and boys in detention sites; pushed Rohingya communities toward starvation by burning markets and blocking access to farmland; and burned hundreds of Rohingya villages in a targeted and deliberate manner.

These crimes amount to crimes against humanity under international law, as they were perpetrated as part of a widespread and systematic attack against the Rohingya population. Amnesty International has evidence of nine of the 11 crimes against humanity listed in the Rome Statute of the International Criminal Court being committed since 25 August 2017, including murder, torture, deportation or forcible transfer, rape and other sexual violence, persecution, enforced disappearance, and other inhumane acts, such as forced starvation. Amnesty International also has evidence that responsibility for these crimes extends to the highest levels of the military, including Senior General Min Aung Hlaing, the Commander-in-Chief of the Defence Services.

This report is based on more than 400 interviews carried out between September 2017 and June 2018, including during four research missions to the refugee camps in Bangladesh and three missions to Myanmar, one of which was to Rakhine State. The interviews were overwhelmingly with survivors and direct witnesses to crimes. Amnesty International sought out people from different ethnic and religious communities from northern Rakhine State, including Rohingya, a predominantly Muslim group; ethnic Rakhine, Mro, Khami, and Thet, all predominantly Buddhist groups; and Hindu.

In addition to survivors and witnesses, Amnesty International interviewed humanitarian aid workers in Bangladesh and Myanmar; medical professionals in Bangladesh who had treated violence-related injuries among Rohingya refugees; analysts of the Myanmar military; diplomats; journalists; and local administrative officials in Myanmar, known as Village Administrators. The report also draws on an extensive analysis of satellite imagery and data; forensic medical examination of injury photographs; authenticated photographic and video material taken by Rohingya in northern Rakhine State; confidential documents, particularly on the Myanmar military’s command structure; and open source investigations and analysis, including of Facebook posts related to the Myanmar military.

A HISTORY OF PERSECUTION

The Rohingya have long faced systematic discrimination and persecution in Myanmar. Successive governments have denied that the Rohingya are an ethnic group from Myanmar and instead asserted that they are migrants from Bangladesh who settled in the country “illegally”. The reality is that the overwhelming majority of Rohingya living in Rakhine State, as well as those who have recently fled from Rakhine State to Bangladesh and other states, were born in Myanmar, as were their parents. Virtually all of them have no other citizenship and no reasonable claim to citizenship anywhere other than in Myanmar. Despite this, most are not recognized as Myanmar citizens. They have been effectively deprived of their right to a nationality as a result of discriminatory laws, policies, and practices, most significantly the 1982 Citizenship Law and its application.

Their lack of citizenship has had a cascade of negative impacts on the Rohingya. It has allowed the authorities to severely restrict their freedom of movement, effectively segregating them from the rest of society. Access to healthcare, education, and work opportunities has also been severely limited. This discriminatory and dehumanising regime became particularly pronounced—and enforced rigidly by the Myanmar military and civilian authorities—in the aftermath of violence in 2012 between the Rohingya and ethnic Rakhine, the latter of whom were at times supported by the security forces. Amnesty International has concluded that this regime, which targets the Rohingya as a racial group and which is implemented by the state through a range of laws, policies, and practices, amounts to the crime against humanity of apartheid.

In addition to the daily persecution the Rohingya endure, there is a long history of violent expulsions by the Myanmar security forces. In 1978, up to 200,000 Rohingya were forced to flee Myanmar during and after a major military crackdown on “illegal immigration” codenamed “Operation *Nagamin*” (Dragon King). In 1991 and 1992, an estimated 250,000 Rohingya fled after another campaign of violence by the Myanmar security forces. In both cases, most Rohingya were repatriated from Bangladesh in subsequent years in a manner that raised serious questions as to whether the process was voluntary. Neither repatriation process led to improvements in the lives of the Rohingya; on the contrary, the repatriations were followed by the further erosion of Rohingya rights and dignity.

More recently, starting in October 2016, tens of thousands of Rohingya were forced to flee Rakhine State after the Myanmar security forces targeted Rohingya women, men, children, and entire villages following attacks on police posts by the then-unknown Rohingya armed group ARSA. The military’s subsequent “clearance operations” were marked by widespread and systematic human rights violations, including unlawful killings, rape and other forms of torture, enforced disappearances, and arbitrary detentions. At the time, Amnesty International and the UN Office of the High Commissioner for Human Rights (OHCHR) concluded that these crimes may have amounted to crimes against humanity.

The Myanmar military and a national commission separately launched investigations into the allegations. Both rejected OHCHR’s findings and issued whitewash reports that found almost no wrongdoing. For the many crimes committed against the Rohingya, the security forces benefited from near total impunity. Meanwhile, the international community stayed largely silent, with many privately expressing fears that strong condemnation and action might undermine the country’s recent transition to a quasi-civilian government after decades of military rule and isolationism. This impunity and collective silence, particularly since 2012, set the stage for the current crisis.

PRELUDE TO THE 25 AUGUST VIOLENCE

Tensions were already escalating in northern Rakhine State in the months and weeks before 25 August 2017. The Myanmar security forces arrested and arbitrarily detained scores of Rohingya men and boys, ostensibly in an attempt to identify members of ARSA and gather information about their plans and activities. Amnesty International interviewed 23 men and two teenage boys whom the security forces had arrested and tortured or otherwise ill-treated during this period. Individuals were often beaten during the arrest and taken to Border Guard Police (BGP) bases, where they were held for days or, in some cases, weeks.

At the BGP bases, BGP officers tortured or otherwise ill-treated Rohingya detainees in order to extract information or to force them to confess to involvement with ARSA. Amnesty International documented in detail torture and other ill-treatment that occurred in two specific BGP bases: in Taung Bazar, in northern Buthidaung Township; and in Zay Di Pyin village, in Rathedaung Township.

Rohingya detainees who were subsequently released from these bases described torture methods that included severe beatings, burning, waterboarding, sexual violence, food and water deprivation, and humiliating treatment. Several Rohingya men who were held at the Taung Bazar BGP base described having their beards burned. Rohingya men and a boy who were detained at the Zay Di Pyin BGP base described being denied food and, for several days, water; beaten to the point of death; and then, in many cases,

having their genitalia burned until it blistered. A farmer from a village in Rathedaung Township told Amnesty International, *"I was standing with my hands tied behind my head, then they pulled off my longyi and put a [lit] candle under my penis. [A BGP officer] was holding the candle and [his superior] was giving orders... They were saying, 'Tell the truth or you will die'."*

In most cases, only those who were able to pay huge bribes to the security forces were released, leaving people from poor families at greater risk of prolonged detention and further torture. To secure their release, detainees were made to sign a document stating they had never been abused. As of June 2018, the Myanmar authorities have yet to provide information on who remains in detention, where they are being held, and under what charges or criminal proceedings they are being held, if any. These detentions amount to arbitrary detention under international law.

For its part, ARSA seems to have been regrouping in the months following its October 2016 attacks and the violent military response. In an apparent effort to keep details of their activities quiet, from late 2016 members of the group abducted or unlawfully killed Rohingya men who were suspected to be providing information about ARSA to the Myanmar authorities. Amnesty International documented 11 such incidents of murder or abduction. In nearly all instances, the victim was a Rohingya village leader known to be close to the authorities; the victims were typically stabbed or abducted and never seen or heard from again.

The targeted killings appear to have been part of a much effort by ARSA to intimidate and persuade the Rohingya community to cease any cooperation with the Myanmar authorities and to reduce interaction with other ethnic and religious communities—interaction which was already limited, given the entrenched system of segregation and discrimination in Rakhine State.

During the same period, ethnic Rakhine, Mro, and Daingnet villagers were killed or seriously injured in a string of incidents that fit a pattern: villagers went into the mountains or to a forested area to forage for food and never returned. In some cases, their bodies were later discovered with knife wounds. In several incidents that Amnesty International documented, one or more individuals escaped and said that the attackers spoke the Rohingya dialect; the survivors described having stumbled across what appeared to be a "camp" with supplies. In several incidents with no survivors, people who were part of search parties claim, as have the Myanmar authorities, to have discovered ARSA "camps". While Amnesty International has not been able to determine that each such incident was linked to ARSA, the circumstances of many of them suggest that the villagers were killed for having chanced across members of the group.

In the weeks leading up to 25 August 2017, the Myanmar Army reinforced its presence in northern Rakhine State, bringing in battalions from the 33rd and 99th Light Infantry Divisions (LIDs). In June 2017, Amnesty International had provided evidence that implicated each of these combat divisions in war crimes in northern Shan State between late 2016 and mid-2017, as part of the Myanmar military's operations during the ongoing internal armed conflicts there. The deployment of those troops—equipped for combat with an opposing armed group and with a track record of punishing ethnic minorities collectively for their perceived support to an armed group—signalled a shift to an even more aggressive strategy, honed over decades by the Myanmar military, in which entire villages and ethnic groups are cast as the enemy during security operations. The authorities' particular animus towards the Rohingya made that all the more lethal.

Threats of violence were delivered in certain Rohingya villages. Around 20 August 2017, a field commander from the 33rd LID met in Chut Pyin with Rohingya leaders from nearby villages in Rathedaung Township. According to seven people present at the meeting who were interviewed separately by Amnesty International, the commander threatened that if there was ARSA activity, or if they did any "wrong," his soldiers would shoot at the Rohingya directly without distinction. Amnesty International likewise obtained a late August 2017 audio recording, which it believes to be authentic, of a telephone call in Burmese between a Rohingya resident of Inn Din and a Myanmar military officer based in the area. In the recording, the officer says, *"We got an order to burn down the entire village if there is any disturbance. If you villagers aren't living peacefully, we will destroy everything... We are starting the operation... If you just stay quiet, there will be no problems. If not, you will all be in danger."*

CAMPAIGN OF VIOLENCE

The military's threats became reality almost immediately after the 25 August attacks by ARSA. In certain villages, often near where major ARSA activity appears to have occurred, the Myanmar military meted out particularly harsh punishments, massacring Rohingya villagers and raping and committing other sexual violence against Rohingya women and girls.

On 27 August in Maung Nu village, Buthidaung Township, soldiers from the 564th Light Infantry Battalion (LIB), commanded by a combat division known as Military Operation Command (MOC) No. 15, headquartered in northern Rakhine State under Western Command, rounded up Rohingya from the village

and brought them to a large compound owned by some of the village's most prominent Rohingya community members. There, they separated men and older boys from the rest of the group, brought them out to the courtyard, and summarily and extrajudicially executed them—opening fire on some at point-blank range, and murdering others with knives. Women and girls were subjected to sexual violence, in particular humiliating body searches during which soldiers looked for and stole money, gold, and other valuables.

The same day, soldiers from the 33rd LID who had been staying in the ethnic Rakhine part of Chut Pyin village, Rathedaung Township, entered the Rohingya area from the north and south at around 2 p.m. Together with BGP officers, they pulled men and older boys out of their homes, extrajudicially executing some on the spot and taking away dozens more who have not been seen or heard from since and are presumed dead. Soldiers also captured and took women to a local school building that was serving as a temporary military base. Inside, the soldiers took turns gang raping the women.

Q.P., around 25 years old, was one of the women whom soldiers took to the school and raped. She told Amnesty International that when she emerged from the building later, *“I saw so many bodies in front of the school. Some had been shot, some had been cut. All of the dead bodies were bound [their hands tied with rope]. There were bullets on the ground everywhere... There was so much blood. The dead bodies were like stones in a field. I thought I would be sick, I was only stopped by my tears.”*

As Rohingya fled the attack on Chut Pyin, security forces opened fire on entire families who were running together. Several children described watching as their parents and siblings were shot and killed right next to them. E.Z., 21, was clutching her 2 ½-year-old son when a bullet ripped through his stomach and hit her hand; the boy died later that day. Dozens of Rohingya from Chut Pyin arrived at neighbouring villages with gunshot wounds. Many of those wounds were still untreated a week later, as they fled to Bangladesh. In total, more than 200 Rohingya were killed in Chut Pyin on 27 August.

Three days later, on 30 August, soldiers from the 99th LID shepherded Rohingya women, men, and children from Min Gyi village, Maungdaw Township, down to the banks of a nearby river. There, the soldiers separated men and older boys from women and younger children; forced the men to lie or crouch down; and then opened fire, summarily and extrajudicially executing them. Later that day, soldiers took groups of captured women and young children to houses in the Rohingya area of the village, where they raped many women and girls and stabbed or beat the young children, at times to death. The soldiers then set the houses on fire with people still inside. Some women and children managed to escape by breaking through the bamboo siding of the burning houses; they joined the exodus to Bangladesh, where they received treatment for severe burn wounds and other injuries. As in Chut Pyin, more than 200 Rohingya were killed in Min Gyi. News of the massacres quickly spread among surrounding Rohingya villages, causing many people to flee out of fear they might suffer the same fate.

While these three massacres appear to have been unique in their scale, they were not the only villages where the Myanmar security forces carried out unlawful killings. Indeed, across a large geographic area, different military units, and a span of weeks, lethal violence was often inflicted in very similar ways. Soldiers and BGP would enter a village from one or two directions, open fire on people as they fled, and systematically burn down the Rohingya area—often with people who had not been able to run still inside houses, including the elderly and persons with disabilities. Amnesty International focused on four such villages in detail—Chein Kar Li and Koe Tan Kauk in Rathedaung Township; Inn Din, in Maungdaw Township; and Gu Dar Pyin, in Buthidaung Township—but received testimonies from dozens of other villages that indicate similar attacks in which several dozen or more Rohingya were unlawfully killed. In total, thousands of Rohingya women, men, and children were killed.

Rape, too, was carried out on a wide scale. Medical providers in Bangladesh have reported treating several hundred women who were raped in Myanmar. This likely represents only a fraction of the true scale, given the social stigma and associated shame of rape, and the fact that rape victims were also subsequently murdered. Amnesty International interviewed 20 women and two girls who were survivors of rape. Half of them were gang raped by two or more perpetrators. Most also witnessed other women being raped at the same time. Amnesty International interviewed nine survivors of other sexual violence, including humiliating body searches, and documented additional rape and other sexual violence through witness interviews. In total, Amnesty International documented rape and other sexual violence against women and girls in 16 locations in all three townships of northern Rakhine State, indicating that the practice was widespread.

Most women and girls were raped in one of three contexts. First, women and girls were raped during or immediately after a military attack on their village, such as during the massacres in Chut Pyin and Min Gyi. In these incidents, soldiers often took women and girls away to another location—empty houses, fields, schools, and, in one case, a mosque—where they assaulted them, often in mass and gang rapes. Second, women and girls were raped in their home during more general security force activity in villages, including

during searches or raids for suspected ARSA members. Third, women and girls were raped and subjected to other sexual violence as they fled towards Bangladesh.

C.R., 20, from Gu Dar Pyin village tract, Buthidaung Township, was one of a group of women raped when soldiers attacked on the night of 27-28 August 2017. She told Amnesty International, *“Two soldiers came and tied my hands and legs together with rope... They dragged me to one side. It was not so far from the main group [of women], in a forested area. Four of them took me, and all four raped me.”*

Rapes were often accompanied by further acts of violence, often designed to hurt, humiliate, and dehumanise the victims further. Security forces beat, burned, kicked, and bit women and girls, and threatened them at gunpoint. In some cases, the perpetrators beat and stabbed women's children during the attacks. Often, women were subjected to humiliating body searches before they were raped. In addition to sexual violence, survivors were often tortured further by witnessing the killing of family members and the arrest of male relatives, some of whom were subsequently forcibly disappeared.

Most commonly, the Myanmar security forces, at times working with local villagers from other ethnic communities, burned Rohingya homes, mosques, and other structures in a deliberate, targeted, and systematic manner. In total, hundreds of villages were burned entirely or in part. Amnesty International's analysis of satellite imagery shows at least several dozen mixed-ethnicity villages where the Rohingya areas are razed in their entirety and nearby areas, where other ethnic communities reside, remain unscathed. The vast majority of the burning occurred during the height of Myanmar's rainy season. It required planning, effort, and determination, with fires set distinctly to each cluster of structures. Several ethnic Rakhine villagers told Amnesty International that soldiers organized them to burn down Rohingya villages nearby.

As tens of thousands of Rohingya fled on foot to Bangladesh from northern Maungdaw Township, where hills and fields separate the two countries in a narrow strip of land known as “zero point,” they unknowingly faced another hazard: antipersonnel landmines laid along key departure paths. Based on survivor and witness accounts, verified photographs, and an analysis by Amnesty International's weapons experts, the evidence points to the Myanmar military deliberately laying landmines in a way designed to cause harm to the fleeing Rohingya, and which then did lead directly to deaths and maiming, including of children. The military laid a specific landmine known as the PMN-1 type, which carries an unusually large explosive charge compared to other antipersonnel landmines. This caused particularly severe injuries and a high death rate among the Rohingya who stepped on them near the border.

STARVATION, BULLDOZING, AND NEW CONSTRUCTION

Although the military announced the end of its “clearance operations” on 5 September 2017, unlawful killings, rape and other sexual violence, and village burning continued for weeks after that. A month into the crisis, almost half a million Rohingya had been forced into Bangladesh. But hundreds of thousands of others remained in northern Rakhine State, trying to continue living in their homes and working their land.

A series of deliberate actions by the Myanmar security forces made that impossible for many Rohingya, forcing more to flee after being driven to the brink of starvation. Many Rohingya in northern Rakhine State were already in a position of vulnerability, as the apartheid regime imposed extensive movement restrictions that prevented or severely limited access to livelihoods and food sources, such as forests, rivers, markets, and other villages. In the months following 25 August, the security forces made the situation worse.

First, during and after attacks on Rohingya villages, the security forces often participated in the massive theft of Rohingya livestock, a key source of food and wealth. Second, for the first month of the crisis, the military, hand-in-hand with the country's civilian authorities, blocked humanitarian access to northern Rakhine State; in subsequent months, they continued to severely restrict access, undermining the ability of humanitarian organizations to provide food aid and other assistance to communities that desperately needed it.

Third, the security forces burned several Rohingya markets and blocked access to others, cutting off centres of trade where people could buy and sell goods. And fourth, at the time of the rice harvest in late 2017, the security forces blocked Rohingya in many villages from accessing their rice fields. Unable to replenish their staple crop, cut off from other means of livelihood, and without access to food aid, or at least sufficient food aid, thousands streamed across the border each week in late 2017 and early 2018. Dildar Begum, a 30-year-old woman from Tat Yar village, Buthidaung Township, told Amnesty International, *“We weren't able to get food, that's why we fled.”*

At the end of 2017, the Myanmar authorities also began remaking northern Rakhine State, with frenetic bulldozing and construction across the region. The civilian-led government has said the activity is meant to prepare the region for the repatriation of Rohingya refugees from Bangladesh and, more generally, to address decades of chronic under-development and under-investment in one of Myanmar's poorest states.

But Amnesty International's analysis of satellite imagery, combined with interviews with people on both sides of the border, strongly suggests something far less benevolent. Dozens of Rohingya villages have been wiped off the map through bulldozing, including structures that had survived village burning. Evidence related to the military's crimes against humanity has potentially been cleared away as well.

In place of many of these villages, often in the exact location where the Rohingya used to live and farm, the authorities are building new security force bases and other security infrastructure; roads and other civilian infrastructure; and "model villages" for other ethnic and religious communities. The authorities are also, at minimum, tacitly supporting a much more ambitious effort by some ethnic Rakhine community leaders to resettle people from other parts of the state—and even people from predominantly Buddhist ethnic groups who have resided across the border in Bangladesh—to areas where the Rohingya used to live.

While the construction remains ongoing and the picture incomplete, the situation raises urgent concerns. Northern Rakhine State was already heavily militarized. The addition of further security infrastructure, especially after the crimes against humanity that drove hundreds of thousands of Rohingya away, undermines the likelihood that they will be able to return to their places of origin in a way that is safe, voluntary, and dignified. The building of security bases and homes for other communities directly on Rohingya homes and farmland also appears to contradict the November 2017 "arrangement" on safe and voluntary repatriation signed between the governments of Myanmar and Bangladesh. The whole process has been undertaken without consulting the Rohingya.

In early June 2018, the Government of Myanmar signed a Memorandum of Understanding with the UN Development Programme (UNDP) and the UN High Commissioner for Refugees (UNHCR), to *"establish a framework for cooperation... aimed at creating conducive conditions for the voluntary, safe, dignified and sustainable repatriation of refugees."* If the Myanmar authorities are serious, they will need to undo or reorient many of their actions undertaken across northern Rakhine State over the last six months, and also dismantle the system of apartheid that has deprived the Rohingya of their rights and dignity for so long.

ARSA ABUSES

During their initial attacks on security posts and in the days that followed, ARSA mostly targeted the Myanmar security forces. However, in several incidents, ARSA also attacked villagers from other ethnic and religious communities, building on the abuses it had committed prior to 25 August, when it unlawfully killed suspected Rohingya informants and people from other ethnic groups who happened across its "camps". The attacks fuelled fear among other ethnic and religious communities in the region, and an estimated 30,000 people were internally displaced or evacuated by the Myanmar authorities. Most have returned home, but some remain displaced, fearful of further ARSA attacks and violence.

In its single worst atrocity, ARSA attackers massacred the Hindu community in Kha Maung Seik village tract. At around 8 a.m. on 25 August, men dressed in black with their faces covered, joined by Rohingya in ordinary dress who were recognized as from the area, rounded up all 69 Hindu women, men, and children present in Ah Nauk Kha Maung Seik village. Several hours later, those attackers killed 53 of the captured Hindus. Many, if not most, were killed by having their throats slit. The attackers left eight Hindu women and eight of their children alive on condition that the women "convert" to Islam and marry men selected by the attackers.

The overwhelming evidence is that the attackers of the Hindu community in Kha Maung Seik were ARSA fighters and Rohingya villagers who joined them, voluntarily or by force. The group attacked a BGP post in the village tract that same day. The descriptions of those who attacked the BGP post and those who attacked the Hindu community were similar, and also similar to descriptions of ARSA attackers in villages across northern Rakhine State, including villages close to Kha Maung Seik. Some of the same attackers who carried out the massacre took the Hindu survivors to Bangladesh. It took the intervention of the Hindu community in Cox's Bazar and of the Bangladeshi police to get them to safety.

ARSA also attacked and burned at least two ethnic Rakhine and Mro villages. On 28 August, ARSA fighters and other Rohingya entered the ethnic Mro village of Khu Daing, in northern Maungdaw Township, with swords, knives, and other bladed weapons. They murdered six ethnic Mro villagers, injured seven more, and burned the village. That attack, along with several other incidents from before 25 August in which ethnic Mro were killed, has affected the entire way of life of the Mro community in northern Rakhine State. The Mro have historically lived in small, remote villages in mountainous areas largely inaccessible by road. Many now fear venturing too far from their villages to farm, forage, or chop wood, and so have begun to move down to flat areas closer to roads and to the presence of the security forces.

Much remains unknown about ARSA, including its overall size and its precise command structure. It is unclear whether some of the abuses involving ARSA fighters happened outside the group's command

structure or in opposition to orders about how to treat villagers from other communities, or whether the abuses reflected or were in compliance with such orders—if orders concerning these issues existed at all. But the effect of ARSA's abuses is clear: the Rohingya have been largely intimidated into silence; and people from other ethnic and religious communities continue to live in fear that ARSA may attack them next. Any international investigation must also look at these abuses, including to determine if they amount to crimes under international law.

COMMAND RESPONSIBILITY FOR CRIMES AGAINST HUMANITY

The crimes committed by the Myanmar security forces in the period before and after 25 August clearly amount to crimes against humanity. For crimes under international law, individuals, whether civilians or military and regardless of rank, may and should be held criminally responsible. Commanders can be held responsible under several modes of liability, including command responsibility, under which a military commander or a civilian superior in a similar capacity is held responsible for the acts of his or her subordinates if he or she knew or should have known of the crimes and failed to prevent or stop the crimes or to punish those responsible.

The senior command of the Myanmar military, referred to as the Office of the Commander-in-Chief (Army) or the War Office, appears to have been actively engaged in overseeing the operations during which the crimes against humanity described in this report were committed. In August, the War Office decided to deploy battalions from combat divisions in another part of the country to northern Rakhine State, despite public reporting that linked those combat divisions to war crimes. Senior officials from the War Office physically went to Rakhine State in the lead up to 25 August and in the weeks that followed. Among them was Senior General Min Aung Hlaing himself, who travelled to the region from 19-21 September 2017 to be briefed on the operations. These senior officials also would have been involved in the deployment of air assets such as helicopters, which appear linked to serious crimes or the cover-up of serious crimes, both during the operations that began on 9 October 2016 and those that began on 25 August 2017.

Confidential documents on the Myanmar military indicate that during military operations like those in northern Rakhine State, forces on the ground normally operate under the tight control of superior levels in the command structure. Combat division units—which committed the vast majority of crimes against the Rohingya—have strict reporting requirements as to their movements, engagements, and weapons use. The tight structure and strict reporting requirements mean that senior military officials knew or should have known which units were in what locations on specific days.

Throughout the crisis, media outlets and human rights organizations reported on the dates and locations of specific atrocities. Military authorities have demonstrated an awareness of this reporting, at least generally, as they have responded to it publicly, typically with blanket denials. The internal reporting requirements for military units together with the public reporting on specific atrocities mean that senior military officials knew or should have known which specific units were alleged to have been involved in crimes under international law and other human rights violations.

Despite having actual or constructive knowledge, superiors in the military, including at the most senior levels, failed to prevent, stop, or punish crimes. For weeks and even months after credible reports of serious crimes were first published, the military continued to commit crimes against humanity, including murder, rape, deportation or forcible transfer, and other inhumane acts. In response to these crimes, there have been only a handful of military prosecutions, for one incident primarily, and possibly a few other cases of disciplinary measures. The overwhelming majority of perpetrators at all levels have enjoyed impunity, with military investigations whitewashing the crimes committed.

The impunity that has followed the widespread and systematic attack on the Rohingya population should come as no surprise. The military has a long history of committing crimes under international law and enjoying impunity for these crimes, in particular crimes committed against ethnic minorities across the country, including those in Kayin State in the 2000s; in Kachin and northern Shan States since 2011; and during the operations that began in October 2016 in northern Rakhine State. After soldiers and BGP got away with crimes against the Rohingya in October 2016, the crimes escalated following the August 2017 attacks. For the senior levels of the Myanmar military, the failure to prevent, stop, or punish crimes under international law is a longstanding issue relevant to their liability.

Based on its research, Amnesty International believes there are a number of individuals who should face judicial proceedings for crimes against humanity. The list of names provided in the report includes Senior General Min Aung Hlaing and Vice Senior General Soe Win, for their command responsibility over these crimes. It includes senior commanders responsible for specific units that committed many of the worst atrocities, including Brigadier General Khin Maung Soe, Commander of MOC 15; Brigadier General Aung Aung, Commander of the 33rd LID; and Brigadier General Than Oo, former Commander of the 99th LID.

Finally, it includes several low-level commanders and soldiers who played a critical role in specific incidents, including the commanding officer of the Taung Bazar BGP base, Tun Naing, who committed and ordered torture and other ill-treatment; BGP Corporal Kyaw Chay, who committed torture and other-ill treatment in the Zay Di Pyin BGP base; and Staff Sergeant Ba Kyaw, who was one of the principal perpetrators of the massacre in Maung Nu village.

Between 9 and 12 June 2018, Amnesty International sent letters to the Myanmar authorities, including the State Counsellor, the Commander-in-Chief of the Defence Services, the Minister of Defence, and the Chief of Police. The letters requested specific information about any criminal investigations and judicial proceedings related to the security forces' operations in northern Rakhine State around 25 August 2017. The letters also provided a summary of Amnesty International's evidence against each individual named in this report as someone who should face judicial proceedings for direct or command responsibility for crimes against humanity, as well as several individuals not named in the report, and asked for the individual's response to the allegations and for information about whether there were any ongoing or completed investigations related to the named crimes. The State Counsellor's Office confirmed receipt on 13 June. At time of publication, Amnesty International had not received any response from the civilian or military authorities.

INTERNATIONAL JUSTICE AND ACCOUNTABILITY

In May and June 2018, the Myanmar authorities appeared to shift their communications strategy. After nine months of claiming that reports of human rights violations were false or exaggerated and of requesting proof—despite the mountain of evidence that had been compiled—the authorities established a commission of enquiry to investigate the situation. They also signed the Memorandum of Understanding on repatriation with UNDP and UNHCR. The military, for its part, removed several commanders from their posts and put them into the “reserves,” while awarding others with promotions.

Myanmar has been down this road before, with government-created commissions leading to whitewashes; and repatriation processes that fail to address the systematic discrimination of the Rohingya leading to ever-widening cycles of discrimination, persecution, and violent expulsion.

Crimes against humanity are exactly what the term suggests: crimes so serious that they are the concern not only of their victims, survivors, and the state in question, but also of humanity as a whole. Accountability for such crimes is essential—not only to ensure truth and justice for victims and their families, but also to prevent similar crimes from being perpetrated. It is essential that the international community step in.

The UN Security Council should immediately refer the situation in Myanmar to the International Criminal Court (ICC), so that the Office of the Prosecutor can begin investigating crimes under the Rome Statute. Such a referral should cover crimes across the country, as the military has committed crimes under international law elsewhere, including in Kachin and northern Shan States, and date at least from 2011.

The politics of the Security Council pose a challenge, but the international community cannot use that as an excuse to allow the Myanmar security forces to get away with their crimes. They have done so for decades, with devastating results for the people of the country and its ethnic minorities in particular. It is time for individual states and their leaders to take a clear position.

While building international consensus and support for an ICC referral, it is essential that the international community takes immediate steps to ensure that vital evidence is collected and preserved for use in future judicial proceedings. Following the publication of the forthcoming report of the UN Fact-Finding Mission, UN member states should also establish, through the UN Human Rights Council, an independent investigative mechanism with the mandate and capacity to collect and preserve evidence and to build criminal cases that can ultimately be used in international or internationalized courts or for domestic prosecutions under universal jurisdiction.

Regional blocs like the European Union and the Association of Southeast Asian Nations (ASEAN) should send a clear message that the military's atrocities will not go without consequences, and impose targeted financial sanctions on senior officials implicated in crimes under international law and other serious human rights violations, including those named in this report. All states should support a UN-mandated global arms embargo on Myanmar and, more immediately, suspend any military cooperation and assistance with Myanmar, including the sale and direct or indirect transfer of weapons and other munitions.

The international community must ensure that the severe human rights issues that are closely linked to the atrocities in northern Rakhine State are addressed this time. It must ensure the end to the impunity with which the military has operated, as they have repeatedly gotten away with crimes under international law. International justice, and in particular the ICC, will be essential. The international community must also ensure that the Myanmar authorities dismantle the system of apartheid, including by removing all

discriminatory and arbitrary restrictions on freedom of movement, by restoring citizenship and legal status, and by allowing Rohingya to fully participate in and contribute to public life in the country.

As the situation of the Rohingya worsened over decades and in particular since 2012, the world stood by and did nothing. It must not make the same mistake now.

METHODOLOGY

This report is the product of field and remote research undertaken from September 2017 through early June 2018. It provides a comprehensive record of Amnesty International's documentation during the current crisis in northern Rakhine State,¹ building on reports, briefings, and press releases that the organization published as events unfolded.² In its findings and conclusions, the report draws on several types of evidence, including first-hand testimony of survivors and witnesses; an analysis of satellite imagery and data; forensic medical examination of injury photographs; authenticated photographic and video material;³ interviews with experts, including on the Myanmar military; confidential documents, particularly on the Myanmar military's command structure and mode of operation; and open source investigations and analysis, including of Facebook posts related to the Myanmar military.

Amnesty International delegates undertook four research missions to the Cox's Bazar region of Bangladesh to investigate human rights violations and abuses committed in Myanmar during the period around and following the 25 August 2017 attacks by the Arakan Rohingya Salvation Army (ARSA).⁴ In early September 2017, two Amnesty International delegates spent a week in Bangladesh, interviewing Rohingya refugees within days and even hours of their fleeing across the border. In mid-September, an Amnesty International consultant undertook a week of interviews with refugees who had recently arrived. In late September and early October, an Amnesty International delegate carried out 10 days of interviews in the refugee camps, focusing on events in specific Myanmar villages and on new arrivals to Bangladesh at that time. In late January 2018, two Amnesty International delegates undertook 15 days of field work in the camps, joined for a week by a third Amnesty International delegate who focused on the documentation of sexual violence.

In total, Amnesty International interviewed 319 Rohingya refugees in Bangladesh, including 187 men, 109 women, 11 boys, and 12 girls. The overwhelming majority of those interviewed were either survivors of human rights violations and crimes under international law or had directly witnessed violations linked to the Myanmar military's operations. Amnesty International also interviewed 12 Hindu men and women who fled to Bangladesh, some of who have since been repatriated to Myanmar. In addition, during research in Bangladesh, Amnesty International interviewed medical professionals involved in treating Rohingya refugees; representatives of aid organizations; Bangladeshi authorities; Rohingya community leaders; and journalists.

Throughout the period after 25 August, Amnesty International sought access to central and northern Rakhine State to undertake interviews and site visits related to the Myanmar military's crimes and to alleged ARSA abuses. In September 2017 and February 2018, Amnesty International sent formal letters to the Rakhine State Chief Minister and the Office of the State Counsellor, requesting access to the relevant areas of Rakhine State. Following the February 2018 request, Amnesty International sent weekly emails to the Office of the State Counsellor, requesting an update. There was informal communication in return, but as of

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

² See, for example, Amnesty International, *"My World Is Finished": Rohingya Targeted by Crimes Against Humanity in Myanmar* (Index: ASA 16/7288/2017), 18 October 2017; Amnesty International, *Remaking Rakhine State* (Index: ASA 16/8018/2018), 12 March 2017; Amnesty International, *Briefing: Myanmar Forces Starve, Abduct and Rob Rohingya, as Ethnic Cleansing Continues* (Index: ASA 16/7835/2018), 7 February 2018; Amnesty International, *Myanmar: Scorched-earth campaign fuels ethnic cleansing of Rohingya from Rakhine State*, 14 September 2017, www.amnesty.org/en/latest/news/2017/09/myanmar-scorched-earth-campaign-fuels-ethnic-cleansing-of-rohingya-from-rakhine-state/; Amnesty International, *Myanmar Army landmines along border with Bangladesh pose deadly threat to fleeing Rohingya*, 9 September 2017, www.amnesty.org/en/latest/news/2017/09/myanmar-army-landmines-along-border-with-bangladesh-pose-deadly-threat-to-fleeing-rohingya/.

³ Amnesty International considers material to be authentic after it has independently analysed all available data points to confirm authenticity. This can include metadata contained in an image or video file, and "geolocation," by which features in the image or video are matched with features in a verified source, such as satellite imagery, of the same location.

⁴ Additional research missions were undertaken related to the refugee situation in Bangladesh, but those are not included in the total here.

7 April 2018, the Office continued to say “not yet,” part of what has been a systematic denial of access to independent investigators, including human rights organizations.

In late April 2018, three Amnesty International delegates went to central Rakhine State, after receiving travel authorization from Rakhine State officials. Amnesty International delegates spent six days in Sittwe, interviewing 41 people from villages across northern Rakhine State: 11 ethnic Rakhine, 16 ethnic Mro, two ethnic Khami, one ethnic Thet, and 11 members of the Hindu community, including one Hindu woman whom Amnesty International had interviewed previously in Bangladesh. The interviews focused primarily on abuses by ARSA and on people’s perception of the violence around 25 August. Amnesty International interviewed a further 23 people in northern Rakhine State by telephone in April and May 2018: 10 ethnic Rakhine, three ethnic Mro, two ethnic Khami, and eight members of the Hindu community, including two Hindu women whom Amnesty International had interviewed previously in Bangladesh. For the vast majority of the interviews in Sittwe and by telephone after leaving, Amnesty International worked with a fixer-interpreter who was not from Rakhine State but who had significant experience working on the region. Some additional interviews were arranged with the assistance of ethnic Rakhine leaders.

In person in Sittwe or by telephone, Amnesty International interviewed three members of the Border Guard Police and 16 Village Administrators, the head village tract-level authority within Myanmar’s General Administration Department (GAD). The Administrators oversaw village clusters that Amnesty International focused on in its investigations, including Min Gyi, Chut Pyin, Gu Dar Pyin, Koe Tan Kauk, Ah Htet Nan Yar, Zay Di Pyin, and Kha Maung Seik. Amnesty International also met with ethnic Rakhine civil society organizations; leadership of the Ancillary Committee for Reconstruction of Rakhine National Territory in the Western Frontier (known locally as the Committee for the Reconstruction of Rakhine, or CRR); and, in Yangon, political leaders in the Arakan Liberation Party (ALP), an ethnic Rakhine political party. In some instances, individuals interviewed in Rakhine State used terms to describe the Rohingya, or the dialect they speak, that do not reflect the way the group self-identifies, or that are offensive or derogatory to the Rohingya community. Where this is the case, Amnesty International has replaced the original word with the word “Rohingya” or “Muslim”.

Amnesty International delegates also travelled four times to Yangon and twice to Naypyidaw during the research period, meeting with Myanmar government officials; foreign diplomats; representatives of humanitarian organizations and development agencies; local activists; and journalists. Additional in-person interviews with experts on Myanmar were undertaken in Bangkok, London, Geneva, New York, and Washington, DC.

In addition to field missions, Amnesty International conducted scores of telephone interviews. Amnesty International first interviewed Rohingya men and women by telephone in early September 2017, when people were hiding in hills or neighbouring villages before crossing to Bangladesh. Throughout the research and writing period, Amnesty International delegates were in regular communication with activists in some of the affected townships of northern Rakhine State. Amnesty International also communicated frequently with members of the humanitarian community in Myanmar and Bangladesh.

During the early missions to Bangladesh in particular, Amnesty International delegates frequently photographed injuries of Rohingya men, women, and children that they said occurred at the hands of the Myanmar security forces. Photos were often sent to independent forensic medical experts to determine if the photographed injury was consistent with the testimony provided.

Throughout the crisis, an Amnesty International expert on remote sensing monitored and analysed satellite imagery and data from northern Rakhine State, both to inform areas of research focus and to corroborate or disprove, whenever possible, allegations made in testimonies. Remote sensing work included, for example, the detection of large-scale fires; the examination of dozens of villages that were burned; and monitoring bulldozing and new construction in 2018, after most Rohingya were forced into Bangladesh.

Amnesty International also received hundreds of photographs and videos allegedly taken inside Rakhine State. Through the Digital Verification Corps and staff experts in photographic and video verification, Amnesty International was able to verify as authentic some of this material.⁵ The photographic and video material verified as authentic provided further corroboration for specific events described in this report.

In the Bangladesh refugee camps, Amnesty International hired assistants, or “fixers,” with extensive contact networks to help find people from specific villages or who had information about specific issues or events.

⁵ The Digital Verification Corps is a network of volunteers trained in discovering and verifying audio-visual content sourced from social media. Established in 2016 with volunteers based at three universities (University of California, Berkeley (USA), Pretoria (South Africa) and Essex (UK)), the network has grown to include Toronto (Canada), Cambridge (UK) and Hong Kong University. After the initial verification work by the trained volunteers, Amnesty International staff experts make the final determination of whether the digital content is sufficiently verified so as to be relied upon in the organization’s investigations.

Amnesty International delegates carried out the actual interviews. Over the course of the research, delegates worked with seven different fixers, to ensure that the organization reached a wider pool of the refugee population and to reduce the possibility of bias from relying too heavily on any one intermediary.

Interviewees were informed about the nature and purpose of the research and about how the information they provided would be used. Oral consent was obtained from each interviewee prior to the start of the interview. No incentives were provided to interviewees in exchange for their accounts. Individuals were told that they could end the interview at any time. People were explicitly told they could choose not to answer specific questions if they did not want to do so.

For the vast majority of its interviews in the refugee camps, Amnesty International delegates worked with interpreters from the Cox's Bazar region who were Bangladeshi nationals and spoke both English and the Rohingya dialect fluently. The overwhelming majority of interviews were conducted individually, with just the delegate, interpreter, and interviewee speaking. A few people expressed a preference for being interviewed in small groups; this is reflected in the footnotes as a group interview. Interviews were carried out in private to the extent possible, though the crowded nature of the refugee camps presented privacy challenges. If people crowded around and spoke in such a way as to try to influence what the interviewee said, that was noted by Amnesty International delegates and those testimonies are not relied on in this report.

Amnesty International has included the names of certain individuals who were interviewed, based on their informed consent. Other people spoke on condition of anonymity. Many Rohingya in Bangladesh requested anonymity due to their concerns of facing reprisals if they return to Myanmar, or that family members still in Myanmar might suffer reprisals. Most survivors of torture, including rape and other sexual violence, requested anonymity, in large part to protect their privacy and due to the stigma which often accompanies crimes of sexual violence. In these cases, interviews are cited with initials that are not the person's actual initials. Information that could identify these interviewees, including locations, dates, ages, and occupations, has often also been removed to protect their security and privacy.

People's ages noted in this report are based on information provided by the interviewee. Referenced ages are often approximations, in large part because the Rohingya population has faced a systematic denial of access to education, but also because the community has long faced obstacles officially registering new births.⁶ When Amnesty International interviewed different witnesses to the same person's death, the estimated age of the deceased person sometimes varied by 10 or more years, even when the witnesses were relatives. Most people offered their own age in increments of five: for example, 30, 35, and 40 years old were far more common than 33 or 37 years old. When someone seemed particularly uncertain with an age estimate, the report uses the word "around" before providing the given age.

Villages in northern Rakhine State typically have several names including, at minimum, a Rohingya name and an official one. The official names are often spelled in different ways in English. Throughout this report, Amnesty International identifies villages and village tracts based on the spelling by the UN Myanmar Information Management Unit (MIMU). In quoted testimony in which villages were referred to by the Rohingya name, the report replaces that name with the MIMU spelling to maintain consistency. [Square brackets] indicate that the speaker gave a different name for the same village.

Between 9 and 12 June 2018, Amnesty International sent letters to the Myanmar authorities, including the State Counsellor (see Appendix), the Commander-in-Chief of the Defence Services, the Minister of Defence, and the Chief of Police. The letters requested specific information about any criminal investigations and judicial proceedings related to the security forces' operations in northern Rakhine State around 25 August 2017. The letters also provided a summary of Amnesty International's evidence against each individual named in this report as someone who should face judicial proceedings for direct or command responsibility for crimes against humanity, as well as several individuals not named in the report; and asked for the individual's response to the allegations and for information about whether there were any ongoing or completed investigations related to the named crimes. The State Counsellor's Office confirmed receipt on 13 June. At time of publication, Amnesty International had not received any response from the civilian or military authorities.

⁶ Amnesty International, *"Caged without a Roof": Apartheid in Myanmar's Rakhine State* (Index: ASA 16/7484/2017), 21 November 2017.

1. BACKGROUND

1.1 A HISTORY OF DISCRIMINATION, SEGREGATION, AND VIOLENT EXPULSION

The Rohingya are a predominantly Muslim ethnic minority in Myanmar. Until the latest crisis, most Rohingya resided in the northern part of Rakhine State, situated in the west of the country. Rakhine State, home to several ethnic and religious groups, is one of Myanmar's poorest and most chronically under-developed regions. All communities living in the state have suffered to one degree or another from decades of discrimination and other human rights violations, including economic and social marginalization, at the hands of the Myanmar authorities. This situation has led to and often exacerbated intercommunal tensions, which at times have erupted into violence.

In Rakhine State, the Rohingya are especially marginalized, subjected to decades of state-sponsored discrimination, persecution, and oppression that has been extensively documented by Amnesty International and others.⁷ Central to this marginalization is the heavily contested history of Rakhine State, and the Rohingya's place in it. Successive governments in Myanmar have denied the existence of the Rohingya as an ethnic group from the country and instead assert that they are migrants from Bangladesh who settled in the country "illegally". This sentiment is shared by much of the wider Myanmar society, most of whom refer to the community as "Bengalis," or by the pejorative "*kalar*".⁸

The reality is that the overwhelming majority of Rohingya living in Rakhine State, as well as those who have recently fled from Rakhine State to Bangladesh and other states, were born in Myanmar, as were their parents. Virtually all of them have no citizenship and no reasonable claim to citizenship other than in Myanmar. Despite this, most are not recognized as citizens and have effectively been deprived of a nationality as a result of discriminatory laws, policies, and practices, most significantly the 1982 Citizenship Law and its application.⁹ The lack of citizenship has had a cascade of negative impacts on their lives, and allowed the authorities to severely restrict their freedom of movement, effectively segregating them from the rest of society.¹⁰ Access to health care, education, and work opportunities has also been severely limited.¹¹

Amnesty International has concluded that this discriminatory and dehumanising regime, which targets the Rohingya as a racial group and is implemented by the state through a range of laws, policies, and practices, constitutes a widespread and systematic attack on a civilian population, and amounts to the crime against humanity of apartheid.¹²

⁷ See, for example, Amnesty International, "*Caged without a Roof*"; Amnesty International, "*My World Is Finished*"; Amnesty International, "*We Are at Breaking Point*"; *Persecuted in Myanmar, Neglected in Bangladesh* (Index: ASA 16/5362/2016), 19 December 2016; Amnesty International, *The Rohingya Minority: Fundamental Rights Denied* (Index: ASA 16/005/2004), May 2004; Amnesty International, *Rohingya: the Search for Safety* (Index: ASA 13/07/97), September 1997; Amnesty International, *Human Rights Violations against Muslims in the Rakhine* (Index: ASA 16/06/92), May 1992; Human Rights Watch, "*All You Can Do Is Pray*"; *Crimes against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State*, April 2013; Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas*, May 2009; Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*, September 1996; and the Irish Center for Human Rights, *Crimes against Humanity in Western Burma: The Situation of the Rohingyas*, 2010.

⁸ "*Kalar*" is a derogatory term, derived from the Sanskrit for "black". It is used in Myanmar to describe Muslims, Indians, and others of South Asian descent.

⁹ Amnesty International, "*Caged without a Roof*", pp. 28-41.

¹⁰ Amnesty International, "*Caged without a Roof*", pp. 42-58.

¹¹ Amnesty International, "*Caged without a Roof*", pp. 59-79.

¹² Amnesty International, "*Caged without a Roof*", pp. 88-98.

The situation of the Rohingya had deteriorated significantly from 2012, when violence erupted in several waves between mainly Buddhist ethnic Rakhine—at times supported by the security forces—and Rohingya and other Muslims in Rakhine State.¹³ Scores were killed and thousands of homes destroyed, resulting in massive displacement. Six years later, some 127,000 people—mainly Rohingya—remain confined to squalid internally displaced person (IDP) camps and unofficial settlements that they are unable to leave without permission.¹⁴ For Rohingya living outside of the camps, restrictions on their movement tightened, leaving many communities confined to their villages, struggling to access hospitals, schools, and places they rely on for their livelihoods.¹⁵

The situation for the community deteriorated still further in 2014, when Rohingya were excluded from Myanmar's first census since 1982 as a result of the authorities reneging on a promise to allow people to self-identify on the census forms.¹⁶ The Myanmar authorities also effectively barred Rohingya from voting in the November 2015 general election, despite the fact that they were able to vote in previous elections, including the 2010 general election.¹⁷

Discrimination against the Rohingya has also taken place in wider context of anti-Muslim sentiment and religious intolerance in recent years, which has at times led to attacks on Muslim communities, causing deaths, injuries, and destruction of property.¹⁸ In some parts of Myanmar, local communities have—with the knowledge and at times support of local authorities—established “Muslim free” villages.¹⁹ Anti-Muslim sentiment has often been fuelled by groups such as the *Ma Ba Tha* (the Myanmar language acronym for The Association for the Protection of Race and Religion) that promote discriminatory ultra-nationalist agendas. Sermons, leaflets, online social media messages, and videos have openly called for boycotts of Muslim-owned businesses; warned that Buddhist women need to be protected from Muslim rapists; and described Muslims as “dogs” and “snakes”.²⁰ At times their discourse amounts to advocacy of hatred constituting incitement to discrimination, hostility, or violence, which, under international human rights law, should be prohibited.²¹ While the National League for Democracy (NLD)-led government has taken some steps towards challenging such groups, its measures have largely been ineffective.²² Instead, and in particular following the October 2016 and August 2017 ARSA attacks, state media and official government spokespeople have actively propagated and inflamed anti-Muslim and anti-Rohingya sentiment.²³

VIOLENT EXPULSION

The crisis in Rakhine State since 25 August 2017 is unprecedented in the scale of displacement—to date, more than 700,000 Rohingya have fled to neighbouring Bangladesh²⁴—but it is not the first time the Rohingya population has been subject to violent expulsion from their homes, villages, and country at the hands of the Myanmar state. In 1978, up to 200,000 Rohingya were forced to flee Myanmar during and

¹³ See, for example, Human Rights Watch, “*All You Can Do Is Pray*”; and Human Rights Watch, “*The Government Could Have Stopped This*”: Sectarian Violence and Ensuing Abuses in Burma's Arakan State, August 2012.

¹⁴ See Amnesty International, “*Caged without a Roof*”, pp. 22, 53; UN Office for the Coordination of Humanitarian Affairs (OCHA), Myanmar: IDP Sites in Rakhine State (as of 30 April 2018), reliefweb.int/sites/reliefweb.int/files/resources/Myanmar_IDP_Site_Rakhine_Apr2018.pdf.

¹⁵ See Amnesty International, “*Caged without a Roof*”, pp. 42-79.

¹⁶ United Nations Population Fund (UNFPA), *UNFPA Concerned about Decision Not to Allow Census Respondents to Self-Identify as Rohingya*, 1 April 2014, myanmar.unfpa.org/news/statement-unfpa-concerned-about-decision-not-to-allow-census-respondents-self-identify-rohingya; International Crisis Group, *Counting the Costs of Myanmar's Problematic Census*, Crisis Group Asia Briefing No. 144, 15 May 2014, p. 13.

¹⁷ Amnesty International, “*Caged without a Roof*”, pp. 85-86.

¹⁸ See, for example, Burma Human Rights Network (BHRN), *Persecution of Muslims in Burma*, September 2017; Physicians for Human Rights, *Massacre in Central Burma: Muslim Students Terrorized and Killed in Meiktila*, May 2013; Tomás Ojea Quintana, Special Rapporteur on the situation of human rights in Myanmar, Report, UN Doc: A/68/397, 23 September 2013, paras 58-61; and Amnesty International, *Myanmar: Investigate violent destruction of mosque buildings*, 24 June 2016.

¹⁹ BHRN, *Persecution of Muslims in Burma*, pp. 40-50.

²⁰ See, for example, Sarah Kaplan, “The serene-looking Buddhist monk accused of inciting Burma's sectarian violence,” *Washington Post*, 27 May 2015; and Swe Win, “With official help, Myanmar's radical Buddhists target Muslim-owned businesses,” *Myanmar Now*, 17 September 2015, www.myanmar-now.org/news/i?id=9ba61afc-285d49bd-8f73-8b9efaf941c0.

²¹ International Covenant on Civil and Political Rights (ICCPR), Article 20: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

²² International Crisis Group, *Buddhism and State Power in Myanmar*, Crisis Group Asia Report No. 290, 5 September 2017.

²³ On 26 November 2016, while military operations were still ongoing in northern Rakhine State, state media included an opinion piece that described “extremists, terrorists, ultra-opportunists and aggressive criminals” as “human fleas” who are “loathed for their stench and for sucking our blood.” *The Global New Light of Myanmar*, “A Flea Cannot Make a Whirl of Dust, But...,” 26 November 2016. After the 25 August 2017 attacks, the State Counsellor's official Facebook page regularly posted graphic photographs of Hindus, ethnic Mro and Rakhine villagers allegedly killed by “extremist Bengali terrorists”.

²⁴ Inter Sector Coordination Group, *Situation Report: Rohingya Crisis - Cox's Bazar*, 24 May 2018, reliefweb.int/sites/reliefweb.int/files/resources/iscg_situation_report_summary_24_may_2018.pdf.

after a major military crackdown on “illegal immigration” codenamed “Operation *Nagamin*” (Dragon King).²⁵ In Rakhine State, the crackdown was accompanied by a wide range of other human rights violations against the Rohingya, including unlawful killings, rape, and destruction of property.²⁶ Most Rohingya returned the following year, many of them forced back after the Bangladeshi government reduced food rations in the camps, leading to the death of over 12,000 refugees.²⁷

A further 250,000 Rohingya are estimated to have fled in 1991 and 1992 after another campaign of violence by the Myanmar security forces.²⁸ This operation was marked by reports of forced labour, summary executions, rape and other forms of torture, and arbitrary detention by Myanmar security forces targeting Rohingya.²⁹ By 1996, most had been repatriated to Myanmar, however there were serious concerns about the repatriation process and to what extent it was voluntary. Bangladeshi security forces at the time used violence and other abuse to coerce Rohingya to return.³⁰

More recently, tens of thousands of Rohingya were forced to flee Rakhine State starting in October 2016, after the Myanmar security forces launched a brutal campaign of violence following attacks on police posts by a Rohingya armed group that referred to itself as Harakah al-Yaqin, or “the faith movement,” and now is more commonly known as the Arakan Rohingya Salvation Army (ARSA).³¹ Nine police officers were killed in the attacks, during which members of the group seized weapons and ammunition. The military responded by carrying out so-called clearance operations, marked by widespread and systematic human rights violations, including unlawful killings, rape and other forms of torture, enforced disappearances, and arbitrary detentions, which Amnesty International and the UN Office of the High Commissioner on Human Rights (OHCHR) concluded at the time may have amounted to crimes against humanity.³² The violence forced around 87,000 Rohingya to flee to Bangladesh, where most have remained since.³³

1.2 THE ARAKAN ROHINGYA SALVATION ARMY

While deeply entrenched, state-sponsored discrimination and segregation of Rohingya formed the backdrop of the recent crisis, a series of coordinated attacks on security force posts by the Arakan Rohingya Salvation Army (ARSA) on 25 August 2017 is the reason the authorities cite for initiating “military operations,” also often described as “area clearance operations,” in northern Rakhine State.³⁴ ARSA’s attacks—described by the group as “defensive actions”³⁵—left 15 state officials dead, according to Myanmar authorities.³⁶

ARSA emerged in the aftermath of the 2012 violence in Rakhine State. According to the International Crisis Group, it is directed by a group of Rohingya in Saudi Arabia, with a rank and file of mainly Rohingya villagers living in northern Rakhine State. Recruitment began in 2013, and from 2014 some villagers were trained in small groups in the Mayu mountain range³⁷ that runs through northern Rakhine State, dividing Maungdaw Township from Buthidaung Township and, further south, part of Rathedaung Township. In the mountains,

²⁵ Human Rights Watch, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?*, pp. 10, 12.

²⁶ Martin Smith, *The Muslim “Rohingyas” of Burma*, Paper delivered at Conference of Burma Centrum Nederland, 11 December 1995, p. 9.

²⁷ Ian Lindquist (Head of UNHCR Sub-office Cox’s Bazar, Bangladesh, 1978), *Report on the 1978-1979 Bangladesh Refugee Relief Operation*, June 1979, www.ibiblio.org/obl/docs/LINDQUIST_REPORT.htm.

²⁸ Human Rights Watch, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?*.

²⁹ Amnesty International, *Union of Myanmar (Burma): Human Rights Abuses against Muslims in the Rakhine (Arakan) State*, May 1992.

³⁰ Human Rights Watch, *Burma: The Rohingya Muslims: Ending a Cycle of Exodus?*.

³¹ On 29 March 2017, a statement from the group announced that it had changed its name to the Arakan Rohingya Salvation Army (ARSA). See Joe Freeman, “Myanmar’s Rohingya Insurgency Strikes Pragmatic Note,” *Voice of America*, 30 March 2017, www.voanews.com/a/myanmar-rohingya-insurgency-strikes-pragmatic-note/3788483.html.

³² Amnesty International, “*We Are at Breaking Point*”; and Office of the High Commissioner for Human Rights (OHCHR), *Flash Report: Report of OHCHR mission to Bangladesh, Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf.

³³ International Organization for Migration (IOM), *Bangladesh: Needs and Population Monitoring Undocumented Myanmar Nationals in Teknaf and Ukhiya*, Cox’s Bazar, July 2017, reliefweb.int/sites/reliefweb.int/files/resources/170814_NPM_RIV_Final.pdf.

³⁴ See, for example, Commander-in-Chief of the Defense Services (CINCDs) Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region*, Rakhine State, 13 November 2017, www.facebook.com/Cincds/posts/1511217488999111; and The Republic of the Union of Myanmar President Office, *Tatmadaw ends area clearance operations in northern Rakhine*, www.president-office.gov.mm/en/?q=issues/rakhine-state-affairs/id-7288.

³⁵ @ARSA_Official on Twitter, *Urgent statement on the Arakan State situation*, 25 August 2017, twitter.com/ARSA_Official/status/900878438856359937.

³⁶ See, for example, CINCDs Facebook Post, *The stance on the terrorist attacks of the extremist Bengalis in Buthidaung-Maungdaw region in Rakhine State*, 24 October 2017, www.facebook.com/Cincds/posts/1492836477503879 (citing the death of 13 members of the security forces and two civil servants).

³⁷ Mike Winchester, “Birth of an ethnic insurgency in Myanmar,” *Asia Times*, 28 August 2017, www.atimes.com/article/birth-ethnic-insurgency-myanmar/; International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, Crisis Group Asia Report No. 283, 15 December 2016.

some villagers reportedly received basic training in guerrilla tactics and use of weapons, in particular explosives, including improvised explosive devices (IEDs).³⁸ Leaders at the local level appear to be predominantly religious leaders and others among the more educated members of the community.³⁹ According to senior members, new recruits are required to pledge allegiance to the group by swearing an oath on the Qur'an.⁴⁰

According to the International Crisis Group, ARSA operates in a cell-like structure that makes the total number of members difficult to determine.⁴¹ At the time of the October 2016 attacks, the core group of trained fighters was estimated to be in the hundreds, most of whom were armed with small firearms and some home-made explosives. By 25 August 2017, the group was able to mobilize a larger number of Rohingya villagers, likely around several thousand in total, though it is unclear how many of those were ARSA members and how many were either sympathetic to the group or coerced in to joining.⁴² In the days that followed the attacks, members of the group, along with mobilized Rohingya villagers, engaged in dozens of clashes with security forces.⁴³ While some were armed with guns and IEDs, most villagers were reportedly untrained and armed with sticks and bladed weapons.⁴⁴

From mid-2016, ARSA targeted and killed members of the Rohingya community in northern Rakhine State and paid "hush money" to potential informers to prevent information about the attacks from being leaked to the authorities.⁴⁵ The group is also reported to have paid large bribes to members of the security forces to secure the release of detained members.⁴⁶ Killings and abductions of suspected Rohingya informants continued after the October 2016 attacks, and indeed appeared to pick up pace in 2017.⁴⁷ In interviews with non-governmental organizations and with journalists, members of the Rohingya community and ARSA fighters have confirmed the group's involvement in the abduction and killing of Rohingya (see Chapter 3).⁴⁸

The targeted killing of suspected informants has created a climate of fear among members of the Rohingya community in Rakhine State and in neighbouring Bangladesh, where there are also reports of ARSA-related violence and killings in the refugee camps.⁴⁹ ARSA abuses against members of other ethnic and religious groups in northern Rakhine State have likewise also deepened feelings of insecurity and mistrust among communities there.⁵⁰

During the height of the crisis that began in August 2017, social media accounts believed to be connected to ARSA were regularly active, tweeting public statements about military atrocities against the Rohingya population and reiterating demands for the restoration of Rohingya rights.⁵¹ In January 2018, the group issued a statement claiming responsibility for an ambush against the military in northern Maungdaw Township.⁵² After that, the Twitter account believed to be connected to the ARSA went silent until May 2018, when it released a public statement denying its role in the massacre of a Hindu community (see Chapter 3), following a briefing on the incident by Amnesty International.⁵³ Some analysts have noted that the group's silence on social media coincided with an emerging narrative that the group never existed in the first place. Research by Amnesty International and others into abuses by ARSA makes clear that is not the case.⁵⁴

³⁸ Mike Winchester, "Birth of an ethnic insurgency in Myanmar," *Asia Times*, 28 August 2017; International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*.

³⁹ International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, p. 17.

⁴⁰ Mike Winchester, "Birth of an ethnic insurgency in Myanmar," *Asia Times*, 28 August 2017.

⁴¹ International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, p. 13.

⁴² Amnesty International interviews with analysts, Myanmar, April and May 2018. See also International Crisis Group, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, Crisis Group Asia Report No. 296, 16 May 2018, p. 8; Poppy McPherson, "In Bangladesh refugee camps, the nascent Rohingya insurgency commands support and sows fear," *IRIN*, 27 November 2017, www.irinnews.org/feature/2017/11/27/bangladesh-refugee-camps-nascent-rohingya-insurgency-commands-support-and-sows.

⁴³ Amnesty International interviews, Sittwe and Yangon, Myanmar, April and May 2018. See also International Crisis Group, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*.

⁴⁴ Amnesty International interviews, Sittwe and Yangon, Myanmar, April and May 2018. See also International Crisis Group, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*.

⁴⁵ International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, pp. 16-18.

⁴⁶ International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, p. 16.

⁴⁷ See Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017, www.atimes.com/article/rohingya-insurgency-takes-lethal-form-myanmar/.

⁴⁸ Amnesty International interviews, July, September, and October 2017, and April and May 2018. See also Poppy McPherson, "'We die or they die': Rohingya insurgency sparks fresh violence in Myanmar," *The Guardian*, 3 September 2018.

⁴⁹ Amnesty International interviews, Yangon, Myanmar, April and May 2018; International Crisis Group, *The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis*, Crisis Group Asia Report No. 296, 16 May 2018, p. 8; Poppy McPherson, "In Bangladesh refugee camps, the nascent Rohingya insurgency commands support and sows fear," *IRIN*, 27 November 2017, www.irinnews.org/feature/2017/11/27/bangladesh-refugee-camps-nascent-rohingya-insurgency-commands-support-and-sows.

⁵⁰ Amnesty International interviews, Sittwe and Yangon, Myanmar, April and May 2018.

⁵¹ See @ARSA_Official on Twitter, twitter.com/ARSA_Official/.

⁵² ARSA Press Statement, *Turaing Ambush against the Burmese terrorist Army*, 7 January 2018.

⁵³ @ARSA_Official on Twitter, *Press Statement*, 25 May 2018, twitter.com/ARSA_Official/status/999981387066195968.

⁵⁴ David Mathieson, "The curious disappearance of Myanmar's Rohingya rebels," *Asia Times*, 13 May 2018, www.atimes.com/article/the-curious-disappearance-of-myanmars-rohingya-rebels/.

With the majority of the Rohingya population now living in refugee camps in Bangladesh and large parts of northern Rakhine State depopulated, the current situation of ARSA and any plans to regroup and mobilise remain unclear.

1.3 THE MYANMAR MILITARY

For almost five decades, Myanmar's military—known officially in Myanmar as the Tatmadaw—ruled the country with an iron fist, overseeing a series of governments that imposed severe restrictions on the lives and human rights of the population. This absolute grip on the country began to ease when the 2010 elections installed a quasi-civilian government led by the military-backed Union Solidarity and Development Party (USDP). This started a top-down reform process during which the military gradually eased political and human rights restrictions while re-engaging with the international community.

The process culminated in the 2015 elections, which resulted in a landslide victory for the NLD—led by Aung San Suu Kyi, a long-time opposition leader who had spent years under military-imposed house arrest. Constitutionally barred from the Presidency, Aung San Suu Kyi was appointed State Counsellor in March 2016, a tailor-made role which made her the *de facto* leader of the quasi-civilian government.

These reforms, while significant, ensured that the military retained considerable economic and political power in the country. Under the 2008 Constitution of the Republic of the Union of Myanmar, the Army has a guaranteed 25 per cent of seats in Parliament, giving it an effective veto over any Constitutional amendments, which require a more than 75 per cent majority. It has also retained control of the key ministries of Defence, Border Affairs, and Home Affairs, the last of which *inter alia* oversees the Myanmar Police Force, the Border Guard Police (BGP), and the General Administration Department (GAD), which oversees the administration of the country from the Union down to the village level.

In addition to wielding significant power, the military also operates independently of civilian oversight, including civilian courts, effectively shielding members of the military from accountability. Under the 2008 Constitution, the military has control of its own judicial processes, and the final arbiter of military justice is the Commander-in-Chief of the Defence Services, whose decision is “*final and conclusive*”.⁵⁵ The Constitution also protects state officials, including security force personnel, from prosecution for human rights violations and crimes under international law committed while the country was under military rule.⁵⁶

The resulting impunity has had dire consequences not just for the Rohingya but for the wider population, in particular Myanmar's other ethnic and religious minorities, which have suffered decades of discrimination and violence by the Myanmar military. The military's violations of the human rights of other ethnic and religious minorities have included unlawful killings; rape and other sexual violence; arbitrary arrests; enforced disappearances; torture and other ill-treatment; the burning of homes and villages; forced labour; and the recruitment and use of child soldiers. In many instances, these violations have amounted to war crimes and crimes against humanity, yet the vast majority of perpetrators have gone unpunished.⁵⁷

The current civilian-led government has so far shown itself to be unwilling or unable to stand up to the military when it comes to accountability for serious human rights violations in Rakhine State and elsewhere in the country. Government officials, including Aung San Suu Kyi herself, have largely dismissed allegations of human rights violations by security forces in Rakhine State, even in the face of clear and mounting evidence. Official investigations into the current crisis in northern Rakhine State have essentially whitewashed military crimes. In November 2017, a military investigation team claimed to have found no evidence of wrongdoing by security forces, concluding that “*there was no death of innocent people,*” and “*not a single shot was fired*” at women and children fleeing their homes.⁵⁸

⁵⁵ Article 343(b) of the 2008 Myanmar Constitution. See also 1959 Defense Services Act.

⁵⁶ Article 445 of the 2008 Myanmar Constitution.

⁵⁷ See, for example, Amnesty International, “*All the Civilians Suffer*”: Conflict, Displacement and Abuse in Northern Myanmar (Index: ASA 16/6429/2017), 14 June 2017; Amnesty International, *Crimes against Humanity in Eastern Myanmar* (Index: ASA 16/011/2008), 5 June 2008; Amnesty International, *Leaving Home* (Index: ASA 16/023/2005), 7 September 2005; Amnesty International, *Exodus from the Shan State* (Index: ASA 16/011/2000) 9 July 2000; Amnesty International, “*No Place to Hide*”: Killings, Abductions and Other Abuses against Ethnic Karen Villagers and Refugees (Index: ASA 16/013/1995), 5 June 1995; Ta'ang Women's Organization (TWO), *Trained to Torture: Systematic War Crimes by the Burma Army in Ta'ang Areas of Northern Shan State (March 2011-March 2016)*, June 2016; Harvard Law School International Human Rights Clinic, *Policy Memorandum: Preventing Indiscriminate Attacks and Willful Killings of Civilians by the Myanmar Military*, March 2014; Human Rights Watch, “*Untold Miseries*”: Wartime Abuses and Forced Displacement in Burma's Kachin State, March 2012; and Shan Women's Action Network & Shan Human Rights Foundation, *License to Rape: The Burma Military Regime's Use of Sexual Violence in the Ongoing War in Shan State*, July 2002.

⁵⁸ CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017.

2. ARRESTS, TORTURE, AND ENFORCED DISAPPEARANCES

“[The BGP] hung me from the ceiling again. This time my feet couldn’t touch the floor. I was half naked. They burned my penis again [with a lighter]. They burned it until it blistered. They cut the blister with a blade. I was screaming ‘I don’t know [about ARSA].’ My whole body was shaking because of the pain.”

A.F., describing how BGP officers tortured him while he was detained at the BGP base in Zay Di Pyin, Rathedaung Township.⁵⁹

In the period between the Myanmar security forces’ two recent brutal “clearance operations” in northern Rakhine State—the first from 9 October 2016 to 15 February 2017, and the second beginning on 25 August 2017—targeted violence against the Rohingya did not stop. During this time, members of the Myanmar security forces conducted intermittent raids on Rohingya villages, rounding up men and boys and often arbitrarily detaining them.

For this report, Amnesty International has focused on arrests and related abuses during a period beginning roughly two months before 25 August through the “clearance operations” that followed. During that period, the Myanmar security forces—in particular the Border Guard Police (BGP)—arrested and detained hundreds of Rohingya men and boys.⁶⁰ Security forces carried out the arrests ostensibly as part of the effort to locate ARSA members and gather information about the group. Those arrested were overwhelmingly men, and community and religious leaders appear to have been targeted for arrest in particular. Many detainees were tortured or subjected to cruel, inhuman, or degrading treatment or punishment (in this report, referred

⁵⁹ Amnesty International interview, date and location withheld for the person’s security.

⁶⁰ In November 2017, a Myanmar military investigation report stated that 114 people remained under arrest; however, the report did not say if this number included those arrested before 25 August, nor did it disclose the number who had been released from prison. CINCDS Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017. On 14 March 2018, Myanmar authorities held a press conference, which was broadcast on Facebook Live, during which they stated that 384 people had been arrested between 25 August 2017 and March 2018. At the press conference, authorities did not disclose how many of the arrestees remained in detention. For a feed of the press conference, see DVB TV News, www.facebook.com/DVBTVNews/videos/1769946553043837/.

to as “torture and other ill-treatment”) by security forces. The fate and whereabouts of many of those who were arrested remains unknown.

Amnesty International interviewed 23 men and two teenage boys who were arrested and tortured or otherwise ill-treated by security forces during this period, as well as more than two dozen men and women who witnessed arrests and often abuse. Amnesty International also interviewed one man who, as part of his job working as an interpreter for the BGP, witnessed the interrogation and torture of Rohingya detainees.

Amnesty International has documented in detail how BGP officers tortured or otherwise ill-treated detainees, usually at BGP bases, in order to extract information or force them to confess to involvement with ARSA. Interviews with released detainees confirm that torture methods included beating, burning, waterboarding, and sexual violence. The organization has also documented the deaths in custody of at least three people, one of them a 15-year-old boy.

Amnesty International’s interviews indicate that in many cases, individuals were arbitrarily detained. Individuals were often beaten during the process of arrest. None of those interviewed had access to medical treatment, to independent legal support, or to their family members while detained in a BGP base. In most cases, only those who were able to pay huge bribes to the security forces were released, leaving those from poor families at greater risk of prolonged detention and further torture.

In some instances, men and boys were taken away by security forces, and to date their fate and whereabouts remains unknown. Amnesty International believes these arrests and detentions may amount to enforced disappearances under international law.⁶¹ When committed as part of a widespread and systematic attack on a civilian population, enforced disappearances also constitute a crime against humanity.⁶²

The arrests and arbitrary detention around the 25 August attacks echo what had happened after the 9 October 2016 ARSA attacks, when security forces detained hundreds of Rohingya men and boys in northern Rakhine State.⁶³ According to state media, 585 people were arrested during those “clearance operations”.⁶⁴ In June 2017, Reuters, citing a police document, reported that 13 children were among those detained since October 2016.⁶⁵ To date, the authorities have provided little public information about the fate and whereabouts of the hundreds of people arrested. What information has come out raises serious concerns about the respect for the detainees’ human rights. At least seven people died in custody, including a child between 13 and 15 years old,⁶⁶ and in February 2018 local media reported that 64 men had been found guilty of a range of criminal offences in connection with the October 2016 attacks; four of them had been sentenced to death, with more trials reportedly ongoing in “special courts”.⁶⁷

TORTURE

Under international law, torture and other cruel, inhuman, or degrading treatment or punishment are absolutely prohibited and cannot be justified under any circumstances whatsoever. The prohibition, enshrined in Article 5 of the Universal Declaration of Human Rights, has become a rule of customary international law, which is binding on states even if they have not ratified the relevant human rights treaties. It is also a peremptory norm, a *jus cogens* rule, with no reservations or derogations permitted.⁶⁸

⁶¹ International Convention for the Protection of All Persons from Enforced Disappearance, adopted by UN General Assembly Res. 61/177, 20 December 2006. The Convention defines “enforced disappearance” as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

⁶² Rome Statute, Article 7(2)(i).

⁶³ See UN Office of the High Commissioner for Human Rights (OHCHR), *Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, pp. 20–24, www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf; Reuters, “Rohingya villagers tell media of abuses during army crackdown,” 15 July 2017, www.reuters.com/article/us-myanmar-rohingya/rohingya-villagers-tell-media-of-abuses-during-army-crackdown-idUSKBN1A00KT.

⁶⁴ *The Global New Light of Myanmar*, “Tatmadaw ends area clearance operations in northern Rakhine,” 18 February 2017, p. 3.

⁶⁵ Reuters, “U.N. rights expert urges Myanmar to protect detained Rohingya children,” 15 June 2017, www.reuters.com/article/us-myanmar-rohingya-children/u-n-rights-expert-urges-myanmar-to-protect-detained-rohingya-children-idUSKBN1961JU.

⁶⁶ *The Global New Light of Myanmar*, “470 suspects still under investigation in northern Maungdaw attacks,” 10 December 2016; DVB, “Muslim boy died in detention, says govt,” 6 June 2017, www.dvb.no/news/rohingya-boy-died-detention-says-govt/75897.

⁶⁷ Min Aung Khine, “Four Rohingya Sentenced to Death for Deadly 2016 Attack in Rakhine,” *The Irrawaddy*, 23 February 2017, www.irrawaddy.com/news/four-rohingya-sentenced-death-deadly-2016-attack-rakhine.html. While Myanmar retains the death penalty in law and continues to impose death sentences, in practice it has not carried out executions since 1988.

⁶⁸ Amnesty International, *Combating torture and other ill-treatment: a manual for action* (Index: POL 30/4036/2016), pp. 54–61.

Torture and other ill-treatment are prohibited during both international and non-international armed conflicts, notably as “grave breaches,” or universally punishable war crimes, of the Geneva Conventions.⁶⁹ The instances of torture and other ill-treatment documented below are violations of international law. Moreover, because they were committed as part of a widespread and systematic attack on the civilian population, these acts constitute crimes against humanity, specifically the crimes of “torture” and of “other inhumane acts”.⁷⁰

2.1 PRE-25 AUGUST ARRESTS AND ARBITRARY DETENTION

During the two months prior to the 25 August ARSA attacks, Myanmar security forces carried out numerous multiple-person arrests of Rohingya men and older boys in northern Rakhine State. The arrests included at least eight incidents in which between five and approximately 50 people were arrested at the same time in villages in Rathedaung and Buthidaung Townships. Security forces also arrested other men in smaller operations throughout all three townships in northern Rakhine State.

The arrests took place within the context of a perceived increase in ARSA activities in northern Rakhine State. Between May and August 2017, security forces located several ARSA training bases and found materials used to make improvised explosive devices (IEDs) and other weapons. There were also several ARSA killings of Rohingya men during this period. It appears the killings were due to the belief that the men were providing information to the authorities (see Background and Chapter 3 for more information on ARSA).

Some detainees were released; however, many, perhaps most, have remained in prison since. The authorities claim that those still in detention are members or supporters of ARSA.⁷¹ Released detainees and their families maintain that they have no relationship with ARSA, and that they were arrested arbitrarily, for example because of their social status, occupation, or wealth.

Released detainees and witnesses described a broadly consistent pattern of behaviour by security forces during the arrest process. Arrests were most often carried out by the BGP working in concert with the Myanmar Army. Men and boys were usually arrested at home or at their place of work. The security forces often started beating them immediately after arrest, and in some instances also beat their family members, including young children. The men and boys were then gathered together, handcuffed, tied to a long rope or chain, and marched or driven to a BGP base or, less frequently, a Myanmar Army base. At least 18 of the detainees interviewed by Amnesty International who were arrested before 25 August were tortured in custody (see below).

ARBITRARY DETENTION AS A HUMAN RIGHTS VIOLATION AND A CRIME AGAINST HUMANITY

Article 9 of the Universal Declaration of Human Rights provides that “*[n]o one shall be subjected to arbitrary arrest, detention or exile.*”

The UN Working Group on Arbitrary Detention refers to detention as arbitrary:

- When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty;
- When liberty is deprived for exercising human rights such as the right to freedom of expression;
- When fair trial rights are significantly ignored;
- When asylum seekers, immigrants, or refugees are subjected to prolonged administrative detention without judicial or other review;
- When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination.⁷²

⁶⁹ See Geneva Convention III, Article 130; Geneva Convention IV, Article 147. See also Amnesty International, *Combating torture and other ill-treatment*, pp. 61-4.

⁷⁰ Rome Statute, Articles 7(1)(f) (torture) and 7(1)(k) (“other inhumane acts”).

⁷¹ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; DVB TV News, www.facebook.com/DVBTVNews/videos/1769946553043837/ (press conference held by the Myanmar authorities, in which they cite information about those still in detention).

⁷² Methods of work of the Working Group on Arbitrary Detention, UN Doc. A/HRC/30/69, 4 August 2015, para. 8 (summarised).

The prohibition of arbitrary detention is considered a rule of customary international law.⁷³

The Rome Statute criminalizes as a crime against humanity, subject to other requirements, “*Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law*.”⁷⁴

ARRESTS IN RATHEDAUNG TOWNSHIP

Amnesty International documented three multiple-person arrests in separate villages within Rathedaung Township prior to the 25 August attacks. Amnesty International interviewed 10 men and two teenage boys who were arrested in Rathedaung Township and subsequently released, and at least 19 men and women who witnessed the arrests. Unless otherwise stated, all of the men arrested were transferred to Sittwe prison and remain in detention at the time of publication.

A BGP Corporal named Kyaw Chay was present during the arrests in all three villages, according to the men who were detained and witnesses present. Kyaw Chay physically abused many of the men during the arrest process, and he tortured at least four of the men during their detention (see below). Most, if not all, of the detainees were familiar with Kyaw Chay before their arrests because he had been working in the area for many years.

In the middle of the night in mid-July 2017,⁷⁵ members of the military and BGP, including Corporal Kyaw Chay, entered the village of Chin (Pyaing Taung), in Rathedaung Township, and arrested eight men. After being beaten, handcuffed, and tied to the same metal chain, the men were marched during the night to the BGP base in Zay Di Pyin, where they arrived in the early morning. On the base they were tortured. After around five days in detention, four of the eight men were released. Another man from Chin (Pyaing Taung), who had been arrested earlier, was also released.⁷⁶

B.L., a farmer, described to Amnesty International how members of the BGP arrested him at his house in Chin (Pyaing Taung) and humiliated and beat him while he was being taken to the BGP base in Zay Di Pyin: “*We all walked to [the] base handcuffed and tied to the same chain. [The BGP] were pulling us like cows and beating us. We reached [the base] around Fajr prayer [in the early morning].*”⁷⁷

On 4 August the BGP clashed with villagers in Auk Nan Yar, in Rathedaung Township. According to witnesses, the BGP attempted to arrest two mullahs, or religious leaders, whom they accused of being ARSA members. One of the mullahs managed to escape.⁷⁸ Hundreds of villagers protested against the arrests. According to the government, the protestors attacked the police with sticks, knives, and sling shots.⁷⁹ The protests triggered a violent response from the BGP; four people were shot and injured.⁸⁰ In the aftermath of the protest, several BGP, including Corporal Kyaw Chay, arrested five men and brought them to the BGP base in Zay Di Pyin village.⁸¹ Nine days after being arrested, one of the detainees was released.⁸²

R.F, the wife of one of the men arrested from Auk Nan Yar, told Amnesty International, “*Kyaw Chay and other [security forces] surrounded my house. [They came inside and arrested my husband.] My husband*

⁷³ See, for example, Human Rights Committee, *General Comment No. 29: States of emergency (Article 4)*, UN Doc.

CCPR/C/21/Rev.1/Add.11, 31 August 2001, para. 11; Human Rights Committee, *General Comment No. 24: Issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.6, 4 November 1994, para. 8; UN Working Group on Arbitrary Detention, Opinion No. 15/2011 (People’s Republic of China, concerning Mr. Liu Xiaobo), Communication addressed to the Government on 3 February 2011, para. 20; The International Committee of the Red Cross (Jean-Marie Henckaerts and Louise Doswald-Beck, eds), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), Rule 99 (Vol. I pp. 344-353, Vol. II Ch. 32, Sec. L, pp. 2328-2362).

⁷⁴ Rome Statute, Article 7(10)(e).

⁷⁵ Amnesty International photographed a release form, signed by Aung Thein Mya, the Chut Pyin Village Administrator, which indicates the men were released from detention on 17 July 2017. Photograph on file with Amnesty International. In an interview, Aung Thein Mya confirmed having signed release papers for several Rohingya men from his village tract, which includes the village of Chin. He recalled the men’s arrest and release as occurring before an ethnic Rakhine man went missing in the area (see Chapters 3 and 4), an event that occurred on 27 July 2017. Amnesty International interview, Sittwe, Myanmar, 25 April 2018.

⁷⁶ Amnesty International interviews, dates and locations withheld to protect their security.

⁷⁷ Amnesty International interview, date and location withheld to protect his security.

⁷⁸ Amnesty International interviews, dates and locations withheld to protect their security. See also Radio Free Asia (Burmese), “Four Rakhine villages relocated,” 6 August 2017, www.rfa.org/burmese/news/yathittaung-village-08062017074834.html; Radio Free Asia (Burmese), “Suspects Apprehended in Rathedaung Village,” 4 August 2017, www.rfa.org/burmese/news/arrest-suspects-in-yathittaung-08042017074748.html.

⁷⁹ Reuters, “At least six Buddhists killed in rising Rakhine violence,” 4 August 2017, www.reuters.com/article/us-myanmar-rohingya/at-least-six-buddhists-killed-in-rising-rakhine-violence-idUSKBN1AK0IM.

⁸⁰ Amnesty International interviews and telephone interviews, dates and locations withheld to protect their security. See also Reuters, “At least six Buddhists killed in rising Rakhine violence,” 4 August 2017.

⁸¹ Amnesty International interview and telephone interview, dates and locations withheld to protect their security.

⁸² Amnesty International interviews and telephone interviews, dates and locations withheld to protect their security.

was taken and beaten in our yard, and then he was taken to the school compound... Then there was shooting everywhere.”⁸³

Over 23 and 24 August, members of the military and the BGP entered the village of Ah Htet Nan Yar, Rathedaung Township, and an area near there inhabited by a Rohingya community that had been displaced from Pan Kaing village during the 2012 violence.⁸⁴ The military and BGP proceeded to arrest at least two large groups of men; some were released by the security forces on the same day. At least 14 Rohingya men were brought to the BGP base in Zay Di Pyin, where most were tortured or otherwise ill-treated and one man was beaten to death. Approximately two and half weeks after the arrests, four detainees—two men and two boys—were released from the base.⁸⁵

S.W., a farmer, told Amnesty International, *“Kyaw Chay personally arrested me... [The BGP] captured me at my house. When they caught me, they hit me and tied me on my back.”⁸⁶*

A.O., a boy in his teens, told Amnesty International, *“I was inside my house. My mother was screaming a lot. She was crying. They stomped on her and hit her with a bamboo stick... Kyaw Chay took me from the house. He tied me. And he and three other police beat me.”⁸⁷*

ARRESTS IN BUTHIDAUNG TOWNSHIP

Amnesty International documented five multiple-person arrests in Buthidaung Township prior to the 25 August attacks. Amnesty International interviewed 12 men who were arrested in Buthidaung Township and subsequently released, and at least six men and women who witnessed the arrests. Unless otherwise stated, all of the men arrested were transferred to Buthidaung prison, and remain in detention at the time of publication.

Around early July 2017, the BGP arrested approximately 30 men from Nga Yant Chaung village in Buthidaung Township and brought them to Taung Bazar BGP base, where at least some of them were tortured or otherwise ill-treated. After approximately two weeks in detention, a few of the men were released and the rest were transferred to Buthidaung prison. Some men were subsequently released, but others are still believed to be in prison at the time of publication.⁸⁸

Around 11 August, in the early morning, BGP entered the village of Tin May, also in Buthidaung Township, and arrested around 10 men. The men were taken to the Taung Bazar BGP base. Days later, most if not all of them were transferred to Buthidaung prison.⁸⁹

On 15 August, around 50 men were arrested from U Hla Hpay village, in Buthidaung Township. Twenty-four men were transferred to Buthidaung prison, the rest were released, either in the village after the initial arrest, or from Nyaung Chaung BGP base, where they were first detained.⁹⁰ D.M., 29, described to Amnesty International how soldiers and BGP came to the village in the early morning and started rounding up all the men: *“[The BGP] proceeded from one end of the village to another. They held everyone they came across. Women were excluded. [They didn’t arrest] young children either... They held 52 [men] in total. All the 52 were tied up and escorted by the soldiers and BGP and taken to Taung [village].”⁹¹*

In Taung, another village in U Hla Hpay village tract, the BGP released D.M.’s very ill father and another elderly man. The other 50 men and boys, including two nephews of D.M. who have intellectual disabilities, were taken to Nyaung Chaung BGP base.⁹²

Around 21 August, five men, including three Rohingya village elders from Rammoya Fara village, in Yin Ma Kyaung Taung village tract, Buthidaung Township, were arrested at different times and taken to the BGP base at Taung Bazar, where they were tortured.⁹³ Two men were released from the BGP base and three were transferred to Buthidaung prison and subsequently released.

⁸³ Amnesty International interview, date and location withheld to protect her security.

⁸⁴ Amnesty International interviews, dates and locations withheld to protect their security.

⁸⁵ Amnesty International interviews, dates and locations withheld to protect their security.

⁸⁶ Amnesty International interview, date and location withheld to protect his security.

⁸⁷ Amnesty International interview, date and location withheld to protect his security.

⁸⁸ Amnesty International interviews, dates and locations withheld to protect their security.

⁸⁹ Amnesty International interviews, dates and locations withheld to protect their security.

⁹⁰ Amnesty International interview and telephone interview, dates and locations withheld to protect their security. See also *Eleven Media Group*, “23 people found to be involved in terrorism, after interrogating 49 people, after a tip about terrorist training in Buthidaung,” 19 August 2017, news-eleven.com/crime/5366.

⁹¹ Amnesty International interview, date and location withheld to protect his security.

⁹² Amnesty International interview and telephone interview, dates and locations withheld to protect their security.

⁹³ Amnesty International interviews and telephone interviews, dates and locations withheld to protect their security.

Around 23 August, six men from Kyun Pauk village tract, Buthidaung Township, were arrested by the BGP. They were taken to the BGP post near their town. The next morning, three were released and three were transferred to the BGP base in Taung Bazar, where they were tortured before being released.⁹⁴

EXTORTION TO PREVENT ARREST AND SECURE RELEASE

Security forces routinely extorted money from the families of Rohingya men and boys prior to and following the 25 August attacks. Rohingya men were either threatened with arrest or briefly detained and threatened with imprisonment unless their families paid bribes to the security forces. The sums of money required to secure the release of a family member or to prevent a relative from being arrested were extremely high. Only individuals from wealthy families, or who otherwise had access to financial resources, were able to pay. For those from poor families—the majority, given that Rakhine State is one of Myanmar’s most economically disadvantaged regions—paying such sums would have been virtually impossible, so they would have been at greater risk of arbitrary arrest and prolonged detention.

Interviews with former detainees and their families indicate that release from detention—whether a BGP base or a prison—was almost always conditional upon a financial payment to the security forces. Each of the nine detainees released from the Zay Di Pyin BGP base interviewed by Amnesty International stated that their families either made a payment in order to secure their release, or that the BGP officers who released them told them that they needed to return to the base the following day with a payment.

Q.N., a 37-year-old farmer from Hpon Nyo Leik village, Buthidaung Township, told Amnesty International that the military demanded one million kyats (approximately US\$700) to release his 14-year-old son from Buthidaung prison in late August 2017. The boy had been detained on suspicion of involvement with ARSA. The family paid the extortionate sum to the military through the ethnic Rakhine Village Administrator, and the boy was released. Q.N. said they had no money left and later fled to Bangladesh.⁹⁵

A.G., 31, from Ah Lel Chaung, Buthidaung Township told Amnesty International that he was released from detention in a BGP base only after his family paid a bribe: *“For three days, we were tortured... so that we would admit we are ARSA. Ten days later, my parents paid 20 lakhs [two million kyat, approximately US\$1,400] to the BGP, and I was released... Then I decided to flee [to Bangladesh].”*⁹⁶

In some cases, former detainees were given a document, signed by government officials and witnessed by local community leaders, which stated that they had been released after an investigation confirmed they were not connected to “terrorist” activities or trainings. Several former detainees told Amnesty International that, as a precondition of their release, they were forced to sign a document asserting that they had not been *“tortured, threatened and extorted any money during the investigation process.”*⁹⁷ In each instance, the interviewee said that such assertions were false.

Security forces also used the threat of arrest to extort money from Rohingya. Several interviewees explained that they had been forced to pay bribes to the police in order to prevent their relatives from being arrested and detained. A woman from Ka Kyet Bet Kan Pyin village tract in Buthidaung Township told Amnesty International that her family had to pay 600,000 kyats (approximately US\$430) to the police in January 2018 after their Village Administrator and others had come to her house searching for her husband, who was in hiding. *“At night [they] came to my house,”* she recalled, *“They came in and said, ‘Your [husband] will be taken away unless you give us some money.’ They said this to many [families in the village]. So we gave them money.”*⁹⁸ Her family fled to Bangladesh soon after.⁹⁹

In other villages, security forces appear to have used the accusations of connection to ARSA and the threat of arrest to extort villagers. R.R., in his 40s, from Hpaung Taw Pyin, Buthidaung Township, explained: *“[The soldiers] called us and threatened us, ‘If you don’t give us money, we’ll say you were involved [in ARSA]’... They would say someone had been involved in making weapons, and if [the person] didn’t give them money, they’d put them on the [ARSA] list.”*¹⁰⁰ The threat of arrest and fear of further extortion appears to have been a factor in some families’ decision to flee to Bangladesh.¹⁰¹

⁹⁴ Amnesty International telephone interviews, dates and locations withheld to protect their security.

⁹⁵ Amnesty International interview, date and location withheld to protect his security.

⁹⁶ Amnesty International interview, date and location withheld to protect his security.

⁹⁷ Amnesty International photographed the letter in question. Photographs and an unofficial translation are on file with Amnesty International.

⁹⁸ Amnesty International interview, Bangladesh refugee camp, January 2018.

⁹⁹ Amnesty International interview, Bangladesh refugee camp, January 2018.

¹⁰⁰ Amnesty International interview, date and location withheld to protect his security.

¹⁰¹ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018; and telephone interviews, Bangladesh, February 2018.

2.2 TORTURE AND OTHER ILL-TREATMENT IN DETENTION CENTRES

Amnesty International interviewed 17 Rohingya men and two teenage boys who were tortured as well as six men who were subjected to other ill-treatment while in detention in northern Rakhine State in the period around 25 August. Nearly all of the men who were tortured or otherwise ill-treated witnessed the torture or other ill-treatment of other detainees. Amnesty International also interviewed one man who, as part of his job working as an interpreter for the BGP, witnessed the interrogation, using torture, of Rohingya detainees.

Survivors and witnesses described a broadly consistent pattern of treatment of detainees by security forces. Some of these reflect patterns of torture and other ill-treatment that have been carried out by Myanmar security forces for decades.¹⁰² After arriving at a detention facility, the Rohingya detainees were interrogated by BGP officers, members of the military, or both. The interrogations almost always focused on the detainees' knowledge of ARSA. Detainees were all accused of being ARSA members or supporters. Some detainees were questioned about the murders of specific Rohingya villagers—believed to be informants of the Myanmar authorities—whom the security forces allege that ARSA murdered (see Chapter 3).

During interrogations, security forces tortured or otherwise ill-treated detainees, including by severe beating, burning, and by making detainees sit or stand in stress positions for prolonged periods. In at least five cases, torture involved sexual violence, including the burning and mutilation of genitalia. Detainees were also often deprived of water for days and, in some cases, of food for more than one week. The torture and other ill-treatment were often carried out repeatedly over the course of several days or, in a few cases, weeks.

After several days or weeks, or, in a few cases, several months, some of the detainees were released. Many, if not most, were transferred to prisons in Buthidaung or Sittwe. Several detainees who were transferred from a BGP base to prison and subsequently released told Amnesty International that they were beaten in prison and subjected to other forms of ill-treatment; however, in general, ill-treatment was far more severe in BGP bases than in prison.

The torture and other ill-treatment documented by Amnesty International took place primarily while the men and boys were in custody on BGP bases, particularly at Zay Di Pyin BGP base in Rathedaung Township; and Taung Bazar BGP base in Buthidaung Township. Survivors and witnesses in each location consistently named a member of the BGP who directly perpetrated or ordered many of these abuses: at Zay Di Pyin, a BGP Corporal named Kyaw Chay; and at Taung Bazar, the head of the BGP base there, named Tun Naing.

Amnesty International interviewed each man by telephone. On 2 June 2018, Tun Naing said that he was the head of the BGP base in Taung Bazar, and that he had held that position since 2015, including through the period around 25 August 2017.¹⁰³ Kyaw Chay denied that he was based out of Zay Di Pyin during the relevant period.¹⁰⁴ However, Police Lieutenant Myo Zaw Oo, who was the head of the BGP post in Zay Di Pyin during that time, told Amnesty International that Kyaw Chay had been there with him.¹⁰⁵ He also said that Kyaw Chay was still based in Zay Di Pyin as of mid-June 2018.¹⁰⁶ Both Kyaw Chay and Tun Naing denied having been involved in any mistreatment.¹⁰⁷

Torture and other ill-treatment were carried out on other BGP bases as well. U.R., from Ah Lel Chaung village, Buthidaung Township, told Amnesty International that he was tortured for three days on the Nyaung Chaung BGP base, as the BGP tried to get him to confess to being part of ARSA. *"In custody, the BGP started to torture us brutally. I lost consciousness. Soon, I woke up... I found my feet were burnt and bleeding. I have the scars on my feet. These are what BGP burnt, with cigarette lighters,"* he said.¹⁰⁸

¹⁰² See, for example, Amnesty International, *Myanmar: Prisoners of conscience: a chronicle of developments since September 1988* (Index: ASA 16/23/89), November 1989; Amnesty International, *Myanmar: "In the National Interest": Prisoners of conscience, torture, summary trials under martial law* (Index: ASA 16/010/1990), 7 November 1990; Amnesty International, *Myanmar: Conditions in prisons and labour camps* (Index: ASA 16/022/1995), 21 September 1995; Amnesty International, *Myanmar: A challenge for the international community* (Index: ASA 16/028/1997), November 1997; Amnesty International, *The institution of torture* (Index: ASA 16/24/00), December 2000; Amnesty International, *"All the Civilians Suffer"*.

¹⁰³ Amnesty International telephone interview with Tun Naing, BGP officer in charge of Taung Bazar BGP base, Myanmar, 2 June 2018.

¹⁰⁴ Amnesty International telephone interview with Kyaw Chay, BGP corporal on Zay Di Pyin BGP base, Myanmar, 13 April 2018.

¹⁰⁵ Amnesty International telephone interview with Police Lieutenant Myo Zaw Oo, Myanmar, 13 June 2018. Myo Zaw Oo told Amnesty International that he was transferred to another BGP base in December 2017. He confirmed that Kyaw Chay had the rank of corporal and had been based in Zay Di Pyin throughout the period in question.

¹⁰⁶ Amnesty International telephone interview with Police Lieutenant Myo Zaw Oo, Myanmar, 13 June 2018.

¹⁰⁷ Amnesty International telephone interview with Tun Naing, BGP officer in charge of Taung Bazar BGP base, Myanmar, 2 June 2018; and telephone interview with Kyaw Chay, BGP corporal on Zay Di Pyin BGP base, Myanmar, 13 April 2018.

¹⁰⁸ Amnesty International telephone interview, date and location withheld to protect his security.

THE ROLE OF THE BGP

The Border Guard Police is a special Myanmar police force responsible for border and village security in northern Rakhine State. Established in 2014, the BGP operates under the direction of the Ministry of Home Affairs, one of the Ministries under the control of the military, and has been responsible for enforcing a range of sweeping and discriminatory restrictions on the Rohingya population, including restrictions on their freedom of movement.¹⁰⁹ The BGP has been widely accused of abusive behaviour against Rohingya in the past, including during the “clearance operations” following the October 2016 attacks.¹¹⁰ The torture and other ill-treatment documented in this report took place primarily while the men were in custody in BGP bases, and was carried out primarily by BGP officers; however, a few detainees reported being abused, or witnessing abuse, by members of the military.

There are nearly 100 BGP bases and posts of varying sizes throughout northern Rakhine State, which includes small posts in the majority of village tracts.¹¹¹ Most of the torture and other ill-treatment in detention sites documented by Amnesty International around 25 August took place on one of two BGP bases: the BGP base in Zay Di Pyin, in Rathedaung Township, and the BGP base in Taung Bazar, in Buthidaung Township. The BGP base in Zay Di Pyin covers northern Rathedaung Township, overseeing smaller BGP posts in surrounding villages, including Chut Pyin. The BGP base in Taung Bazar covers northern Buthidaung Township, which includes overseeing seven smaller BGP posts, including in Nga Yant Chaung and Kyun Pauk.¹¹² The BGP base in Taung Bazar reports to a BGP regional headquarters in Buthidaung town.¹¹³

For a joint operation between the military and police, like what was undertaken in northern Rakhine State from at least mid-August 2017, senior officials from the Ministry of Home Affairs would have been in regular contact with senior military officials from the Office of the Commander-in-Chief (Army) to oversee the implementation of their orders and directives.¹¹⁴ According to an analyst of the Myanmar military, who prepared a confidential memorandum for Amnesty International based on confidential documents on the military as well as key informant interviews, “*When police forces are jointly engaged in operations with the military they are subordinated to the regional command in which they are situated and would report to him, as well as to the minister of the Ministry of Home Affairs. Hence, the regional command would have command authority over the Chief of Police in Rakhine State.*”¹¹⁵

TORTURE AT THE ZAY DI PYIN BGP BASE

Amnesty International interviewed eight Rohingya men and two teenage boys who were detained on the BGP base in Zay Di Pyin, Rathedaung Township. All of the survivors said they were interrogated about their knowledge of ARSA, which officers referred to as “al-Yaqin”.¹¹⁶

During the interrogations, seven of the men and the two boys were tortured. All nine stated that BGP Corporal Kyaw Chay was present during their arrests. Four of the survivors said that Kyaw Chay was among those who had tortured them, and all nine said that Kyaw Chay was among those who subjected them to other forms of ill-treatment.

Nearly all the detainees were deprived of food during their detention; several said the food deprivation lasted for longer than a week. They were also deprived of water for much of the time. According to F.F., “[*The detainees*] drank each other’s urine. We asked for water, they said drink each other’s urine. If we didn’t drink [it], they beat us to drink [it].”¹¹⁷

The interrogations almost always included severe beatings, and usually being made to sit or stand in stress positions for prolonged periods. The majority of the detainees were burned using a candle or a lighter, often while being hung from the ceiling. E.P., in his 20s, told Amnesty International, “*They hung us up [from the*

¹⁰⁹ Amnesty International, “Caged without a Roof”, pp. 42-47.

¹¹⁰ Amnesty International, “We Are at Breaking Point”, pp. 21-24; Physicians for Human Rights, *Where There is Police, There is Persecution: Government Security Forces and Human Rights Abuses in Myanmar’s Northern Rakhine State*, October 2016; Agence France-Presse, “Myanmar detains police over Rohingya abuse video,” 2 January 2017.

¹¹¹ Confidential research document, on file with Amnesty International, of all of the BGP bases and their hierarchy.

¹¹² Amnesty International telephone interview with Tun Naing, BGP officer in charge of Taung Bazar BGP base, 2 June 2018.

¹¹³ Information on the BGP structure comes from a confidential research document, on file with Amnesty International, of all of the BGP bases and their hierarchy; a separate confidential document, on file with Amnesty International; and additional Amnesty International research on and interviews in northern Rakhine State, March 2016 to June 2018.

¹¹⁴ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 16.

¹¹⁵ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, pp. 16-17.

¹¹⁶ “Al-Yaqin” refers to another name for ARSA, as discussed above.

¹¹⁷ Amnesty International interview, date and location withheld to protect his security.

ceiling] so that our feet could not touch the ground, while we were handcuffed from the back... They beat us hard with a hard plastic rod.”¹¹⁸

Several of the detainees lost consciousness during the interrogations. D.G., a boy in his teens, recalled:

“They beat us until we were nearly dead... We were made to sit on stones while they beat us. We were made to sit with our legs out with bamboo sticks on our legs, while two people stood on the bamboo... Then they hung me from a chain [attached to the ceiling], and beat me with a hard plastic stick. I fell unconscious. [After I regained consciousness] I was beaten again, by someone with gloves that had nails in them. I was bleeding [on my face].”¹¹⁹

In some instances, the torture involved sexual violence, including the burning of their genitals. Four of the eight survivors told Amnesty International that police officers burned or otherwise mutilated their penises during the interrogation. All four stated that Kyaw Chay was the one who burned them. C.M., in his 50s, described the torture: *“I was standing with my hands tied behind my head, then they pulled off my longyi and put a [lit] candle under my penis. Kyaw Chay was holding the candle and [a] big man was giving orders... [My penis] blistered... They were saying, ‘Tell the truth or you will die.’”¹²⁰*

E.P., in his 20s, told Amnesty International, *“Kyaw Chay put fire on my penis. [It happened when] I was in a separate room [from the other inmates]... With a match he lit a candle, and with the candle he burned my penis.”¹²¹* D.G., quoted above about the beatings he suffered, said that he was also burned twice on his genitalia and that blisters developed on his penis.¹²²

The detentions always involved multiple interrogation sessions, carried out over the course of at least several days, which usually involved different types of torture and other forms of ill-treatment.

HUNG FROM THE CEILING, BEATEN, AND BURNED AT ZAY DI PYIN BGP BASE

A.F. was tortured by BGP officers at the Zay Di Pyin base following his arrest. He and several other men were chained together and forced to sit in one room. Over the course of three days, he was repeatedly tortured by BGP officers who accused him of being a member of ARSA, which the interrogators referred to as “al-Yaqin”. A.F. described:

“I was interrogated first [among the group]. [They brought me to another room in the base.] They asked some questions about my family, then they asked about al-Yaqin. They said that al-Yaqin was in our village... I denied this... They kept accusing me of being al-Yaqin... I kept denying it. [After about thirty minutes] I was brought back to the group...

I was questioned again in a different room. They beat me a lot, they accused me of lying. They rolled a bamboo stick over my outstretched legs until the skin ripped off, while they beat me on my back. They slapped me, kicked me, and beat me with a stick. They questioned me for three hours... Then I was taken back to the room with the other men, and handcuffed to a chain...

I was [interrogated] again after lunch. I was taken to another room, with a ‘big man’ [whose name I did not know]. My handcuffs were taken off. Then I was told to do 100 sit-ups and 100 push-ups, which I couldn’t do. They put my handcuffs back on, and hung me from a hook [attached to the ceiling]. My feet were barely touching the floor. I was questioned again by two men... Then they beat me with a hard rubber stick... Then they burned my testicles and my penis... on and off for five minutes... I had a burning stick shoved against my back. Then I was taken down and beaten again. And questioned again.

Then I was hung up again, this time only my toes could touch the ground. They put a lighter right under my penis. They did this for several minutes... I lost feeling [in my penis] at some point. I was taken down [for a few minutes]. Then I was hung up again. This time my feet could not touch the floor. I was half naked. They burned my penis again. A blister developed on my penis. They cut the blister with a blade. I was screaming that ‘I don’t know [about ARSA]’. My whole body was shaking because of the pain.

[Eventually] they told me to drink water. The big man told the man who burned me to give me food. He brought me a bun... Then [the big man left and] another man came in and wrapped up a betel nut [as

¹¹⁸ Amnesty International interview, date and location withheld to protect his security.

¹¹⁹ Amnesty International interview, date and location withheld to protect his security.

¹²⁰ Amnesty International interview, date and location withheld to protect his security.

¹²¹ Amnesty International interview, date and location withheld to protect his security.

¹²² Amnesty International interview, date and location withheld to protect his security.

paan)¹²³ and shoved [it] in my penis—he pulled it in and out. My skin was coming off. This was around the time of the Maghrib [evening] prayer... Then I was taken back to the room [with the other detainees], but separated from the other men... I was handcuffed behind my back all night.”¹²⁴

A.F. was beaten intermittently for a further two days before he was released, following payment of a bribe by his family. His mother, who witnessed his arrest and was also present when he returned home, told Amnesty International that A.F. was badly injured from his time in detention. “I couldn’t open his shirt. It was stuck to his body. When we took it off, skin came with it,” she said.¹²⁵

A.F. told Amnesty International that BGP Corporal Kyaw Chay was present for nearly all of his interrogation, and was the person who burned him.¹²⁶

TORTURE AT THE TAUNG BAZAR BGP BASE

Amnesty International interviewed 11 Rohingya men who were detained at the BGP base in Taung Bazar, in Buthidaung Township. Each of the former detainees said that they, and the several dozen other men who were detained with them, came from villages in Buthidaung Township near the base, including Nga Yant Chaung, Rammoya Fara, Tin May, Maung Gyi Taung, and Kyun Pauk. Amnesty International also interviewed a man who, as part of his job working as an interpreter for the BGP in Taung Bazar, witnessed the interrogation and torture of numerous Rohingya detainees.

All of the survivors were interrogated about their knowledge of ARSA, which BGP officers reportedly referred to as “al-Yaqin”.¹²⁷ Three survivors stated that they were interrogated specifically about the alleged ARSA killings of suspected government informants.¹²⁸

Four of the men stated that Tun Naing, the head of the Taung Bazar BGP base, was present during their arrests and participated in their torture and the torture of other men detained at the same time.¹²⁹ In a telephone interview, Tun Naing told Amnesty International that he was the head of the Taung Bazar BGP base and had held that position since 2015. He said he had been involved in arrests and interrogations during this period, but denied any mistreatment of detainees.¹³⁰

During the interrogations, eight of the men were tortured. In all cases their detention involved multiple interrogation sessions, carried out over the course of at least several days, and, in some cases, several weeks. All of the interrogations involved different methods of torture.

The interrogations included severe beatings, often with sticks, hard plastic rods, and the butts of guns. J.C., a farmer in his 30s, told Amnesty International that he and other detainees were beaten so severely that “our bodies swelled to fill our shirts”.¹³¹

Detainees were also often beaten while being made to sit or stand in stress positions. H.J., a farmer in his 20s, described how BGP officers tortured him during his interrogation: “Our hands were tied in front of us. We were made to sit with legs straight out, with people standing on each leg... [They] made me sit with legs straight and pressed an iron rod on my shins to scrape off the skin... Then they put our hands cuffed behind our back, and three people held me and two beat my back with a long bar.”¹³²

The interrogations at times involved waterboarding.¹³³ Five men told Amnesty International that they were waterboarded during their interrogations, and several others stated that they witnessed other people being

¹²³ “Paan” is “a betel leaf... filled with chopped betel (areca) nut... and slaked lime... to which assorted other ingredients, including red katha paste... may be added. Paan is served folded into a triangle or rolled, and it is spat out or swallowed after being chewed.” Encyclopedia Britannica, www.britannica.com/topic/paan.

¹²⁴ Amnesty International interview, date and location withheld to protect his security.

¹²⁵ Amnesty International interview, date and location withheld to protect her and her son’s security.

¹²⁶ Amnesty International interview, date and location withheld to protect his security.

¹²⁷ “Al-Yaqin” refers to another name for ARSA, as discussed above.

¹²⁸ Amnesty International interviews, dates and locations withheld to protect their security.

¹²⁹ Amnesty International interviews and telephone interview, dates and locations withheld to protect their security.

¹³⁰ Amnesty International telephone interview, Myanmar, 2 June 2018.

¹³¹ Amnesty International interview, date and location withheld to protect his security.

¹³² Amnesty International interview, date and location withheld to protect his security.

¹³³ Waterboarding is the term used to describe an interrogation technique which simulates the sensation of drowning or suffocation by forcing water into a detainee’s mouth and/or nose. International legal experts have been clear that waterboarding amounts to torture as defined in international law. See UN, “Torture is torture, and waterboarding is not an exception – UN expert urges the US not to reinstate it,” 30 January 2017, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21129&LangID=E. See also Amnesty International, *United States of America: Slippery slopes and the politics of torture* (Index: AMR 51/177/2007), 9 November 2007, p. 2.

waterboarded.¹³⁴ G.U., a farmer in his 30s, told Amnesty International that he was waterboarded twice while in detention: *"I was lying on my back. They put an undershirt on my face, and poured water on it... It felt like I was dying... They kept asking us the same questions [during the waterboarding], if we knew who was al-Yaqin."*¹³⁵

K.S., in his 60s, told Amnesty International that during his interrogation he was beaten until he lost consciousness, and that he was repeatedly waterboarded: *"They tied my face with a black cloth over my head and poured water on my nose and mouth... I thought I was going to die."*¹³⁶ K.S. said that Tun Naing, the head of the BGP base in Taung Bazar, was present throughout his interrogation, and that Tun Naing was one of the men who waterboarded him.¹³⁷

B.M. and C.C. told Amnesty International that they gave false confessions to the BGP after being waterboarded. The BGP arrested B.M. and C.C. together, but interrogated them separately. They both reported that the BGP tortured them in a variety of ways, but that the waterboarding was the worst, and was what forced them to falsely state that they were members of ARSA.¹³⁸ The BGP covered C.C.'s face with a white t-shirt, and then continuously poured water over his mouth and nose. *"I finally [falsely] admitted that I was ARSA once I thought I was going to die,"* he said.¹³⁹

Amnesty International interviewed one man who had his beard burned in detention, and four men who were in detention with men whose beards were burned.¹⁴⁰ B.M., whose torture and false confession is described above, told Amnesty International that after he "confessed," Tun Naing burned his beard.¹⁴¹ H.J. said that his father, who had been arrested with him, had his beard burned.¹⁴²

Several detainees also described acts of sexual violence, including the burning of genitalia. I.X told Amnesty International that a BGP officer burned his penis.¹⁴³ M.O. stated that he witnessed BGP officers burning the penis and anus of several men.¹⁴⁴

Details about the conditions and treatment in informal detention sites such as BGP bases are difficult to independently corroborate. The BGP prohibits monitors from accessing its bases.¹⁴⁵ During telephone conversations with Amnesty International, BGP officers denied allegations of torture and other ill-treatment.

Amnesty International was, however, able to interview an interpreter, O.A., who worked for the BGP on the base in Taung Bazar. O.A. told Amnesty International that he was present during the interrogations of numerous Rohingya detainees. He stated that he had often witnessed the torture, including rape and other sexual violence, of Rohingya detainees during questioning. He described how several men from Tin May village were tortured during their interrogations, which he said were led by Tun Naing:

"[The BGP asked the men] where the bad guys were. When they didn't say anything, [the BGP] beat them, they beat them over and over. They asked again, where the bad guys were. [When they didn't give information], they beat them with a metal rod until they were bleeding. [The BGP asked] again and again.

*They also took a torch, a heavy torch [flashlight], and they smacked the men with it. One of them was bleeding [from his head], a lot, and the BGP, he took the liquid from the betel [nut], and he rubbed it on [the man's] head to make the pain worse. The man yelled."*¹⁴⁶

O.A. said he saw the BGP at Taung Bazar base rape Rohingya men by pushing a metal rod up their anus. He said that Tun Naing was present and ordered the men's torture.¹⁴⁷

¹³⁴ Amnesty International interviews, dates and locations withheld to protect their security.

¹³⁵ Amnesty International interview, date and location withheld to protect his security.

¹³⁶ Amnesty International interview, date and location withheld to protect his security.

¹³⁷ Amnesty International interview and telephone interview, dates and locations withheld to protect his security.

¹³⁸ Amnesty International telephone interviews, dates and locations withheld to protect their security.

¹³⁹ Amnesty International telephone interview, date and location withheld to protect his security.

¹⁴⁰ Amnesty International interviews and telephone interview, dates and locations withheld to protect their security.

¹⁴¹ Amnesty International telephone interview, date and location withheld to protect his security.

¹⁴² Amnesty International interview and telephone interview, date and location withheld to protect his security.

¹⁴³ Amnesty International interview, date and location withheld to protect his security.

¹⁴⁴ Amnesty International telephone interview, date and location withheld to protect his security.

¹⁴⁵ Amnesty International interviews, dates and locations withheld to protect their security.

¹⁴⁶ Amnesty International interview, date and location withheld to protect his security.

¹⁴⁷ Amnesty International interview, date and location withheld to protect his security.

KILLINGS IN CUSTODY

At least two Rohingya men and a 15-year-old boy who were arrested by security forces in August 2017 were killed in custody: one man and the boy were beaten to death, and one man was shot dead.

On 24 August 2017, members of the military and BGP entered the village of Ah Htet Nan Yar and arrested a large group of men, including Jahid Hossain, 20, and brought them to the BGP base in Zay Di Pyin (see above for more details about this arrest incident).

According to four witnesses interviewed by Amnesty International, all of whom were in detention in Zay Di Pyin at the time of the killing, BGP officers beat Jahid Hossain to death with a wooden plank a few days after the group had arrived at the base, after he had asked for water. P.Y. told Amnesty International: *"I saw it happen. He was in front of me. When he asked for water they hit him twice, with a wood plank. Then they stomped on him... And they took him away. He died in the [other] room."*¹⁴⁸

S.W., a farmer in his 20s, recalled, *"There was no water. Everyone was asking for water. I was asking, but [Jahid Hossain] was asking for a long time. Then the police came in... and hit everyone with a stick and said that there was no drinking water. They beat the boy a lot. He was weak. He died two hours later."*¹⁴⁹

Around 16 August 2017, a little more than one week prior to the attack on Chut Pyin village (see Chapter 4), members of the military stationed in Chut Pyin arrested two brothers while they were on their farm outside of the town. The brothers were brought to the road in front of the temporary base that the military had established in the school in the Rakhine area of Chut Pyin. A source with intimate knowledge of the incident told Amnesty International that the soldiers proceeded to severely beat both of them. One of the brothers was rendered unconscious by the beating; the other brother, Abdul Rahman, 15, was beaten to death. The source with intimate knowledge of the incident said that the soldiers were angry at the brothers for leaving the village to farm and that they kept yelling at them while kicking and beating them with their guns.¹⁵⁰ Abdul Rahman's body was recovered and seen by his family, according to the source.¹⁵¹

Mohamed Salam, around 55, was a shopkeeper from Rammoya Fara village in Buthidaung Township. In late September 2017, he was arrested and brought to Taung Bazar BGP base. According to M.O., who was already in detention at the base when Mohamed Salam arrived, three days later Mohamed Salam was taken from the room where he was being held, brought outside, and shot to death.¹⁵² M.O. did not see the killing; however, he believes that he heard the gunshot that killed him, and he was able to see Mohamed Salam's dead body lying on the ground near the gate. M.O. said one of the BGP guards later told him that a soldier had killed Mohamed Salam.¹⁵³

2.3 ONGOING DETENTION AND POSSIBLE ENFORCED DISAPPEARANCES

To date, the Myanmar authorities have released numbers of people arrested and in detention, without any further information, including about who is being detained, where, and under what charges, if any.¹⁵⁴

In some cases, people interviewed by Amnesty International said that they knew where detainees were being held, and it appears that in at least a few instances, detainees were brought before courts or underwent some other form of judicial process. G.U., a farmer in his 30s from Nga Yant Chaung, was one of four men arrested from there and detained in Buthidaung prison. He told Amnesty International, *"They kept us [on the BGP base in Taung Bazar] for 14 days. [Some of us] were released and [some of us] were taken to*

¹⁴⁸ Amnesty International interview, date and location withheld to protect his security

¹⁴⁹ Amnesty International interview, date and location withheld to protect his security

¹⁵⁰ Amnesty International telephone interview, date and location withheld to protect his security

¹⁵¹ Amnesty International telephone interview, date and location withheld to protect his security

¹⁵² Amnesty International telephone interview, date and location withheld to protect his security

¹⁵³ Amnesty International telephone interview, date and location withheld to protect his security

¹⁵⁴ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017 (stating that, as of November 2017, 114 people remained under arrest; however, the report did not say if this number included those arrested before 25 August, nor did it mention the number who had been released from prison; DVB TV News, www.facebook.com/DVBTVNews/videos/1769946553043837/ (showing a 14 March 2018 press conference in which the authorities stated that 384 people had been arrested between 25 August 2017 and March 2018, with no mention of how many remained in detention).

*Buthidaung [prison]... Then we were taken to court. In court they took [a large sum of money] and then they released us.*¹⁵⁵

In other cases, however, family members told Amnesty International that they had no information regarding the fate and whereabouts of their relatives after they were taken away by security forces—including whether they were still alive, if they had been charged with a criminal offence, and where they were being held. Amnesty International is concerned that in these cases, individuals may be victims of enforced disappearances, a serious human rights violation and a crime under international law. Amnesty International is also concerned that individuals in detention have not had the opportunity to challenge the legality of their detention before an independent court, and do not have access to lawyers of their choosing or to visits from family members. Detention without access to the outside world, or incommunicado detention, facilitates torture and other ill-treatment as well as enforced disappearance and can itself constitute such practices.¹⁵⁶

Security forces continued to arrest and arbitrarily detain Rohingya men and boys after the 25 August attacks. Myanmar authorities have publicly stated that 384 people were arrested between 25 August 2017 and March 2018.¹⁵⁷ Witnesses described seeing men and boys being taken away during military attacks on villages, during searches of villages for alleged ARSA members, or in some instances during the flight to Bangladesh. The fate and whereabouts of those who were detained during this time remains unknown.

ARSA LISTS

Over five days in January 2018, Myanmar's state media published information in both Burmese and English about 1,310 people, mainly Rohingya men, who were described as being ARSA "terrorists".¹⁵⁸ The lists, which published each individual's name, father's name, photograph, and in some cases ages and places of residence, included at least 46 children as well as people who were deemed to be "sympathizers" purely on the basis of their family relationship to suspected ARSA members.¹⁵⁹ It is not clear how Myanmar's security forces compiled the lists; however, given the use of torture and other ill-treatment during interrogation, there are concerns that many names on the lists may have been extracted through those means.

Amnesty International does not have information about if the individuals on the lists are detained or free; are in Myanmar, Bangladesh, or elsewhere; or even are alive or dead. By publishing these details and publicly condemning these people as "terrorists" and criminals, the Myanmar authorities are violating a raft of internationally-recognized human rights, including: the right to life, liberty and security of person; the right to privacy; the right to a fair trial, in particular the right to be presumed innocent until proven guilty; the right to seek asylum; and the right to return to one's country.¹⁶⁰ In particular, Amnesty International is concerned that individuals on the lists and their families now in Bangladesh will face arrest, harassment, and/or intimidation should they return to Myanmar, and are at increased risk of violent attacks by the Myanmar security forces or local vigilantes. There are also serious concerns that these individuals could be subjected to arbitrary arrests, torture or other ill-treatment, and enforced disappearance.

¹⁵⁵ Amnesty International interview, date and location withheld to protect his security

¹⁵⁶ See, for example, UN General Assembly Resolution 70/146, Torture and other cruel, inhuman or degrading treatment, 12 February 2016, para. 13; Special Rapporteur on torture annual report, UN Doc. A/56/156 (2001) para. 14; *Velásquez Rodríguez v Honduras*, Inter-American Court of Human Rights (1988), para. 187.

¹⁵⁷ See DVB TV News, www.facebook.com/DVBTVNews/videos/1769946553043837/ (press conference held by the Myanmar authorities).

¹⁵⁸ *The Global New Light of Myanmar*, "Members of ARSA terrorist group," published on 17, 18, 19, 20, and 21 January 2018, all on file with Amnesty International.

¹⁵⁹ The publication of children's names is a clear violation of Myanmar's obligations as a state party to the Convention on the Rights of the Child, under which it is legally bound to protect children's rights to: life (Article 6), liberty and security of person (Article 37), privacy (Article 16), a fair trial (Article 40), and to seek asylum (Article 22). Moreover, the publication violates the principle legal rule underlying the treatment of children by the authorities, which is that in any such treatment, "the best interest of the child shall be a primary consideration" (Article 3.1).

¹⁶⁰ *Universal Declaration of Human Rights*, UNGA resolution of 10 December 1948, www.refworld.org/docid/3ae6b3712c.html, articles 3, 10, 11, 12, 13(1), 14; *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, www.refworld.org/docid/3be01b964.html

3. ARSA ATTACKS AND ABUSES

“There was no ARSA in my village. If there was, I wouldn’t be alive. They killed people who were close to the government.”

A Rohingya village leader living in northern Rakhine State.¹⁶¹

“I saw some Muslim men kill Hindu women. Then I cried... I saw men holding the heads and hair [of the women] and others were holding knives. And then they cut their throats.”

Formila, a Hindu villager from Au Nauk Kha Maung Seik, attacked and abducted by ARSA on 25 August 2017.¹⁶²

After launching attacks on three security force posts in October 2016, triggering Myanmar military operations marked by crimes against humanity, the Rohingya armed group now known as the Arakan Rohingya Salvation Army (ARSA) appears to have begun regrouping. Throughout 2017, it is credibly linked to at least two dozen targeted killings of Rohingya alleged to have been informants to the authorities. Such killings appear to have been part of a wider effort to pressure the Rohingya community, through persuasion, threats, and violence, to stop collaborating with the authorities or, to a lesser extent, with other ethnic communities.

On 25 August, ARSA launched coordinated attacks on around 30 security force posts across northern Rakhine State. These attacks were led by a core group of ARSA fighters, who appear to have mobilized around several thousand more Rohingya villagers, collectively, to participate. Amnesty International has credible information that some Rohingya joined voluntarily while others were forced to participate in the attacks; it remains unclear the extent to which these different tactics were used.

During the initial attacks and in the hours and days that followed, ARSA mostly targeted the Myanmar security forces. However, in several incidents, ARSA also attacked villagers from other ethnic and religious communities in northern Rakhine State. The biggest such incident involved the massacre of the Hindu community in Kha Maung Seik village tract on 25 August, but there were several other such incidents, including the unlawful killing of six ethnic Mro villagers on 28 August and the burning of their entire village. These incidents do not appear to have been the first unlawful killings by ARSA of villagers from other ethnic and religious communities. As detailed below, in the months before the 25 August attacks, villagers on several occasions went into the mountains looking for foodstuffs and never returned home; sometimes their bodies were found, other times they remain unaccounted for. In at least some instances, the unlawful killing

¹⁶¹ Amnesty International telephone interview, Myanmar, 27 May 2018.

¹⁶² Amnesty International telephone interview, Sittwe, Myanmar, 17 May 2018.

or abduction appears to have happened in an area where ARSA reportedly had a presence or where an alleged ARSA “camp” was later discovered. These incidents precipitated the Myanmar military’s build-up in northern Rakhine State in advance of 25 August.

Much remains unknown about ARSA, including its overall size and its precise command structure. It is unclear, for example, whether some of the abuses involving ARSA fighters happened outside the group’s formal command structure or in opposition to orders issued about how to treat villagers from other communities, or whether the abuses reflected or were in compliance with such orders—if any orders concerning these issues existed at all. But the effect of ARSA’s abuses has been clear: the Rohingya have largely been intimidated into silence about these incidents; and people from other communities live in fear that ARSA may attack them next. As detailed in the remaining chapters of this report, rather than try to identify and arrest those involved in the attacks, the Myanmar military targeted the entire Rohingya population in villages across the region.

3.1 AUGUST 2017 ATTACKS AND THEIR PRELUDE

In the early hours of 25 August 2017, ARSA launched coordinated attacks on security force posts in northern Rakhine State. The attacks came hours after the release of the final report of the Advisory Commission on Rakhine State, a government-appointed body led by former UN Secretary-General Kofi Annan. The commission had been tasked with identifying solutions for peace and development in one of Myanmar’s most underdeveloped and volatile regions. In its initial response to the attacks, the Myanmar government was quick to accuse ARSA of attempting to undermine the report.¹⁶³ The attacks primarily targeted Border Guard Police (BGP) posts across the townships of Maungdaw, Buthidaung, and Rathedaung; there was also one attack on an Army base in northern Buthidaung Township, which was reportedly repelled quickly.¹⁶⁴

ARSA was quick to claim responsibility. At around the same time as the attacks began, a Twitter account believed to be connected to the group announced that it was taking “defensive actions” against the Myanmar military in 25 different locations.¹⁶⁵ Minutes later, the account tweeted: “*This is a legitimate step for us to defend the world’s persecuted people and liberate the oppressed people from the hands of the oppressors!*”¹⁶⁶ In an interview with *Asia Times*, conducted the day after the attacks, a senior ARSA representative confirmed the group’s responsibility for the attacks, which he claimed were launched in anticipation of military raids on ARSA bases. The official vowed “*continued resistance*” until the group’s demands were met.¹⁶⁷

The number, scale, and intensity of the initial ARSA attacks and of the subsequent clashes between ARSA attackers and the Myanmar security forces remain unclear, in large part because the Myanmar authorities have restricted access to the region for independent investigators. According to a government statement, there were 38 clashes between security forces and ARSA on 25 August, and a further 52 ARSA attacks on or clashes with security force personnel in northern Rakhine State between 25 and 31 August 2017.¹⁶⁸ Some incidents appear to have involved multiple attacks, and some lasted for several hours. For example, on 26 August, state media reported the explosion of 17 improved explosive devices (IEDs) over a two-hour period in the area around Zin Paing Nyar village, Maungdaw Township.¹⁶⁹

A study by the Myanmar Institute for Peace and Security recorded a total of 119 individual incidents involving ARSA, including armed clashes and IED explosions.¹⁷⁰ All but one of these incidents occurred

¹⁶³ State Counsellor Office, *Breaking News 1*, 25 August 2017, www.statecounsellor.gov.mm/en/node/970; State Counsellor Office, *Breaking News 3*, 25 August 2017, www.statecounsellor.gov.mm/en/node/972.

¹⁶⁴ See, for example, International Crisis Group, *Myanmar’s Rohingya Crisis Enters a Dangerous New Phase*, p. 6; Moe Myint, “Muslim Militants Stage Major Attack in Rakhine,” *The Irrawaddy*, 25 August 2017, www.irrawaddy.com/news/burma/muslim-militants-stage-major-attack-rakhine.html; Reuters, “At least 71 killed in Myanmar as Rohingya insurgents stage major attack,” 25 August 2017.

¹⁶⁵ @ARSA_Official, Urgent Statement: Arakan State situation, 25 August 2017, twitter.com/ARSA_Official/status/900878438856359937.

Amnesty International has attempted to contact ARSA via the Twitter account without success. It is unclear the extent to which the account is directly handled by members of the group or by those acting on its behalf. However, independent analysts have confirmed the account is connected to the group.

¹⁶⁶ @ARSA_Official, twitter.com/ARSA_Official/status/900878438856359937, 25 August 2017.

¹⁶⁷ Mike Winchester, “Rohingya insurgency declares ‘open war’ in Myanmar,” *Asia Times*, 28 August 2017, www.atimes.com/article/rohingya-insurgency-declares-open-war-myanmar/.

¹⁶⁸ State Counsellor Office, *Brief statement on violent attacks carried out by ARSA extremist terrorists from 25 to 31 August*, 2 September 2017, www.statecounsellor.gov.mm/en/node/988.

¹⁶⁹ *The Global New Light of Myanmar*, “Extremist terrorism on the rise!” 28 August 2017, p. 6.

¹⁷⁰ Myanmar Institute for Peace and Security (MIPS), *Attack, Arson, and Exodus in Rakhine*, Special Brief 1, Issue No (1), Volume No (1), October 2017. The study was based on open source data, including official government statements and government Facebook pages. In

between 25 August and 5 September—the date the government announced the end of “clearance operations”.¹⁷¹ The majority of the reported clashes appear to have occurred in Rohingya villages in Maungdaw Township.¹⁷²

In interviews with Amnesty International, dozens of people who were present in villages where ARSA attacked BGP posts on 25 August painted a consistent picture of those attacks. Most attacks took place between 1 a.m. and 5 a.m. Villagers said they woke to the sound of gunfire. Some left their homes to seek refuge in nearby Buddhist temples and described seeing large groups of men attacking police posts.¹⁷³ They typically said that some attackers were dressed in black, with only their eyes visible, and others were dressed in ordinary clothing. Some attackers were seen with guns, but most were described as carrying sticks or bladed weapons.¹⁷⁴ In some areas, residents of ethnic Rakhine villages said that the BGP stayed inside their posts until military reinforcements arrived.¹⁷⁵

The initial coordinated attacks and the clashes during subsequent days appear to have involved a core group of ARSA members, estimated by analysts to be around several hundred,¹⁷⁶ as well as Rohingya villagers mobilized by persuasion or forcibly, estimated to number around several thousand in total, with varying levels of mobilization in different villages.¹⁷⁷ Fortify Rights and the United States Holocaust Memorial Museum have reported that in specific villages in the weeks leading up to 25 August, there was a significant increase in the recruitment of young men into ARSA.¹⁷⁸ They also documented attempts to force Rohingya men and boys to join ARSA by preventing them from fleeing the country after the attacks themselves.¹⁷⁹

While Amnesty International and other organizations have confirmed that some Rohingya participated in ARSA attacks, the overwhelming majority did not. Even in the villages where attacks occurred, there is no question that most villagers did not take part in ARSA attacks.

The attacks came after several months of rising tension, including as a result of an IED explosion in Buthidaung Township in May 2017 and subsequent discovery of an ARSA training camp in Kyaung Taung village tract;¹⁸⁰ a string of killings and abductions of Rohingya leaders alleged to be informants of the Myanmar authorities; and several incidents in which ethnic Rakhine and Mro villagers were killed when going into the mountains in search for foodstuffs, as discussed below. In mid-August, there were reports that ARSA had received small arms in preparation for an attack, though the group later denied these claims.¹⁸¹

In the weeks prior to 25 August, the military appears to have determined that ARSA was posing a greater threat, as the Myanmar Army deployed additional combat division troops to the area, reportedly to search for militant camps.¹⁸² Soon after, a Twitter account believed to be connected to the group posted a video of the ARSA Commander-in-Chief, Ata Ullah, calling for the demilitarization of Rakhine State and warning of retaliation if the military failed to do so.¹⁸³

The attacks also took place in a context in which ARSA fighters appear to have been using persuasion as well as threats and intimidation against the Rohingya population in northern Rakhine State in order to suppress information about the group's actions.¹⁸⁴ In several areas, people from ethnic Rakhine, Mro, Thet and Khami communities, as well as members of the Hindu community, told Amnesty International that there had been a cooling of relations with their Rohingya neighbours following the October 2016 attacks and in the

total, the organization recorded 142 armed clashes, including IED explosions, which it assessed constituted 119 individual incidents, located in or around 63 different villages or wards.

¹⁷¹ Myanmar Institute for Peace and Security (MIPS), *Attack, Arson, and Exodus in Rakhine*, Special Brief 1, p. 2.

¹⁷² Myanmar Institute for Peace and Security (MIPS), *Attack, Arson, and Exodus in Rakhine*, Special Brief 1, p. 3.

¹⁷³ Amnesty International interviews, Sittwe, Myanmar, April 2018.

¹⁷⁴ Amnesty International interviews, Sittwe, Myanmar, April 2018.

¹⁷⁵ Amnesty International interviews, Myanmar, April 2018; and telephone interviews, May 2018.

¹⁷⁶ See International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, pp. 16, 24.

¹⁷⁷ Amnesty International interviews, Myanmar, April and May 2018. See also International Crisis Group, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, p. 6 (describing “human wave attacks” that in some individual villages “involved hundreds of people”).

¹⁷⁸ Fortify Rights and the United States Holocaust Memorial Museum, *“They Tried to Kill Us All”: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar*, November 2017, p. 6.

¹⁷⁹ Fortify Rights and the United States Holocaust Memorial Museum, *“They Tried to Kill Us All”*, p. 6.

¹⁸⁰ See International Crisis Group, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, pp. 3-5.

¹⁸¹ Antony Davis, “Foreign support gives Rohingya militants a lethal edge,” *Asia Times*, 15 August 2017, www.atimes.com/article/foreign-support-gives-rohingya-militants-lethal-edge/.

¹⁸² *The Irrawaddy*, “ANALYSIS: Myanmar Army Deployed in Maungdaw,” 11 August 2017, www.irrawaddy.com/news/burma/analysis-myanmar-army-deployed-maungdaw.html.

¹⁸³ @ARSA_Official, twitter.com/ARSA_Official/status/897875808349544448.

¹⁸⁴ Amnesty International interviews, Bangladesh refugee camps, January 2018; and Sittwe, Myanmar, April 2018. See also International Crisis Group, *The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis*, Crisis Group Asia Report No. 296, 16 May 2018.

months leading up to 25 August. In some areas, Rohingya villagers were explicitly instructed by ARSA fighters not to communicate with neighbours from other ethnic and religious communities.¹⁸⁵

During the course of this research, Amnesty International obtained a video filmed in October 2016 of an ARSA member threatening to summarily kill a Rohingya boy after the boy had spent several weeks in a neighbouring ethnic Rakhine village.¹⁸⁶ The boy's father pleads with the fighter to spare the boy's life, promising that the boy will never return to the ethnic Rakhine village; the fighter ultimately acquiesces after the father agrees to give the boy to ARSA.¹⁸⁷ Members of the Rohingya community consistently told Amnesty International that it was dangerous to speak out about ARSA.

ARSA'S ABUSES UNDER INTERNATIONAL LAW

Unlike other branches of international law, such as international humanitarian law¹⁸⁸ and, to an extent, international criminal law,¹⁸⁹ international human rights law primarily creates obligations on states and officials, not directly on non-state actors or entities such as armed groups. Even when it comes to the abuse of human rights by non-state actors, the international legal obligations fall on the state to exercise due diligence to prevent, stop, investigate, and punish such abuses and ensure reparation to victims.¹⁹⁰

Nevertheless, there are fundamental principles of humanity, derived from peremptory norms of international law and key principles of international humanitarian law, which must be respected by armed groups, including in situations that do not constitute armed conflict.¹⁹¹ Relevant rules include the prohibition of arbitrary deprivation of life, the prohibition of torture or other ill-treatment, and of discrimination. Amnesty International has documented or else expressed condemnation of such abuses by armed groups in countries throughout the world for more than 30 years, regardless of the cause they espouse or the identities of the victims or perpetrators.

In addition to being crimes under domestic law, some of the serious human rights abuses by ARSA documented in this report may also constitute crimes under international law.

3.2 KILLINGS AND ABDUCTIONS OF SUSPECTED ROHINGYA INFORMANTS

Between 9 October 2016 and 25 August 2017, dozens of Rohingya villagers in northern Rakhine State were killed or abducted under what appears to have been similar circumstances.¹⁹² The victims were mostly village leaders,¹⁹³ or other people with links to the Myanmar authorities. Amnesty International has documented 11 such cases through interviews with people with direct knowledge, at times corroborated by other sources. In each documented case, the person who was killed was perceived to be providing

¹⁸⁵ Amnesty International interviews, Bangladesh refugee camp, January 2018; and in Myanmar, April and May 2018.

¹⁸⁶ Amnesty International verified the authenticity of the video and audio material from someone who had personal knowledge of one of the people threatening the Rohingya boy in the video. Video and audio translation on file with Amnesty International.

¹⁸⁷ Video and audio translation on file with Amnesty International.

¹⁸⁸ Specifically, provisions relating to "*armed conflict not of an international character*" in Article 3 common to all four Geneva Conventions of 1949 impose obligations on "*each Party to the conflict*," which would include armed groups.

¹⁸⁹ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force 1 July 2002. Article 7(2)(a) of the Rome Statute defines attacks constituting crimes against humanity as being carried out "*pursuant to or in furtherance of a State or organizational policy*," thus not limiting the definition to actions by states. The crime of genocide (in Article 6) and war crimes (in Article 8) are similarly defined so as to accommodate crimes by armed groups.

¹⁹⁰ See, for example, Human Rights Committee, General Comment No. 31 on Article 2 of the Covenant: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/74/CRP.4/Rev.6, 21 April 2004, para. 8; Committee against Torture, General Comment No. 2 (Implementation of article 2 by States parties), UN Doc. CAT/C/GC/2, 24 January 2008, para. 18; Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, UN Doc. CEDAW/C/GC/35, 14 July 2017, para. 24.

¹⁹¹ For example, at a time when the situation in Syria did not yet constitute an armed conflict, the Commission of Inquiry on Syria affirmed that, 'at a minimum, human rights obligations constituting peremptory international law (*jus cogens*) bind States, individuals and non-State collective entities, including armed groups. Acts violating *jus cogens*—for example, torture or enforced disappearances—can never be justified.' Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/19/69, para. 106.

¹⁹² Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017.

¹⁹³ In Myanmar, officials known as Village or Ward Administrators oversee local-level administration. These officials are civil servants who operate under the General Administration Department, which administers the state from the Union level down to the individual village tract and ward level. Because most Rohingya are not citizens, they are ineligible to become members of the civil service. However, in the Rohingya-majority townships of northern Rakhine State, Rohingya often perform the functions of Village Administrators if there is no other ethnic community living in a particular village or ward. They are not officially designated as such and do not receive equal remuneration or other benefits. Rohingya also act as the head of 100 households—a position which is in local-level administration. In this report, such individuals are referred to as "village leaders".

information to the Myanmar authorities; the evidence points strongly to ARSA members as the perpetrators, though the group denies its members were involved in killings.¹⁹⁴

Information collected on behalf of Amnesty International indicated two dozen additional unlawful killings or abductions that fit the pattern of ARSA targeting Rohingya leaders suspected of providing the authorities with information. The Myanmar authorities report an even higher death toll: in late June 2017, state media released lists of 38 men who were killed and 22 men who were abducted since 9 October 2016.¹⁹⁵ Fifty-four of the 60 victims on these lists were Rohingya. Nearly all of the victims who were killed were reportedly stabbed to death.¹⁹⁶ Amnesty International has received reports of 13 unlawful killings during July and August 2017, after the government's lists were published.

ARSA fighters have been widely accused of perpetrating many of these killings, allegedly to silence Rohingya "informants" who were believed to be sharing information about the group with the authorities.¹⁹⁷ Some of the assailants reportedly wore black masks and spoke the Rohingya dialect.¹⁹⁸ Amnesty International has been unable to speak directly to ARSA members with knowledge of the incidents, despite efforts to contact the group through a Twitter account believed to be connected to it and through other means.

On 21 December 2016, in one of the first targeted killings attributed to ARSA after the October 2016 attacks,¹⁹⁹ Dust Mohamed, a Rohingya from Nga Khu Ya village, Maungdaw Township, was killed. Dust Mohamed worked at the village tract's library and as a part-time interpreter for visiting government officials.²⁰⁰ On 22 December, a day after the killing, his decapitated body was found in creek.²⁰¹ A few hours prior to his death, he spoke to journalists who travelled to Maungdaw Township as part of a government-sponsored media tour. According to the *Asia Times*, "[he] told the press of militant trainings in the nearby area, and denied claims that rapes [by the military] had taken place."²⁰² Media outlets have linked his death to the answers he gave journalists.²⁰³

Jaw Gi Aung, 48, the ethnic Rakhine Village Administrator for Nga Khu Ya village tract, told Amnesty International: "[Dust Mohamed] was a translator for government officials who used to come to the area. Some Muslims didn't like that he was working for the government... And when he got information, he used to give it to me... [H]e said that Muslim people have a plan to attack the area."²⁰⁴ Amnesty International received independent corroboration that ARSA carried out this killing.²⁰⁵

On 26 January 2017, Zaheer Ahmed, the Rohingya village leader for Kyet Yoe Pyin village, Maungdaw Township, was abducted from his house.²⁰⁶ The next day, his body was found in Pyaung Pike, a village in a neighbouring village tract. A Rohingya village leader who knew Zaheer Ahmed told Amnesty International that he was killed because he was known to give information to the authorities in Maungdaw Township.²⁰⁷

The Rohingya village leader said that this type of information was expected from people in his position in Maungdaw Township. "Like me, all village [leaders] need to give information to the government in Maungdaw. About who came into the village, and how many new people came into the area. We need to give this information to the Township Administrator," he said. "There was no ARSA in my village. If there

¹⁹⁴ ARSA Press release, Ref: ARSA/PR/02/2017, 30 May 2017, twitter.com/ARSA_Official. In subsequent messages posted by the same twitter account, the group appears to accuse the Myanmar authorities of responsibility for the killings.

¹⁹⁵ *The Global New Light of Myanmar*, "List of civilian missing/abducted in Maungdaw district (2016 October to 2017 June 27)," 28 June 2017, www.burmalibrary.org/docs23/GNLM2017-06-28-red.pdf; *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017, www.burmalibrary.org/docs23/GNLM2017-06-29-red.pdf.

¹⁹⁶ *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017. See also Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017.

¹⁹⁷ Amnesty International interviews with analysts, October 2017 and May 2018; interviews with Village Administrators, Sittwe, Myanmar, April 2018; and telephone interviews, Myanmar, April, May, and June 2018. See also Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017.

¹⁹⁸ Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017.

¹⁹⁹ Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017.

²⁰⁰ Amnesty International telephone interview, Myanmar, 26 May 2018.

²⁰¹ Amnesty International telephone interview, Myanmar, 26 May 2018; BBC News, "Myanmar unrest: Rohingya Muslim man found decapitated in river," 23 December 2016, www.bbc.com/news/world-asia-38418881; *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017.

²⁰² Kayleigh Long, "Rohingya insurgency takes lethal form in Myanmar," *Asia Times*, 20 June 2017.

²⁰³ Amnesty International telephone interview, Myanmar, 26 May 2018. See also Carole Oudot and Matthieu Baudey, "Muslim found beheaded after talking to Myanmar journalists," *Asia Times*, 24 December 2016, www.atimes.com/article/muslim-found-beheaded-talking-journalists/.

²⁰⁴ Amnesty International telephone interview, Myanmar, 26 May 2018.

²⁰⁵ Amnesty International correspondence, October 2017, further information withheld to protect security.

²⁰⁶ Amnesty International telephone interview, Myanmar, 26 May 2018; *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017.

²⁰⁷ Amnesty International telephone interview, Myanmar, 26 May 2018.

was, I wouldn't be alive. They killed people who were close to the government." ²⁰⁸ Amnesty International received independent corroboration that ARSA carried out this killing. ²⁰⁹

Rohingya villagers who acted as interpreters for the authorities appear to have been particularly targeted by ARSA. In late January 2017, Shofi Rahut and Yaya, two Rohingya residents of Ywet Nyo Taung village, Maungdaw Township, went missing in separate incidents. ²¹⁰ According to Sein Thar Kyaw, 50, the ethnic Rakhine Village Administrator for Ywet Nyo Taung village tract, both men worked as interpreters for the BGP and would share information with the authorities. ²¹¹ Mahmoud Haze, 25, from Kyee Kan Pyin (Middle) village, Maungdaw Township, also worked as an interpreter for the BGP. Around 27 May 2017, he received a telephone call and told his mother that he had to go out, according to a person in the village with knowledge of the incident. ²¹² Mahmoud Haze never returned home. To date, his fate and whereabouts—as well as the fate and whereabouts of Shofi Rahut and Yaya—remain unknown. All three are presumed dead.

On 29 May 2017, Kyaw Sae, 50, the Rohingya village leader of Yae Twin Pyin village, Maungdaw Township, was killed. Dozens of Rohingya men from the village surrounded his house and about 10 of them barged through the door, according to someone with direct knowledge interviewed by Amnesty International. ²¹³ The men immediately confiscated Kyaw Sae's phone, and then beat him severely in front of several family members. Two days later, his body was found on a small hill near the eastern side of the village; his legs and hands were bound. Kyaw Sae had allegedly been sharing information with the authorities about ARSA's presence in the village. Apparently as a result of the information he shared, the authorities dispatched a small contingent of soldiers to the village between December 2016 and April 2017. After the soldiers left, Kyaw Sae had gone into hiding, rarely returning home until 29 May, the night he was killed. ²¹⁴ According to a villager from Yae Twin Pyin, ARSA had a significant presence there at the time Kyaw Sae was killed. ²¹⁵

Around 24 June 2017, Hpway Yas, a Rohingya leader from Ywar Haung village, Myo Thu Gyi village tract, was stabbed to death in his house. According to Mae Than Lone, the ethnic Rakhine Village Administrator for Myo Thu Gyi village tract, who was informed about the killing shortly after it occurred, approximately 20 men surrounded Hpway Yas's house. Four or five of the men wore masks, entered the house, and killed him with knives. ²¹⁶ Mae Than Lone told Amnesty International, "[Hpway Yas] used to give me information... He and some other Muslim people told me that people were planning to attack [Myo Thu Gyi]." ²¹⁷

Maung Hla Thein, the ethnic Rakhine Village Administrator for Ah Htet Nan Yar village tract, Rathedaung Township, told Amnesty International that the relationship between ethnic Rakhine and Rohingya villagers deteriorated in the months leading up to the 25 August attacks. "[Some] village leaders informed us [of what was going on]. They said some of the villagers are connecting with ARSA." ²¹⁸ Maung Hla Thein said that three Rohingya men were killed in his village tract in August 2017: "I don't remember their names. They were just ordinary people, but they knew the authorities, I think that's why [ARSA] didn't like that. They were from Ni Lin Paw village... When they were missing, village leaders secretly informed us." ²¹⁹ He said he had not seen the bodies, but that several weeks later, people close to two brothers, who were among the three men killed, telephoned him and said their bodies had been found and that their throats had been slit. ²²⁰

Around July or early August 2017, a Rohingya man from Inn Din named Sayed, who was around 60 years old, was pulled off of a vehicle traveling between Maungdaw town and his village, according to several ethnic Rakhine leaders from Inn Din interviewed by Amnesty International. ²²¹ Sayed was reportedly close to the ethnic Rakhine community. His fate and whereabouts remain unknown, though he is believed to have been killed. ²²² A Rohingya man from Inn Din interviewed by Amnesty International said that, months before the attacks, he and others had been instructed to stop communication with the ethnic Rakhine community:

²⁰⁸ Amnesty International telephone interview, Myanmar, 27 May 2018; *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017.

²⁰⁹ Amnesty International correspondence, October 2017, further information withheld to protect security.

²¹⁰ Amnesty International telephone interview, Myanmar, 26 May 2018.

²¹¹ Amnesty International telephone interview, Myanmar, 26 May 2018.

²¹² Amnesty International telephone interview, Myanmar, 28 May 2017; *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017.

²¹³ Amnesty International telephone interview, Myanmar, 28 May 2017.

²¹⁴ Amnesty International telephone interview, 28 May 2017; *The Global New Light of Myanmar*, "List of civilian murdered in Maungdaw district (2016 October to 2017 June 27)," 29 June 2017.

²¹⁵ Amnesty International telephone interview, May 2018.

²¹⁶ Amnesty International telephone interview, Sittwe, Myanmar, 27 May 2018.

²¹⁷ Amnesty International telephone interview, Sittwe, Myanmar, 27 May 2018.

²¹⁸ Amnesty International telephone interview, 4 April 2018.

²¹⁹ Amnesty International telephone interview, 4 April 2018.

²²⁰ Amnesty International telephone interview, 4 April 2018.

²²¹ Amnesty International interviews, Sittwe, Myanmar, April 2018.

²²² Amnesty International interviews, Sittwe, Myanmar, April 2018.

“These people said that this should stop—that we should not communicate with the [ethnic] Rakhine people... In [the Rohingya] community, there are some people who have connections with the authorities. They were told not to do this, that it was traitorous. That’s why they put restrictions on [speaking with other communities].”²²³

The targeted killings and abductions of Rohingya leaders who were perceived to be cooperating with the authorities also appears to have sent a message to those within the wider Rohingya community who might have had information about ARSA, creating a sense of fear and intimidation that, according to Rohingya who spoke to Amnesty International, continues to exist in the refugee camps in Bangladesh.²²⁴

3.3 PRE-25 AUGUST KILLINGS OF ETHNIC RAKHINE AND MRO, ATTRIBUTED TO ARSA

In the months before the 25 August attacks, at least a dozen ethnic Rakhine and Mro villagers were killed or went missing in circumstances that family members and village authorities believe indicate that ARSA fighters were responsible. Amnesty International has not been able to confirm ARSA’s responsibility for some instances, as there are no surviving witnesses besides the perpetrators themselves. However, the killings and abductions followed a similar pattern: they occurred outside of village, most often in mountainous areas where, or close to where, the Myanmar authorities later claimed to have discovered ARSA “camps”.

Around 29 April 2017, Aung Mya Kyaw, 60, and Maung Aye, 55, two ethnic Rakhine men from Kyauk Sar Taing village, Rathedaung Township, went to search for snails in the Mayu mountains.²²⁵ A few days later, the wife of one of the men informed Sein Thar Kyaw, the ethnic Rakhine Village Administrator, that the two men had not returned.²²⁶ The following morning, villagers went to the mountains to search for the men. They were joined the next day by police officers, but the bodies were never found.²²⁷

On 23 June 2017, at around 8 a.m., four ethnic Rakhine men—Aung Kyaw, Ko Ko Thein, San Thar and Kyan Thein Aung—left San Kar Pin Yin (Rakhine) village, Maungdaw Township, to search for turtles and fish in the forests and mountains on the outskirts of Kyun Pauk Pyu Su village.²²⁸ At around noon, the four men arrived at Kyun Pauk Pyu Su market, parked their motorbikes, and proceeded on foot toward the forest. Approximately one hour later, the group wandered into an area where they saw some supplies, including clothing, spades, knives, batteries, and flashlights. Shortly after they came upon the site, they were surrounded by approximately a dozen men holding knives.²²⁹ According to San Thar, the men with knives spoke the Rohingya dialect.²³⁰ They asked the group of ethnic Rakhine men what they were doing in the area, and the men responded that they were searching for turtles and fish. The men with knives attacked them. San Thar told Amnesty International that he ran and managed to evade the two attackers who pursued him. He encountered four ethnic Daingnet men, to whom he informed what happened.²³¹

The five men continued on and informed BGP officers based in Thea Chaung village tract. At around 4 p.m., several dozen police arrived and, with a crowd of villagers, went to the scene of the attack. They found some blood, but did not find any bodies. San Thar returned to San Kar Pin Yin village where he found Kyan Thein Aung, who had been injured on his hand and shoulder while escaping the attack. The next day, the body of Aung Kyaw was found in the forest. On 26 June, the body of Ko Ko Thein was found.²³² Amnesty International received independent corroboration that ARSA members carried out this killing.²³³

This incident reportedly contributed to a rise in tensions across northern Rakhine State.²³⁴ According to the International Crisis Group, immediately after the two ethnic Rakhine civilians were killed, “security forces

²²³ Amnesty International interview, Bangladesh refugee camp, 19 January 2018.

²²⁴ Amnesty International interviews, January, March, and May 2018.

²²⁵ *The Global New Light of Myanmar*, “List of civilian murdered in Maungdaw district (2016 October to 2017 June 27),” 29 June 2017, www.burmalibrary.org/docs23/GNLM2017-06-29-red.pdf

²²⁶ Amnesty International telephone interview, Myanmar, 26 May 2018,

²²⁷ Amnesty International telephone interview, Myanmar, 26 May 2018.

²²⁸ International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*.

²²⁹ Amnesty International telephone interview, Myanmar, 27 May 2018.

²³⁰ Given the close proximity between the communities, many ethnic Rakhine in northern Rakhine State said that they were able to speak or understand words in the Rohingya dialect, or were at least familiar enough with the dialect to distinguish it by sound.

²³¹ Amnesty International telephone interview, Myanmar, 27 May 2018.

²³² Amnesty International telephone interview, Myanmar, 27 May 2018; *The Global New Light of Myanmar*, “List of civilian murdered in Maungdaw district (2016 October to 2017 June 27),” 29 June 2017, www.burmalibrary.org/docs23/GNLM2017-06-29-red.pdf.

²³³ Amnesty International correspondence, October 2017, further information withheld to protect security.

²³⁴ International Crisis Group, *Myanmar’s Rohingya Crisis Enters a Dangerous New Phase*, 7 December 2017.

were placed on high alert; [and] on 30 June, senior government officials in Naypyidaw discussed the situation in a 'special meeting on Rakhine State'."²³⁵

In late July 2017, an ethnic Rakhine man named Than Htay who lived in the ethnic Rakhine part of Chut Pyin, Rathedaung Township, went missing while looking for foodstuffs in the mountainous area near the village, according to Aung Thein Mya, the ethnic Rakhine Village Administrator of Chut Pyin; and Maung Hla Thein, the Administrator of neighbouring Ah Htet Nan Yar village tract.²³⁶ Aung Thein Mya and two other villagers who lived in the area, including a relative of Than Htay, said that they helped search for Than Htay over subsequent days and that during those searches, undertaken with the security forces, several ARSA "camps" were discovered in the Mayu mountains.²³⁷

On the morning of 3 August 2017, a group of eight ethnic Mro left their village of Kine Gyi in Maungdaw Township to go into the nearby mountains to gather food. San Tun, the 46-year-old Mro village leader of Kine Gyi, told Amnesty International that after hearing gunshots in the mountain several hours later, he called the military and then accompanied soldiers to look for the group of villagers, which included his brother and son. That day, they found the bodies of six members of the group—three men and three women—with a combination of gunshot and machete wounds. Another woman's body was found in a creek several days later; the eighth person, also a woman, remains missing and is presumed dead.²³⁸

San Tun believed the Mro villagers were killed by ARSA after happening across one of their "camps", based in part on the military's alleged discovery and destruction several months earlier of an ARSA camp in a nearby area.²³⁹ At the time, Reuters reported that it was not clear whether the perpetrators were ARSA fighters or, as several people Reuters interviewed suggested, whether the killings were linked to the methamphetamine trade, for which the Mayu mountain area is a hub of activity.²⁴⁰ Amnesty International also cannot determine if ARSA was responsible for the killings, as there are no known surviving witnesses. There is no doubt, however, that ethnic Rakhine, Mro, and other communities in the area believe ARSA perpetrated the killings, and that it has impacted relations between those communities and the Rohingya.²⁴¹

In the week that followed the killings, ethnic Rakhine political leaders flew to Naypyidaw to meet with Senior General Min Aung Hlaing, the military's Commander-in-Chief, and Vice Senior General Soe Win, the Commander-in-Chief of the Army.²⁴² The political leaders reportedly expressed concern over the killing of the six Mro civilians and of ARSA activity more generally, and asked for additional security in northern Rakhine State.²⁴³ Within two days, military reinforcements began to arrive, ultimately including at least three battalions of the 33rd Light Infantry Division (LID) and six battalions of the 99th LIDs.²⁴⁴

3.4 POST-25 AUGUST ATTACKS ON ETHNIC RAKHINE AND MRO COMMUNITIES

As previously described, when launching their coordinated attacks on 25 August, ARSA mostly targeted Myanmar security force posts. But in the hours and days that followed, they also attacked and burned

²³⁵ International Crisis Group, *The Long Haul Ahead for Myanmar's Rohingya Refugee Crisis*, 16 May 2018.

²³⁶ Amnesty International telephone interview with Maung Hla Thein, 4 April 2018; Amnesty International interview with Aung Thein Mya, Sittwe, Myanmar, 25 April 2018. See also Narinjara, "Health worker gone missing for three weeks," 22 August 2017, narinjara.com/health-worker-gone-missing-for-three-weeks/.

²³⁷ Amnesty International interviews, Sittwe, Myanmar, 25-28 April 2018. See also Radio Free Asia, "Three Villagers Found Mutilated in Myanmar's Rathedaung Township," 1 August 2017, www.rfa.org/english/news/myanmar/three-villagers-found-mutilated-in-myanmars-rathedaung-township-08012017162442.html; Rik Glauert, "Bodies Found, Arrests Made in Tense Northern Rakhine," *The Irrawaddy*, 1 August 2017, www.irrawaddy.com/news/burma/bodies-found-arrests-made-tense-northern-rakhine.html. The search for Than Htay led to the infamous discovery of WFP biscuits, after which the Myanmar authorities made the inflammatory and unsubstantiated accusation that aid agencies were supporting ARSA. See Jacob Goldberg, "Suu Kyi's office links UN aid to 'violent attackers'," *Coconuts Yangon*, 1 August 2017, coconuts.co/yangon/news/suu-kyis-office-links-un-aid-violent-attackers/.

²³⁸ Amnesty International interview, Sittwe, Myanmar, 26 April 2018. See also Moe Myint, "Six Bodies with Gunshot, Machete Wounds Found in Maungdaw," *The Irrawaddy*, 3 August 2017, www.irrawaddy.com/news/burma/six-bodies-gunshot-machete-wounds-found-maungdaw.html.

²³⁹ Amnesty International interview, Sittwe, Myanmar, 26 April 2018.

²⁴⁰ Reuters, "At least six Buddhists killed in rising Rakhine violence," 4 August 2017.

²⁴¹ Amnesty International interviews, Sittwe, Myanmar, 25-29 April 2018. See also Ko Aung, "Arakan govt says recent Maungdaw murders are acts of terrorism," DVB, 9 August 2017, www.dvb.no/news/arakan-govt-says-recent-maungdaw-murders-acts-terrorism/76801.

²⁴² See, for example, *The Irrawaddy*, "ANALYSIS: Myanmar Army Deployed in Maungdaw," 11 August 2017.

²⁴³ See, for example, *The Irrawaddy*, "ANALYSIS: Myanmar Army Deployed in Maungdaw," 11 August 2017.

²⁴⁴ See, for example, *The Irrawaddy*, "ANALYSIS: Myanmar Army Deployed in Maungdaw," 11 August 2017; Anthony Davis, "Myanmar Army steps up troop deployment in Rakhine State," *IHS Jane's Defence Weekly*, 21 September 2017.

several villages inhabited by ethnic Rakhine or Mro, both overwhelmingly Buddhist populations. In one incident, attackers also unlawfully killed, abducted, or seriously injured ethnic Mro villagers.

An ethnic Rakhine farmer from Ah Htet Pyu Ma village, Maungdaw Township, told Amnesty International that at around 3 a.m. on 25 August, ARSA attackers surrounded the village and threw several devices that exploded. The ethnic Rakhine villagers fled west to the riverbank, then briefly took refuge in a nearby BGP post before climbing a hill to a pagoda, where nine police officers provided protection as people could hear the sound of gunfire. From the unroofed pagoda area, the man said he could see young Rohingya men from the same village tract, five of whom he recognized by name, moving around Ah Htet Pyu Ma.²⁴⁵ Police from the neighbouring village tract of Pyu Ma Ka Nyin Tan came in several boats and evacuated the Rakhine villagers from Ah Htet Pyu Ma. The farmer said he could see “*smoke and fire*” rising from his village.²⁴⁶

The Ah Htet Pyu Ma villagers were displaced for months, moving to Maungdaw town after the situation calmed around their village tract. When they returned to see their village, they found that it was completely burned down. “*I lost everything,*” the farmer told Amnesty International. “*My house, my animals, my land, my crops. I had 18 cows and 10 chickens.*”²⁴⁷ The farmer said the villagers had been living in temporary shelters from 21 November 2017 to April 2018, when he was interviewed by Amnesty International, as the authorities started construction on new homes for them.²⁴⁸

Before-and-after satellite images show the complete burning of Ah Htet Pyu Ma, including shelters organized in a grid and made of higher-quality construction, both typically indicative of areas inhabited by ethnic Rakhine or other predominantly Buddhist communities. A Buddhist pagoda is visible in the image. Ah Htet Pyu Ma is a mixed-ethnicity village, and the Rohingya area was also razed, likely by the Myanmar security forces during their attacks across northern Rakhine State. As discussed in Chapter 8, in the vast majority of mixed-ethnicity villages, only the Rohingya areas were burned.



²⁴⁵ Amnesty International interview, Sittwe, Myanmar, 25 April 2018.

²⁴⁶ Amnesty International interview, Sittwe, Myanmar, 25 April 2018.

²⁴⁷ Amnesty International interview, Sittwe, Myanmar, 25 April 2018.

²⁴⁸ Amnesty International interview, Sittwe, Myanmar, 25 April 2018.



On 21 January 2017, imagery shows Ah Htet Pyu Ma village, with well-organized structures with metal roofs located in the north of the village. In imagery from 16 September 2017, all structures in the area appear to be razed.

On 28 August, the head of ARSA, Ata Ullah, reportedly circulated an audio message via WhatsApp.²⁴⁹ Amnesty International obtained a copy, in which the speaker says, “Burn down all Rakhine villages, one by one... Attack their village from all sides so that every corner of the village will start burning. Do not spare even a single village—all Mro villages, all Daingnet villages—set fire to all of them.”²⁵⁰ Amnesty International contacted several forensic voice experts, who said it was not possible to determine conclusively that the speaker was indeed Ata Ullah. However, several experts working closely on Rakhine State issues, including a Rohingya-dialect speaker who had reviewed the audio files as well as known public messages from Ata Ullah, said they believe it is his voice.²⁵¹

That day, ARSA attacked the small ethnic Mro village of Khu Daing, in the mountainous area of Pa Da Kar Ywar Thit village tract, in Maungdaw Township.²⁵² Six ethnic Mro were killed, seven others were seriously injured, and the entire village was burned down. Amnesty International interviewed four Mro residents who were there during the attack, and each gave a similar description.²⁵³

A 40-year-old farmer from Khu Daing told Amnesty International that, around 3 p.m. on 26 August, a friend from a neighbouring village tract called him to say that ARSA had burned a BGP post there. The farmer looked out from Khu Daing and saw smoke rising from the post.²⁵⁴ The villagers debated the next day whether to flee but decided to stay, as they had never before had problems with neighbouring Rohingya villagers. Then, on 28 August, they could see on the road below, near Myawaddy (NaTaLa) village, many Rohingya gathering.²⁵⁵ A Mro village leader called the BGP in Kyein Chaung, saying the villagers were worried and they needed security forces to come, but the police never arrived.²⁵⁶

²⁴⁹ International Crisis Group, *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*.

²⁵⁰ Audio file, on file with Amnesty International.

²⁵¹ Amnesty International interviews, dates and locations withheld to protect their security.

²⁵² At the time of the August violence, there were around 40 households in the Mro-only village of Khu Daing.

²⁵³ Amnesty International interviews, Sittwe, Myanmar, 26-27 April 2018; and telephone interview, 29 April 2018.

²⁵⁴ Amnesty International interview, Sittwe, Myanmar, 26 April 2018. Myanmar authorities reported that an abandoned BGP post in Wet Kyein was burned around that time. State Counsellor Office, *Breaking News 8*, 26 August 2017, www.statecounsellor.gov.mm/en/node/975.

²⁵⁵ 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. See Amnesty International, *The Rohingya Minority: Fundamental Rights Denied*, pp. 22-24.

²⁵⁶ Amnesty International interview, Sittwe, Myanmar, 26 April 2018.

Around noon, the Mro villagers saw scores of attackers coming toward Khu Daing from the south and west, holding swords, knives, and sticks. The four Mro interviewed by Amnesty International all said they recognized some of the men as Rohingya from nearby villages, including Pa Da Kar Ywar Thit, and that they heard the attackers speaking the Rohingya dialect.²⁵⁷ The 40-year-old farmer fled with his family into the forest to the northeast, along with most of the other villagers, but said “*other people in the village were killed, because they couldn’t run very well*”.²⁵⁸

Kaung Yaing, 30, was home with his family when he saw a crowd of men coming toward the village holding swords, knives, and sticks. He said some were dressed in black, consistent with descriptions of ARSA fighters in other areas, while others were in ordinary dress, and he heard them yelling in the Rohingya dialect. He fled with his family into the forest to the east, but his aunt, Hla Seing, around 45, was left behind, as she had gone blind around five years earlier and could not run. The family presumes she was killed, though her body was never found.²⁵⁹

Amnesty International interviewed one of the seven Mro villagers who were seriously injured during the attack. Ni Aung, 50, fled when the attackers, some of whom he recognized by name as Rohingya from a nearby village, were coming toward Khu Daing. As he was running away, he realized his 80-year-old mother, Ma Taung Lay, was missing, and went back to the house to get her. He recalled:

*“When we came out [of the house]... there were many Muslim people. We were walking; I was holding my mother’s hand... Five men followed us. Behind them, there were many more... My mother and I were surrounded... They slashed at me once or twice, and I fell down. They were using swords. I heard my mother screaming, but I don’t know where they took her.”*²⁶⁰

Ni Aung said he fell unconscious as ARSA attackers slashed at him. When he regained consciousness, it was night, and he realized he had five major cut wounds on his body. He did not see his mother. He said he noticed that all of the houses had been burned down, and that some of the fires were still smouldering.²⁶¹ He walked gingerly into the forest nearby and shouted for help; some of his Mro neighbours heard him and helped him get to Pan Zi village, Buthidaung Township. He stayed there for a night before being taken to a hospital, where he spent two weeks. Two other Mro from Khu Daing separately described to Amnesty International finding Ni Aung in the forest with slash wounds.²⁶² In April 2018, Ni Aung said his right arm still was not back to normal. “*It’s like it’s broken. I can’t do anything [with it] right now,*” he said.²⁶³

On 9 September, several Mro men accompanied Myanmar police and went back to Khu Daing to look for the bodies of the six people unaccounted for—two men, two women, and two boys. As of May 2018, those bodies had not been found. The search party in September found only scattered belongings and the burned remains of the approximately 40 houses in the village.²⁶⁴

Kau Kaung, 58, whose nephew and 5-year-old grandson were killed, said that when the ARSA attackers arrived, he fled northeast to a higher elevation in the mountains. “*I was on the high level, the village was lower,*” he told Amnesty International. “*I could see the village burning... I saw smoke, and I saw flames.*”²⁶⁵ Before-and-after satellite images show the complete burning of Khu Daing.

²⁵⁷ Amnesty International interviews, Sittwe, Myanmar, 26-27 April 2018; and telephone interview, 29 April 2018.

²⁵⁸ Amnesty International interview, Sittwe, Myanmar, 26 April 2018.

²⁵⁹ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

²⁶⁰ Amnesty International telephone interview, 29 April 2018.

²⁶¹ Amnesty International telephone interview, 29 April 2018.

²⁶² Amnesty International interviews, Sittwe, Myanmar, 26 and 27 April 2018.

²⁶³ Amnesty International telephone interview, 29 April 2018.

²⁶⁴ Amnesty International interviews, Sittwe, Myanmar, 26-27 April 2018.

²⁶⁵ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.



Imagery from 21 January 2017 shows Khu Daing, a small village in the hills. On 25 September 2017, the village appears razed.

The ARSA killings in Khu Daing, especially after the 3 August 2017 killing of Mro villagers from Kine Gyi and other incidents, have affected the Mro community's way of life in northern Rakhine State. The Mro have historically lived in small, remote villages in mountainous areas largely inaccessible by road.²⁶⁶ Their livelihoods overwhelmingly come from small-scale farming in the mountains, cutting wood to sell at market, and foraging, all often undertaken at great distances from the village.

Amnesty International interviewed 19 ethnic Mro from 10 villages in Maungdaw Township, and almost all said that they had stopped or drastically curtailed going into the forest to farm, forage, or chop wood, as they were afraid of further violence inflicted by ARSA or by Rohingya more generally. *"I can't go to the mountain for farmwork [anymore],"* said Kau Kaung, who had farmed in the mountains all his adult life before the attack on Khu Daing. *"What work should we do to survive? No one has gone back to the mountain because we're afraid... Our people were attacked, we don't dare to go there."*²⁶⁷

Thein Aung, 42, an ethnic Mro man from Thit Tone Nar Gwa Son village tract, Maungdaw Township, explained that although his village was not attacked in August, the attacks have had a significant impact: *"Mro people are very poor. We live in the mountains, we forage for food... we live hand to mouth. But since the attacks, we can't go out in to the mountains because it's dangerous... Leaders from four of the Mro villages [in Thit Tone Nar Gwa Son] met and decided we were too isolated living how we were."*²⁶⁸

As a result, many Mro are moving down from their traditional villages in the mountains to flat areas closer to roads and security force posts. They are also creating larger villages that combine households from several villages, believing greater security will come from having more concentrated populations. Some of this movement is linked to other factors—including a desire to access better education and health care; and incentives like state-built homes in new, model villages—but it was precipitated by the ARSA attacks and at least partially rooted in the resulting sense of insecurity.²⁶⁹

While the vast majority of ARSA attacks on security posts and villages occurred within the first week following 25 August, Amnesty International documented two further incidents of violence in late 2017 and early 2018. These incidents are less clearly linked to ARSA, though there are strong indications that they involved

²⁶⁶ Amnesty International interviews, Sittwe, Myanmar, 26-30 April 2018.

²⁶⁷ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

²⁶⁸ Amnesty International interview, Sittwe, Myanmar, 25 April 2018.

²⁶⁹ Amnesty International interviews, Sittwe, Myanmar, 25-28 April 2018; and telephone interview, 29 April 2018.

Rohingya perpetrators and are similar in nature to the acts of violence against other communities that occurred prior to 25 August.

On 26 December 2017, a group of around a dozen Mro men, including Laung Kyaw, from San Kar Pin Yin (Mro), Maungdaw Township, went to fish and forage for food in an area of Myo Mi Chaung village tract. In the early evening, when most of the group had returned to the village, they noticed that Laung Kyaw had not returned. The next day, Laung Kyaw's body was found in Myaw Chaung village, in a village tract of the same name, located just southwest of Myo Mi Chaung. A Mro man who left with Laung Kyaw on 26 December believes that he was killed by Rohingya men, because the previous day he went to a nearby area and saw seven men with knives, who spoke to him in the Rohingya dialect.²⁷⁰

Then, on 17 January, Twin Twin Win, 38, from Aung Tha Pyay village, in northern Maungdaw Township, said that he and five other men went fishing for eels in neighbouring Tat Chaung village tract. While there, a group of around 10 men in black bandanas came, shouting in the Rohingya dialect. Twin Twin Win's five companions were able to escape, but he was waist deep in water and trapped. He described what followed:

*"The Muslims beat me with a wood stick—a strong wood stick. They beat me on the head... I tried to raise my hands to protect my head, and two fingers broke [on my right hand]. Then they stabbed me with a knife with [a serrated edge], through the left front of my chest... I only realized when the Muslim man tried to take it out. He grabbed the knife, [and] I grabbed it. I got the knife, then they fled."*²⁷¹

Twin Twin Win was able to make his way to the road, where a police officer on a motorbike saw him and took him to a nearby clinic. He was transferred to Maungdaw hospital, where he spent three weeks and underwent an operation.²⁷² Amnesty International sent photographs of the wound sites to a forensic medical expert, who replied that the *"chest wounds could have been caused by a penetrating object that would have taken a considerable amount of force to pass through the chest cavity. He was lucky no major vessels were hit, although it would have had to puncture [the] lung and required surgery to re-inflate and seal the lung. The head wounds can be seen in lacerations that were not repaired and could have been caused by blunt trauma."*²⁷³

Amnesty International cannot determine if the attackers of Twin Twin Win were associated with ARSA. ARSA has claimed responsibility for an ambush on a Myanmar military convoy on 5 January, but that occurred at least 20 kilometres away from Tat Chaung, near San Kar Pin Yin.²⁷⁴ The attack on Twin Twin Win occurred in the northern-most part of Maungdaw Township, only about a 30-minute walk from the Bangladesh border, where it can be crossed on foot. There are no Rohingya left in villages in that area, but the attackers could have come from across the border, which fits Twin Twin Win's description of the attackers arriving from the west.²⁷⁵

3.5 LETHAL ATTACKS ON HINDU COMMUNITIES

ARSA attackers carried out serious abuses of human rights and crimes against the Hindu community living in northern Rakhine State, including unlawful killings, abductions, and looting. At the time of the unlawful killings, none of the victims were armed or endangering the lives of ARSA attackers or other Rohingya.

MASSACRE IN KHA MAUNG SEIK VILLAGE TRACT

During the morning of 25 August 2017, ARSA attacked a BGP post in Ah Shey Kha Maung Seik village, located in Kha Maung Seik village tract in northern Maungdaw Township.²⁷⁶ A witness interviewed by Amnesty International described the fighters as being dressed in black, their faces covered, and armed with

²⁷⁰ Amnesty International telephone interviews, Myanmar, 25 and 26 May 2018.

²⁷¹ Amnesty International interview, Sittwe, Myanmar, 28 April 2018.

²⁷² Amnesty International interview, Sittwe, Myanmar, 28 April 2018.

²⁷³ Amnesty International correspondence, 17 May 2018.

²⁷⁴ See @ARSA_Official on Twitter, *Press Statement: Turaing Ambush against the Burmese Terrorist Army*, 7 January 2018, twitter.com/ARSA_Official/status/949695564127481857.

²⁷⁵ Amnesty International interview, Sittwe, Myanmar, 28 April 2018.

²⁷⁶ Amnesty International interviews, Sittwe, Myanmar, May 2018; and telephone interviews, June 2018. The attack was not reported in state media at the time, however the following day state media reported that local administrative officials and government teachers had fled from Kha Maung Seik to Min Kha Maung village and that authorities were taking measure to evacuate them. See *The Global New Light of Myanmar*, "Residents from Khamaungseik, Tanugpyo Letwe and Myinlut villages evacuated," 26 August 2017.

swords.²⁷⁷ At around 8 a.m. the same day, people matching the same description, joined by other men dressed in ordinary clothing, rounded up all 69 Hindu men, women, and children present in Ah Nauk Kha Maung Seik village, which is part of the same village tract.²⁷⁸ The overwhelming evidence is that these attackers were linked to ARSA. A few hours later, the ARSA attackers killed the vast majority of the Hindus who had been rounded up—many, if not most, by slitting their throats—and abducted the rest.

The same day, the Hindu community present in the neighbouring village of Ye Bauk Kyar—46 men, women, and children—went missing. To date, their fate and whereabouts remains unknown. Relatives and other members of the Hindu community in northern Rakhine State told Amnesty International that they presume the entire group was abducted and killed by the same group of perpetrators.²⁷⁹

Kha Maung Seik is a mixed-ethnicity and religion village tract, home to Hindu, Rohingya, and ethnic Rakhine villagers; the Rohingya and Hindu communities live in close proximity in several villages in the village tract. Amnesty International conducted in-depth interviews in a Hindu refugee camp in Bangladesh in September 2017; in the Rakhine State capital of Sittwe, Myanmar in April 2018; and by telephone in May and June 2018 with the eight Hindu survivors, five other family members of victims, three men who were part of the group that uncovered the mass graves, several Bangladeshi men who assisted the women after they arrived in Bangladesh, and several witnesses to related events in and around Kha Maung Seik, including ARSA attacks and the movements of the Myanmar security forces.²⁸⁰

“[It was morning], I was praying at the time,” recalled 22-year-old Bina Bala,²⁸¹ who was one of eight women abducted and taken to Bangladesh by ARSA attackers. “They came to our house. Some were wearing black and others were wearing normal clothes... I recognized them [from the village].”²⁸²

Bina Bala said the men confiscated the family’s mobile phones before ordering them out in to the courtyard, where other Hindu villagers were being gathered. She told Amnesty International:

“[The men] held knives and long iron rods. They tied our hands behind our backs and blindfolded us. I asked what they were doing. One of them replied, ‘You and [ethnic] Rakhine are the same, you have a different religion [than the Rohingya], you can’t live here’. He spoke the [Rohingya]²⁸³ dialect. They asked what belongings we had, then they beat us. Eventually I gave them my gold and money.”²⁸⁴

Rika Dhar, 24, was also at home with her family at the time of the attack. *“We didn’t have a chance to run,”* she told Amnesty International. *“Muslim people took our gold... I was blindfolded, and they tied my hands behind my back.”²⁸⁵* Aur Nika, around 18 years old, recalled, *“They accused us of being close with government people in Maungdaw... They said that Hindu and Rakhine were very close... Then they beat my husband.”²⁸⁶* Like other women Amnesty International interviewed, Aur Nika and Rika Dhar said they knew some of the attackers, who were members of the Rohingya community living in Kha Maung Seik village tract.

After binding, robbing, and blindfolding the Hindu villagers, ARSA fighters marched them to a creek area on the outskirts of the village. Two of the survivors told Amnesty International that every Hindu man was guarded by two ARSA fighters as they went to the creek area.²⁸⁷ At some point before they arrived at the creek, the blindfolds were removed from the women.²⁸⁸ There, the fighters sat the villagers down and burned their ID cards, which they had confiscated earlier.²⁸⁹

²⁷⁷ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

²⁷⁸ “Ah Nauk” means west, and “Ah Shey” means east.

²⁷⁹ Amnesty International interviews, Sittwe, Myanmar, April 2018; and telephone interview, 18 May 2018.

²⁸⁰ Amnesty International interviewed three survivors twice—in Bangladesh in September 2017 and again in Myanmar in April or May 2018.

²⁸¹ The spelling of Hindu names reflects how the interviewees gave their names to interpreters with whom Amnesty International worked. This presents challenges, as the original name was often burmanized and then anglicized in the course of transliteration. While Amnesty International has tried to record the spelling of names as accurately as possible, it is likely some spellings deviate from the original. In reporting by local and international media outlets, there are often spelling differences in the names of Hindu individuals interviewed multiple times, reflecting the same challenge. Amnesty International has on file more complete biographical data of each individual interviewed.

²⁸² Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

²⁸³ Like many people interviewed for this report, Rika Dhar did not use the word “Rohingya” in order to refer to the dialect spoken by the Rohingya, but instead used the word “Bengali”.

²⁸⁴ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

²⁸⁵ Amnesty International interview, Sittwe, Myanmar, 25 April 2018.

²⁸⁶ Amnesty International telephone interview, 17 May 2018.

²⁸⁷ Amnesty International telephone interviews, 17 and 21 May 2018.

²⁸⁸ Amnesty International interviews, Hindu refugee camp in Bangladesh, 28 September 2017, in Sittwe, Myanmar, 25 April 2018; and telephone interview, 17 May 2018.

²⁸⁹ Amnesty International telephone interviews, May 2018.

The fighters then divided the men from the women and children, and brought the women and children into the forest.²⁹⁰ Eight young women and eight of their children—those who ultimately survived—were removed from the larger group and brought to a nearby area in the forest, where they said there was a tent.

According to all eight adult survivors, the ARSA fighters took the men away and killed them. Six of the women separately told Amnesty International that ARSA fighters came to them as they were sitting in or beside the tent, and explicitly said that all the men had been killed.²⁹¹ Formila, around 20, told Amnesty International, *“The Muslim men came back with blood on their swords, and blood on their hands. They told us that they had killed our husbands and the village headman.”*²⁹² After the ARSA fighters informed the women and children that they had killed the men, they told them that their lives would be spared only if the women agreed to “convert” from Hinduism to Islam and then marry men selected by ARSA fighters.²⁹³ The fighters then made the married women remove the white bracelets from their wrists and the traditional bindi worn on their forehead, both of which symbolize marriage in Hindu culture.²⁹⁴

Shortly after the women agreed to “convert,” a group of about 10 to 15 fighters took the eight survivors and their children and escorted them from the forested area. Around the same time as the survivors were being taken away, the fighters began to kill the other women and children. Five of the survivors told Amnesty International that, as the fighters were leading them away, they looked back and saw women being killed.²⁹⁵

Formila recalled, *“I saw some Muslim men kill Hindu women. Then I cried... I saw men holding the heads and hair [of the women] and others were holding knives. And then they cut their throats.”*²⁹⁶ Bina Bala told Amnesty International that although she did not see the killings, she heard women and children screaming shortly after being taken away.²⁹⁷

In total, the fighters killed 53 of the Hindus from Ah Nauk Kha Maung Seik, according to a list of the dead seen by Amnesty International that is consistent with testimony from survivors, other Kha Maung Seik residents, and Hindu community leaders. The victims include 20 men, 10 women, and 23 children, 14 of whom were under the age of eight years.²⁹⁸

The 16 survivors were brought to a house owned by a Rohingya man whom some of the survivors knew.²⁹⁹ They were held captive in the house for two nights, sharing the space with Rohingya women and children, before being forced to flee alongside their captors to the Kutupalong refugee camp in Bangladesh in the afternoon of 27 August.³⁰⁰

According to five of the women, the group fled the same day a helicopter was seen flying over the village.³⁰¹ The presence of a military helicopter in the area at the time was separately corroborated by San Nyunt, the Village Administrator from neighbouring Min Kha Maung, who said he saw a helicopter flying overhead on the afternoon of the 27 August; and by Shawlyee Shawltee, a 20-year-old Hindu woman who lived in Kha Maung Seik village tract.³⁰² She had left her home on 24 August and, at the time of the massacre, was taking shelter in the BGP post in Ah Shey Kha Maung Seik village, where she said she witnessed soldiers arriving at the BGP post by helicopter in the afternoon on 27 August.³⁰³ The survivors said they walked through the night, along with a large group of Rohingya refugees, and arrived in Bangladesh on the morning of 28 August, where they were taken to a house in the old part of the Kutupalong refugee camp.

Shortly after arriving, the eight Hindu women were forced to make a false statement on video, claiming that the massacre had been carried out by ethnic Rakhine villagers.³⁰⁴ *“[One of the kidnappers] told us that if*

²⁹⁰ Amnesty International interviews, Hindu refugee camp in Bangladesh, 28 September 2017, and in Sittwe, Myanmar, 25-30 April 2018; and telephone interviews, Rakhine State, Myanmar, 17-21 May 2018.

²⁹¹ Amnesty International interviews and telephone interviews, April and May 2018.

²⁹² Amnesty International telephone interview, Sittwe, Myanmar, 17 May 2018.

²⁹³ Amnesty International interviews with survivors, Hindu refugee camp in Bangladesh, 14 and 28 September 2017, in Sittwe, Myanmar, 25-30 April 2018; and telephone interviews with survivors, Sittwe, Myanmar, 17 May 2018, and telephone interviews, Sittwe, Myanmar, 21 May 2018.

²⁹⁴ Amnesty International interviews with survivors in Sittwe, Myanmar, 25 April 2018; and telephone interviews, Sittwe, Myanmar, 17 and 21 May 2018.

²⁹⁵ Amnesty International telephone interviews, Sittwe, Myanmar, 17 and 21 May 2018.

²⁹⁶ Amnesty International telephone interview, Sittwe, Myanmar, 17 May 2018.

²⁹⁷ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

²⁹⁸ List of Hindu killed in Kha Maung Seik village tract, on file with Amnesty International.

²⁹⁹ Amnesty International telephone interview, Sittwe, Myanmar, 21 May 2018.

³⁰⁰ Amnesty International interviews with survivors, Hindu refugee camp in Bangladesh, 14 and 28 September 2017, and in Sittwe, Myanmar, 25-30 April 2018; and telephone interviews with survivors, Sittwe, Myanmar, 17 May 2018.

³⁰¹ Amnesty International interview, Sittwe, Myanmar, 29 April 2018; and telephone interviews, Sittwe, Myanmar, 17 and 21 May 2018.

³⁰² Amnesty International interview, Sittwe, Myanmar, 29 April 2018; and telephone interview, 14 May 2018.

³⁰³ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

³⁰⁴ Video on file with Amnesty International and translated into English. It is available on Facebook at www.facebook.com/noman.alhossain.9/videos/1405458619572008/.

anyone asks we should say that the Rakhine and the military attacked us,” recalled Bina Bala. “He said if people come to interview you, you must say this or you will be killed.”³⁰⁵ Not long after, some journalists arrived to interview the women, and the women again blamed the military and ethnic Rakhine for the killings.

Around the same time, H.D, a Bangladeshi Hindu, was cutting hair in a salon in Kutupalong, when a young boy arrived and told him that some Hindu women had arrived in the area and were in bad condition. H.D. went to the house, which he described as being on the outskirts of Kutupalong Refugee Camp, to see if there was anything he could do to help. He told Amnesty International:

“It was around 6 p.m. when I first met them, they were so distressed... I was asking if I could help. One of the women was young and unmarried, she told me she and a few others were supposed to marry people from ‘al-Yaqin’. I didn’t understand what she meant, but she told me that this group ‘al-Yaqin’ had attacked them and killed their husbands.

There was an imam and an older Rohingya woman in the house. I told the imam that the women didn’t want to marry these men because they had killed their husbands. He said he understood and left. I told the women they should come with me, but the older woman said no. She told me there would be trouble if I took them away.”³⁰⁶

H.D. left the house, but said he still felt uneasy about the situation. “People living in the surrounding houses were clearly uncomfortable about the presence of the women,” he said. “Some said [the women] shouldn’t be there... They said they didn’t want them there.”³⁰⁷ He decided to go back later that evening to take the women some food, recalling: “They were still really distressed when I arrived. One of them told me again she was going to have to marry the man who killed her husband. I told them I was going to take them away from that place, but they were really afraid, they kept saying they had to convert to survive.”³⁰⁸

H.D. persuaded the women to leave with him, though he said the older Rohingya woman tried to stop him, shouting verbal abuse and threatening them as they left. H.D. took the survivors and their children to shelter among Hindu families living in Kutupalong. However, word soon spread that the women were taking refuge there, and a large mob gathered outside. “I called a friend of mine who is a local leader, and he called the police,” H.D. said. “After the police arrived, the mob dispersed a little. [The police] took the women to stay in the police post in Kutupalong for the night for their protection.”³⁰⁹

Rika Dhar told Amnesty International that after spending a night in the police station, the group moved to the house of a Hindu community leader who lived further away from the refugee camp area.³¹⁰ The community leader, N.K., told Amnesty International that the women were very distressed when he met them. When they arrived at his house, he said they began recounting their ordeal, describing attacks on their village by a group they called “al-Yaqin”. He recalled:

“They told me that masked men came to their village on 25 August and rounded up all the Hindus and accused them of informing on them to the authorities. They said they knew some of the attackers, who were Muslim men from villages in their area. They told me the same men killed their husbands and male relatives and held them captive before bringing them to Bangladesh. I asked them if they wanted to report what happened to the police, but they said no—they were really afraid for their safety after the threats from people in the camps.”³¹¹

The women stayed with N.K. for two nights, and were then relocated to a camp designated for Hindu refugees, where they were eventually protected by Bangladeshi security forces.³¹² They stayed there until early October, when all 16 survivors were repatriated to Myanmar with the support of the Bangladeshi and Myanmar authorities.³¹³

On 24 September, members of the Hindu community in northern Rakhine State and members of the Myanmar security forces travelled to the site of the massacre and, over the course of two days, unearthed

³⁰⁵ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

³⁰⁶ Amnesty International telephone interview, June 2018.

³⁰⁷ Amnesty International telephone interview, June 2018.

³⁰⁸ Amnesty International telephone interview, June 2018.

³⁰⁹ Amnesty International telephone interview, June 2018.

³¹⁰ Amnesty International telephone interview, May 2018.

³¹¹ Amnesty International telephone interview, June 2018.

³¹² Amnesty International interviews, Hindu refugee camp in Bangladesh, September 2018, and in Sittwe, Myanmar, April 2018.

³¹³ See Myanmar Information Committee, *Eight Hindu women and eight children who were abducted by ARSA extremist terrorists to an IDP camp in Bangladesh were brought back to Myanmar*, 4 October 2017, www.facebook.com/InformationCommittee/posts/810620129111095.

four mass graves, which in total contained the remains of 45 people.³¹⁴ On 27 September, the government temporarily lifted its ban on access to the area and brought local and international journalists to visit the site of the mass graves.³¹⁵

A list that identified by name, biographical data, and village the 99 Hindus who were reportedly killed was given to Amnesty International by Hindu community leaders; all of the 45 excavated bodies had been identified as people from Ah Nauk Kha Maung Seik or people who were visiting Ah Nauk Kha Maung Seik at the time of the attack.³¹⁶ The bodies of the other eight people killed from Ah Nauk Kha Maung Seik have not been found. According to the list, seven of the eight were young children, including four who were under three months old.³¹⁷

The fate and whereabouts of villagers from Ye Bauk Kyar remains unknown, although surviving family members and neighbours presume that they were killed by the same perpetrators. Uur Zun, 18, from Ye Bauk Kyar, left the village on the morning of 24 August to purchase charcoal in a neighbouring area. He told Amnesty International that he has not seen or heard from any of his family members since he left.³¹⁸

In a press statement posted on its Twitter account and in responses to media inquiries in September 2017, ARSA denied any involvement in the incident.³¹⁹ ARSA made a similar blanket denial in May 2018, after Amnesty International published findings linking the massacre to its fighters.³²⁰ The Myanmar authorities' restrictions on access has meant that no independent journalist or human rights investigator has been granted unfettered access to Kha Maung Seik and the surrounding areas.

At least three of the eight survivors have been interviewed multiple times by different media organizations. The vast majority of the interviews took place either in the Bangladesh refugee camps over the days after the women were rescued, or in Myanmar in the weeks after the mass graves were uncovered. Over the course of these interviews, the women provided accounts which were at times inconsistent with the testimony of other survivors and even contradicted their own previous statements.

As noted, the survivors' initial declaration on video in Bangladesh placed the blame for the killings on ethnic Rakhine villagers, as they did around the same time with Reuters.³²¹ In subsequent interviews in Bangladesh with media and with Amnesty International, after they had been moved to the Hindu-only camp, the survivors were at times equivocal about the identity of the perpetrators, and other times said it was ARSA, "Rohingya," or "Muslims"; throughout this period, they typically described the attackers as wearing black.³²² As early as 3 September 2017, the women implicated armed Rohingya in media interviews, saying they knew the attackers and that the women had had to agree "convert" to save themselves.³²³

In the four interviews with survivors Amnesty International undertook in Bangladesh between 14 and 28 September, each one said she heard the Rohingya dialect spoken by perpetrators of the massacre, and that

³¹⁴ Amnesty International interviews with three people who helped discover the bodies, Sittwe, Myanmar, April 2018; and with Hindu community leaders, Sittwe, Myanmar, April 2018. See also Agence France-Presse, "17 more bodies found as Myanmar unearths mass Hindu graves," 25 September 2017.

³¹⁵ See Agence France-Presse, "Hindus recount massacre as mass graves unearthed," 28 September 2017; Reuters, "Slaughtered Hindus a testament to brutality of Myanmar's conflict," 27 September 2017.

³¹⁶ List of Hindu killed in Kha Maung Seik village tract, on file with Amnesty International.

³¹⁷ List of Hindu killed in Kha Maung Seik village tract, on file with Amnesty International.

³¹⁸ Amnesty International telephone interview, Sittwe, Myanmar, 17 May 2018.

³¹⁹ ARSA Press Release, Ref. No. ARSA/PR/13/2017, 27 September 2017, twitter.com/ARSA_Official/status/913061262958911494; Reuters, "Myanmar says bodies of 28 Hindu villagers found in Rakhine State," 24 September 2017.

³²⁰ @ARSA_Official on Twitter, Press Statement, 25 August 2018, twitter.com/ARSA_Official/status/999981387066195968.

³²¹ Reuters, "Rohingya say their village is lost to Myanmar's spiraling conflict," 7 September 2017. See also Mahadi Al Hasnat, "Who really attacked the Rohingya Hindus in Rakhine?" *Dhaka Tribune*, 1 October 2017, www.dhakatribune.com/bangladesh/2017/10/01/who-really-attacked-the-rohingya-hindus-in-rakhine/ (discussing the change in testimony to Reuters and other media outlets).

³²² Amnesty International interviews, Hindu refugee camp in Bangladesh, 14 and 28 September 2017. See also Agence France-Presse, "Hindus recount massacre as mass graves unearthed," 28 September 2017 (describing men in black, but not specifying who the attackers were); Mahadi Al Hasnat, "Who really attacked the Rohingya Hindus in Rakhine?" *Dhaka Tribune*, 1 October 2017 (discussing descriptions of men in black but different versions of who those men were); Suliman Niloy, "Hindu refugees blame 'Rohingya militants' for attacking them in Myanmar," bdnews24.com, 24 September 2017, bdnews24.com/bangladesh/2017/09/24/hindu-refugees-blame-rohingya-militants-for-attacking-them-in-myanmar (describing attackers in black who spoke the Rohingya dialect); Moe Myint, "Hindu Refugee Shares Eyewitness Account of Maungdaw Violence," *The Irrawaddy*, 26 September 2017, www.irrawaddy.com/news/burma/hindu-refugee-shares-eyewitness-account-maungdaw-violence.html (identifying the attackers as Muslims).

³²³ Several videos filmed in the refugee camps and posted online between 3 and 6 September show three of the women being interviewed about the attacks. In the videos the women describe their attackers as Muslim, some saying that they recognized the attackers, and referencing being told to convert to save their lives. See YouTube videos: youtu.be/PPBbt4SjqJo; www.youtube.com/watch?v=tnpvV2HHIs0&t=19s; and www.youtube.com/watch?v=xz3cpBMtCLw&feature=youtu.be. Around the same time, local media in Myanmar also reported that the women were attacked by Rohingya militants. See Nyein Nyein, "Dozens of Hindus Killed in Maungdaw: Relatives," *The Irrawaddy*, 5 September 2017, www.irrawaddy.com/news/burma/dozens-hindus-killed-maungdaw-relatives.html.

she was forced to “convert” to survive.³²⁴ Several also said they recognized specific individuals among the perpetrator group as Rohingya men from their village.³²⁵

On their return to Myanmar, survivors unambiguously asserted that Rohingya, believed to be ARSA fighters, were responsible.³²⁶ The survivors’ evolving stories made it difficult for journalists and human rights investigators, including Amnesty International, to come to a conclusion about the facts at the time.

After careful review of evidence obtained in Bangladesh and Rakhine State, Amnesty International has concluded that evidence overwhelmingly indicates that ARSA fighters were responsible for the massacre. In addition to the survivors’ testimonies and those of the people who rescued them, 10 factors formed the basis of Amnesty International’s analysis. Each factor adds credibility to certain aspects of the survivors’ testimony and, when considered together, the factors present a clear picture.

First, the inconsistencies of the survivors’ testimonies can be largely explained by the pressures and threats to personal safety that they faced while in Bangladesh, as described above by Bina Bala and by the Bangladeshi Hindu men who interacted with the survivors. The pressure continued even when they lived in a separate camp area protected by the Bangladeshi security forces. Even those who assisted the women received threats, including death threats.³²⁷

Second, the physical descriptions that the Hindu survivors provided of the ARSA attackers in Ah Nauk Kha Maung Seik—descriptions that have remained largely consistent over time—are also consistent with how witnesses in other parts of Kha Maung Seik village tract described attackers on the morning of 25 August.³²⁸ This includes the description of a large group of men who attacked the BGP post in Ah Shey Kha Maung Seik that same morning.³²⁹ Both the attacks on the BGP post and on the Hindu community in Kha Maung Seik were led by men dressed in black and armed with weapons including swords. Given that they occurred within hours of each other in the same village tract, the attackers very likely included some of the same people. Some of the perpetrators of the Kha Maung Seik massacre would have therefore also been involved in the ARSA-coordinated attacks on security force posts across northern Rakhine State.

Third, the descriptions of ARSA attackers in Kha Maung Seik are also consistent with descriptions from witnesses in other villages across northern Rakhine State. Ten Hindu residents of villages in Ta Man Thar, Thit Tone Nar Gwa Son, and Myo Thu Gyi village tracts; three ethnic Mro residents of Khu Daing village, which was attacked and burned by ARSA on 28 August 2017; and two ethnic Rakhine residents of Koe Tan Kauk village tract all separately described to Amnesty International seeing a core group of fighters in black, often with their faces covered except for their eyes.³³⁰ Many witnesses from those villages, as well as an ethnic Rakhine villager from Auk Pyue Ma, also said they recognized among the attackers some Rohingya men from nearby villages, similar to in Kha Maung Seik.³³¹ Witness descriptions of ARSA fighters covering their faces are likewise consistent with known photographs and videos of ARSA fighters, including those posted by ARSA itself in the weeks immediately before and after the 25 August attacks.³³²

Fourth, interviews with refugees in Bangladesh as well as with communities still living in northern Rakhine State indicate a heavy ARSA presence in the Kha Maung Seik area and surrounding village tracts at the time of the attacks and Hindu massacre. In the week before 25 August, informants had reported to local

³²⁴ Amnesty International interviews, Hindu refugee camp in Bangladesh, September 2017.

³²⁵ Amnesty International interviews, Hindu refugee camp in Bangladesh, September 2017.

³²⁶ See, for example, *Radio Free Asia*, “Witnesses Provide New Details of Killings of Hindus in Myanmar’s Rakhine,” 5 October 2017, www.rfa.org/english/news/myanmar/witnesses-provide-new-details-of-killings-of-hindus-10052017152154.html; *The Global New Light of Myanmar*, “‘This area is our territory’: ARSA extremist terrorists,” 5 October 2018, www.globalnewlightofmyanmar.com/area-territory-arsa-extremist-terrorists/; Shaikh Azizur Rahman, “Mystery surrounds deaths of Hindu villagers in Myanmar mass graves,” *The Guardian*, 12 October 2017.

³²⁷ Amnesty International telephone interviews, June 2018.

³²⁸ Amnesty International interviews, Sittwe Myanmar, April 2018; and telephone interviews, Myanmar, May and June 2018.

³²⁹ Amnesty International interview, Sittwe, Myanmar, April 2018.

³³⁰ Amnesty International interviews, Hindu refugee camp in Bangladesh, 14–28 September 2017, and in Sittwe, Myanmar, 25–30 April 2018; and telephone interview, 18 May 2018.

³³¹ Amnesty International interviews, Hindu refugee camp in Bangladesh, 14–28 September 2017, and in Sittwe, Myanmar, 25–30 April 2018.

³³² See, for example, @ARSA_Official Twitter Account, 30 August 2017, twitter.com/ARSA_Official/status/902985387139887105 (linking to faithmovementarakan.blogspot.ae/2017/08/a-r-s-commander-on-ongoing-situation-in.html?m=1, where a video shows two armed men with dark cloth covering their faces except for their eyes, standing next to ARSA’s reported head, Ata Ullah, as he speaks); @ARSA_Official Twitter Account, 29 August 2017, twitter.com/ARSA_Official/status/902590044807892992 (indicating that YouTube took down an ARSA video and linking to faithmovementarakan.blogspot.sg/2017/08/arsa-commander-addresses-international.html?m=1, where a video shows two armed men with cloth covering their faces except for their eyes, standing next to ARSA’s reported head, Ata Ullah); @ARSA_Official Twitter Account, “ARSA Commander Addresses International Community and Rakhine People,” 16 August 2017, twitter.com/ARSA_Official/status/897875808349544448 (showing four armed men with cloth covering their faces except for their eyes, standing next to ARSA’s reported head, Ata Ullah, as he speaks).

authorities in Kha Maung Seik village tract that strangers had arrived in the village tract at night. A suspected Rohingya informant in Kha Maung Seik had been killed not long before that.³³³

Witnesses consistently described seeing large groups of ARSA fighters gathered in the area on 25 August and in the days immediately following, in particular in the village tracts of Tha Man Thar and Thit Tone Nar Gwa Son, only a few kilometres south of Kha Maung Seik village tract. A Hindu man from Thit Tone Nar Gwa Son village tract told Amnesty International:

“The Muslims came out from the mosque, after the morning prayer [on 25 August]. Some people had on black masks, all black clothes. It was like a black scarf [wrapped around the face], we could only see the eyes... They were many... They had weapons. There were some civilians [I recognized] and those people [in black]... We were told to stay in our houses, to not go outside that area. They told us not to use our mobile phones to communicate outside.”³³⁴

He said the Hindu community had gathered in the temple, where they were encircled by a group of men wearing black. After several days, the ARSA fighters left, at which point the Hindu community from the village fled to Bangladesh, to escape the violence in the area. They worried throughout for their safety, but ultimately were not harmed.³³⁵ The testimonies from those villages demonstrate that armed Rohingya were mobilizing in the area around Kha Maung Seik on the morning of ARSA’s coordinated attacks. The testimonies also demonstrate that ARSA attackers did not treat the Hindu community in one, consistent way in the period around 25 August. They suggest that there may have been unique dynamics in Kha Maung Seik in terms of the profile of the fighters there or the local Rohingya-Hindu relationship.

Fifth, all of the Hindu survivors from Ah Nauk Kha Maung Seik and witnesses from other parts of the village tract said that they could hear the fighters speaking in the Rohingya dialect, which is very similar to the dialect spoken by the Hindu population in northern Rakhine State.³³⁶

Sixth, Amnesty International obtained and reviewed 31 photographs taken in Kha Maung Seik on 24 September 2017 by a person who was present when bodies were discovered in mass graves.³³⁷ Eleven of the photographs depict the search party, including members of the BGP and military, approaching the area of the mass grave, at one point by crossing a creek. Twenty photographs depict corpses being excavated from the ground, lined up in groups, or shown close up. Close inspection indicates female victims who were wearing brightly patterned clothing, similar to those worn by Hindu women in northern Rakhine State. One female corpse has traditional Hindu wedding bangles. Two relatives of the deceased told Amnesty International that they could identify their family members’ bodies.³³⁸

Amnesty International sent the photographs to a forensic anthropological expert. In a peer-reviewed analysis, the forensic expert concluded, after categorizing the decomposition of the bodies and estimating the soil temperature and water level, that *“the appearance of the human remains exhumed from the grave at Kha Maung Seik on 24 September 2017 is entirely consistent with what would be expected had those individuals been killed and buried at that site on 25 August 2017.”*³³⁹

The expert also identified the *“presence of blindfolds on multiple victims (and the possible presence of sharp and blunt or projectile trauma), [which] is indicative of homicide in the form of extrajudicial and summary executions.”*³⁴⁰ When enlarging one of the images, the expert determined that a female victim *“exhibits an injury to the anterior neck that is consistent with sharp force trauma, e.g. a knife slash to the throat,”* though the expert could not conclude from the photograph alone whether the trauma was the cause of death or had

³³³ Amnesty International interviews, Sittwe, Myanmar, April 2018; and telephone interviews, Myanmar, May 2018.

³³⁴ Amnesty International interview, Hindu refugee camp, Bangladesh, 28 September 2017.

³³⁵ Amnesty International interview, Hindu refugee camp, Bangladesh, 28 September 2017.

³³⁶ Amnesty International interviews, Hindu refugee camp in Bangladesh, 25 and 28 September 2017, and in Sittwe, Myanmar, 25-30 April 2018; and telephone interviews with survivors, Sittwe, Myanmar, 17 May 2018.

³³⁷ Amnesty International was able to geolocate several photographs in the set, which show members of the security forces and other people wading through a creek near where the massacre occurred and the bodies were found. That matches the description of the person who provided the photographs to Amnesty International, who said that he was among a group who crossed a creek in order to get to the site of the mass graves. The close-up photographs of the mass graves and bodies could not be geolocated, as there were not enough identifiable features in the surrounding environment. They are consistent, however, with photographs taken by media outlets including *Agence France-Press* several days later, when the Myanmar authorities brought journalists to the site.

³³⁸ Amnesty International interviews, Sittwe, Myanmar, May 2018.

³³⁹ *Forensic Anthropological Analysis of Human Remains from Kha Maung Seik, Myanmar with a focus on Postmortem Interval Estimation*, 16 May 2018, p. 12 (on file with Amnesty International).

³⁴⁰ *Forensic Anthropological Analysis of Human Remains from Kha Maung Seik, Myanmar with a focus on Postmortem Interval Estimation*, 16 May 2018, p. 12 (on file with Amnesty International).

occurred during the excavation of the bodies.³⁴¹ The presence of blindfolds, as well as a wound suggestive of a throat being slit, is consistent with the testimonies of the surviving Hindu women.³⁴²

Seventh, as discussed above, San Nyunt, the Rakhine Village Administrator, and Shawlyee Shawltee, a Hindu villager hiding in a BGP post at the time of the massacre, separately corroborated the testimony from the Hindu survivors that at least one military helicopter arrived in the area on the afternoon of 27 August.³⁴³

Eighth, that same testimony, as well as the testimony from another ethnic Rakhine resident of Kha Maung Seik village tract, confirms that the Myanmar military sent soldiers to the area after the massacre was carried out.³⁴⁴ That testimony gives further credence to the survivors' claims that the Myanmar security forces were not present in the immediate vicinity of Ah Nauk Kha Maung Seik on the day the massacre occurred and therefore could not have carried it out.

There were two BGP posts in the Kha Maung Seik village tract: one in Au Shey Kha Maung Seik village and another in Min Kha Maung village. According to Shawlyee Shawltee, the BGP did not leave the post in Au Shey Kha Maung Seik and the area just surrounding it. She also said that soldiers were not in the area until the military helicopter arrived on 27 August.³⁴⁵ According to a San Nyunt, who was in Min Kha Maung during the massacre and regularly visited the BGP post there, the BGP did not leave the village. He said soldiers did not arrive in Min Kha Maung until the night of 26 August, and they remained at the BGP post.³⁴⁶

Ninth, eight survivors identified individual perpetrators, including one man whom all eight identified, and whom Amnesty International was able to confirm was a Rohingya resident of Kha Maung Seik village tract.³⁴⁷

Tenth, the survivors consistently made clear that they never escaped or were transferred to the control of others during the massacre and its aftermath. From when they were forced out of their homes on the morning of 25 August, to when the massacre occurred, to when they were held captive in the house of a Rohingya man, to when they arrived at the house in Bangladesh after being forced to flee with their captors, the Hindu women survivors and their children were always under the control of some of the same people.

Together, the evidence overwhelmingly indicates that ARSA fighters were responsible for the massacre, and that those responsible actively tried to cover up the crimes by forcing the surviving women to appear on camera implicating other perpetrators and through more general intimidation aimed at distorting the story. Several survivors told Amnesty International that they continue to receive threatening telephone calls and messages when quoted by media outlets implicating ARSA or other Rohingya as the perpetrators.³⁴⁸

The attack in Kha Maung Seik shook the Hindu community in Rakhine State. Many of those whom Amnesty International interviewed in Sittwe expressed concern about further violence. *"I never imagined this could happen, we had a good relationship [with the Rohingya]. Why did they attack us?"* asked Shawlyee Shawltee, from Kha Maung Seik.³⁴⁹ Like other people displaced during the violence, she is worried about the future and does not want to return to her village. *"I lost everything, my house, all our property. My husband is suffering [psychologically] after all his family members died,"* she said.³⁵⁰

UNLAWFUL KILLING OF SIX HINDUS IN MYO THU GYI

While the massacre in Kha Maung Seik village tract is the most egregious incident of human rights abuses by ARSA that Amnesty International has documented, fighters perpetrated other killings and violent attacks against members of the Hindu community. On 26 August 2017, ARSA fighters killed six Hindus—two women, a man, and three children—and injured another Hindu woman on the outskirts of Maungdaw town, near Myo Thu Gyi village.

³⁴¹ *Forensic Anthropological Analysis of Human Remains from Kha Maung Seik, Myanmar with a focus on Postmortem Interval Estimation*, 16 May 2018, p. 2 (on file with Amnesty International).

³⁴² Amnesty International interviews, Hindu refugee camp in Bangladesh, 28 September 2017, and in Sittwe, Myanmar, 25-30 April 2018.

³⁴³ Amnesty International interview, Sittwe, Myanmar, 29 April 2018; and telephone interview, 14 May 2018.

³⁴⁴ Amnesty International interview, Sittwe, Myanmar, 29 April 2018; and telephone interviews, 14 and 18 May 2018.

³⁴⁵ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

³⁴⁶ Amnesty International telephone interview, 14 May 2018.

³⁴⁷ Amnesty International interviews, Hindu refugee camp in Bangladesh, September 2017, and in Sittwe, Myanmar, 25-30 April 2018; and telephone interviews, May 2018. A Rohingya man from Ah Nauk Kha Maung Seik also appears to have admitted to Indian media that ARSA (or al-Yaqin) was responsible for the attack on the Hindus and that villagers were present during the killings. See Praveen Swami, "Myanmar tapped into communal divide, fear, paved way for violence in Rakhine," *The Indian Express*, 22 September 2017, indianexpress.com/article/india/myanmar-tapped-into-communal-divide-fear-paved-way-for-violence-in-rakhine-rohingya-muslims-485350/.

³⁴⁸ Amnesty International interviews, Sittwe, Myanmar, April 2018.

³⁴⁹ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

³⁵⁰ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

The six victims were part of an extended family of 12 who had fled from U Daung village tract, in Maungdaw Township, after ARSA fighters had threatened them the previous day. After seeking refuge for a night in the house of the ethnic Rakhine Village Administrator, the group was driven to the outskirts of Maungdaw town. Shortly after they arrived, a gunfight broke out between ARSA and the Myanmar military. The Hindu family took cover in a nearby building under construction. According to the only two adult survivors, men dressed in black and carrying guns entered the building and then shot at the group at close range.³⁵¹

Kor Mor La, 25, was one of the two women who survived the attack, along with four children. Her husband Na Ra Yan, 30, and 5-year-old daughter, Shu Nan Daw, were both killed. *“The people who shot us were dressed in black... I couldn’t see their faces, only their eyes... They had long guns and swords,”* Kor Mor La said. *“My husband was shot next to me. I was shot [in the chest]. After that I was barely conscious.”*³⁵²

Kor Mor La showed Amnesty International a scar on her left breast that she said was from the gunshot wound. *“The bullet wound is still sore,”* Kor Mor La said, explaining that she had to visit a doctor for ongoing treatment.³⁵³

Phaw Naw Balar, 27, was the only other adult to survive the attack. She told Amnesty International, *“The men wearing black came from the direction of Myo Thu Gyi village. They didn’t say anything, they just started shooting. After they left, my children were crying, so I took them to the next floor up and we hid together in an empty water tank.”*³⁵⁴

She explained that they hid until the ARSA fighters had left the area. *“When I came back downstairs, I saw the dead bodies,”* she recalled. *“Six of my relatives were dead. Some had been shot in the front, in their abdomen and chest, [and] others in the back. My sister-in-law [Kor Mor La] was shot. I tried to bandage her, then we left for the three mile checkpoint.”*³⁵⁵ From there, the group travelled to Buthidaung town, and then on to Sittwe, where Kor Mor La received treatment for her injuries. In addition to Kor Mor La’s husband and daughter, ARSA fighters killed Chou Maw Tet, 27; her husband Han Mon Tor, 30; the couple’s 10-year-old son, Praw Chat; and their 3-year-old daughter, Daw Maw Ne.³⁵⁶

Today, the two surviving women and their four children remain displaced in Sittwe, where they are living in a Hindu temple. Without her husband, the breadwinner of the family, Kor Mo La explained that she is worried how her family will survive. *“I have had a very difficult time,”* she said. *“I have two children, just trying to survive is very hard. We are suffering so much.”*³⁵⁷

³⁵¹ Amnesty International interviews, Sittwe, Myanmar, 29 and 30 April 2018.

³⁵² Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

³⁵³ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

³⁵⁴ Amnesty International interview, Sittwe, Myanmar, 30 April 2018.

³⁵⁵ Amnesty International interview, Sittwe, Myanmar, 30 April 2018.

³⁵⁶ Amnesty International interviews, Sittwe, Myanmar, 29 and 30 April 2018.

³⁵⁷ Amnesty International interview, Sittwe, Myanmar, 29 April 2018.

4. WIDESPREAD, UNLAWFUL KILLINGS BY THE MYANMAR SECURITY FORCES

“The field was streaked with blood. There were trails of it, on the ground, the trees, everywhere.”

Amina Begum, 35, describing what she saw when she and her husband went several days later to the site of the massacre in Maung Nu village, Buthidaung Township, to try to find her sons' bodies. Two of her sons were murdered by Myanmar soldiers.³⁵⁸

“To them, we are dogs. If a dog died in the road, they would at least drag the dog to the side and bury it. Not with us.”

Rohima Khatun, around 45, from Chut Pyin, Rathedaung Township. At least four relatives, including her husband and daughter, were killed by the Myanmar military during the 27 August 2017 massacre in Chut Pyin.³⁵⁹

After ARSA launched attacks on security force posts in the early morning of 25 August 2017, the Myanmar security forces responded in the hours, days, and weeks that followed with operations that targeted not just armed attackers endangering their or others' lives, but the broader Rohingya population and their property. In many instances, soldiers deliberately targeted and killed unarmed Rohingya men, women, and children, often as they were under security forces' control or as they were running away from a security force attack. In the weeks before the ARSA attacks, the Myanmar Army had reinforced its presence in northern Rakhine State, bringing in combat division battalions from the armed conflict areas of northern Myanmar and moving additional units based usually in other districts within Rakhine State (for more on the combat divisions, see Chapter 10). Rohingya villages where these units were based tended to be attacked first. As the combat division units moved during subsequent weeks, a trail of death and burnt houses followed in their wake.

³⁵⁸ Amnesty International interview, Thaingkhali Refugee Camp, Bangladesh, 26 January 2018.

³⁵⁹ Amnesty International interview, Thaingkhali Refugee Camp, Bangladesh, 23 January 2018.

Based on the evidence compiled by Amnesty International, the Myanmar military's unlawful killings took three general forms. First, in at least three Rohingya villages, there were large-scale massacres, with mostly men and older boys targeted for extrajudicial execution, but women and younger children also often killed.³⁶⁰ Each of the three massacres documented by Amnesty International occurred in villages near sites of distinct ARSA activity, and each massacre involved Myanmar soldiers from a combat division. During these massacres, the security forces also perpetrated rape and other sexual violence against Rohingya women and girls, as detailed in Chapter 5.

Second, in a much larger number of villages, including four documented in detail by Amnesty International, the Myanmar military and Border Guard Police (BGP) opened fire deliberately on Rohingya men, women, and children as they fled, before burning down homes, at times with people inside. In each of the four villages documented in detail, it appears that between 20 and 70 people were killed. In one of those villages—Inn Din, in southern Maungdaw Township—the deliberate shooting at people fleeing was combined with the extrajudicial execution of 10 detained Rohingya men. More people likely would have been killed in these villages had they not been able to run and hide in surrounding hills. As with the massacres, there were ARSA-related events near each documented incident, suggesting that the military was punishing the entire population of the village for its perceived support to ARSA.

Third, in dozens of other Rohingya villages throughout northern Rakhine State, the Myanmar security forces inflicted less extensive violence on the population, though still caused death and serious injuries. In some villages, the vast majority of Rohingya had fled in advance, after hearing of atrocities nearby. Elsewhere, Rohingya witnesses reported that the military fired primarily in the air or in an otherwise less direct manner, forcing most people to escape, but leaving them unhurt. Some were nevertheless shot dead or, as in other villages, burned to death inside their homes, but the military's objective in these villages appeared to be more about emptying the area of its Rohingya population than killing.

The overall scale of killings across northern Rakhine State is difficult to ascertain, in part because the authorities have denied investigators access to the region. Médecins Sans Frontières (MSF) produced the most authoritative estimate of deaths to date, based on methodologically rigorous health surveys in the Bangladesh refugee camps. The findings were presented as a range, with the most conservative estimate indicating at least 6,700 Rohingya men, women, and children were killed during the first month after the 25 August attacks, including at least 730 children under the age of five.³⁶¹ MSF estimated that 69.4 per cent of violent deaths were by gunshot; 8.8 per cent by being burned to death inside homes; 5 per cent by being beaten to death; and noted additional violent deaths as a result of sexual violence and landmine explosions.³⁶² This breakdown is similar to Amnesty International's qualitative findings.

For many incidents, Amnesty International has implicated specific military units and individuals involved in the killings (for more on individuals, see Chapter 11). These individuals, along with many others, should be subject to independent, impartial, and efficient criminal investigation and, if sufficient, admissible evidence is found, to prosecution in civilian courts in proceedings which meet international standards of fairness and without the imposition of the death penalty.

³⁶⁰ Amnesty International has focused its investigations on specific villages, rather than trying to document what happened in every Rohingya village across northern Rakhine State. There may have been additional large-scale massacres committed that Amnesty International has not documented, and have not been reported by international media or other human rights organizations. In addition, for one of the major incidents of unlawful killing that Amnesty International has documented in detail, occurring in Gu Dar Pyin village around 28 August 2017, Amnesty International considered whether to classify it as a large-scale massacre but, based on the evidence available, has instead put it in the "Other Unlawful Killings" subsection, below. Further investigation is needed to determine whether the scale and nature is ultimately similar to what occurred in Chut Pyin, Min Gyi, and Maung Nu. See, for example, Associated Press, "AP finds evidence for graves, Rohingya massacre in Myanmar," 1 February 2018.

³⁶¹ MSF, *Myanmar/Bangladesh: Rohingya crisis - a summary of findings from six pooled surveys*, 9 December 2017, www.msf.org/en/article/myanmarbangladesh-rohingya-crisis-summary-findings-six-pooled-surveys; MSF, "No One Was Left": *Death and Violence against the Rohingya in Rakhine State, Myanmar*, 9 March 2018 (summarizing the findings from the health surveys). The 95-percent confidence interval provided by MSF estimates between 6,759 and 9,867 deaths due to violence between 25 August and 24 September 2017, including between 734 and 2,109 children under the age of five. The pooled surveys provide a 95-percent confidence interval of between 9,425 and 13,759 total deaths between 25 August and 24 September. Some non-violent deaths may likewise be attributable to the military's campaign, due to, for example, increased food insecurity and risks associated with fleeing to Bangladesh.

³⁶² MSF, *Myanmar/Bangladesh: Rohingya crisis - a summary of findings from six pooled surveys*, 9 December 2017. For children under the age of five, the most common causes of violent death were: by gunshot (59.1%); by being burned to death in a home (14.8%); by being beaten (6.9%); and as a result of stepping on a landmine (2.3%).



Rohingya children lie on cots in the surgical ward of Cox's Bazar District Sadar Hospital, Bangladesh, 1 October 2017. Hundreds of Rohingya arrived to Bangladesh with violence-related injuries, including gunshot wounds, from when soldiers attacked villages in northern Rakhine State. © Andrew Stanbridge / Amnesty International

THE RIGHT TO LIFE, THE CRIME OF MURDER

The right to life is enshrined in Article 3 of the Universal Declaration of Human Rights, which reflects a rule of customary international law binding on all nations. It is also provided, among other treaties, in the Convention on the Rights of the Child³⁶³ and in the Convention on the Rights of Persons with Disabilities,³⁶⁴ to which Myanmar is a state party.

The prohibition of the arbitrary deprivation of life is formulated in international criminal law, among other forms, as the crime against humanity of “murder”, which involves knowingly and unlawfully killing as part of a widespread or systematic attack on a civilian population.³⁶⁵

The instances of killings described in this chapter clearly violate the right to life. With victims all belonging to the civilian population, these instances also fall under the definition of “murder” as a crimes against humanity under international law.

4.1 LARGE-SCALE MASSACRES

In three Rohingya villages that Amnesty International has focused on during its documentation, the Myanmar military committed large-scale massacres—defined both by the scale of the killings and the fact that soldiers often carried them out through extrajudicial executions, that is, deliberately killing people who were unarmed and under their control. Members of the security forces pulled men and older boys out of their homes or herded them into an area with no obvious escape route; forced them to lie down or kneel, often after binding their hands; and then shot them at point-blank range or stabbed them with long knives. But while men and older boys were typically targeted in particular, often no one was spared. In two of the three incidents, scores of young children were killed, as soldiers opened fire on people fleeing. During each of the massacres, soldiers also raped and committed other sexual violence against women and girls, as discussed in more detail in Chapter 5. Some women and girls were killed subsequent to the rape.

³⁶³ UN Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 6.

³⁶⁴ UN Convention on the Rights of Persons with Disabilities, adopted by the UN General Assembly resolution 61/106 on 13 December 2006, entered into force 3 May 2008.

³⁶⁵ Rome Statute, Article 7(1)(a); International Criminal Court, Elements of Crimes, UN Doc. PCNICC/2000/1/Add.2 (2000), Article 7(1)(a).

The massacres occurred in villages near where ARSA was reportedly active prior to 25 August, and where there were high-profile ARSA attacks on that day or in the days after. The Myanmar military appears to have punished the entire Rohingya population in these villages for their perceived support to ARSA. But these incidents also had a much wider impact. At least one occurred in each of the three townships of northern Rakhine State, and news of what happened quickly spread to surrounding villages—leading to the emptying of Rohingya villages nearby, as residents feared they might suffer the same fate.

CHUT PYIN, RATHEDAUNG TOWNSHIP

On 27 August 2017, Myanmar security forces, working with local vigilantes, deliberately attacked the entire Rohingya population in Chut Pyin, a mixed-ethnicity village in Rathedaung Township with around 1,400 Rohingya residents in one part of the village, and around 400 residents from other ethnic communities who live in a separate part of the village, referred to here as the ethnic Rakhine area.³⁶⁶ Soldiers pulled Rohingya men and boys out of their homes and executed them or took them away, never to be seen again; raped women; and fired on Rohingya as they fled, killing and seriously wounding many, including young children who arrived in Bangladesh days later with untreated gunshot wounds. The Rohingya area was set ablaze.

Before 25 August, tensions were building in Chut Pyin. As described in Chapter 3, an ethnic Rakhine man named Than Htay, who lived in the ethnic Rakhine area of Chut Pyin, went missing in late July 2017 while looking for foodstuffs in the mountainous area near the village.³⁶⁷ Three people involved in searching for Than Htay, including a relative of his, told Amnesty International that villagers and members of the security forces discovered several ARSA “camps” in the Mayu mountain range while looking for him.³⁶⁸

The authorities blamed the Rohingya in the area for Than Htay’s death and for supporting ARSA, leading in subsequent weeks to the arrest of Rohingya men from several villages in the area and to their torture (see Chapter 2).³⁶⁹ During a 4 August police raid, many Rohingya in Auk Nan Yar, a village near Chut Pyin, tried to block the arrests, leading to a confrontation in which the security forces fired warning shots.³⁷⁰ According to the police, the villagers were armed with slingshots, sticks, and machetes.³⁷¹

With ARSA believed to be operating in the nearby mountains, the Myanmar military moved additional units into the area, including at least parts of Light Infantry Battalions (LIBs) 536 and 537.³⁷² These battalions are part of the combat division known as Military Operation Command (MOC) No. 15, which in turn is under Western Command. Some of these soldiers were based near Ah Htet Nan Yar, just south of Chut Pyin; others in Zay Di Pyin, just to the east.³⁷³

Around 18 August, a unit of soldiers from the 33rd Light Infantry Division (LID) arrived in Chut Pyin itself,³⁷⁴ according to seven Rohingya leaders who met with a commander of the 33rd LID in Chut Pyin; a resident of the ethnic Rakhine part of Chut Pyin who saw the soldiers and described their uniform patch with “33” in Burmese numerals; and a resident of the ethnic Rakhine part of Zay Di Pyin who interacted with the soldiers

³⁶⁶ The “Rakhine” village or area is how it was commonly referred to by people from all communities in the village tract. Ethnic Rakhine comprise the majority of part of the village, though there are also people from other predominantly Buddhist ethnic groups, including ethnic Thet. Amnesty International uses “ethnic Rakhine area” here and in other sections of the report for ease and to avoid classifying villages or village areas on the basis of religion, but that should not imply that only ethnic Rakhine live in those areas. The population estimate comes from interviews with several Rohingya community leaders from Chut Pyin as well as the ethnic Rakhine Village Administrator. Amnesty International interviews, Bangladesh refugee camps, September 2017; and in Sittwe, Myanmar, April 2018.

³⁶⁷ Amnesty International telephone interview with Maung Hla Thein, 4 April 2018; Amnesty International interview with Aung Thein Mya, Sittwe, Myanmar, 25 April 2018.

³⁶⁸ Amnesty International interviews, Sittwe, Myanmar 25–28 April 2018. See also Radio Free Asia, “Three Villagers Found Mutilated in Myanmar’s Rathedaung Township,” 1 August 2017, www.rfa.org/english/news/myanmar/three-villagers-found-mutilated-in-myanmar-rathedaung-township-08012017162442.html; Rik Glauert, “Bodies Found, Arrests Made in Tense Northern Rakhine,” *The Irrawaddy*, 1 August 2017, www.irrawaddy.com/news/burma/bodies-found-arrests-made-tense-northern-rakhine.html.

³⁶⁹ Amnesty International interviews, January 2018. See also Burma Human Rights Network (BHRN), *Fighting Breaks out In Northern Rakhine State Following Increased Tensions*, 25 August 2017.

³⁷⁰ BHRN, “Fighting Breaks out In Northern Rakhine State Following Increased Tensions,” 25 August 2017.

³⁷¹ Agence France-Presse, “Myanmar Arrests Rohingya Suspects; 6 Buddhists Killed Nearby,” 5 August 2017.

³⁷² Amnesty International interviews and telephone interviews with villagers from different ethnic communities who had interacted directly with soldiers who self-identified as from these units, Bangladesh refugee camps, 24–27 March 2018; and in Sittwe, Myanmar, April 2018.

³⁷³ Amnesty International telephone interviews, Bangladesh refugee camps, 24–27 March 2018; and interviews, Sittwe, Myanmar, April 2018. LIBs 536 and 537 were reportedly based out of Zay Di Pyin and, for periods, in the Mayu mountain area. An ethnic Rakhine villager from Zay Di Pyin said that new soldiers arrived in Zay Di Pyin at this time and were based out of the BGP station there; the same villager saw that other soldiers set up a temporary camp to the west of Ah Htet Nan Yar. Amnesty International interview, Sittwe, 28 April 2018.

³⁷⁴ Estimates of the number of soldiers that arrived and quartered in Chut Pyin varied from around 50 to several hundred. Amnesty International could not determine the exact troop strength. Infantry battalions are normally staffed with around 200 to 300 troops. Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 5. The unit that came to Chut Pyin seems most likely to have been smaller than a battalion—likely a company of soldiers.

at the jetty there before they went on to Chut Pyin and said the soldiers identified as the 33rd LID.³⁷⁵ Other Rohingya residents described new soldiers arriving at that time, and Amnesty International's investigation of Facebook postings further indicate that 33rd LID units arrived in Rathedaung Township and operated in the Mayu mountain range around this period.³⁷⁶ Witnesses from both the Rohingya and the ethnic Rakhine parts of Chut Pyin told Amnesty International that the soldiers slept in the primary school and Buddhist monastery in the ethnic Rakhine area of Chut Pyin.³⁷⁷

Around 20 August, the 33rd LID commander in Chut Pyin called a meeting with Rohingya community leaders from the surrounding villages.³⁷⁸ Each Rohingya village sent four leaders, totalling around 28. Several ethnic Rakhine Village Administrators and members of the BGP, which has a small post at the entrance to the ethnic Rakhine area of Chut Pyin, were also present.

Amnesty International separately interviewed seven Rohingya leaders who were at that meeting. They provided consistent accounts of its substance. The ranking officer there from the 33rd LID opened by asking if anyone did not understand Burmese; some Rohingya mawlawi³⁷⁹ indicated they did not, and were asked to leave. The officer then introduced himself as Major Aung Myo Thu³⁸⁰ and said that his unit's headquarters were in Sagaing Region and that he and his men had come from active combat in northern Myanmar—both of which are accurate descriptions of the 33rd LID. In saying his unit came from a conflict zone, Maj. Aung Myo Thu told the Rohingya leaders at the meeting that his troops were “*hot blooded*,” according to one Rohingya leader there; or that their “*blood was still boiling*,” according to another Rohingya leader there.³⁸¹

He blamed the Rohingya for destroying a bridge nearby and said there would be a strict curfew—anyone outside after 5 p.m. would be shot. He concluded with two threats. First, that the Rohingya leaders and their village residents should accept the National Verification Card (NVC), or else they could not live in the country.³⁸² Second, according to a Rohingya leader from Chut Pyin, the officer threatened “*that if we are going to do any wrong, they would shoot [us] directly*.”³⁸³ Another Rohingya leader from Chut Pyin recalled similarly, saying the officer jabbed his finger at them again and again as he spoke, and threatened that “*they would shoot us directly if we did any wrong*.”³⁸⁴ A Rohingya leader from Zay Di Pyin said the officer referred to the 33rd LID's track record of abuse, and said that “*they would show us how they are the meanest if we did any wrong*.”³⁸⁵ Each Rohingya leader said he left the meeting shocked and terrified. The *Wall Street Journal* has reported similar findings about the meeting and threats, and identified Maj. Aung Myo Thu as the 33rd LID field commander in Chut Pyin.³⁸⁶

On 26 August, the day after the initial ARSA attacks, the Myanmar authorities allege Rohingya “*attacked Chopyin outpost... with homemade bombs where they were repulsed by security personnel*,” with no reported security force casualties.³⁸⁷ The next day, the Myanmar military followed through on Maj. Aung Myo Thu's threat, attacking the entire Rohingya population in Chut Pyin in one of the crisis's worst atrocities.

³⁷⁵ Amnesty International interviews with Rohingya leaders, Bangladesh refugee camps, September 2017; telephone interviews with Rohingya leaders, March 2018; correspondence with a Rohingya leader, March 2018; and interviews with individuals from other ethnic communities in Chut Pyin and Zay Di Pyin, dates and locations withheld to protect their security.

³⁷⁶ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018; telephone interviews, March 2018; and Facebook pages, archived and on file with Amnesty International. The 33rd LID, and other combat divisions like it, is explored in more detail in Chapter 10, on the Myanmar military's command structure during the northern Rakhine State operations.

³⁷⁷ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018; telephone interviews, March 2018; and interviews with people from ethnic Rakhine areas of Chut Pyin and Zay Di Pyin, dates and locations withheld to protect their security.

³⁷⁸ Amnesty International has not been able to confirm the specific date of the meeting. Those present provided highly consistent accounts of the meeting's substance, but there was discrepancy in terms of the date the meeting occurred, ranging from 18 to 22 August. In its October 2017 report, Amnesty International detailed the arrival in August 2017 of a military contingent that stayed in the local school; at that time, we had not been able to sufficiently confirm that the 33rd LID was the contingent.

³⁷⁹ A mawlawi is a Muslim religious scholar.

³⁸⁰ Several witnesses described the insignia on his uniform as “one moon and one star,” which is consistent with the rank of Major.

³⁸¹ Amnesty International telephone interviews, Bangladesh refugee camps, 24-25 March 2018.

³⁸² The NVC is a temporary identification document that most of the Rohingya community rejects, since it fails to recognise them as citizens. For background on the NVC, see Amnesty International, “*Caged without a Roof*”, pp. 28-41.

³⁸³ Amnesty International telephone interview, Bangladesh refugee camp, 25 March 2018.

³⁸⁴ Amnesty International telephone interview, Bangladesh refugee camp, 25 March 2018.

³⁸⁵ Amnesty International telephone interview, Bangladesh refugee camp, 26 March 2018.

³⁸⁶ Jon Emont and Niharika Mandhana, “We'll Turn Your Village Into Soil”: Survivors Recount One of Myanmar's Biggest Massacres,” *Wall Street Journal*, 11 May 2018.

³⁸⁷ State Counsellor Office, *Breaking News 10*, 27 August 2017, www.statecounsellor.gov.mm/en/node/977. The State Counsellor Office's release states, “*EXTREMIST terrorists blew out improvised bombs, set fire the villages and attacked the police outposts in Region-2 of Maungdaw yesterday from the morning to afternoon*,” before detailing specific events, including Chut Pyin. The “yesterday” indicates that the authorities are referring to 26 August. Aung Thein Mya, the Rakhine Village Administrator for Chut Pyin, gave Amnesty International a similar description of Muslims “throwing” handmade bombs, confirming that the “Chopyin” referenced by the State Counsellor's Office is Chut Pyin. Amnesty International interview, Sittwe, Myanmar, 26 April 2018.



Imagery from 16 September 2017 shows the Rohingya area of Chut Pyin has been almost completely razed. Structures in the ethnic Rakhine area have been left intact.

Amnesty International interviewed 30 Rohingya men, women, and children from Chut Pyin, as well as at least a dozen Rohingya who lived in villages that neighbour Chut Pyin and who either saw some of what happened there or who spoke with Rohingya from Chut Pyin who fled to their village in the massacre's aftermath.³⁸⁸ Seventeen of the Chut Pyin interviews were undertaken in September 2017, by telephone with people who at the time remained in Myanmar or in person in the first weeks after people arrived in Bangladesh. Thirteen more people were interviewed in January and March 2018, focusing on aspects of the Chut Pyin attack that had not been sufficiently corroborated to include in our October 2017 report, including about rape and other sexual violence; arrests and torture; extrajudicial executions; and individual perpetrators. Amnesty International also analysed satellite imagery from Chut Pyin; obtained and analysed three timestamped videos that show Chut Pyin burning during the afternoon of 27 August 2017; and obtained and analysed 17 timestamped videos taken on 29 August 2017 in neighbouring Ah Htet Nan Yar village, in which residents of Chut Pyin, many of them with visible gunshot wounds, describe the military's attack on Chut Pyin several days before.³⁸⁹

At around 2 p.m. on 27 August, as many Rohingya families were preparing to eat lunch, Army soldiers, joined by local vigilantes and BGP in camouflage blue uniforms, entered the Rohingya area of Chut Pyin from the north-eastern side—where the soldiers had been based, in the ethnic Rakhine area. Over the next several hours, the attack unfolded, taking several forms. For the Rohingya who lived in certain parts of the village—in particular the far northern part, near where many attackers entered—soldiers pulled people out of their homes and took them toward the school where the soldiers were based. There, the soldiers executed some men and boys and raped or otherwise sexually assaulted women and girls—particularly those, according to witnesses, who were deemed attractive (see Chapter 5). Then, as Rohingya elsewhere in the village heard gunfire and saw houses burning, they ran out of their homes and tried to flee. Soldiers opened fire on them, often from behind, killing and wounding scores more.

Q.P., around 25 years old, told Amnesty International that she was finishing lunch at home with her husband when soldiers entered the village shouting, *“Come out! Come out!”* Five soldiers came to her house, on the village's northern side. They broke down the door and tied the couple's hands. The soldiers pulled them outside, set the house on fire, and took them toward the school where the 33rd LID was based.³⁹⁰

Q.P. was taken into a room of the school, where she and other women were raped, as described in more detail in Chapter 5. She told Amnesty International that when the soldiers let them go, hours later:

*“I saw so many bodies in front of the school. Some had been shot, some had been cut. All of the dead bodies were bound [their hands tied with rope]. There were bullets on the ground everywhere... There was so much blood. The dead bodies were like stones in a field. I thought I would be sick, I was only stopped by my tears.”*³⁹¹

She did not see her husband's body, but assumes he was killed, as he had been bound, like those killed.³⁹²

E.Z., 21, also lived in the northern part of Chut Pyin. She was at home getting ready to eat lunch with her husband and 2 ½-year old son when the military entered around 2 p.m. *“They were everywhere,”* she recalled.³⁹³ Several soldiers came to her house, grabbing her husband and pulling him outside. Later, she took her son and ran to a nearby field, where she lay down:

“The military were all around, shooting. I lay on my back and clutched my son to my chest. A bullet shot through my son's stomach and hit my hand. The bullet hit his stomach and opened it.

After he was shot my son looked at me and said, ‘Let's go mama.’ I didn't even realise I'd been shot [too, in the hand]. He fell unconscious. I saw the blood coming out of his stomach, and I fainted.

*So many people in my family were killed. My son, my sister-in-law [around 21 years old], her son [8 months old], my husband's grandmother [around 60 or 70 years old].”*³⁹⁴

³⁸⁸ These interviews were undertaken by four different Amnesty International delegates, working with four different “fixers,” across Thaingskhali and Kutupalong Refugee Camps. Although people had different experiences, largely based on where in the village they lived, the overall description of the events of 27 August were highly consistent. Five witnesses were interviewed multiple times, by different Amnesty International delegates; the details of their accounts remained consistent across time.

³⁸⁹ In the video with a discussion of what happened, a man says that 150 people were killed that day in Chut Pyin, and focuses the camera on a baby, whose mother was killed, according to the speaker. Videos on file with Amnesty International.

³⁹⁰ Amnesty international interview, Thaingskhali Refugee Camp, Bangladesh, 23 January 2018.

³⁹¹ Amnesty international interview, Thaingskhali Refugee Camp, Bangladesh, 23 January 2018.

³⁹² Amnesty international interview, Thaingskhali Refugee Camp, Bangladesh, 23 January 2018.

³⁹³ Amnesty international interview, Thaingskhali Refugee Camp, Bangladesh, 23 January 2018.

³⁹⁴ Amnesty international interview, Thaingskhali Refugee Camp, Bangladesh, 23 January 2018.

E.Z. said that when the shooting stopped and the soldiers left, she went to get help for her son, but the young boy died soon after. She has not seen her husband since soldiers took him away. After arriving in Bangladesh, she received treatment, including for the gunshot wound to her hand, where there was a scar seen and photographed by an Amnesty International delegate.³⁹⁵

Scores of Rohingya men, women, and children were captured by the military during the attack, as described by Q.P., E.Z., and five others. Several of the captured men, including an imam and a man named Osman who had a disability that affected his mental development and physical movements, were extrajudicially executed.³⁹⁶ Several witnesses said Osman was killed because he could not understand what the soldiers were saying.³⁹⁷ The soldiers then took some women to the school, where they raped them (see Chapter 5); and told other women and small children to flee to Ah Htet Nan Yar village. The men and older boys were taken away in the direction of the ethnic Rakhine area of the village. Survivors from the village provided Amnesty International with a list with the names of 59 men who were taken away.

Y.V., an elderly man, told Amnesty International that he was the only man released from the group. *"I could barely walk. They told me to go away,"* he said.³⁹⁸ L.F., 38, said that she saw the soldiers take her son and other men away and, like almost all of the Rohingya interviewed, believed they were killed: *"We don't think they are alive. If there are bones, show us the bones, we will feel better."*³⁹⁹

As soldiers pulled Rohingya out of their homes in certain parts of the village and, with vigilantes, started burning houses and other structures, panic spread. Most of the remaining Rohingya began running toward surrounding rice fields or neighbouring villages. Fanning out through the village, soldiers opened fire on people as they fled, hitting women and men; girls and boys; infants and the elderly.

Fatima, 12, told Amnesty International that she was at home with her parents, siblings, and grandmother when they saw flames and smoke in another part of their village. As the family ran out of their house, she said men in uniform—*"they were blue and grey, with spots"*—opened fire on them from behind.⁴⁰⁰ She saw her father get shot in the leg and through the chest and fall down. Her 10-year-old sister was also shot and fell to the ground. Not far from her house, Fatima, too, was hit by a bullet in the back of her right thigh, just above the knee. *"I fell down, but my neighbour grabbed me and carried me,"* she recalled.⁴⁰¹ After a week of fleeing, she received medical treatment in Bangladesh.

She was staying with her grandmother and four siblings because, in addition to the father and sister she witnessed being shot and killed, her mother and older brother were also killed during the military's attack. Amnesty International sent two photographs of her injury to a forensic medical expert, who responded: *"The wound would be typical of a 'flesh wound' caused by a bullet travelling at high speed in a straight line... It looks like the bullet would have entered the thigh from behind, travelled through the dermis and exited toward the knee"*⁴⁰²—matching Fatima's description of being shot from behind while running away.⁴⁰³

In addition to Fatima and E.Z., Amnesty International interviewed five other people from Chut Pyin with gunshot wounds. Jarina Khatun, around 60, had a gunshot wound on her right thigh. She said she was part of a group that came across soldiers blocking a road while she was trying to run away; several people near her were killed by the gunfire that injured her.⁴⁰⁴ Hasina, 16, was shot in the left foot by men in *"dark leaf colour"* uniforms as she was running out of her house, after seeing nearby homes on fire.⁴⁰⁵ *"I was in so much pain,"* she recalled. *"Somehow my mother dragged me to a rice field nearby, [where we hid]... The bullet stayed inside my foot. A doctor took it out here [in Bangladesh]. I still can't even stand."*⁴⁰⁶

Everyone interviewed from Chut Pyin described seeing the soldiers, BGP, and local vigilantes burn the Rohingya area of the village during the afternoon, using petrol cans and matchsticks for shorter houses and those with corrugated roofs; and, for taller houses that were harder to reach, projectiles shot from a shoulder-fired grenade launcher. Satellite imagery supports the witness accounts, showing the complete

³⁹⁵ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 23 January 2018. Photograph on file with Amnesty International.

³⁹⁶ Amnesty International interviews, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017 and 23 January 2018.

³⁹⁷ Amnesty International interviews, Bangladesh refugee camps, January 2018.

³⁹⁸ Amnesty International telephone interview, Bangladesh refugee camp, 8 April 2018.

³⁹⁹ Amnesty International interview, Bangladesh refugee camp, 21 January 2018.

⁴⁰⁰ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017. The description of camouflage blue-grey uniforms is consistent with the Border Guard Police.

⁴⁰¹ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017.

⁴⁰² Amnesty International email correspondence, 4 October 2017.

⁴⁰³ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017.

⁴⁰⁴ Amnesty International interview, Cox's Bazaar District Sadar Hospital, Bangladesh, 15 September 2017.

⁴⁰⁵ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017.

⁴⁰⁶ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017.



Fatima, 12, stands outside her shelter in Kutupalong Refugee Camp, showing a scar from a gunshot wound she received a month earlier, when Myanmar security forces surrounded her village of Chut Pyin and opened fire on those fleeing, Bangladesh, 29 September 2017. © Andrew Stanbridge / Amnesty International

burning of lower-quality structures that are consistent with what Rohingya villages look like across the region, and untouched areas defined by higher-quality and more orderly construction.⁴⁰⁷

Shara Jahan, around 40, told Amnesty International that she was at home with her husband and several sons when they saw houses nearby start to burn. The men ran out, but she stayed behind, petrified and yelling for her younger children. Her husband and one of her sons were shot and killed.⁴⁰⁸ She described what then happened to her:

“The roof started burning. Pieces of it fell down, and I was burned. The clothes I was wearing were also burned... I escaped. No one was there to save me. I was there [in the burning house] for very little time. I had this fire on my entire body, on my clothes. I was rolling, rolling toward the rice field. [When I got there], that’s when the fire was put out. I rolled in the little water there.”⁴⁰⁹

Amnesty International sent photographs of Shara Jahan to a forensic medical expert, who wrote that her appearance was consistent with the description of serious burn injuries. In particular, he wrote that her skin discoloration “can be seen at one month out in deep 2nd or 3rd degree burns. Essentially the pigment producing cells were damaged and the healing produced a bleached pattern to the skin... Generally referred to as post-inflammatory hypopigmentation of the skin, it can be seen in scar tissue after burns.”⁴¹⁰

Those who survived described hiding in rice fields and ponds, or on the hill next to the village. After the military left, late in the afternoon, many people came out from hiding and went to nearby villages, including Ah Htet Nan Yar. Many described seeing bodies, including of children, along the way.⁴¹¹

An analysis of satellite imagery indicates that most, if not all, neighbouring Rohingya villages were burned down in subsequent weeks, but Amnesty International’s interviews indicate few people from those villages were killed. Almost everyone had already left. A 31-year-old Rohingya man from nearby Zay Di Pyin told Amnesty International, “All the neighbouring villagers escaped to the hills when there was the attack in Chut

⁴⁰⁷ Witnesses also consistently described the ethnic Rakhine area as being to the northeast of the Rohingya area that was attacked. In satellite images, the north-eastern part of Chut Pyin is the only area still intact.

⁴⁰⁸ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017.

⁴⁰⁹ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 September 2017.

⁴¹⁰ Amnesty International email correspondence, 4 October 2017

⁴¹¹ Amnesty International interviews, September 2017 and January 2018. For more detail, including several testimonies, see Amnesty International, “My World Is Finished”, pp. 16-17.

*Pyin. And from there, we started fleeing to Bangladesh.”*⁴¹² *“I left my home [after] there was killing in Chut Pyin,”* echoed a Rohingya leader from Ah Htet Nan Yar. *“I fled before our village was burnt.”*⁴¹³

Amnesty International was provided a list that identified by name and biographical data 352 Rohingya allegedly killed or forcibly disappeared in Chut Pyin on 27 August; it includes 127 children who were age five or younger.⁴¹⁴ Rohingya community leaders and activists had compiled the list in the Bangladesh refugee camps, based on speaking with families to identify dead, missing, and arrested individuals. Amnesty International cannot confirm the accuracy of the full list of those allegedly killed, but many individual deaths that the organization documented through consistent witness accounts appear on the list. Amnesty International believes, based on its own investigations, that more, and possibly many more, than 200 Rohingya men, women, and children were killed or forcibly disappeared in Chut Pyin.

The principal perpetrators of the 27 August massacre and rapes in Chut Pyin were soldiers from a unit of the 33rd LID led by Aung Myo Thu. As detailed above, that unit had been based in the ethnic Rakhine area of Chut Pyin since mid-August. Witnesses consistently described soldiers coming from that area when attacking the Rohingya village on 27 August, with some of the killings and rapes occurring in and around the school where many soldiers from the 33rd LID were quartered during this period. The overall commander of the 33rd LID at the time of northern Rakhine State operations was Brigadier General Aung Aung.

Many survivors from Chut Pyin also described seeing soldiers wearing uniforms with the patch of Western Command, as detailed in Amnesty International’s October 2017 report.⁴¹⁵ At the time, we had received credible information that new soldiers arrived in and around Chut Pyin in advance of 25 August, but had not confirmed the specific unit or units they were from. Further investigations have identified the 33rd LID, as well as the movement into the area of at least two MOC 15 units, including from the 536th and 537th LIBs. Soldiers from the 33rd LID would not have had the Western Command patch. Witness descriptions therefore indicate that soldiers from one or more of these Western Command units may also have been involved.

In addition, witnesses consistently implicated members of the BGP, identified by their camouflage grey-blue uniforms. There is a small BGP post in Chut Pyin—located at the entrance of the ethnic Rakhine area—which reports to the BGP base in nearby Zay Di Pyin. At least 11 witnesses said that they saw a BGP Corporal named Kyaw Chay involved in the massacre; several residents in Chut Pyin and nearby villages have implicated the same BGP Corporal in torturing them in the Zay Di Pyin BGP base (see Chapter 2). Amnesty International interviewed Corporal Kyaw Chay by telephone in April 2018. He denied having been involved in any killings or torture.⁴¹⁶ He also denied having been based out of Zay Di Pyin during the material period,⁴¹⁷ though, as noted above, that was contradicted by Police Lieutenant Myo Zaw Oo, who told Amnesty International that he had been the head of the BGP base in Zay Di Pyin during that time, and that Kyaw Chay had been there with him.⁴¹⁸

Finally, many survivors of the 27 August attack implicated the Chut Pyin Village Administrator, Aung Thein Mya. They said they saw him leading the vigilantes who participated in the village’s burning. Rohingya residents of Chut Pyin said he had long harassed them, working closely with the BGP and military.⁴¹⁹ Amnesty International interviewed Aung Thein Mya in person on 26 April 2018. He said he left Chut Pyin for Zay Di Pyin right before the attack on the BGP post in Chut Pyin and was not present for the military’s operations. Many other statements he made were demonstrably false, as they were refuted by consistent, independent testimonies of Rohingya and other villagers living in the area.⁴²⁰

The military has not given any public indication of having undertaken an investigation into the atrocities in Chut Pyin, despite consistent reporting about what happened there; in the investigations made public to date or referenced by Senior General Min Aung Hlaing, there has been no mention of Chut Pyin.⁴²¹

⁴¹² Amnesty International telephone interview, Bangladesh refugee camp, 27 March 2018.

⁴¹³ Amnesty International telephone interview, Bangladesh refugee camp, 24 March 2018.

⁴¹⁴ List on file with Amnesty International, May 2018.

⁴¹⁵ Amnesty International, *“My World Is Finished”*, p. 7.

⁴¹⁶ Amnesty International telephone interview with BGP Corporal Kyaw Chay, 4 April 2018.

⁴¹⁷ Amnesty International telephone interview with BGP Corporal Kyaw Chay, 4 April 2018.

⁴¹⁸ Amnesty International telephone interview with Police Lieutenant Myo Zaw Oo, Myanmar, 13 June 2018.

⁴¹⁹ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018; and telephone interviews, March 2018.

⁴²⁰ For example, he said that only 10 soldiers arrived to Chut Pyin and that they were based outside the village in temporary tents; he said no soldiers were based in the Chut Pyin school. This was contradicted not only by testimony from Rohingya villagers from Chut Pyin, but also by testimony from villagers from other ethnic communities, who told Amnesty International that dozens of soldiers from the 33rd LID arrived and were based in the school. Amnesty International interviews, dates and locations withheld to protect their security.

⁴²¹ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in*

MAUNG NU, BUTHIDAUNG TOWNSHIP

On 27 August, Myanmar soldiers summarily executed scores of men and boys in Maung Nu, part of Chin Tha Mar village tract in Buthidaung Township. Human Rights Watch has reported on the massacre, and the Associated Press also published a detailed account.⁴²² Amnesty International's investigations provide further corroboration of the killings, sexual violence, and burning, as well as new details on individual perpetrators.

Amnesty International interviewed 18 people from Chin Tha Mar village tract. All had witnessed the massacre or events related to the massacre.⁴²³ The witness accounts were consistent about how events unfolded, how the massacre happened, and who from the Myanmar military was involved. Witness accounts were corroborated by an analysis of satellite imagery showing the partial burning of Rohingya villages in the village tract; and a review of several videos, believed to be authentic, that were filmed at the massacre site in its aftermath.

Two days before the massacre, early in the morning of 25 August, residents of Chin Tha Mar village tract heard shooting around the BGP post in Hpaung Taw Pyin, a village north of Maung Nu in the same village tract.⁴²⁴ The Myanmar authorities allege there was an ARSA attack on the BGP post.⁴²⁵ State media reported that two police officers were killed during the ARSA attack and a civil servant was seriously injured.⁴²⁶ The military's response, in which many Rohingya were summarily executed, fits a pattern of punishing an entire Rohingya village, or even several villages, for the actions of ARSA in an area.⁴²⁷

Soon after sunrise on 25 August, following extensive shooting overnight, Myanmar soldiers and BGP entered Hpaung Taw Pyin village. Witnesses told Amnesty International that at least four Rohingya men and boys were arrested and taken to the BGP post, including the son of a Rohingya village leader.⁴²⁸ Due to the arrests and previous night's shooting, the vast majority of the Rohingya population in Hpaung Taw Pyin fled to surrounding villages, including Maung Nu, where many had relatives.⁴²⁹ Fearing repercussions, some Rohingya residents of Hpaung Taw Pyin and Maung Nu fled across the canal that runs to the south and west, taking refuge in Dar Paing Sa Yar village tract.

After a relatively quiet day on 26 August, during which most Rohingya stayed inside their homes, Myanmar soldiers entered Maung Nu from both the north and south around 9 or 10 a.m. on Sunday, 27 August. Witnesses consistently described several trucks full of soldiers entering on the main road that runs from the nearby Myanmar Army base to the southeast; they saw other soldiers come on foot.⁴³⁰

Many Rohingya congregated in the houses of relatively wealthy families, including two large, connected houses that shared a courtyard, owned by brothers named Zahid Hossain and Bowduruzar. Others, including Amina Begum, around 35 years old, went to the house of Mohamed Karim. She explained, in common with what many others told Amnesty International, *"Their house is bigger than mine—it's made of*

Inndin Village cemetery in Maungdaw Township, 10 January 2018, www.facebook.com/Cincds/posts/1568727529914773; CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018, www.facebook.com/Cincds/posts/1624154024372123; CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

⁴²² Human Rights Watch, "Burma: Military Massacres Dozens in Rohingya Village," 4 October 2017; Associated Press, "Rohingya Survivors: Myanmar's Army Slaughtered Men, Children," 21 December 2017.

⁴²³ Two Amnesty International delegates, with different entry points into the community, undertook the interviews, some of which were with refugees in Thaingkhali camp, and some with refugees in Kutupalong camp. The delegates worked with different "fixers" and translators.

⁴²⁴ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴²⁵ State Counsellor Office Information Committee, *Breaking News 1*, 25 August 2017. The village is spelled by the authorities as "Phaungtawpyin," flipping the "p" and "h" at the start.

⁴²⁶ "Bengali terrorists attack Maungdaw," *Eleven Myanmar*, 27 August 2017, www.elevenmyanmar.com/local/11272; *The Global New Light of Myanmar*, "Seriously injured patients in ARSA extremist terrorists' attacks transferred to Sittway General Hospital," 30 August 2017.

⁴²⁷ A Rohingya village leader in Chin Tha Mar village tract told Amnesty International that, less than a month before 25 August, the authorities claimed to have recovered an ARSA weapons cache in a hill area near Maung Gyi Taung village tract, only a couple miles from Chin Tha Mar. The village leader said that, following this discovery, he and a Rohingya village leader from Mee Chaung Zay village tract were summoned to a meeting with the commander of Light Infantry Battalion (LIB) No. 564, which has a large base in Chin Tha Mar village tract. The commander reportedly yelled at them, blaming them for the weapons cache and accusing them of hiding additional weapons in their villages. The commander threatened them and demanded an enormous sum of money as extortion, which the Rohingya leaders said they could not pay. Amnesty International interview, Kutupalong Refugee Camp, 28 January 2018. This prior incident and the military's perception that the Rohingya leadership of Chin Tha Mar was facilitating ARSA activity may explain, in combination with the death of several police officers during the ARSA attack on 25 August, why Maung Nu was hit so hard—and why the military appears to have targeted in particular those who fled to the houses of the most prominent Rohingya businessmen and leaders in the village. There are, however, no justifications for such actions under international human rights law, irrespective of the motive or background. The rights to life and freedom from torture and other ill-treatment are not subject to derogations or exceptions in times of emergency or as reprisals.

⁴²⁸ Amnesty International interviews, Bangladesh refugee camps, January 2018. Two of those witnesses said the men were hanged, though Amnesty International was not able to sufficiently corroborate that accusation.

⁴²⁹ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴³⁰ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

*mud. I thought it would be safer. I was worried the military would be able to shoot through the bamboo [walls] of my house.*⁴³¹

Myanmar soldiers fanned out into the village. Around 10 soldiers went to Mohamed Karim's house, where there were around 15 Rohingya women, five men and older boys, and a number of younger children, according to three people who were there and later interviewed by Amnesty International. The soldiers pounded on the door, shouting threats. One of the women eventually opened the door, afraid the soldiers might burn down the house with everyone inside.⁴³² Two men were upstairs, hiding in a rice storage area on the second floor. The other three men, all close relatives, were downstairs hiding among the women. After entering, the soldiers looted the house and sexually assaulted many of the women, while searching their bodies for valuables.⁴³³

The two men upstairs escaped detection, but the three men hiding among the women were found, hauled outside, and ill-treated, possibly tortured. *"They forced us to lie down in the courtyard,"* recalled Mohamedul Hassan, 19. *"I was kicked here [right by his left eye]. [The soldier] used his boot to kick me... They tied me like this with rope, with my hands behind my back. They called my brothers and me, 'Kalar, kalar.' They kept saying that."*⁴³⁴ The soldiers then marched the three men to Zahid Hossain and Bowduruzar's shared compound, which had a common courtyard with the house of a religious leader, Mawlana Abdul Halek, around 80 years old.

Hundreds of Rohingya had gathered in and around those three houses and courtyard area, believing they would be safe from violence—given the houses' size and mud structure, as well as the prominence of their owners, who had long interacted with the security forces. Dozens of soldiers came to the courtyard in the late morning. A Myanmar Army staff sergeant named Ba Kyaw, who spoke the Rohingya dialect and was well-known to the Rohingya inhabitants of the village, yelled at them to open the doors, and, according to several witnesses, threatened to fire a rocket launcher at the homes if they did not do so.⁴³⁵

Once the doors were opened, soldiers burst in, finding rooms tightly packed with Rohingya men, women, and children spread out over two floors. Soldiers separated men and older boys from women and younger children, both inside the house and after pulling people out into the courtyard.⁴³⁶ As discussed in more detail in Chapter 5, many women were sexually assaulted during body searches for valuables. A 40-year-old woman, whose husband and son were killed, told Amnesty International that soldiers also ripped off her and other women's headscarves, and used them as blindfolds for some men being detained at gunpoint in the courtyard.⁴³⁷ Several other witnesses also described headscarves being used as blindfolds.

In the courtyard, soldiers forced the Rohingya men and boys to lie or crouch down, many of them with their hands bound, their eyes blindfolded, or both. Several witnesses said that the highest-ranking military officer present spoke with someone on a phone, then gave the soldiers an order to begin.⁴³⁸

Shon Jeeda, 50, was at Mawlana Abdul Halek's house, seated near a door that allowed her to see part of the courtyard. She said that she saw soldiers beat several men, including a cousin, with a metal object. Then *"[the soldiers] opened fire,"* she told Amnesty International. *"We heard the sound of guns, the sound of bullets, it went on and on. They killed many people."*⁴³⁹ She named six of her male relatives who were killed, including Mawlana Abdul Halek, Zahid Hossain, and two of Zahid Hossain's adult sons.

Rozia Begum, 19, similarly recounted watching as her husband, brother-in-law, and father-in-law were all killed: *"First [the soldiers] opened fire, then when people became weak, they started mutilating the bodies—they cut them [with long knives]. Most who were killed were men, and also children—[older] boys... I was screaming, screaming, screaming."*⁴⁴⁰ She said the screaming led several soldiers to push the women still in the courtyard into a house, closing the door as the killing continued.⁴⁴¹

⁴³¹ Amnesty International interview, Thaingskhali Refugee Camp, 26 January 2018.

⁴³² Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴³³ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴³⁴ Amnesty International interview, Thaingskhali Refugee Camp, 22 January 2018. "Kalar" translates as "dark skinned," and is a highly offensive epithet used predominantly against the Rohingya. Mohamedul Hassan had a visible scar by his eye, where he claimed he was kicked with a boot. Amnesty International took photographs of all of his scars; the photographs are on file with the organization.

⁴³⁵ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴³⁶ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴³⁷ Amnesty International interview, Thaingskhali Refugee Camp, 26 January 2018.

⁴³⁸ Amnesty International interviews, Bangladesh refugee camps, January 2018. The Associated Press reported similarly, though Amnesty International cannot determine if the account is based on the same, or independent, witness statements.

⁴³⁹ Amnesty International interview, Thaingskhali Refugee Camp, 26 January 2018.

⁴⁴⁰ Amnesty International interview, Thaingskhali Refugee Camp, 25 January 2018.

⁴⁴¹ Amnesty International interview, Thaingskhali Refugee Camp, 25 January 2018.

M.A., a boy of around 12 years, looked young enough for the soldiers to let him stay with the women, but two of his brothers were killed—one who was 16 or 17 years old, the other around 14 or 15 years old. M.A. told Amnesty International that he watched as his brothers were taken out to the courtyard, then heard the sound of guns firing and never saw them again.⁴⁴² His mother, Amina Begum, who was still in Mohamed Karim's house at the time, separated from her sons, told Amnesty International:

"My son became crazy after what happened. He was crying, 'They killed my brothers.' He would often scream and cry. He didn't want to come to Bangladesh here.

*Even here, he doesn't like to leave the house for long. He doesn't like to go to the ration collection, because [Border Guards Bangladesh officers] are there in military-style uniforms."*⁴⁴³

Mohamedul Hassan, whom soldiers had brought to the courtyard after finding him in Mohamed Karim's house, said that he watched as some Rohingya men and boys were moved in small groups at gunpoint, then extrajudicially executed in an area of vegetation off the courtyard. With his hands still tied behind his back, soldiers forced him and his two male relatives to walk, then squat down in a line. *"Six soldiers took us away. They lined us up next to each other, then three of them opened fire,"* he recalled. *"We were squatting there, and they were standing behind us... Two bullets hit me in the shoulder. I fell over and played dead."*⁴⁴⁴

Mohamedul Hassan said that a soldier saw him show signs of life, and fired a shot that went through his back and chest, leaving a 15-centimetre chest scar six months later. The soldiers then left, believing him dead; he crawled back home, where some of the women remained, as well as a brother who had hid in the storage area on the second floor. The brother, who was interviewed separately and asked not to be named, recalled, *"As soon as the door opened, he said our brothers had been killed, and that he was also going to die. He was very weak. He spoke very softly, very slowly. He had a gunshot wound here [in the chest]."*⁴⁴⁵

The next morning, Mohamedul Hassan was transported across the canal to Dar Paing Sa Yar, then carried for several days to Bangladesh, where he finally received medical treatment. Amnesty International showed photographs of Mohamedul Hassan's scars to a forensic medical expert. The expert could not definitively say the scars were caused in the way described, but said they were consistent with gunshot wounds that healed without proper, immediate treatment, and that the presentation was consistent with the testimony.⁴⁴⁶

After carrying out the massacre, soldiers brought some bodies down from the courtyard—by hand and by pushcart—to two military trucks parked by the road, according to four witnesses interviewed by Amnesty International. The bodies were wrapped in blankets or tarps and thrown into the trucks, which went toward the Army base after they were full. Two witnesses also described Myanmar soldiers burying a few bodies in shallow pits they had dug in a nearby field.⁴⁴⁷

Amnesty International was shown a list compiled in the Bangladesh refugee camps by Rohingya leaders from Chin Tha Mar village tract—likely the same list reported previously by the Associated Press—that identified by name and biographical data 82 Rohingya allegedly killed in Maung Nu on 27 August, overwhelmingly men and boys from Maung Nu and Hpaung Taw Pyin villages.⁴⁴⁸ Rohingya activists suggest the death toll was even higher.⁴⁴⁹ While Amnesty International cannot confirm the entire list's accuracy, it includes the name of each victim that Amnesty International documented through consistent, corroborating witness accounts.

The principal unit involved in the Maung Nu massacre was Light Infantry Battalion (LIB) No. 564, which operated under the command of MOC 15 of Western Command (see Chapter 10, for discussion of the military's command structure). Human Rights Watch, the Associated Press, and PBS Frontline have each come to the same conclusion.⁴⁵⁰ LIB 564 has a large base in Chin Tha Mar village tract, located around a kilometre to the southeast of Maung Nu. Witnesses saw military vehicles coming from the direction of the base in the morning of 27 August, and returning in that direction with bodies after the massacre. Some of the 564th's soldiers had for years been based there and had interacted with the Rohingya community in

⁴⁴² Amnesty International interview, Thaingkhali Refugee Camp, 22 January 2018.

⁴⁴³ Amnesty International interview, Thaingkhali Refugee Camp, 26 January 2018.

⁴⁴⁴ Amnesty International interview, Thaingkhali Refugee Camp, 22 January 2018.

⁴⁴⁵ Amnesty International interview, Thaingkhali Refugee Camp, 26 January 2018.

⁴⁴⁶ Amnesty International correspondence with a forensic medical expert, March 2018.

⁴⁴⁷ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

⁴⁴⁸ Photographed list on file with Amnesty International, January 2018.

⁴⁴⁹ Amnesty International interviews, Bangladesh refugee camps, January 2018; and correspondence, February and March 2018.

⁴⁵⁰ Human Rights Watch, "Burma: Military Massacres Dozens in Rohingya Village," 4 October 2017; Associated Press, "Rohingya Survivors: Myanmar's Army Slaughtered Men, Children," 21 December 2017; and PBS *Frontline*, "Myanmar's Killing Fields," 8 May 2018.

surrounding villages. As a result, some specific soldiers were well known to Rohingya residents and recognized during the massacre, adding further confirmation that the unit was principally responsible.⁴⁵¹

Almost every witness interviewed by Amnesty International identified by name as a key perpetrator Staff Sergeant Ba Kyaw, a soldier in LIB 564.⁴⁵² He has been based there for more than a decade, speaks the Rohingya dialect fluently, often went into Rohingya villages to interact with community leaders, and even had a child taught at school by a Rohingya man who was killed during the massacre. Ba Kyaw was well known to Rohingya living in the area, and therefore easy for people to identify. Witnesses consistently said they saw him arrest and shepherd people to the houses where the massacre occurred; force men out into the courtyard for execution; and then carry out some of the murders.⁴⁵³

Amnesty International has also been able to confirm the participation in the massacre of four other soldiers from LIB 564, based on at least four consistent witness accounts identifying each person and further corroboration from other sources. Major Thant Zaw Win⁴⁵⁴ was described as the highest-ranking officer present at the site of the massacre; prior to the executions, he was seen speaking on a phone in the courtyard, then was heard giving an order to begin.⁴⁵⁵ Amnesty International has confirmed with additional sources his rank and role in the massacre, including that he was the highest-ranking officer present.⁴⁵⁶

The military has not given any public indication of having undertaken an investigation into the atrocities in Maung Nu, despite consistent reporting about what happened there; in the investigations made public to date or referenced by Senior General Min Aung Hlaing, there has been no mention of Maung Nu.⁴⁵⁷

MIN GYI, MAUNGDAW TOWNSHIP

In our October 2017 report on the crisis, Amnesty International provided details about what appears to be the single largest massacre of the post-25 August period, perpetrated on 30 August in the village of Min Gyi, referred to as Tula Toli by the Rohingya population.⁴⁵⁸ Min Gyi is the most thoroughly documented atrocity of the crisis, with in-depth reporting by, among others, Human Rights Watch,⁴⁵⁹ *The Guardian*,⁴⁶⁰ the BBC,⁴⁶¹ CNN,⁴⁶² Al-Jazeera,⁴⁶³ the *New York Times*,⁴⁶⁴ and *Frontier Myanmar*.⁴⁶⁵ *The Guardian* broke the story on 7 September 2017, and each successive publication provided further corroboration and details, including on the scale and execution-style nature of the killings; on the systematic rape of women and girls (see Chapter 5); and, based on an analysis of satellite imagery, on the deliberate, targeted burning of the village.

Since our October 2017 report, Amnesty International has obtained additional information about the massacre, the context surrounding it, and the unit involved, the details of which are the focus here.

⁴⁵¹ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴⁵² Several previous publications, including by Human Rights Watch and the Associated Press, have identified him as “Baju.” One of the Bangladeshi translators with which Amnesty International worked likewise originally spelled the name as “Baju”; the “ky” sound in Burmese was a challenge for translators to anglicize. During extensive interviews with Rohingya village leaders fluent in Burmese who had interacted regularly with the 564 LIB Staff Sergeant in question, the overwhelming consensus was the spelling Ba Kyaw. For his rank, most witnesses described “three lines” or “three arrows,” consistent with the rank of Sergeant, but several who had interacted with him just prior to the 25 August events said he had “three arrows and a star,” which would be a Staff Sergeant.

⁴⁵³ Amnesty International interviews, Bangladesh refugee camps, January 2018.

⁴⁵⁴ Several Rohingya community leaders were summoned to a meeting in the month before the 25 August attacks, during which Thant Zaw Win accused them of organizing weapons for ARSA. Amnesty International interviews, Bangladesh refugee camps, January 2018. Based on that meeting and similar interactions with him in the past, he was well known to community leaders. Each witness independently described the insignia signifying his rank as a “moon and a star,” which is consistent with the rank of Major within the Myanmar Army. There was a discrepancy in spelling or transliteration between “Thant” and “Than” for his first name. From its sources, Amnesty International believes Thant is the correct spelling, but cannot rule out that it is “Than”. It was clear that everyone was referring to the same person.

⁴⁵⁵ Amnesty International interviews, Bangladesh refugee camps, January 2018; and correspondence, June 2018.

⁴⁵⁶ Amnesty International interview, May 2018; and correspondence with three sources, June 2018.

⁴⁵⁷ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Innndin Village cemetery in Maungdaw Township*, 10 January 2018; CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018; CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

⁴⁵⁸ Amnesty International, *“My World Is Finished”*, pp. 21-25.

⁴⁵⁹ Human Rights Watch, *Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli*, 19 December 2017.

⁴⁶⁰ Oliver Holmes, “Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack,” *The Guardian*, 7 September 2017.

⁴⁶¹ BBC, *Newsnight*, “Rohingya crisis: The Tula Toli massacre,” 14 November 2017.

⁴⁶² CNN, “Accounts of rape, burning children and murder: How a Rohingya massacre unfolded at Tula Toli,” 3 December 2017.

⁴⁶³ Annette Ekin, “Rohingya refugees share stories of sexual violence,” Al-Jazeera, 29 September 2017.

⁴⁶⁴ Jeffrey Gettleman, “Rohingya Recount Atrocities: ‘They Threw My Baby Into a Fire’,” *New York Times*, 11 October 2017.

⁴⁶⁵ Oliver Slow, “The destruction of Tula Toli,” *Frontier Myanmar*, 30 November 2017.

Myanmar authorities allege there was a flurry of ARSA activity in the area between 25 and 29 August, some of which Amnesty International has confirmed. First, Myanmar authorities allege that ARSA attacked a BGP post in Net Chaung, a village north of Min Gyi, at 3:35 a.m. on 25 August; they allege that later that day an ARSA-laid IED injured a Myanmar soldier on patrol near Wet Kyein, a mixed-ethnicity village tract across the river from Min Gyi.⁴⁶⁶ The authorities allege that the next day, ARSA destroyed a deserted police post in Wet Kyein.⁴⁶⁷ Several ethnic Mro men who live in villages nearby told Amnesty International that they saw smoke rising from a burned police post on 26 August, though said it was in Net Chaung village tract.⁴⁶⁸

ARSA's attacks in the area escalated further on 28 August, when fighters killed six ethnic Mro and burned the village of Khu Daing in Pa Da Kar Ywar Thit village tract, located several miles northeast of Min Gyi (see Chapter 3 for more detail on the attack on Khu Daing).⁴⁶⁹ Myanmar authorities also allege that ARSA blew up at least one bridge in the area, near Wet Kyein.⁴⁷⁰

Myanmar civilian and military authorities claim that, following the ARSA attacks in the area on 28 August, some ARSA fighters passed through Wet Kyein to the mountains, while other fighters went to or through Min Gyi.⁴⁷¹ The military's massacre, rape, and burning there on 30 August fits a pattern of punishing entire villages perceived to have provided support to ARSA.

As Amnesty International reported in October 2017, scores of Myanmar soldiers arrived on foot in Min Gyi in the morning of 30 August, a day or two after burning the Rohingya area of Pa Da Kar Ywar Thit village tract. Some Rohingya families from there had fled to Min Gyi, swelling the already sizeable village of more than 4,000 Rohingya men, women, and children, according to community leaders.⁴⁷²

The geography of Min Gyi played a critical role in the massacre's scale. When Myanmar soldiers entered Min Gyi, many Rohingya residents fled to the banks of the Purma River, believing they could stay out of harm's way while soldiers burned the village and then return to rebuild their lives.⁴⁷³ Instead, the soldiers pursued them. Rohingya from dozens of villages described to Amnesty International how they fled to surrounding hills as soldiers rampaged through their village, but there was no such escape route for many families in Min Gyi. Particularly in the eastern part of the village, Rohingya homes are located on a peninsula, three sides of which are bounded by a river and, to the southwest, the ethnic Rakhine hamlet, which is at a higher elevation. The result was the Rohingya population was massed in an area where their only real means of escape was to jump into the river. Many could not swim, so they took their chances on the shore.⁴⁷⁴

At the riverbank, the soldiers encircled the hundreds of Rohingya men, women, and children who had assembled there. C.B., a 15-year-old girl, told Amnesty International that under the soldiers' instruction, everyone was forced to crouch down, facing forward. She said the soldiers then took her, together with many other women and young children, to a nearby ditch where the water went up to her knees.⁴⁷⁵ Every other Rohingya interviewed similarly described the separation of men and older boys from women and younger children, and of being forced to crouch with their heads bowed forward or lie down.

Soon after separating the Rohingya, the soldiers opened fire, extrajudicially executing primarily the men and older boys, though also hitting some women and younger children. Several survivors said some people were also killed with knives used to slash victims across the throat.⁴⁷⁶

⁴⁶⁶ State Counsellor Office, *Breaking News 2*, 25 August 2017, www.statecounsellor.gov.mm/en/node/971; Myanmar International Television, "Maungdaw Under Attack: Police Outposts Are Being Attacked by Radical Terrorists," 25 August 2017, www.myanmarinternationaltv.com/news/maungdaw-under-attack-police-outposts-are-being-attacked-radical-terrorists. Wet Kyein is primarily a Rohingya village tract, but there is a Mro village in the mountainous area.

⁴⁶⁷ State Counsellor Office, *Breaking News 8*, 26 August 2017.

⁴⁶⁸ Amnesty International interviews, Sittwe, Myanmar, 25-26 April 2017.

⁴⁶⁹ Pa Da Kar Ywar Thit is a mixed-ethnicity village tract, with the Rohingya village located in the flatter, lowland area, down by the river, and the ethnic Mro area more than a kilometre to the east, in the mountainous area. The Rohingya population refers to its village as Dual Toli.

⁴⁷⁰ *The Global New Light of Myanmar*, "Bridges destroyed by ARSA terrorists repaired," 8 September 2017, www.burmalibrary.org/docs23/NLM-2017-09-08-NRS.pdf.

⁴⁷¹ CINCDs Facebook Post, *Extremist Bengali terrorists still commit terrorist acts in Maungdaw region*, 28 August 2017, www.facebook.com/Cincds/posts/1439927706128090; State Counsellor Office, *Breaking News 12*, 29 August 2017, www.statecounsellor.gov.mm/en/node/978. The authorities refer to ARSA going to the village of "Mingyimyauk," which Amnesty International believes to be "Min Gyi," the only village with a comparable name in that area.

⁴⁷² Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

⁴⁷³ As reported previously, five Rohingya from Min Gyi told Amnesty International that, around 27 or 28 August, the local Village Administrator, who is an ethnic Rakhine, came to the Rohingya part of the village, called everyone together, and told them not to leave for Bangladesh. The Village Administrator reportedly said that, if soldiers came, the Rohingya population should go down to the river, where they would be safe. Amnesty International interviews, Bangladesh refugee camps, September 2017.

⁴⁷⁴ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

⁴⁷⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017. For survivors of sexual violence, Amnesty International has throughout this report used initials that do not reflect the survivors' real names or initials.

⁴⁷⁶ Amnesty International interviews, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017; in Balukhali Refugee Camp, Bangladesh, 23 September 2017.



Satellite imagery shows the geography of Min Gyi village. The Rohingya area of the village is surrounded by the Purma River on the north, east, and south. The ethnic Rakhine area of the village is situated to the west of the southern part of where the Rohingya live. Approximately 385 structures in the Rohingya area appear razed.

O.B., 20, was one of the women held separately. She told Amnesty International, “I saw when they shot the men. I heard the gunshots. We saw the people dying. They were shooting for a long time.”⁴⁷⁷ S.K., 30, said likewise, “The men were shot dead. They separated us and targeted the men and shot them. Some women and children were also shot.”⁴⁷⁸

Each of the 16 people Amnesty International interviewed from the Rohingya area of Min Gyi said they had family members who were killed. Several survivors each named more than five murdered relatives. Although the extrajudicial executions at the riverbank primarily targeted men and older boys, women and young children were also killed, including later in the day when soldiers took groups of women and their young children to houses. There, soldiers raped and committed other acts of sexual violence against women and girls, before setting the houses on fire, with the women and children still inside (see Chapter 5).

Nazmul Islam, a retired Myanmar soldier who moved to Min Gyi in the 1980s and was a village administrator in the 1980s and 1990s before converting to Islam and marrying a Rohingya woman in the village, told Amnesty International that several days before the attack, he was arrested and taken to the ethnic Rakhine part of the village. He said that when the attack occurred, he could look out the window of where he was being detained and see the killings, burning, and women being brought to houses. He also said he saw a military helicopter land and offload supplies in the ethnic Rakhine area in the early afternoon, after the massacre had occurred by the river. He said that soldiers and ethnic Rakhine vigilantes then went down to the river and started to burn bodies.⁴⁷⁹ Nazmul Islam said that, later in the afternoon, he overheard soldiers and some ethnic Rakhine villagers celebrating and saying slurs about the Rohingya. The day after the massacre, he said he saw local ethnic Rakhine villagers steal cows, bicycles, motorbikes, and other property that had not been burned.⁴⁸⁰ He gave a similar account to *The Guardian*.⁴⁸¹

⁴⁷⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁴⁷⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁴⁷⁹ Amnesty International telephone interview, Bangladesh refugee camp, 23 April 2018.

⁴⁸⁰ Amnesty International telephone interview, Bangladesh refugee camp, 23 April 2018. He was held for around a month, during which time he said people tried to get him to renounce Islam and convert back to Buddhism. At a moment when the BGP and authorities in the area were distracted during a local celebration, he escaped and eventually made his way to Bangladesh.

⁴⁸¹ Poppy McPherson, “Witness to a massacre: the former Myanmar soldier who saw his village burn,” *The Guardian*, 5 February 2018.

In January 2018, a Rohingya village leader showed Amnesty International a notebook that included the names and biographical data of 410 Rohingya from Min Gyi whom he said had been killed. The list, compiled in Bangladesh, was based on survivors reporting their deceased family members.⁴⁸² Amnesty International was not able to confirm the death toll or determine the credibility of the methodology by which it was compiled, but many individual deaths that the organization documented through consistent witness accounts appear on the list. Amnesty International is confident, based on its additional investigations since October 2017, that the Rohingya death toll in Min Gyi is well over 200.

The main perpetrators of the Min Gyi atrocities were soldiers from the 99th Light Infantry Division (LID), a unit discussed in more detail in Chapter 10, on the military's command structure. Nazmul Islam, the retired Myanmar soldier who lived in Min Gyi, said that when he was detained prior to the 30 August massacre, several soldiers from the 99th LID came and questioned him. He told Amnesty International, *"One soldier from the 99th [LID] asked me [about my wife]—someone must have told him I married a Rohingya woman. Suddenly the guy punched me and I was bleeding, and he walked away."*⁴⁸³ He explained that, as a former soldier he is intimately familiar with Myanmar Army units and that he saw a patch on the soldiers' uniform with "99" in Burmese numerals." He estimated that between 80 and 100 soldiers from the 99th LID were present on the day of the massacre, joined by local ethnic Rakhine villagers. After the killings, they stayed for a few more days, sleeping in the Min Gyi school and across the river in Wet Kyein.⁴⁸⁴

A Rohingya villager in Min Gyi who is fluent in Burmese and had direct interactions with soldiers around this period also said he saw the patch of the 99th LID.⁴⁸⁵ Seven people from other ethnic minorities who live in village tracts near Min Gyi told Amnesty International that they interacted with soldiers from the 99th LID at that time, including several who had fled their homes because of ARSA attacks and were later brought by 99th LID soldiers to the ethnic Rakhine area of Min Gyi.⁴⁸⁶ Some Rohingya witnesses in Min Gyi described the patch of Western Command, the regional command for Rakhine State.⁴⁸⁷ While there may have been Western Command soldiers involved as well, Amnesty International believes a unit from the 99th LID played the lead role. *The Guardian* has similarly reported that the main perpetrators were soldiers from a *"division unit... deployed to combat ARSA,"* linking to an article on the deployment of the 99th and 33rd LIDs.⁴⁸⁸

The 99th LID has its headquarters in Meiktila, in central Myanmar. For much of 2016 and 2017, its battalions were deployed to northern Shan State, where it played a leading combat role in the ongoing internal armed conflict with ethnic armed groups there. Amnesty International documented war crimes committed by soldiers in the 99th LID during that period, including arbitrary arrest, torture, and extrajudicial executions, many of which took the form of punishing civilians from ethnic minorities collectively, though on a significantly smaller scale than in Min Gyi.⁴⁸⁹ In August 2017, some of the 99th LID battalions were moved to northern Rakhine State as part of the military's response to ARSA activity.⁴⁹⁰ The overall commander of the 99th LID at the time of the operations was Brigadier General Than Oo. Amnesty International has not been able to determine the name of the commander in charge of the unit in Min Gyi.

The military has not given any public indication of having undertaken an investigation into the atrocities in Min Gyi, despite consistent reporting about what happened there; in the military investigations made public to date or referenced by Senior General Min Aung Hlaing, there has been no mention of Min Gyi.⁴⁹¹

⁴⁸² An Amnesty International delegate photographed the entire list on 28 January 2018. The list is on file with the organization.

⁴⁸³ Amnesty International telephone interview, Bangladesh refugee camp, 23 April 2018.

⁴⁸⁴ Amnesty International telephone interview, Bangladesh refugee camp, 23 April 2018.

⁴⁸⁵ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 28 January 2018. In addition, several Rohingya survivors referenced the recent arrival of new soldiers, though were not able to specifically identify the 99th LID. Identifying soldiers from the 33rd or 99th LIDs was a challenge for almost all but those belonging to the most educated segments of the Rohingya population in northern Rakhine State. Those units had not operated in the region in recent history, so people were not familiar with the patch that their soldiers wear. And the patch, which is of "33" and "99" in Burmese numerals, respectively, would have been difficult to comprehend and memorize for those illiterate in Burmese, which, given the pervasive discrimination in access to education, applies to the majority of the Rohingya population.

⁴⁸⁶ Amnesty International interviews and telephone interviews, dates and locations withheld to protect their security.

⁴⁸⁷ As the military command based in Rakhine State, the Western Command patch is one the Rohingya population has seen for years. Not surprisingly, in contrast to the patches for the 33rd and 99th LIDs, almost every member of the Rohingya population could describe, pick out, and even draw the Western Command patch. Indeed, that patch has been so ubiquitous to them for so long, that several Rohingya interviewees in January 2018 expressed a belief that all Myanmar soldiers wore that patch.

⁴⁸⁸ Poppy McPherson, "Witness to a massacre: the former Myanmar soldier who saw his village burn," *The Guardian*, 5 February 2018.

⁴⁸⁹ For more on the conflicts in northern Myanmar and the role of the 99th LID, see Amnesty International, *"All the Civilians Suffer"*.

⁴⁹⁰ Anthony Davis, "Myanmar Army steps up troop deployment in Rakhine State," *IHS Jane's Defence Weekly*, 21 September 2017 (reporting the movement of eight battalions from the 99th LID). Amnesty International received confirmation of the 99th LID's deployment to northern Rakhine State from several other credible sources, though was not able to determine exactly how many battalions were moved.

⁴⁹¹ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Innadin Village cemetery in Maungdaw Township*, 10 January 2018; CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018; CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

4.2 OTHER UNLAWFUL KILLINGS

In other villages, Myanmar security forces unlawfully killed Rohingya men, women, and children, committing the crime against humanity of “murder,” but not on the scale or in the manner of the massacres described above. Typically in these incidents, Myanmar soldiers, working with BGP and local vigilantes, entered villages from one or two directions, shot at people as they fled, and then systematically burned the village, at times with people still inside their homes. Whereas the massacres overwhelmingly combined summary executions of men and older boys with rape and other sexual violence against women and girls, soldiers were less discriminating on the basis of gender and age when carrying out this type of attack. Many of the deaths documented by Amnesty International in these villages were of people who could not run as quickly, including the elderly and persons with disabilities.

A key difference between the massacres and these other incidents was the existence of escape routes, partially due to soldiers coming from one or two directions, rather than fully surrounding a village; and partially due to geography. Almost every survivor interviewed by Amnesty International from one of these villages fled to surrounding hills or mountains, where they often hid for days before seeking refuge in Bangladesh once the security forces moved on to attack another village.

This section focuses on four such incidents documented in detail by Amnesty International, based on interviews with at least 14 Rohingya from each village, as well as an analysis of satellite imagery and of authenticated photographic and video evidence. Rohingya witnesses from several dozen more villages across northern Rakhine State described to Amnesty International similar attacks on their villages during which soldiers and BGP fired upon and killed or seriously injured people as they fled and then burned homes, mosques, and markets. Further investigation is needed to determine the total number of villages attacked in this way. Amnesty International’s investigations, particularly when combined with the reporting of other human rights organizations and of media outlets, strongly suggest a common pattern of attack, carried out by different military units across a large geographic area.

CHEIN KAR LI AND KOE TAN KAU, RATHEDAUNG TOWNSHIP

Over a span of four days, the Myanmar military and BGP, working with local vigilantes, attacked the Rohingya villages of Chein Kar Li and Koe Tan Kau, part of the same village tract in Rathedaung Township, as well as a Rohingya internally displaced person (IDP) camp nearby. Amnesty International interviewed a total of 16 Rohingya from the two villages, primarily in September 2017, with follow-up interviews in January 2018. At least several dozen Rohingya were killed in each village. The attacks followed a similar pattern of soldiers partially surrounding the village, opening fire as people fled, and, with the help of vigilantes, burning the villages as some people remained inside their homes. The killings illustrate how, during this type of security force attack, many of the Rohingya who were killed or seriously injured had been unable to run to surrounding hills for safety, such as the elderly and persons with disabilities. Amnesty International reported on these incidents in detail in its October 2017 report, and thus only a brief summary is provided here with new information.⁴⁹²

According to the Myanmar authorities, early in the morning of 25 August 2017, ARSA attacked the Border Guard Police station in Koe Tan Kau. The military reinforced the position and in the subsequent fighting allegedly killed six attackers.⁴⁹³ Koe Tan Kau was one of three BGP posts attacked by ARSA on 9 October 2016, reportedly resulting in the death of one police officer.⁴⁹⁴

An ethnic Rakhine leader from Koe Tan Kau told Amnesty International that the BGP base there and the BGP post in Chein Kar Li were both attacked early in the morning of 25 August. He said that the ethnic Rakhine population in Koe Tan Kau fled to a local monastery.⁴⁹⁵ Tin Than Soe, who lives in the ethnic Rakhine area of Chein Kar Li and is the Village Administrator for the village tract, said that he heard gunshots

⁴⁹² Amnesty International, *“My World Is Finished”*, pp. 10-13, 20.

⁴⁹³ State Counsellor Office, *Breaking News 2*, 25 August 2017. The police post in Koe Tan Kau is the main BGP camp for western Rathedaung Township, in turn overseeing several smaller BGP posts, including in Chein Kar Li.

⁴⁹⁴ Amnesty International interviews with two ethnic Rakhine villagers from the area, Sittwe, Myanmar, 26 April 2018. See also, for example, Moe Myint “Muslim Militants Stage Major Attack in Rakhine,” *The Irrawaddy*, 25 August 2017; Marn Yu Kyaw, “Bengali man sentenced to death for violent attack against border guard police headquarters,” *Narinjara*, 13 February 2017, narinjara.com/bengali-man-sentenced-to-death-for-violent-attack-against-border-guard-police-headquarters/. A month later, in November 2016, police raided Koe Tan Kau, beating people while carrying out mass arrests; video footage of the beatings surfaced in January 2017, leading to four police officers being investigated and detained, in a rare acknowledgment that some wrongdoing had occurred. Carole Oudot & Matthieu Baudey, “Policemen arrested for beating Rohingyas, filming it,” *Asia Times*, 9 January 2017.

⁴⁹⁵ Amnesty International interview, date and location withheld to protect his security.

around 4:15 a.m. coming from near the BGP post by where he lives. He said that he and other ethnic Rakhine men went around an hour later to the post, where he saw several bodies of Muslim men he recognized as being from Chein Kar Li, dressed in black. He said that soon after, the ARSA attackers seemed to be reassembling and coming back toward the BGP post. He called the Maungdaw Township Administrator to ask for military reinforcements, who arrived not long after, leading to a brief clash and then, as the fighters fled, a pursuit.⁴⁹⁶

That account largely tracks with the timeline described by Rohingya from Chein Kar Li village, who told Amnesty International that scores of Myanmar soldiers descended on the village not long after sunrise. It is conceivable that soldiers pursued attackers there, but in the ensuing hours they appear to have made no effort to distinguish between those involved in the attack and the wider Rohingya population in Chein Kar Li.

One witness, Foyzullah, age 37, told Amnesty International: “[The soldiers] entered—they stepped into the village—and they opened fire... Seeing them, I went back into my house, took all of my family, and we fled towards the nearby hill. Many people were running to the hill. Soldiers were coming from a different direction, and we came across them. They opened fire.”⁴⁹⁷ He saw bullets hit women in his family who were around 25 and 70 years old. Later that night, after the killing and burning had stopped and soldiers left, he and his brother came down from the hill and buried the two women in a courtyard.⁴⁹⁸

Mohamed Zubair, 26, shared a house with his elderly grandmother, Toyeba Khatun. When the military opened fire, he recalled, “I spoke with her. I asked her to follow us to the hill. She said, ‘I’m old, they won’t do anything to me. Go.’ I wanted to carry her, but she didn’t agree.”⁴⁹⁹ After making it to the hill, he watched as soldiers torched the village, including the house where his grandmother had remained. When the military left late in the afternoon, he went back down. “She was dead,” he said. “Her body was burnt very seriously. The house was burned. The small tree [in the courtyard] was burnt. Everything.”⁵⁰⁰

Amnesty International received a credible report from an independent source that indicated at least 29 Rohingya were killed in Chein Kar Li.⁵⁰¹ Fire data from remote satellite sensing, reviewed and analysed by Amnesty International, detected a large fire in the village on 25 August, corroborating witness accounts of burning that day.⁵⁰² Satellite imagery analysed by Amnesty International shows the complete burning of the village. The UN Operational Satellite Applications Programme (UNOSAT) reported, based on its own analysis of satellite imagery, that it had identified more than 650 destroyed structures in the village.⁵⁰³

Many Rohingya from Chein Kar Li remained hidden on the nearby hill through the night of 25 August before going to the neighbouring village of Koe Tan Kauk on 26 and 27 August. Then, during the morning of 28 August, a Myanmar civil servant traveling near Koe Tan Kauk by motorbike was injured when the bike set off an IED he later alleged was planted by ARSA, according to his account in Myanmar state media.⁵⁰⁴ This event may have precipitated the military’s attack on Koe Tan Kauk, which most witnesses described as occurring on 28 August.⁵⁰⁵ That timeline is supported by fire data from remote sensing, which detected one or more large fires in the area of Koe Tan Kauk on that day. As in Chein Kar Li, soldiers, BGP, and vigilantes surrounded the village, opened fire as people fled, and then burned the village.

A 28-year-old Rohingya man from Koe Tan Kauk, who asked not to be identified, said he was at home when he heard shooting and saw security forces coming from the direction of the BGP post. He ran out of his house with his uncle, joining a group of people fleeing toward the nearby hill:

“[My uncle and I] got separated. I could run faster, he fell behind. I saw him get shot, it was here [in the lower back]. He arrived very close to the hill... I went on straight to the hill. When the

⁴⁹⁶ Amnesty International telephone interview, Myanmar, 30 April 2018.

⁴⁹⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

⁴⁹⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

⁴⁹⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁵⁰⁰ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁵⁰¹ The source has in-depth knowledge of Koe Tan Kauk village tract, including Chein Kar Li village. The information was provided on condition of anonymity, in order to protect the source’s security, so Amnesty International cannot divulge further information here.

⁵⁰² Amnesty International also received video footage of houses burning, reportedly in Chein Kar Li, and was able, through geolocation, to independently determine that the footage was indeed filmed in Chein Kar Li.

⁵⁰³ UNOSAT, “Damage assessment in the Chein Khar Li (Ku Lar) village, Rakhine state, Myanmar,” 5 September 2017, reliefweb.int/sites/reliefweb.int/files/resources/UNOSAT_A3_KoeTan_damage_assessment_31August2017_Portrait2.pdf.

⁵⁰⁴ *The Global New Light of Myanmar*, “Seriously injured patients in ARSA extremist terrorists’ attacks transferred to Sittway General Hospital,” 30 August 2017.

⁵⁰⁵ Some witnesses said 27 August, or were uncertain in saying the attack occurred several days before Eid al-Adha, on 2 September; and several days after they had seen fire and smoke from Chein Kar Li.

soldiers left, I went to the spot. I was able to pick him up. We did the funeral prayer [for him]. Close to the hill, there's a small hamlet. We buried him there."⁵⁰⁶

Other people were burned inside homes. Amnesty International interviewed several witnesses to the death of a woman with physical and developmental disabilities. Her father, Sona Mia, 77, said they were at home when the soldiers entered the village, opening fire. The daughter could not walk well and struggled to speak. One of Sona Mia's sons put her on his shoulders, and the family slowly made its way toward the nearby hill. As they heard gunfire get closer and closer, they decided they had to leave the daughter in a house. *"We didn't think we'd be able to make it,"* Sona Mia recalled. *"I told her to sit there, we'd come back... After arriving on the hill, we spotted the house where we left her. It was a bit away, but we could see. The soldiers were burning [houses], and eventually we saw that house, it was burned too."*⁵⁰⁷

After the military left in the late afternoon, Sona Mia's sons went down and found the daughter's burnt body among the torched house. They dug a grave at the edge of the courtyard and buried her there.⁵⁰⁸

The same, independent source cited above for the Chein Kar Li death toll indicated that at least 37 Rohingya men, women, and children were killed in Koe Tan Kauk by gunshot or by being burned in a house.

Amnesty International believes that these attacks were perpetrated by a combination of units, at least one falling under Western Command and another that was part of the 33rd LID. Rohingya witnesses consistently described seeing the Western Command patch on the soldiers' uniforms. Several people said a small Western Command contingent was often based out of a camp to the south of the village. They said that additional soldiers arrived around the time of 25 August. An ethnic Rakhine man from the area said that around 100 new soldiers from the 33rd LID arrived on 25 August in the hours after the ARSA attack. He said that, in subsequent days, around half of them slept in the monastery where ethnic Rakhine villagers took refuge and around half of the soldiers stayed in a BGP post. *"We cooked together, we ate together,"* the man told Amnesty International. *"There was a badge here [on their arm]. '33' was written in Burmese."*⁵⁰⁹

The ethnic Rakhine man said soldiers from the 33rd LID organized and led the burning of the Rohingya villages and IDP camp in Koe Tan Kauk village tract. He said that soldiers assembled around 20 ethnic Rakhine men from the village. *"Then they went and burned it down,"* he said. *"It took one or two days."*⁵¹⁰

The military has not given any public indication of having undertaken an investigation into the crimes committed in Koe Tan Kauk village tract, despite consistent reporting about what happened there; in the military investigations made public to date, or referenced by Senior General Min Aung Hlaing, there has been no mention of Koe Tan Kauk or Chein Kar Li villages.⁵¹¹

Agence France Presse (AFP) reported in March 2018 that Koe Tan Kauk is one of several village tracts where there are new, privately funded efforts by the ethnic Rakhine community, at least tacitly accepted by state authorities, to settle ethnic Rakhine families from other areas of the state. The stated aim is to change the demography of the area, creating a Muslim-free zone of Rakhine villages (for more, see Chapter 8).⁵¹²

GU DAR PYIN, BUTHIDAUNG TOWNSHIP

On 27-28 August, the Myanmar military attacked and burned the vast majority of Gu Dar Pyin village. At least dozens of Rohingya, including children, were killed while trying to flee; others were last seen captured by soldiers and remain forcibly disappeared. Five shallow "mass graves" were discovered in subsequent

⁵⁰⁶ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 January 2018.

⁵⁰⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017. In January 2018, Amnesty International interviewed Nurul Amin, 38, who also saw the burnt body of Sona Mia's daughter, when he went to the village the evening after the attack, looking for his sister. His sister, Rashida, 45, was also burned inside a home, though she was alive when Nurul Amin found her. With help, he brought her to the hill, where she soon died. Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 January 2018.

⁵⁰⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁵⁰⁹ Amnesty International interview, date and location withheld to protect his security.

⁵¹⁰ Amnesty International interview, date and location withheld to protect his security.

⁵¹¹ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Innidin Village cemetery in Maungdaw Township*, 10 January 2018; CINCDs Facebook Post, "News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar," 6 March 2018; CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

⁵¹² Agence France-Presse, "Myanmar's ethnic Rakhine seek Muslim-free 'buffer zone'," 17 March 2018.

days, some of which residents filmed in timestamped videos.⁵¹³ As detailed in Chapter 5, soldiers also raped women from Gu Dar Pyin, after capturing them as they fled during the first night of violence.

Gu Dar Pyin village is one of five villages in a mixed-ethnicity village tract of the same name, situated around 10 kilometres south of Buthidaung town. Security force posts and ethnic Rakhine villages are located to the south and west of the three Rohingya villages within the village tract. The village tract is surrounded to the north and east by canals that separate it from neighbouring village tracts.

Reliable sources with knowledge of northern Rakhine State said that armed Rohingya were active in the area of Gu Dar Pyin in the period before 25 August, though they said that they were uncertain as to whether that group was affiliated with ARSA.⁵¹⁴ In June 2017, a Rohingya village leader from Gu Da Pyin named Habi Zu was murdered.⁵¹⁵ Ingar Phru, the current Village Administrator for Gu Dar Pyin village tract, told Amnesty International that Habi Zu had been close to the authorities, including BGP in the area, and that he had heard from Rohingya in Gu Dar Pyin that that was why Habi Zu had been killed (see Chapter 3, for more on the killing of alleged Rohingya informants).⁵¹⁶

There were no attacks on security force posts in Gu Dar Pyin village tract or its immediate vicinity on 25 August, according to Ingar Phru and Maung Kin Saing, the Village Administrator for the tract from 2016 to February 2018.⁵¹⁷ Both men live in Kyauk Sar Taing, a predominantly ethnic Rakhine village within the tract, located around a kilometre west of Gu Dar Pyin. Maung Kin Saing said that, around 5 p.m. on 27 August, he received a call from a Rohingya leader from Gu Dar Pyin, who warned him that there might be an attack on Kyauk Sar Taing.⁵¹⁸ All of the village's residents—around 380 people—fled to a nearby hill.⁵¹⁹

Residents of both Gu Dar Pyin and Kyauk Sar Taing said that they heard explosions and gunfire on the night of 27 to 28 August, beginning around 1 or 2 a.m. and lasting for more than an hour.⁵²⁰ Ingar Phru and Maung Kin Saing both told Amnesty International that one of the explosions they heard seemed to come from an area between Gu Dar Pyin and a Rohingya village to the north, called Tha Yet Taung. They both said that they had spoken with Myanmar soldiers the next day, once the residents of Kyauk Sar Taing returned home from the hill, and the soldiers described a clash in that area, including near a bridge.⁵²¹

While there appears to have been fighting during the night between soldiers and armed Rohingya, as in other villages the military attacked the Rohingya population of Gu Dar Pyin more generally, both that night and during the day of 28 August. Amnesty International interviewed 22 Rohingya men and women from Gu Dar Pyin, as well as three people from neighbouring Sein Hnyin Pyar village tract who witnessed some of what happened in Gu Dar Pyin. Many Rohingya, especially women and children, fled at night when they heard gunfire.⁵²² Taslima, 30, said she lived on the south side of Gu Dar Pyin and fled at around 3 a.m., taking a dinghy across the canal to Hpoe Khaung Chaung village tract, to the east.⁵²³ Syed Hossain's family, who lived in the far north of Gu Dar Pyin, crossed the canal there into Sein Hnyin Pyar village tract.⁵²⁴ Others fled west toward the mountains, where many women were caught and raped (see Chapter 5).

However, many families stayed, hoping they would be safe inside their home. Instead, in the early afternoon of 28 August, the military returned. Rohingya witnesses consistently described seeing some soldiers come from the south, arriving on the main road that runs through the village.⁵²⁵

⁵¹³ Videos on file with Amnesty International. Amnesty International uses “graves” in inverted commas because the organization could not determine if anyone physically dug or otherwise created each of these sites. One of the sites with many bodies was a pond, for example.

⁵¹⁴ Amnesty International interview, April 2018; and correspondence, May 2018.

⁵¹⁵ Amnesty International telephone interviews, Myanmar, 30-31 May 2018. See also *The Global New Light of Myanmar*, “List of civilian murdered in Maungdaw District (2016 October to 2017 June 27),” 29 June 2017, p. 6.

⁵¹⁶ Amnesty International telephone interview, Myanmar, 31 May 2018.

⁵¹⁷ Amnesty International telephone interviews, Myanmar, 30-31 May 2018. The Myanmar authorities did not reference ARSA attacks in the vicinity of Gu Dar Pyin on 25 or 26 August.

⁵¹⁸ Amnesty International telephone interview, Myanmar, 30 May 2018.

⁵¹⁹ Amnesty International telephone interviews, Myanmar, 30-31 May 2018.

⁵²⁰ Amnesty International interviews, Balukhali Refugee Camp, January 2018; and telephone interviews, Myanmar, 30-31 May 2018.

⁵²¹ Amnesty International telephone interviews, Myanmar, 30-31 May 2018. Ingar Phru said a soldier told him that the explosion sound had been from an “bomb”—most likely an IED—that had gone off near the bridge, as soldiers were traveling by motorbike in the area. Amnesty International telephone interview, Myanmar, 31 May 2018.

⁵²² Several Rohingya men told Amnesty International that they stayed behind in order to protect the family's cattle and other valuables, as there was a history of having belongings looted when they fled. Amnesty International interviews, Balukhali Refugee Camp, January 2018.

⁵²³ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 21 January 2018.

⁵²⁴ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁵²⁵ A separate source from another ethnic community indicated that the soldiers came from Nyaung Chaung village, in southern Buthidaung Township. Amnesty International interview, date and location withheld to protect his security. That would fit the Rohingya witnesses' description of soldiers coming from the south along the road. However, Amnesty International has not been able to establish conclusively that the soldiers were indeed based in Nyaung Chaung; further investigation is needed.

Hossain Ahmed, around 45 years old, lived in the central part of Gu Dar Pyin. He said he was outside his house when he saw soldiers entering that area. He grabbed his wife and children from home and fled to the east, toward the canal that separates Gu Dar Pyin from Hpoe Khaung Chaung village tract. He described:

“When we were running away, we were being followed by the soldiers. They were shooting... My daughter [Tasmin Ara, 15] was shot, as she was running with us... I took my youngest child on my shoulders... I had [Tasmin Ara by] her hand.

We were 10 feet [from the canal], she had my hand, we were running, and she was shot. She was hit by two bullets, one in her left side, one in her left shoulder.”⁵²⁶

Another daughter, Sowakat Ara, 7 years old, was missing by the time the rest of the family had reached the Hpoe Khaung Chaung side of the canal. Hossain Ahmed said that he returned to the village to look for his daughters’ bodies about a week after the attack, as part of a group. At the edge of a rice field, on the northern side of Gu Dar Pyin, he found Tasmin Ara’s body. *“The bodies were all decomposed. We could only identify those we were familiar with,”* he recalled. *“I could see my daughter. The bodies were buried in a way that many of the faces were visible, they weren’t buried completely.”⁵²⁷*

Rahima Khatun, around 55 years old, also told Amnesty International that soldiers opened fire and started burning houses in the early afternoon of 28 August. She said they wore two types of uniforms—one leaf colour, one grey, which fits the description of the Army and BGP, respectively. She was running with her family. *“But I’m old, I could not keep up with them,”* she recalled.⁵²⁸ She used a plastic container to float to the canal’s other side; once across, she looked back and saw soldiers on the Gu Dar Pyin side seize her cousin, Kabir Ahmed, around 60 years old, and his wife Mahamuda Khatun, around 50, who went by the name “Buthy”. Rahima Khatun said she saw soldiers beat the couple, then take them away at gunpoint.⁵²⁹

Amnesty International separately interviewed the couple’s son, Jafrul Islam, around 30 years old. He said he had been running with his parents, but they did not know how to swim. He jumped into the canal and swam across, but his parents stayed behind. He described watching as soldiers first used their guns to beat his father and then struck his mother when she tried to intervene. Like Rahima Khatun, he said the soldiers marched his parents away, and he has not seen or heard from them since then.⁵³⁰

Several witnesses said that the greatest number of people were killed when fleeing in the northern part of Gu Dar Pyin, toward Tha Yet Taung village, in an area of paddy fields and ponds. Soldiers had first entered the village from the south, but witnesses said that either other soldiers came from a different direction or that some of the same soldiers moved along the road to the paddy field area in northern Gu Dar Pyin. When some Rohingya fled north, they came upon the soldiers unexpectedly and were gunned down.⁵³¹

Many Rohingya returned to Gu Dar Pyin between four and 12 days later to look for bodies and to take stock of their homes, the overwhelming majority of which were torched, as confirmed by an analysis of satellite imagery. They consistently described seeing at least five “mass graves”, three in that area just north of the main Rohingya part of Gu Dar Pyin. Many cited a particularly large number of bodies in a pond. *“There was nothing left. All the houses were burnt to the ground, the trees had gone,”* said Minara Begum, around 35 years old. *“The pond was full of bodies. The smell was awful.”⁵³²*

A 37-year-old man who asked not to be named said likewise: *“I saw two small pits, one big one. In the two small pits, we saw some dead bodies. The big one, it’s a kind of water reservoir—a pond—there were bodies floating in it, decomposing. There were many bodies. We had to press our nose, it smelled so awful.”⁵³³*

The Associated Press has also reported the presence of five mass “graves” around Gu Dar Pyin, including a pond.⁵³⁴ Like the Associated Press, Amnesty International received timestamped videos, dated 9 September 2017, showing bodies in shallow graves. Witnesses from Gu Dar Pyin were consistently able to describe the locations shown in the videos, with one man recognizing a tree near his homestead.⁵³⁵

⁵²⁶ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 21 January 2018.

⁵²⁷ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 21 January 2018.

⁵²⁸ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 20 January 2018.

⁵²⁹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 20 January 2018.

⁵³⁰ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 22 January 2018. Amnesty International interviewed a third witness who gave a highly consistent account as well. Amnesty International interview, Balukhali Refugee Camp, 20 January 2018.

⁵³¹ Amnesty International interviews, Balukhali Refugee Camp, Bangladesh, 20-22 January 2018.

⁵³² Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁵³³ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 20 January 2018.

⁵³⁴ Associated Press, “AP finds evidence for graves, Rohingya massacre in Myanmar,” 1 February 2018.

⁵³⁵ Amnesty International interview with Jamir Hossain, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

A Rakhine State government-led investigation, which began and completed its work within a day of the AP story, denied the allegation of mass graves. It reported instead that 500 villagers with a connection to ARSA attacked the security forces on 28 August, and that 19 of the attackers were killed, after which their bodies were buried.⁵³⁶ As Amnesty International's investigation shows, the Rohingya who were killed included young children and elderly persons trying to flee. Soldiers also raped women and girls as they attempted to flee.

Amnesty International has not determined the specific military unit that perpetrated the Gu Dar Pyin killings. Witnesses often described a patch on soldiers' uniforms consistent with that worn by Western Command.⁵³⁷ Western Command has at least thirteen infantry battalions based in Buthidaung Township.⁵³⁸

INN DIN, MAUNGDAW TOWNSHIP

Between 25 August and 2 September 2017, Myanmar security forces and local vigilantes together killed Rohingya from the mixed-ethnicity village tract of Inn Din, first in a general attack on the village, and then by summarily executing 10 detained men, as reported in detail by Reuters.⁵³⁹

Several international aid workers told Amnesty International that Inn Din was known as a place of ARSA activity in the months leading up to 25 August.⁵⁴⁰ A Rohingya resident of Inn Din said that ARSA had instructed them not to interact with the ethnic Rakhine community and had issued threats not to cooperate with local authorities.⁵⁴¹ Several ethnic Rakhine men from Inn Din described the situation similarly, saying interaction between the communities ceased, and that Rohingya friends of theirs had said they had been ordered not to go to the authorities or to ethnic Rakhine areas.⁵⁴² A Rohingya man from Inn Din was killed weeks before the 25 August attacks, allegedly by ARSA for being seen as close to the authorities (see Chapter 3).⁵⁴³

On 25 August, ARSA reportedly attacked police posts in village tracts directly north and south of Inn Din.⁵⁴⁴ They also attacked the main BGP base in Myin Hlut, which oversees Inn Din; two police officers were reportedly killed during that attack.⁵⁴⁵ Around 8 a.m. on 25 August, an ethnic Rakhine man named Maung Ni, around 65 years old, left his home in Inn Din with several other ethnic Rakhine men to release their cattle for grazing. While walking toward his farmland about a mile outside the village, they were surrounded, reportedly by some Rohingya men from the village. Several ethnic Rakhine men were able to escape, but Maung Ni was captured, according to two ethnic Rakhine leaders from Inn Din interviewed by Amnesty International.⁵⁴⁶ Villagers organized a search party in subsequent days, working with the security forces, but Maung Ni's body was not found until around a month later, when a Rohingya refugee in Bangladesh called and signalled its exact location, according to a person who was part of the search party that found the remains of Maung Ni's body.⁵⁴⁷ Reuters reported similarly about Maung Ni's disappearance on 25 August.⁵⁴⁸

Hearing fighting near the village, many people from the ethnic Rakhine area of Inn Din fled to the monastery there. According to several people from the ethnic Rakhine community who were among the group in the monastery, some 20 to 30 soldiers from the 536th LIB, under the command of MOC 15, arrived at the monastery around noon on 25 August, along with BGP from the nearby posts.⁵⁴⁹ Two days later, at least 30 more soldiers, likely from the 33rd LID, arrived and stayed near the monastery.⁵⁵⁰

Over six days, from 25 August onwards, the Myanmar security forces, working with local vigilantes, attacked and burned Inn Din in stages. Inn Din is a large village tract, with more than 6,000 Rohingya residents

⁵³⁶ See *The Global New Light of Myanmar*, "Authorities refute AP's report on mass graves in Buthidaung Tsp," 3 February 2018, www.globalnewlightofmyanmar.com/authorities-refute-aps-report-mass-graves-buthidaung-tsp/.

⁵³⁷ Amnesty International interviews, Balukhali Refugee Camp, Bangladesh, 20-24 January 2018.

⁵³⁸ Map of Army locations in Buthidaung Township, on file with Amnesty International; Amnesty International correspondence, May 2018. Most of the battalions in Buthidaung Township are commanded by MOC 15, which is under Western Command.

⁵³⁹ Reuters, "Massacre in Myanmar," 8 February 2018, www.reuters.com/investigates/special-report/myanmar-rakhine-events/.

⁵⁴⁰ Amnesty International interviews, 17 January 2018; and 29 January 2018.

⁵⁴¹ Amnesty International interview, date and location withheld to protect his security.

⁵⁴² Amnesty International interviews, Sittwe, Myanmar, 25 and 27 April 2018.

⁵⁴³ Amnesty International interviews, Sittwe, Myanmar, 25 and 27 April 2018.

⁵⁴⁴ The village tract to the north is Thin Baw Kwea, reportedly attacked at 3:45 a.m., with one attacker killed; the village tract to the south is Tha Win Chaung, reportedly attacked at 4:50 a.m. State Counsellor Office, *Breaking News 2*, 25 August 2017.

⁵⁴⁵ State Counsellor Office, *Breaking News 2*, 25 August 2017.

⁵⁴⁶ Amnesty International interviews, Sittwe, Myanmar, 25 and 27 April 2018.

⁵⁴⁷ Amnesty International interview, Sittwe, Myanmar, 27 April 2018.

⁵⁴⁸ Reuters, "Massacre in Myanmar," 8 February 2018.

⁵⁴⁹ Amnesty International interviews, dates and locations withheld to protect their security

⁵⁵⁰ Amnesty International interview with a member of the ethnic Rakhine community in Inn Din, date and location withheld to protect his security; and interviews with Rohingya from Inn Din, Bangladesh refugee camps, September 2017 and January 2018. See also Reuters, "Massacre in Myanmar," 8 February 2018.

spread over an area that runs more than a kilometre from north to south, in villages known as Inn Din East, Inn Din Middle, and Inn Din West. Given the population and geographic size, Rohingya in different areas had different experiences of the military's actions, though all witnessed the progressive burning of homes.

Amnesty International interviewed 18 Rohingya men and women from Inn Din. Residents in one corner of the village said the police and local vigilantes looted aid clinics and the Rohingya market area on 25 August, burning down a few structures nearby. When military reinforcements arrived a day or two later, the security forces began several days of more determined violence.⁵⁵¹ A 24-year-old man from Inn Din East said soldiers and vigilantes came into his village from the north side, where the ethnic Rakhine village is located, causing Rohingya residents of Inn Din East to flee toward the nearby hill. As he and several other people hid just outside the village, soldiers saw them and opened fire, hitting Aram Ullah, a 28-year-old farmer, who died later that day.⁵⁵² The 24-year-old man said that he buried that evening in a local cemetery Aram Ullah and another man, named Zubair, who he said had been shot while trying to graze his cows.⁵⁵³

Amnesty International obtained an audio recording from late August 2017, which the organization believes to be authentic, of a telephone call between a Rohingya resident and a Myanmar military officer based in the area. In the recording, the Rohingya man says he is from Inn Din and mentions the killing of Zubair that day, which he said soldiers based in the Inn Din monastery perpetrated. He later says, *"What I want to tell you is this, there are no terrorists in Inn Din,"* to which the officer responds, on the recording,

*"Ok, ok. I wanted to know if your village is peaceful [free of terrorists]. We got an order to burn down the entire village if there is any disturbance. If you villagers aren't living peacefully, we will destroy everything... We are starting the operation... If you just stay quiet, there will be no problems. If not, you will all be in danger."*⁵⁵⁴

On 28 August, the military, BGP, and local vigilantes returned and surrounded several Rohingya areas of Inn Din. They began systematically burning Rohingya structures, which Amnesty International corroborated through satellite data that detected large fires in the area on or around 28 August. Amnesty International also received videos timestamped 28 August 2017, which it was able to verify, that show heavy smoke and people fleeing as a speaker, who Amnesty International later interviewed in Bangladesh, describes Inn Din being burned and residents seeking refuge in the surrounding mountains.⁵⁵⁵

As people ran away, the soldiers and BGP at times opened fire. Jamil Ahmad, a 52-year-old farmer and small trader, said his cousin Zafor Hossain was hit by a bullet in his side as the two men attempted to run to the nearby hill. Jamil Ahmad returned to the village late that night after the military left, and found the body of Zafor Hossain near the bodies of three other Rohingya, in the spot where he had been shot. Jamil Ahmad said he buried his cousin in a graveyard on the edge of the village, before going back to the hill.⁵⁵⁶

In a few instances, people who could not flee were burned inside their homes, including Rashida Begum, who was in her 60s. *"She was weak and couldn't come out,"* her son told Amnesty International. *"I couldn't carry her with me."*⁵⁵⁷ Reuters also reported that Rohingya were burned to death in Inn Din, including based on interviews with vigilantes who acknowledged homes being torched with people inside.⁵⁵⁸

Other Rohingya who were found hiding in the village were summarily executed; several witnesses said men were particularly targeted in this way. Mabia Khatun, in her 50s, saw soldiers and vigilantes surround the village, but she did not want to leave her husband, Hasu Ali, who was unable to walk. She recalled:

*"It was chaos when the military surrounded the houses. [My husband] was a bit [physically disabled]... One of my sons had fled but came back and asked him, 'Can I carry you?' That was when the soldiers came. They took both of them and [shot and] killed them. They died right by us... We came out of the house and went to the hill. No one was able to sleep that night."*⁵⁵⁹

⁵⁵¹ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018. See also Reuters, "Massacre in Myanmar," 8 February 2018.

⁵⁵² Amnesty International interview, Bangladesh refugee camps, 19 January 2018.

⁵⁵³ Amnesty International interview, Bangladesh refugee camps, 19 January 2018.

⁵⁵⁴ Audio recording in Burmese and translated into English, on file with Amnesty International. Amnesty International sent the recording to several people fluent in Burmese and English, to get more than one opinion on the translation.

⁵⁵⁵ Videos on file with Amnesty International.

⁵⁵⁶ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 24 September 2017. Another Inn Din resident described Zafor Hossain being shot near the edge of the village, by the hill. Amnesty International interview, office near Kutupalong Refugee Camp, Bangladesh, 19 January 2018.

⁵⁵⁷ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 24 September 2017.

⁵⁵⁸ Reuters, "Massacre in Myanmar," 8 February 2018.

⁵⁵⁹ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 24 September 2017.

She said local vigilantes were with the soldiers, and had slashed at her husband and son with long knives.⁵⁶⁰

The vast majority of the Rohingya population fled to surrounding hills, where they watched as Inn Din and neighbouring villages, including Tha Win Chaung, Gwa Son, and Thin Baw Kwea, were torched. Videos a Rohingya activist took from a nearby hill, timestamped 31 August 2017, show heavy smoke and flames.⁵⁶¹ Amnesty International's analysis of satellite imagery confirms that the villages were completely burned.

EXTRAJUDICIAL EXECUTION OF 10 MEN

After several days in the hills, food and other supplies ran low, and heavy rains made the situation intolerable. Some Rohingya families began the journey to Bangladesh. Others, particularly a group from Inn Din West, assembled on the beach close to that village. By 1 September, around 200 to 300 Rohingya men, women, and children were there, according to interviews with six people from that group.⁵⁶²

Each of the six Rohingya witnesses who had been on the beach told Amnesty International that in the early afternoon on 1 September, a religious teacher named Abdul Malik went with several of his sons back to the burnt remains of Inn Din West to collect bamboo to create a sturdier shelter against the rain. As they walked back to the shore, a group of Myanmar soldiers and vigilantes caught Abdul Malik and beat him, leaving him bleeding from the head. The soldiers then demanded that the Rohingya on the beach come forward to a paddy field area, near where the group of soldiers and vigilantes was standing.⁵⁶³

When the Rohingya men, women, and children arrived in the paddy field, soldiers forced them to sit down in the water. The soldiers said that they were holding a meeting in the nearby camp, and then picked out 10 men. Amin Ullah, 50, was seated close to his son, Nur Mohamed, better known in the community as “Bangu”. He recalled, “[The soldiers] indicated, ‘You come, you come, you come.’ They didn’t use people’s names, they just pointed... It happened quickly.”⁵⁶⁴

Each witness gave a similar account of soldiers choosing men by pointing at them, not calling anyone by name. Among the 10 men who were selected, several had finished high school, including Abul Hashim, around 25 years old; and two were high school students, including Rashid Ahmed, around 18 years old.⁵⁶⁵ There were also fishermen, including Bangu; and a man with a hearing impairment named Showket Ullah.⁵⁶⁶

After separating out the 10 men, the soldiers forced them to remove their outer layer of clothes, including jackets, shirts, and wool pants. Rahama Khatun, 35, whose husband Shaker Ahmad was one of the men taken, told Amnesty International that when a soldier picked up a pile of clothes and handed them to her, she started crying, afraid her husband would be killed. “While I was crying, the soldier said, *Mami—that means auntie—we will not harm them. We’re taking them to talk,*” she recalled.⁵⁶⁷

The several hundred Rohingya in the field then watched the soldiers and local vigilantes march the 10 men toward the ethnic Rakhine part of the village tract. The crowd stayed at the beach for several hours. “They were taken to the Buddhist temple around 5 p.m.—it was around prayer time. We stayed at the shore until 8 p.m.,” recalled Abdu Shakur, whose son Rashid Ahmed, was one of the 10 men taken away. “We were afraid. The houses were burned down, no one was around. It was getting dark, so we went.”⁵⁶⁸

Many families stayed for several days on a different beach in a nearby village, hoping the 10 men would be released and return to them. But without further news and with villages around them being burned down, they eventually walked to the Na Khaung To boat point in Myanmar, from where they left for Bangladesh.⁵⁶⁹

On 6 September 2017, Amnesty International first heard of men from Inn Din being captured and taken away, when a delegate was interviewing Rohingya arriving by boat in Shamlapur, Bangladesh. A 27-year-old

⁵⁶⁰ Amnesty International interview, Thaingkhali Refugee Camp, Bangladesh, 24 September 2017. Although Reuters does not name the victim, Mabia Khatun’s account is consistent with that report, in which a resident of the ethnic Rakhine area of Inn Din recalled accompanying Myanmar soldiers and finding three Rohingya men and a woman hiding near a haystack. According to the account given, one of the Rohingya men had a smartphone that could have been used to take pictures; the soldiers reportedly pointed at that man and told the vigilante to do what he wanted. He told Reuters he hacked at the man with a sword, and then the soldiers shot him when he fell down. Reuters, “Massacre in Myanmar,” 8 February 2018.

⁵⁶¹ Videos on file with Amnesty International, 31 August 2018.

⁵⁶² Amnesty International interviews, Thaingkhali Refugee Camp, 29 January 2018; and Kutupalong Refugee Camp, 18 January 2018.

⁵⁶³ Amnesty International interviews with six witnesses, Thaingkhali and Kutupalong Refugee Camps, Bangladesh, January 2018.

⁵⁶⁴ Amnesty International interview, Thaingkhali Refugee Camp, 29 January 2018.

⁵⁶⁵ Amnesty International interviews, Thaingkhali and Kutupalong Refugee Camps, Bangladesh, January 2018.

⁵⁶⁶ Amnesty International interviews, Thaingkhali and Kutupalong Refugee Camps, Bangladesh, January 2018. For a more complete description of the men, see also Reuters, “Massacre in Myanmar,” 8 February 2018.

⁵⁶⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 18 January 2018.

⁵⁶⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 18 January 2018.

⁵⁶⁹ Amnesty International interviews, Thaingkhali and Kutupalong Refugee Camps, January 2018.

man from Inn Din who had arrived in Bangladesh the day before named 10 men from his village whom he said had been marched off.⁵⁷⁰ Amnesty International was not able to sufficiently document the incident until interviewing six witnesses to the event—all of them relatives of the 10 men taken—in January 2018. Several weeks later, on 8 February 2018, Reuters published the definitive account of what happened. Two Reuters journalists involved in that reporting were arrested in December 2017; they remained in detention at the time this report was finalised, facing bogus charges under the 1923 Official Secrets Act.⁵⁷¹

Based on interviews with ethnic Rakhine villagers and members of the security forces, Reuters reported that one day after being taken from the shore area, the 10 men were summarily executed. Several sons of Maung Ni, the ethnic Rakhine man who went missing on 25 August, were allowed the first blows; one of them reportedly beheaded the religious leader, Abdul Malik. A firing squad of soldiers shot the remaining men.⁵⁷²

Several weeks after police arrested the Reuters journalists, the Myanmar military hastily conducted its own investigation into the Inn Din massacre. On 10 January 2018, the military admitted that the 10 men had been executed and that members of the security forces had been involved.⁵⁷³ It was a rare admission of responsibility for human rights violations and crimes, though the murders were cast as an isolated incident in which a few members of the security forces went rogue, rather than, as is the case, it being one of many incidents in which soldiers committed crimes under international law during the military's campaign of violence. Military investigators also alleged that, while operating by the Inn Din beach on 1 September, its soldiers were "*attacked by about 200 Bengalis with sticks and swords*"⁵⁷⁴—an apparent effort to reframe as "terrorists" the several hundred Rohingya men, women, and children huddling in the rain after their homes were burned. Reuters likewise reported that all credible accounts, including those of ethnic Rakhine in Inn Din, contradict the military's version of a large-scale attack on soldiers that day.⁵⁷⁵

On 10 April 2018, Senior General Min Aung Hlaing announced on his Facebook page that seven Myanmar soldiers had been sentenced to 10 years in prison for their role in the Inn Din killings; all of the soldiers were also dismissed from the military, with the three sentenced officers demoted prior to their dismissal.⁵⁷⁶

Amnesty International received a list, compiled by Rohingya activists and community leaders from Inn Din, with the names and biographical data of 35 people who were allegedly killed in Inn Din, including the 10 men who were summarily and extrajudicially executed on 2 September.⁵⁷⁷ Amnesty International has not been able to confirm the veracity of the entire list, but our own research has established the identity of at least 17 people who were killed, including the 10 men; all but one of those 17 names appear on the list. A man who lives in the ethnic Rakhine part of Inn Din told Amnesty International that more than the 10 "Muslims" had been killed; he estimated more than 30 killings in total, by a combination of soldiers and villagers, which he attributed to the anger over Maung Ni's disappearance.⁵⁷⁸

Amnesty International believes the perpetrators of the killings and burning included soldiers from the 536th LIB and 33rd LID, members of the local BGP, and local vigilantes. Rohingya witnesses from Inn Din described the patch of Western Command⁵⁷⁹ and, as described above, several people from other ethnic communities in Inn Din told Amnesty International that they interacted directly with soldiers from the 536th LIB, which falls under MOC 15 in Western Command.⁵⁸⁰ The soldiers who arrived on 27 August and led the subsequent operations appear to have been from the 33rd LID, as reported by Reuters based on interviews with police officers and ethnic Rakhine villagers in Inn Din.⁵⁸¹ Rohingya witnesses also identified members of the local BGP who were involved in the attacks. The BGP post in Inn Din falls under BGP Region No. 8, which is likewise consistent with Reuters' reporting on perpetrators.⁵⁸²

⁵⁷⁰ Amnesty International interview, Shamlapur, Bangladesh, 6 September 2017. The names all align with what Amnesty International was subsequently able to confirm, and with what Reuters has reported.

⁵⁷¹ Amnesty International, "Myanmar: Reuters journalists must be released," 9 January 2018.

⁵⁷² Reuters, "Massacre in Myanmar," 8 February 2018.

⁵⁷³ CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Inn Din Village cemetery in Maungdaw Township*, 10 January 2018.

⁵⁷⁴ CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Inn Din Village cemetery in Maungdaw Township*, 10 January 2018.

⁵⁷⁵ Reuters, "Massacre in Myanmar," 8 February 2018.

⁵⁷⁶ CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

⁵⁷⁷ The list also includes the names of eight people who were arrested and remain unaccounted for.

⁵⁷⁸ Amnesty International interview, date and location withheld for his security.

⁵⁷⁹ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

⁵⁸⁰ Amnesty International interviews, dates and locations withheld for their security.

⁵⁸¹ Reuters, "Massacre in Myanmar," 8 February 2018.

⁵⁸² Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018. Reuters refers to them as the 8th Security Police Battalion. Reuters, "Massacre in Myanmar," 8 February 2018.

4.3 WIDER ATTACKS ON THE ROHINGYA POPULATION

The Myanmar security forces killed Rohingya men, women, and children in dozens of other villages across northern Rakhine State. Amnesty International prioritized clusters of interviews from the specific villages discussed above, in order to establish in detail what happened in those villages, but additional interviews and statistics provided by medical clinics in Bangladesh demonstrate a much broader pattern of violence, including unlawful killings that constitute the crime against humanity of murder.

There were a few villages from where Rohingya refugees said the security forces did not open fire directly at them, but instead fired over their heads to chase them away before burning the village to ensure they could not return. Other Rohingya villages, particularly in southern Buthidaung Township and in parts of Rathedaung Township, were never attacked violently, though villagers were subjected to starvation tactics in later months that forced much of the Rohingya population to flee to Bangladesh (see Chapter 7).

But in many parts of northern Rakhine State, soldiers attacked village after village over the course of several weeks after 25 August. Rohingya men, women, and children from several dozen villages across the region described to Amnesty International seeing family members or neighbours shot while everyone was fleeing a security force attack.⁵⁸³ Many of those who were shot were left for dead, as people fled in panic. Others made their way to the hills or to neighbouring villages, where they at times received basic treatment from traditional doctors or from neighbours who tried to at least remove bullets and bandage wounds.⁵⁸⁴ To reach Bangladesh, several Rohingya who were shot described being carried for days in a makeshift stretcher.⁵⁸⁵

Other Rohingya interviewed by Amnesty International described seeing dead bodies as they crossed through the mountain passes between Buthidaung and Maungdaw Townships, or during other particularly difficult parts of the journey to Bangladesh. They said the bodies they saw were primarily the elderly or people who had been injured during security force attacks and then died along the way.⁵⁸⁶

Hospitals in Bangladesh treated hundreds of violence-related injuries in the first month, as Rohingya refugees flooded across the border. MSF reported that between the outbreak of the crisis and 3 December 2017, its clinic in Kutupalong Refugee Camp treated 224 refugees with violence-related injuries, including 163 with gunshot wounds.⁵⁸⁷ It reported treating 29 per cent of its patients within the first two weeks of the crisis, stating that the *“number of people coming to MSF’s Kutupalong clinic with gunshot wounds started to decrease only after 25 September, which suggests that violence continued throughout that month”*.⁵⁸⁸

Cox’s Bazar District Sadar Hospital, one of three state-run hospitals in the region, provided statistics to Amnesty International on 30 September 2017 indicating that its surgical ward had treated 187 Rohingya patients, including 126 for gunshot wounds, in the month after the crisis erupted. The surgical patients comprised 87 men, 57 women, and 43 children.⁵⁸⁹ Other clinics, including one run by the International Organization for Migration (IOM), treated additional patients.⁵⁹⁰ Those who arrived in Bangladesh with gunshot wounds had often walked for days and then waited for a boat, all with their injuries untreated.

Sheik Ahmad, 22, from Maung Hnit Ma village, Maungdaw Township, was one of those treated at Cox’s Bazar hospital in late September 2017. He said the Myanmar military and BGP entered his village in the late morning one day in early September. He saw them begin setting fire to houses in another part of his village, so he and his family ran out of their home. *“They opened fire indiscriminately,”* he said. *“Everyone was running in every direction. Children were shot. I was shot... After being shot, I still made it a few steps, and then I fell down. [My oldest brother saw me]... He carried me on his shoulder.”*⁵⁹¹

When Amnesty International interviewed him on 30 September, Sheikh Ahmed lay on a cot on the floor of a makeshift Rohingya ward in the hospital, where he was due to undergo surgery the next day for the gunshot wound. His right arm was heavily bandaged, where he said the bullet went through, near the elbow.⁵⁹²

⁵⁸³ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

⁵⁸⁴ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018. See also PBS Frontline, “Myanmar’s Killing Fields,” 8 May 2018.

⁵⁸⁵ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018. See also PBS Frontline, “Myanmar’s Killing Fields,” 8 May 2018.

⁵⁸⁶ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018.

⁵⁸⁷ MSF, “*No One Was Left*,” p. 11. The other violence-related injuries it reported treating were blast injuries, burns, blunt trauma, and bruises and broken bones.

⁵⁸⁸ MSF, “*No One Was Left*,” p. 11-12.

⁵⁸⁹ Statistics shared by hospital doctor and spokesperson on the Rohingya patients, 30 September 2017, on file with Amnesty International.

⁵⁹⁰ Amnesty International interviews, Cox’s Bazar District, Bangladesh, September 2017.

⁵⁹¹ Amnesty International interview, Cox’s Bazar District Sadar Hospital, Bangladesh, 30 September 2017.

⁵⁹² Amnesty International interview, Cox’s Bazar District Sadar Hospital, Bangladesh, 30 September 2017.

In some villages, the security forces detained and extrajudicially executed a few people, which, combined with other violations, led the vast majority of the Rohingya population in that village to flee in fear of further attack. For example, in Kyun Pauk, northern Buthidaung Township, Nurul Kabir, 55, told Amnesty International that the security forces conducted a raid in mid-September, seizing two Rohingya men—one named Syed Alam, around 60 years old—whom they took to the local Buddhist temple. He said he hid and watched as soldiers and BGP tied the men's hands, then beat and stabbed the men until they were dead.⁵⁹³

Around the same period that the two men were summarily executed, soldiers and Border Guard Police entered Kyun Pauk at night and raped at least seven women inside their home.⁵⁹⁴ The vast majority of the Rohingya population in Kyun Pauk fled to Bangladesh after these incidents. Several residents said the village was subsequently burned down, which Amnesty International confirmed by an analysis of satellite imagery.

In some villages where the military opened fire on people running away, Amnesty International was not able to rule out that ARSA attackers may have been in the area. But in such situations, as discussed above in relation to Chein Kar Li and Gu Dar Pyin, Myanmar soldiers appear to have consistently failed to distinguish between armed attackers threatening their or others' lives and the wider Rohingya population.

In another example, ARSA reportedly attacked the main BGP camp in Myin Hlut in the early morning of 25 August. Amnesty International interviewed five Rohingya from Myin Hlut who described being awoken by gunshots and who then saw soldiers enter Myin Hlut West around sunrise. They said their families fled and that soldiers pursued them and opened fire from behind, while other soldiers began burning houses.⁵⁹⁵ Amina Khatun, around 50 years old, said her family ran out of the house when they saw the soldiers. When they reached the hill, she noticed that her 12-year-old son, Azizul Haque, was no longer with the group. After the soldiers had left, they went back down to the village and found his body with a gunshot wound through the chest. They buried him in the Myin Hlut West cemetery and fled to Bangladesh several days later.⁵⁹⁶

The military's pattern of driving Rohingya from their villages and opening fire as people ran continued for weeks after any reported ARSA attack. Noor Nahar, around 20, said soldiers came to her village of Nyaung Chaung, Maungdaw Township, around four to seven days before Amnesty International interviewed her on 28 September, when she arrived by boat to Bangladesh. When interviewed, she held forward her newborn baby, who she said had been scalped on the top of the head by a bullet that ricocheted when soldiers fired indiscriminately as the Rohingya population fled. The baby, only weeks old, had not yet been named.⁵⁹⁷

More than a failure to distinguish armed attackers from the wider Rohingya population, the military's campaign reflected a deliberate effort to drive the Rohingya out of the country by any means necessary. At times that occurred through large-scale massacres and other unlawful killings, as described above; at times that occurred through the terror instilled through rape and other sexual violence (see Chapter 5); at times that occurred through tactics that had the predictable effect of starving out the Rohingya (see Chapter 7). In hundreds of villages, it involved the systematic, targeted burning of Rohingya homes and markets (see Chapter 8), which forced people to leave and ensured they had no home or livelihood to return to.

⁵⁹³ Amnesty International interview, side of the road near Phalung Khali, Bangladesh, 24 September 2017. A nephew of Syed Alam separately showed a delegate a photograph of a man with his throat slit that he claimed to be Syed Alam, matching the witness description; however, the photo lacked metadata to authenticate where and when it was taken. Amnesty International interview, side of the road near Phalung Khali, Bangladesh, 24 September 2017.

⁵⁹⁴ See Amnesty International, *"My World Is Finished"*, p. 25.

⁵⁹⁵ Amnesty International interviews, Balukhali Refugee Camp, Bangladesh, 21 January 2018.

⁵⁹⁶ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 21 January 2018.

⁵⁹⁷ Amnesty International interview, Teknaf boat arrival point, Bangladesh, 28 September 2017. Amnesty International sent two photographs of the newborn baby's injury to a forensic medical expert, who responded: *"I think it's entirely plausible that a ricochet could do this damage. A ricocheting bullet could do many things and would act very much like shrapnel. The bullet could be deformed in unusual ways depending on what it struck, if flattened it could move at a slower speed in an arcing trajectory and cause this type of scalping injury. I don't believe this wound would be caused by anything other than trauma."* Amnesty International correspondence, 29 September 2017. A U.S. Air Force Combat Rescue Officer, who was sent one of the photographs, provided a similar opinion: *"[Wound] probably a couple days old. Clean edges suggest laceration force, curvature of projectile path following head curve makes it consistent [with a grazing/scalping bullet wound] from what I can tell."* Amnesty International correspondence, 28 September 2017.



Just after arriving to Bangladesh by boat, Noor Nahar shows the head of her newborn baby, who she said was grazed on the head by a bullet that Myanmar soldiers fired as her family fled their village in Maungdaw Township in late September, Bangladesh, 28 September 2017. © Andrew Stanbridge / Amnesty International

5. RAPE AND OTHER SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

“Five or six military soldiers came in to my house. Two of them grabbed my husband [and took him away]. I was holding my son in my lap. They grabbed him from my arms and threw him to the ground. Two of them took me to the side of the house and raped me. I kicked them, and they threatened me with a gun... Whatever they wanted to do, they did to me.”

E.Z., 21, describing what happened to her during the attack on Chut Pyin village, Rathedaung Township, on 27 August 2017.⁵⁹⁸

Myanmar soldiers raped or otherwise sexually assaulted Rohingya women and girls during the so-called security operations in northern Rakhine State beginning on 25 August. Amnesty International interviewed 33 survivors of rape and other sexual violence, 22 of them—20 women and two girls—who were survivors of rape. Half of these women and girls were gang raped, involving two or more perpetrators. Fifteen of them were not only survivors of rape themselves, but also witnessed rape of other women, often many. In addition, the organization interviewed 13 other people who were direct witnesses to rape or who witnessed women being taken away in circumstances which strongly indicate that they were later raped. Delegates also interviewed more than a dozen additional witnesses to sexual violence, in particular humiliating body searches.

These testimonies, when combined with reports by the UN, other non-governmental organizations, and media outlets, indicate a pattern of rape and other sexual violence against Rohingya women and girls during

⁵⁹⁸ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

the military's operations.⁵⁹⁹ Rape and other crimes of sexual violence were an integral part of the attack on the Rohingya, and were part of the pattern of conduct which drove the Rohingya out of Myanmar.

It is difficult to establish the full scale of rape and other sexual violence during the ethnic cleansing campaign, in part due to the culture of silence that surrounds rape and other sexual violence that stems from gender stereotypes, feelings of shame, and social stigma. Rape and other sexual violence are often chronically underreported crimes. Moreover, an additional, unknown number of women were raped and subsequently killed.⁶⁰⁰

Nevertheless, dozens of women have defied this culture of silence and spoken to Amnesty International and others about their experiences. While the most intensive period of rape and other sexual violence appears to have been in the first month of the crisis, as has also been reported by MSF,⁶⁰¹ Amnesty International documented cases as recent as January 2018. In April 2018, the UN Secretary General included for the first time the Myanmar military on the annual list of parties that have committed sexual violence in armed conflict.⁶⁰²

Humanitarian organizations and state-run hospitals in Cox's Bazar report treating several hundred survivors of sexual violence since the crisis began. Within two weeks of the 25 August attacks, a humanitarian worker in Cox's Bazar confirmed to Amnesty International that women and girls had arrived in the refugee camps seeking treatment for injuries inflicted during rape in Myanmar.⁶⁰³ MSF reported treating 230 survivors of sexual violence in their clinics in Cox's Bazar since the August attacks, at least 162 of them survivors of rape.⁶⁰⁴ MSF has reported treating survivors who ranged from nine to 50 years old, most of whom had been abused by multiple perpetrators.⁶⁰⁵

In total, Amnesty International documented rape and other sexual violence against women and girls in 16 different locations in all three townships of northern Rakhine State, indicating that the practice was widespread.

Women and girls were mostly raped in one of three scenarios. First, they were raped during or immediately after a military attack on their village—typically attacks that involved killing and village burning as well. In these cases, soldiers and Border Guard Police often took women and girls away to another location—empty houses, fields, schools and in one case a mosque—where they assaulted them, often in mass and gang rapes. Second, women and girls were raped in their home during more general security force activity in villages, including during searches or raids for suspected ARSA militants. Third, women and girls were raped and subjected to other forms of sexual violence as they fled towards Bangladesh.

Rapes were often accompanied by further acts of violence, often designed to hurt, humiliate, and dehumanise the victims further. Security forces beat, burned, kicked, and bit women and girls and threatened them at gunpoint. In some cases, the perpetrators beat and stabbed women's children during the attacks. Often, women were subjected to humiliating body searches before they were raped. In addition to sexual violence, survivors were often tortured further by being witnesses to the killing of family members and the arrest of male relatives, some of whom were subsequently forcibly disappeared.

The crimes of rape and other sexual violence documented here were deliberately and knowingly committed as part of a widespread and systematic attack on the Rohingya population, and as such, amount to the crimes against humanity of torture and rape and other sexual violence under international law.⁶⁰⁶

⁵⁹⁹ See Human Rights Watch, *"All of My Body Was Pain": Sexual Violence against Rohingya Women and Girls in Burma*, November 2017; OHCHR, *Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh 13-24 September 2017*, 11 October 2017, pp. 7-8; MSF, *"No One Was Left"*, pp. 18-21; UN News, "UN envoy urges greater support for Rohingya victims of sexual violence," 16 November 2017, news.un.org/en/story/2017/11/636412-un-envoy-urges-greater-support-rohingya-victims-sexual-violence.

⁶⁰⁰ See MSF, *"No One Was Left"*, p. 19.

⁶⁰¹ MSF, *"No One Was Left"*, p. 18.

⁶⁰² Report of the Secretary-General on conflict-related sexual violence, UN Doc: S/2018/250, 23 March 2018, paras 55-60.

⁶⁰³ Amnesty International interview, September 2017.

⁶⁰⁴ IRIN, "Nine months on, a race against time to find pregnant Rohingya rape survivors," 16 April 2018, www.irinnews.org/feature/2018/04/16/nine-months-race-against-time-find-pregnant-rohingya-rape-survivors.

⁶⁰⁵ MSF, *"No One Was Left"*, p. 18.

⁶⁰⁶ Rome Statute, Articles 7(1)(f) and 7(1)(g).

RAPE AND OTHER CRIMES OF SEXUAL VIOLENCE UNDER INTERNATIONAL LAW

Rape is an act of gender-based violence and as such constitutes discrimination, prohibited under international human rights law, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Myanmar is a state party.⁶⁰⁷

Rape by state officials, which include soldiers and police officers, has been unequivocally defined as torture by international criminal tribunals,⁶⁰⁸ as well as by UN and regional human rights bodies.⁶⁰⁹ In specific circumstances, rape and other forms of sexual violence also constitute war crimes and crimes against humanity, including under the Rome Statute of the International Criminal Court.⁶¹⁰

The rape and other sexual violence described here, as well as in Chapter 3 above, were committed as part of a widespread and systematic attack on the Rohingya population launched on 25 August 2017, with soldiers and BGP as perpetrators. They took part, and therefore clearly had knowledge, of this attack. These acts therefore constitute the crime against humanity of rape and other forms of sexual violence as well as the crime against humanity of torture.

5.1 RAPE AND OTHER SEXUAL VIOLENCE DURING SECURITY FORCE ATTACKS

Rape and other sexual violence against Rohingya women and girls were a major part of the attacks in villages where the Myanmar security forces committed large-scale killings and other human rights violations and crimes. Chapter 4, on widespread killings, provides a detailed overview of four of the documented incidents involving rape discussed below, including the context of the attacks and the specific military units involved.

CHUT PYIN, RATHEDAUNG TOWNSHIP

In Chut Pyin, Rathedaung Township, soldiers began raping women soon after entering the village on 27 August. Amnesty International interviewed four women who were raped, two of whom also witnessed the rape of other women. Amnesty International also interviewed a woman who witnessed the rape and murder of her next door neighbour. Soldiers carried out some of these attacks in people's homes, and others after forcing a group of women into a school in the ethnic Rakhine part of the village.

E.Z. was at home with her husband and infant son getting ready to eat when soldiers arrived in the village. She told Amnesty International:

*"Five or six military soldiers came in to my house. Two of them grabbed my husband [and took him away]. I was holding my son in my lap. They grabbed him from my arms and threw him to the ground. Two of them took me to the side of the house and raped me. I kicked them, and they threatened me with a gun... Whatever they wanted to do, they did to me."*⁶¹¹

Rohima Khatun, around 45 years old, had taken refuge in a bamboo grove outside her house in the southwestern part of Chut Pyin after soldiers came to her house, beat her husband, and shot her son dead. While she hid, she saw four soldiers drag her neighbour from the house next door to an area near the pond that separates their houses. *"Two held her shoulders and they took turns to rape her,"* she described. *"She was fighting back, they cut her breasts [with a knife]. After that, they stabbed her."*⁶¹²

While soldiers attacked the village and set fire to houses, dozens of fleeing residents gathered in a field at the village's outskirts, close to the ethnic Rakhine part of Chut Pyin. There, the military separated the men and

⁶⁰⁷ See Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (Eleventh session, 1992), UN Doc. A/47/38 at 1 (1993), para. 1.

⁶⁰⁸ See, for example, *Prosecutor v. Jean-Paul Akayesu* (ICTR-96-4-T), International Criminal Tribunal for Rwanda (ICTR) Trial Chamber, Judgment of 2 September 1998, para. 687; *Prosecutor v. Zejnil Delalic* (IT-96-21), International Criminal Tribunal for the Former Yugoslavia (ICTY) Trial Chamber II, Judgment of 16 November 1998, paras 475-496, 943, 965; *Prosecutor v. Anto Furundzija* (IT-95-17/1-T), ICTY Trial Chamber, Judgment of 10 December 1998, paras 264-9.

⁶⁰⁹ See, for example, Interim Report of the Special Rapporteur on torture to the General Assembly, UN Doc A/55/290 (2000), para. 5; Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/HRC/7/3, 15 January 2008, paras 34-6; *Aydin v. Turkey*, European Court of Human Rights, Reports 1997-VI (57/1996/676/866), Judgment of 25 September 1997, para. 86; *Almonacid Arellano et al. v. Chile*, Preliminary objections, merits, reparations and costs, Inter-American Court of Human Rights, Judgment of 26 September 2006, Series C No. 154, para. 82.4.

⁶¹⁰ Rome Statute, Articles 7(1)(g) (as crimes against humanity), Article 8(2)(b)(xxii), 8(2)(c)(vi) (as war crimes).

⁶¹¹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁶¹² Amnesty International interview, Thaingkhali Refugee Camp, Bangladesh, 23 January 2018.

women, and began searching the women. *“They looted us... They searched the women’s bodies, and ripped jewellery from their noses,”* Rohima Khatun recalled. *“They touched everywhere, there was no limit to where they would touch.”*⁶¹³

Soldiers then selected some of the younger women in the group and took them to the nearby school, which villagers consistently said had been used as a military camp before the attacks.

A.N., around 30, was one of the women pushed into the school. She recalled: *“There were some [women] already there. It was full of military. The soldiers were laughing. I was crying. They pointed guns at us.”*⁶¹⁴

A.N. said that when she tried to resist, soldiers pinned her down under a long wooden bench, placing it over her neck to stop her from struggling. *“It was a big room—we were all raped in the same room,”* she said. *“I don’t know how many people raped me. The sun had set when I left. We were five, maybe six women [who left together]... We were half naked. We fled to a neighbouring village, the people there washed us.”*⁶¹⁵

Q.P., around 25, said she too was taken to the school: *“A soldier threatened me with a gun and made me lie down. After they raped us, they told us to go... I couldn’t walk, I had to crawl. I only had my underwear on, the other women were completely naked.”*⁶¹⁶ The women hid in a nearby forest until the situation seemed calmer, after which they went to the main road where they found villagers who helped them. Three days later, Q.P. left for Bangladesh.⁶¹⁷

Both women described the school as a long white building, made of concrete with windows and located on the western side of the Rakhine area of Chut Pyin. According to Q.P., the school has a tin roof, and both said the furniture inside—long wooden benches—had been pushed to the side of the room.⁶¹⁸ Both women said most of the perpetrators wore green military uniforms, but there were also some in blue-grey uniforms—likely the BGP—and others wearing white T-shirts and black trousers, who they described as being ethnic Rakhine villagers.⁶¹⁹ An analysis of satellite imagery shows a building that fits the women’s description of the school in the western part of the Rakhine area, and at least 10 other Rohingya from Chut Pyin described the military using the school as a base during this period (see Chapter 4).

MIN GYI, MAUNGDAW TOWNSHIP

As described in the previous chapter, when Rohingya residents of Min Gyi fled to the riverbank during the military attack, soldiers separated women, girls, and young boys from men and older boys. They forced the women, girls, and young boys to stand knee-deep in shallow water as they opened fire and extrajudicially executed men and older boys. After the killings, soldiers took women and their children in small groups to houses where they were raped. Most were then killed, as Amnesty International and others have reported.⁶²⁰

G.E., 30, and her 10-year-old daughter were among those who survived the mass rape and massacre in Min Gyi. *“At first, I didn’t realise what they were doing. When they took me, then I understood,”* she recalled.⁶²¹ She told Amnesty International that around 10 soldiers took her, six other women, and their children to an abandoned house in the Rohingya part of the village:

*“They dragged me to a house and shut the door. My baby son was at my breast. They grabbed him and slit his throat. Then two of them held my arms while one of them raped me. At that time, my eldest daughter started shouting. My children tried to protect me. [The soldiers] stabbed each of them in the head. They raped and stabbed the other women too.”*⁶²²

After the rapes, the soldiers went outside, shut the door, and set fire to the house. As the flames burned around them, G.E.’s eldest daughter regained consciousness and grabbed her mother’s hand. The two were able to break through the bamboo side of the house and escape, eventually making their way to Bangladesh, where they spent several months in a hospital.⁶²³ G.E.’s daughter has visible scars on her head from where she was stabbed. G.E.’s three other children—her daughter and two sons—were all killed.

⁶¹³ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶¹⁴ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶¹⁵ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶¹⁶ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶¹⁷ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶¹⁸ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶¹⁹ Amnesty International interviews, Thaingkhalī Refugee Camp, Bangladesh, 23 January 2018.

⁶²⁰ Amnesty International, *“My World Is Finished”*, pp. 23-25; Human Rights Watch, *Massacre by the River*.

⁶²¹ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 24 January 2018.

⁶²² Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 24 January 2018.

⁶²³ Amnesty International interview, Thaingkhalī Refugee Camp, Bangladesh, 24 January 2018.

Myanmar soldiers also raped S.K., around 30 years old. After being made to stand knee-deep in the watery ditch, she and four other women and their children were taken to a house in the Rohingya part of the village:

*“They took our money, our possessions, and then they beat us with a wooden stick. My children were with me. They hit them too. Shafi, my two-year-old son, he was hit hard with a wooden stick. One hit, and he was dead... Three of my children were killed. Other women [in the house] also had children [with them] who were killed.”*⁶²⁴

Soldiers then raped, sexually humiliated, and assaulted the women, forcing them to strip naked and hitting them with wooden sticks: *“They hit us [in the vagina] with the wooden sticks. Then they raped us. A different soldier for each [woman].”*⁶²⁵ S.K explained that after raping the women, the soldiers closed the door and set the house on fire. As the house burned, her 7-year-old daughter, Rozia, who survived the soldiers’ beatings, found a weak point in the house’s bamboo siding, and S.K. followed her. The pair fled to Bangladesh.⁶²⁶

GU DAR PYIN VILLAGE TRACT, BUTHIDAUNG TOWNSHIP

Soldiers also raped Rohingya women and girls who fled security force attacks on the village of Gu Dar Pyin, southern Buthidaung Township, on the evening of 27-28 August 2017.⁶²⁷ Amnesty International interviewed seven women, all of whom lived in the southern part of the village, who described how soldiers attacked their village from the south at around 10 p.m. that night. All of them left their houses in panic and followed other fleeing villagers as soldiers pushed them towards an open field on the outskirts of the village, near the mountains to the west. There, soldiers separated the men and older boys from the women, girls, and young boys and took the men and older boys away. They then searched the bodies of the women and girls and looted their jewellery and other valuables.⁶²⁸

Women huddled in groups as soldiers continued to search their bodies and loot their valuables. When they had finished, soldiers took women away and gang-raped them. C.R., 20, told Amnesty International, *“Two soldiers came and tied my hands and legs together with rope... They dragged me to one side. It was not so far from the main group, in a forested area. Four of them took me, and all four raped me.”*⁶²⁹

C.R. said she lost consciousness during the attack. When she woke, around sunrise, she was naked and bleeding. *“Someone had covered me with a longyi [sarong],”* she explained. *“As I started to regain consciousness, I was aware that someone was untying the rope. Some men from the village who had been hiding in the mountains came back and helped us... They helped me find clothes. We set off for Bangladesh. It was hard [for me] to walk, so people had to carry me.”*⁶³⁰ When she arrived in Bangladesh, C.R. said she was taken to an NGO hospital, where she spent five days receiving treatment for her injuries.⁶³¹

M.J., around 20, was also among the women raped outside Gu Dar Pyin. She told Amnesty International that she watched soldiers take many women away, before three soldiers came and seized her. *“They took me into a slightly forested area... They grabbed my hands and then my hair,”* she said. *“They pushed my face into the ground and kicked me in the back. I was screaming, calling for my family and asking them not to rape me... They tied my hands and [all three of them] raped me. They left me unconscious.”*⁶³²

When M.J regained consciousness, she said there was no one else around. She was too afraid to go back to the village in search of others, and spent two days walking through the forest before she found a group of Rohingya who were fleeing to Bangladesh. *“They put their bags down and gave me clothes. Then we came here [to Bangladesh].”*⁶³³

MAUNG NU AND SURROUNDING VILLAGES, BUTHIDAUNG TOWNSHIP

Women were also raped and otherwise sexually assaulted during the military attack on villages in the Chin Tha Mar village tract in northern Buthidaung Township. Most of the women Amnesty International

⁶²⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017

⁶²⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017

⁶²⁶ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017

⁶²⁷ Survivors described the sexual violence occurring around five days before Eid al-Adha, which was celebrated on 2 September 2017.

⁶²⁸ Amnesty International interviews, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁶²⁹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁶³⁰ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁶³¹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁶³² Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁶³³ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

interviewed from these areas described being subjected to humiliating body searches—in particular women who sought safety in the houses of prominent Rohingya families in Maung Nu, as discussed in Chapter 4.

Shon Jeeda, a 50-year-old woman from Hpaung Taw Pyin, was among the many who had fled to Zahid Hossain's compound in Maung Nu. She explained that when soldiers arrived, *"they searched our bodies. We were ordered to open up our longyi. They ran their hands around the body and whatever they found, they took—gold, money, phones... The wife of Mullah Mujib Ullah was harassed very badly... They took her longyi off, so she had on only underwear. They ran their hand inside [her underwear], and took her gold."*⁶³⁴

Amnesty International interviewed a further four women who described being searched in this way at Zahid Hossain's compound. One recalled how soldiers ripped out her earring, and showed Amnesty International the scar it left on her left ear.⁶³⁵

Amnesty International documented rapes in neighbouring Hpaung Taw Pyin village after the 25 August attacks on a BGP post there. M.F., 45, told Amnesty International that soldiers in green uniforms surrounded her house around 10 a.m. and accused her family of hiding *"bad people"*.⁶³⁶ M.F., her daughter, and her daughter-in-law were ordered outside, where the military had gathered a large group of women from the village. *"They pointed their guns at us and started searching us. They took our headscarves,"* she said. *"Then they started taking women into the house. I could see inside—soldiers were pulling off the women's clothes and started raping them. All the women outside were crying."*⁶³⁷

She said the soldiers forced women into the house over a period of hours, and that she, her daughter, and daughter-in-law were also pushed inside. She recalled, *"They pulled at my clothes... I don't remember what happened next. When I woke up I was in so much pain. People were carrying me. They took me to a Muslim doctor who gave me some treatment."*⁶³⁸ She later arrived in Bangladesh, where she was still receiving treatment from an international humanitarian organization for injuries sustained during the rape.⁶³⁹ Her daughter and daughter-in-law also survived the attacks, and are living in the refugee camps in Bangladesh.

RAPE DURING ATTACKS ON OTHER VILLAGES

Amnesty International also documented rape and gang-rape of women during attacks on villages in northern Rakhine State where the organization's research did not focus on killings.

B.X., in her 30s, was gang-raped after soldiers surrounded her village in Laung Don village tract, Maungdaw Township, around 27 August.⁶⁴⁰ After soldiers entered the village, women and children fled across a creek to a nearby village, where they were rounded up. The soldiers looted gold and other valuables, then chose 10 women from the group, including B.X., and took them to a nearby mosque. *"They made me lie down and then turn by turn they raped me in the mosque,"* she said. *"Two soldiers raped me. When the third one came [to rape me], I was bleeding heavily. He seemed angry and beat me. In the morning, they left. By then, I couldn't walk."*⁶⁴¹ Other women went to get help, and B.X.'s husband carried her to Bangladesh. Her injuries became infected on the journey, and when she arrived she was hospitalised and required surgery.⁶⁴²

Y.A., 27, told Amnesty International that soldiers entered her village of Naung Dar Khar Li, in Maungdaw Township, at around 3 a.m. in late August 2017. As villagers tried to run away, soldiers opened fire.

Y.A. fled to her uncle's house nearby, where around 10 to 15 women and children gathered. When soldiers arrived, they began searching the women. *"They pulled open my [blouse], and they took 20,000 kyats (US\$15)—they found the pocket [that had the money I'd hidden]. Then they ripped my headscarf off... One of them took the helmet off his head and struck me [with it] four or five times,"* she recalled.⁶⁴³

After beating her, four soldiers took her a short distance away and took turns raping her. *"One of them bit me [on the cheek]. [Later] it became so swollen, it was very red, and then white stuff came out. After they finished, they left me,"* she said. *"They took three other women [from the same house]... I heard them screaming."*⁶⁴⁴

⁶³⁴ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 January 2018.

⁶³⁵ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 January 2018.

⁶³⁶ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 February 2018.

⁶³⁷ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 February 2018.

⁶³⁸ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 February 2018.

⁶³⁹ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 February 2018.

⁶⁴⁰ Laung Don village tract was also attacked in October 2016. B.X. explained that her hamlet was unaffected by the violence at that time, though homes in the other hamlets were burned, and families fled to Bangladesh.

⁶⁴¹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 26 January 2018.

⁶⁴² Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 26 January 2018.

⁶⁴³ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 January 2018.

⁶⁴⁴ Amnesty International interview, Thaingskhali Refugee Camp, Bangladesh, 26 January 2018.

After arriving in Bangladesh, Y.A. received medical treatment from a humanitarian organization for injuries sustained during the gang rape.

The prevalence of rape and other sexual violence in villages attacked by security forces in the aftermath of 25 August demonstrates that rape was an integral part of the security forces' modus operandi and was used as a form of punishment of the community at large.

5.2 RAPE AND OTHER SEXUAL VIOLENCE DURING “SEARCHES”

Soldiers also raped and committed other sexual violence against women and girls in villages which were not attacked and burned, but where security forces conducted “search” operations ostensibly aimed at rooting out suspected ARSA fighters.

Amnesty International documented the rape of eight women by security forces during “search” operations in and around Sein Hnyin Pyar village tract, southern Buthidaung Township, following the 25 August attacks. D.I., 33, lived in Harimoura Para, a Rohingya hamlet in Sein Hnyin Pyar village tract. She said that in late August they heard the sound of gunfire in the distance. The next night, the family were preparing to sleep when 12 soldiers burst into their house. She described what happened next:

*“We were five women in the house: me, my sister, my sister’s daughter and my two sisters-in-law as well as my uncle and two brothers. They dragged the men down the stairs and outside. They killed my uncle in the yard and took my brothers away. Then they raped us. Every single woman in the house. I don’t know how many raped me... I fainted.”*⁶⁴⁵

When D.I. regained consciousness, she saw that her two sisters-in-law, including one who was seven months pregnant, were dead.

W.K., 28, lived in nearby Wa Ra Kyun village. Around 27 August, she said that the military announced that they would search houses. The men in the village fled, leaving women and children behind. She said soldiers came to her house around 8 a.m., forced the women outside, and searched her house. Afterwards, they took women and girls from the village to the local school. She recalled, *“They made us sit on the ground and then they searched our bodies. Then they separated the younger women from the older ones. Five soldiers took three [girls] in to another room, their hands were tied behind their backs.”*⁶⁴⁶

W.K. knew the girls, who she said were between 13 and 17 years old, and shared their names with Amnesty International. After the girls were taken away, other soldiers in the main school building ordered the remaining women to leave. *“By the next morning, the military were gone so people went to the school. They found two of the girls alive, but one of them had been killed,”* W.K. recalled. *“Villagers bought her body to our compound. I saw marks on her face, like scratches. My mother-in-law washed the body before it was buried. She told me there were bite marks on her breasts.”*⁶⁴⁷

A woman and a 12-year-old girl from Laung Don village tract in northern Maungdaw Township similarly told Amnesty International that soldiers raped two young women during a search in their village on 25 or 26 August. Following the October 2016 ARSA attacks, soldiers had sexually assaulted women and girls in the same village.⁶⁴⁸ K.F., around 40 years old, told Amnesty International, *“We have been afraid since then.”*⁶⁴⁹ She said that during the recent violence, soldiers again came to the village and began searching houses. *“[The soldiers] entered our compound and started searching us. Their hands were all over our bodies,”* she recalled. *“There were two [women] sitting beside me: one married, one unmarried. Three or four soldiers dragged them away. I don’t know where they took them.”*⁶⁵⁰

H.I., 12, also saw the two women taken away. *“After two hours, they bought them back. They were both crying,”* she said.⁶⁵¹ H.I. recalled that soldiers separated the children from the adults and one soldier, who

⁶⁴⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 22 January 2018.

⁶⁴⁶ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 26 January 2018.

⁶⁴⁷ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 26 January 2018.

⁶⁴⁸ Amnesty International interviews, November 2016 and January 2018; OHCHR, *Report of OHCHR mission to Bangladesh: Interviews with Rohingya fleeing from Myanmar since 9 October 2016*, 3 February 2017, p. 28; Human Rights Watch, *Burma: Security Forces Raped Rohingya Women, Girls*, 6 February 2017.

⁶⁴⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 24 January 2018.

⁶⁵⁰ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 24 January 2018.

⁶⁵¹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 24 January 2018.

spoke the Rohingya dialect, questioned the children about where the “bad people” were. “*They kept calling us ‘Bengali’*,” she said. “*They said this was not our land and we should leave. I was very afraid.*”⁶⁵²

5.3 RAPE AND OTHER SEXUAL VIOLENCE DURING THE FLIGHT TO BANGLADESH

Women were also raped and sexually assaulted as they fled towards Bangladesh, in particular when they fled from Buthidaung Township and crossed the mountains into Maungdaw Township. In all instances documented by Amnesty International, the perpetrators were Myanmar soldiers whom the survivors identified by the soldiers’ green uniforms.

N.T., 27, had been fleeing for four days with a large group of people from her village in Ywar Ma village tract, northern Buthidaung Township, when they were attacked by soldiers. “*We were in Bor Kul La forest. We had found a place to rest and had been sleeping,*” she recalled. “*It was morning time. [The soldiers] surrounded us... Almost everyone ran away, but they captured me and around 20 other women. I don’t know how many times I was raped. I was unconscious for three days afterwards... My relatives had to carry me here.*”⁶⁵³

N.T. was admitted to a medical facility run by a humanitarian organization when she arrived in Bangladesh and was treated for the injuries she sustained during the rape.⁶⁵⁴

Long after the most acute period of violence ended, Myanmar soldiers sexually assaulted and harassed women as they fled Myanmar.⁶⁵⁵ Khateza, 22, left her village of Thein Taung Pyin, southern Buthidaung Township, in late January 2018. At the foot of the mountains separating Buthidaung and Maungdaw Townships, the security forces had erected a barbed-wire checkpoint, near Sein Hnyin Pyar village tract. When they saw her group approaching, the security forces stopped them, separating the men from the women. Khateza told Amnesty International:

*“Everything was searched. Our bodies, our sacks. I had some food for my children with me, and they took it. They took my mobile phone. I had no money on me, but other people who had money, they took it. Gold jewellery, they also took... They took off our [outer] clothes. All the young women, including me, they searched us like this—they put their hand inside [on our breasts]... I was really uncomfortable. It was so embarrassing. I was crying.”*⁶⁵⁶

Many other Rohingya men and women who went through the Sein Hnyin Pyar checkpoint in late 2017 and early 2018 gave similar descriptions to Amnesty International of being separated by gender and robbed of all their valuables there, often with women being sexually assaulted.

5.4 ABDUCTIONS OF WOMEN AND GIRLS

Amnesty International’s research indicates that in some cases soldiers abducted Rohingya women and girls, raising fears that they were raped and murdered. MSF also reports “numerous” incidents of women and girls being gathered in groups, taken away and raped in unknown locations—sometimes referred to as “camps” or “military camps”.⁶⁵⁷ Following a visit to Cox’s Bazar in November 2017, the UN Special Representative on Sexual Violence in Conflict, Pramila Patten, specifically raised concerns about “*sexual slavery in military captivity*” after meeting with Rohingya survivors of sexual violence.⁶⁵⁸

Amnesty International documented three incidents in December 2017 and January 2018 when soldiers abducted girls and young women. Hasina, 25, told Amnesty International that six or seven soldiers came to her family’s house in Hpoe Khaung Chaung village, Buthidaung Township, in early January. They checked everyone in the home, guns pointed, and then focused on her 15-year-old cousin, Samuda. “*They told my uncle, ‘If you refuse to hand over your daughter, you’ll be killed’*,” Hasina recalled. “*They dragged her*

⁶⁵² Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 24 January 2018.

⁶⁵³ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 22 January 2018.

⁶⁵⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 22 January 2018.

⁶⁵⁵ Amnesty International, *Myanmar forces rob, starve and abduct Rohingya, as ethnic cleansing continues* (Index: ASA 16/7835/2018), 7 February 2018.

⁶⁵⁶ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 29 January 2018.

⁶⁵⁷ MSF, “*No One Was Left*”, p. 19.

⁶⁵⁸ UN News, “UN envoy urges greater support for Rohingya victims of sexual violence,” 16 November 2017.

away.⁶⁵⁹ Hasina said that soldiers abducted other girls and young women from the village around the same time. Her family left for Bangladesh soon after and are unaware of Samuda's fate or whereabouts.

The threat of abduction existed even when Rohingya families prepared to leave for Bangladesh. Hashim Ulla, 35, and his family initially fled their hamlet in Ah Lel Than Kyaw village tract, Maungdaw Township, when soldiers torched it in late August 2017. After living with relatives in other villages, they spent several months sleeping in the open air in Ka Nyin Tan, near the Na Khaung To boat departure point. Around 22 January, Myanmar soldiers descended on Ka Nyin Tan. Hashim Ulla said they separated the men from the women, then said they needed men to clear land in an area where homes were burned, and women to cook and perform domestic work in the military post.⁶⁶⁰ His wife Hasina, 28, his father Sultan, 60, and his son Asmadullah, 18, were taken away at gunpoint by the soldiers. Hashim Ulla said he saw the group of women being walked toward the Ah Lel Than Kyaw military post. He waited for three days with his mother, sisters, and children, but no one returned, and they received no information. Fearing the soldiers might return and take more people, they and other families fled by boat to Bangladesh.⁶⁶¹

5.5 TERRORISING, HUMILIATING, AND FURTHERING MASS DEPORTATION

Amnesty International's research indicates that rape and other sexual violence were widespread and contributed to, and indeed were part of, the campaign to ensure the ethnic cleansing of northern Rakhine State—which constitutes the crimes against humanity of deportation or forcible transfer of population.⁶⁶² The rapes further instilled a sense of terror, powerlessness, and hopelessness among the population. Rape, or the fear of rape, was a motivating factor for some families in deciding to flee from Myanmar.

Their concerns were shared by many of the women Amnesty International interviewed in the refugee camps, who described living in a state of fear. Several referred to rapes that took place in the months before the ARSA attacks as contributing to an overall feeling of insecurity.⁶⁶³ Others referred to the rape of women and girls during the earlier campaign of violence from October 2016.⁶⁶⁴ *“Ever since [2016], every time the military came to our village we women would leave the houses because we were afraid of rape. It is known that that's what the military do [to young women],”* explained Mahamada Khatun, who lived in Done Paik, northern Maungdaw Township.⁶⁶⁵ Many women said they would not feel safe returning to Myanmar if soldiers were allowed to repeat these abuses, underscoring the need for accountability.⁶⁶⁶

The crimes of rape and other sexual violence perpetrated against Rohingya women and girls during the recent crisis in northern Rakhine State took place within a wider context of sexual violence against ethnic minority women, in particular in conflict-affected areas. These patterns of abuse have been well documented by non-governmental organizations for many years, in particular by women's organizations working in and on Myanmar.⁶⁶⁷ Independent, impartial investigations into such allegations are rare, and suspected perpetrators are seldom held to account, contributing to a culture of impunity and reinforcing patterns of discrimination, violence, and abuse against women and girls.

⁶⁵⁹ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 23 January 2018.

⁶⁶⁰ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 27 January 2018.

⁶⁶¹ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 27 January 2018.

⁶⁶² Rome Statute, Article 7(1)(d).

⁶⁶³ Non-governmental organizations have also documented the rape of Rohingya women in the months before the 25 August 2017 ARSA attacks. See Human Rights Watch, *“All of My Body Was Pain”*, pp. 20-21; MSF, *“No One Was Left”*, pp. 18-21; Emanuel Stokes, *“EXCLUSIVE: New allegations of Myanmar security forces raping Rohingya women,”* *IRIN*, 4 July 2017, www.irinnews.org/news/2017/07/04/exclusive-new-allegations-myanmar-security-forces-raping-rohingya-women.

⁶⁶⁴ Rape and other sexual violence against women and girls were widely documented in the aftermath of the October 2016 ARSA attacks. See OHCHR, *Report of OHCHR mission to Bangladesh, Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, pp. 20-24; Amnesty International, *“We Are at Breaking Point”*, pp. 24-26; Human Rights Watch, *Burma: Security Forces Raped Rohingya Women, Girls*, 6 February 2017.

⁶⁶⁵ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 26 January 2018.

⁶⁶⁶ Amnesty International interviews, Cox's Bazar, Bangladesh, January 2018.

⁶⁶⁷ See, for example, Shan Women's Action Network & Shan Human Rights Foundation, *License to Rape: The Burma military regime's use of sexual violence in the ongoing war in Shan State*, July 2002; Karen Women's Organization (KWO), *Shattering Silences: Karen Women speak out about the Burmese Military Regime's use of Rape as a Strategy of War in Karen State*, April 2004; Women's League of Burma (WLB), *If they had hope, they would speak: The ongoing use of state-sponsored sexual violence in Burma's ethnic communities*, November 2014; WLB, *Same Impunity, Same Patterns*, January 2014; and Ta'ang Women's Organization (TWO), *Trained to Torture: Systematic war crimes by the Burma Army in Ta'ang areas of northern Shan State* (March 2011-March 2016), June 2016.

6. LANDMINES

“I was trying to slip through the fence at the border. Suddenly I stepped on a mine. It exploded and lifted me up high and then I fell. My whole body was shaken. Then I went unconscious.”

Sabiku Nahar, around 45 years old, who lost both of her legs after stepping on a landmine around 3 September 2017, when fleeing across the border from her village of Taung Pyo Let Yar, Myanmar.⁶⁶⁸

As Rohingya men, women, and children fled on foot to Bangladesh from the northern part of Maungdaw Township, where hills and fields separate the two countries in a narrow strip of land known as “zero point” or “no man’s land,” they unknowingly faced another hazard: antipersonnel landmines laid along key departure paths. Based on witness accounts, verified photographs, and an analysis by weapons experts, the evidence points to the Myanmar security forces deliberately laying landmines in a way designed to cause harm to civilians, and which then did in fact lead directly to death and maiming, including of children.

Amnesty International interviewed one woman who survived a landmine explosion; seven witnesses to that and two other landmine blasts along the border that caused death or serious injury; and several officers from the Border Guards Bangladesh (BGB) who were in “no man’s land” and confirmed blasts. Each documented incident occurred in early September 2017, as thousands of Rohingya fled each day from northern Rakhine State. During that period, Bangladesh formally lodged a protest with Myanmar about its security forces laying landmines between pillars of the barbed-wire border fence, according to Reuters.⁶⁶⁹

Sabiku Nahar, around 45 years old, told Amnesty International that in the late afternoon of 3 or 4 September 2017, she and her family fled from Taung Pyo Let Yar village, northern Maungdaw Township, after observing constant patrolling by security forces; the arrest of a group of Rohingya men; and the burning of a Rohingya area nearby. It took around 15 minutes to get from her house to the border fence erected by the Myanmar authorities. She recalled slipping through the fence, near a Myanmar security force post, taking a step and then, *“Doooouum! As soon as I heard the explosion, I felt pain in my head. My whole body was shaken. I don’t remember after that.”*⁶⁷⁰

Family and neighbours found her lying on the ground, with one leg ripped off just above the ankle, and the other foot and ankle severely damaged. She regained consciousness the next day in a hospital in Bangladesh, where she remained for weeks. Doctors ultimately amputated both legs just below the knee.⁶⁷¹

Amnesty International verified the authenticity of graphic mobile phone images showing Sabiku Nahar’s shredded legs soon after the blast. Medical experts concluded from the nature of the injury that it was caused by an explosive device that was powerful, directed upwards, and located on the ground, all of which

⁶⁶⁸ Amnesty International telephone interview, Kutupalong Refugee Camp, Bangladesh, 31 March 2018.

⁶⁶⁹ Reuters, “Exclusive: Bangladesh protests over Myanmar’s suspected landmine use near border,” 5 September 2017.

⁶⁷⁰ Amnesty International telephone interview, Kutupalong Refugee Camp, Bangladesh, 31 March 2018.

⁶⁷¹ Amnesty International telephone interview, Kutupalong Refugee Camp, Bangladesh, 31 March 2018.

is consistent with a landmine.⁶⁷² Other villagers showed photos, which Amnesty International has also verified to be genuine, of at least one other antipersonnel landmine close to the same location.

Sabiku Nahar's son, Ameer Khan, 22, told Amnesty International that his mother's hearing has suffered since the blast, and that he has to help her with basic daily activities, including using the bathroom.⁶⁷³

Both Sabiku Nahar and Ameer Khan said they had never received a warning about landmines in the area. Sabiku Nahar said the path was long used for cross-border commerce: *"On top of the hill, there's a security force post. The landmine explosions have been straight below [where] the post [is]... Before the violence, it was the route we villagers often used to cross to Bangladesh. There was no explosion ever before."*⁶⁷⁴



Sabiku Nahar, around 45 years old, is carried after stepping on a landmine while fleeing her village along the Myanmar border. She was found and carried into Bangladesh, where she was taken to a hospital to receive treatment for her injuries. © Private

Sabiku Nahar sits in Kutupalong Refugee Camp, Bangladesh, around seven months after she stepped on a landmine, 31 March 2018. © Amnesty International

Around the same date, Azizul Haque, who was around 16 years old, stepped on a landmine after fleeing from his family's home in Ward 2 of Taungpyoletwea town. Amnesty International interviewed his mother, Rashida, who later saw the boy's injuries, as well as his 10-year-old brother, who was near Azizul Haque when the explosion occurred. The brother said that they had recently passed through the border fence when he saw a big blast; when he found Azizul Haque, he recalled, *"His foot was gone."*⁶⁷⁵

Rashida, around 40 years old, saw her son after her husband went back to help him cross into Bangladesh. *"His ankle was torn [off],"* she told Amnesty International. *"He had so many injuries from [his waist] down. One of his fingers was injured also."*⁶⁷⁶ Bangladeshi authorities rushed the boy to the MSF clinic, and then on to Memorial Christian Hospital. As sepsis spread through the boy's legs, doctors amputated first below the knees and then well above the knees. Azizul Haque died around 10 days after the blast.⁶⁷⁷ *"He went to 4th class in Burmese [school], and he was a beginner in the madrasa,"* Rashida recalled. *"He used to fish in the*

⁶⁷² Amnesty International correspondence, September 2017.

⁶⁷³ Amnesty International telephone interview, Kutupalong Refugee Camp, Bangladesh, 31 March 2018.

⁶⁷⁴ Amnesty International telephone interview, Kutupalong Refugee Camp, Bangladesh, 31 March 2018.

⁶⁷⁵ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 25 January 2018.

⁶⁷⁶ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 25 January 2018.

⁶⁷⁷ Amnesty International interviews, Balukhali Refugee Camp, Bangladesh, 25 January 2018.

river. He played football after school was over.”⁶⁷⁸ As with Sabiku Nahar, the family of Azizul Haque said that people had often walked in the area where the blast occurred, without any incident.⁶⁷⁹

In March 2018, media outlets cited the Bangladeshi authorities as reporting at least 12 deaths due to landmine blasts near the border since early September 2017.⁶⁸⁰ There were at least a dozen other serious injuries, disproportionately affecting Rohingya who fled through the border fence during the first weeks of the crisis.⁶⁸¹ Some landmines appear still to be in place; in March, the media reported that an ethnic Mro man from Bangladesh was killed by a landmine when trying to cross into Myanmar with his family.⁶⁸²

The evidence overwhelmingly points to the Myanmar security forces having laid the landmines. First, several witnesses told Amnesty International that they had seen members of the Myanmar security forces plant mines close to the Myanmar-Bangladesh border, including near Taungpyoletwea.⁶⁸³ Human Rights Watch reported similarly, citing officials in the Border Guards Bangladesh who had observed actions by Myanmar forces that strongly suggested they were placing landmines.⁶⁸⁴ More circumstantially, several Border Guards Bangladesh officers in “no man’s land” told Amnesty International that they had seen Myanmar soldiers walking near the border in single file,⁶⁸⁵ standard procedure for walking in a known minefield.⁶⁸⁶

After Bangladesh lodged its protest, the Myanmar military rejected the accusation that it had recently planted landmines, claiming that their landmines along the border were laid in the 1990s and that they had tried to remove them.⁶⁸⁷ However, much of the border fence in that area, including cement foundations, has been built in recent years and could not have been built in a minefield. Any mines must have been laid after the fence was installed. An Amnesty International weapons expert who reviewed images of mines planted in the border area also said they appeared to have fresh soil around them, indicating recent placement.

Second, Amnesty International reviewed photographs of landmines that, following several deadly blasts, Rohingya men dug up in order to protect other villagers. Based on an analysis of those images by Amnesty International weapons experts, the organization concluded that at least several of the antipersonnel landmines were the Soviet-designed PMN-1 type.⁶⁸⁸ The PMN-1 carries an unusually large explosive charge compared to other antipersonnel landmines. Like all antipersonnel landmines, it is designed to maim, but the unusually large blast charge is designed to destroy the lower leg to at least the knee, and possibly the femoral artery above it, which has led to the particularly severe injuries and high death rate among those who have stepped on them near the border.⁶⁸⁹

In addition to asserting that all military-laid landmines dated from the 1990s, the Myanmar authorities have blamed the presence of any more recently laid landmines on ARSA.⁶⁹⁰ However an Amnesty International review of the authorities’ statements and published photographs credibly links ARSA only to the use of improvised explosive devices (IEDs), not actual antipersonnel landmines. The Myanmar military, by contrast, is known to produce, purchase, and use antipersonnel landmines, including the PMN-1.⁶⁹¹ The blast charge of the PMN-1 type mine is also consistent with the severity of wounds documented by Amnesty International.

⁶⁷⁸ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 25 January 2018.

⁶⁷⁹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 25 January 2018.

⁶⁸⁰ See, for example, Radio Free Asia, “Bangladesh: Landmine Kills Buddhist Trying to Enter Myanmar,” 15 March 2018; S Bashu Das, “Landmine blast kills one, injures five in Bandarban,” *Dhaka Tribune*, 16 March 2018, www.dhakatribune.com/bangladesh/nation/2018/03/16/landmine-blast-kills-one-injures-five-bandarban/.

⁶⁸¹ See, for example, S Bashu Das, “Bangladeshi among Rohingya refugees killed by landmines at Bandarban border,” *Dhaka Tribune*, 13 September 2017, www.dhakatribune.com/bangladesh/nation/2017/09/13/bandarban-border-landmines-kill/.

⁶⁸² Radio Free Asia, “Bangladesh: Landmine Kills Buddhist Trying to Enter Myanmar,” 15 March 2018.

⁶⁸³ Amnesty International interviews, Bangladesh, September 2017.

⁶⁸⁴ Human Rights Watch, “Burma: Landmines Deadly for Fleeing Rohingya,” 23 September 2017.

⁶⁸⁵ Amnesty International interviews, Bangladesh, September 2017.

⁶⁸⁶ An Amnesty International military expert used to teach the practice, namely to step in exactly the same places as the person in front.

⁶⁸⁷ Reuters, “Exclusive: Bangladesh protests over Myanmar’s suspected landmine use near border,” 5 September 2017.

⁶⁸⁸ Amnesty International could not determine whether the landmines were actual Soviet-made weapons or copies made by Myanmar itself or a third country, such as China. Both Myanmar and China are known to produce PMN-1 copies, under different names.

⁶⁸⁹ According to an Amnesty International weapons expert, the original Soviet design was meant to overwhelm NATO medics. Whereas individual soldiers could treat non-life threatening injuries to the foot caused by antipersonnel landmines with lesser, more standard blast charges, scarce medics were required to treat the much more extensive PMN-1 type injuries.

⁶⁹⁰ Reuters, “Exclusive: Bangladesh protests over Myanmar’s suspected landmine use near border,” 5 September 2017; James Bennett, “Rohingya Muslims: Refugees with catastrophic injuries ‘targeted’ by military landmines as they fled,” *Australian Broadcasting Corporation* (ABC), 3 October 2017, www.abc.net.au/news/2017-10-04/rohingya-refugees-targeted-by-military-landmines-as-they-flee/9013342.

⁶⁹¹ Landmine & Cluster Munition Monitor, *Myanmar_Burma: Mine Ban Policy*, 16 November 2016, footnotes 40 & 42 (indicating acquisition and use of foreign-produced landmines including the Soviet PMN and the China Type-58, which is similar to the Soviet PMN; as well as the domestic production of what Myanmar calls the MM2, a copy of the China Type-58).



A landmine planted in the border area of Myanmar, near paths by which Rohingya fled to Bangladesh. An Amnesty International weapons expert confirmed that it is a PMN-1 type mine. © Private

Third, the Myanmar military has a long history of using antipersonnel landmines and failing to warn civilian populations, particularly those from ethnic minorities, of their presence.⁶⁹² In a report published in June 2017, Amnesty International documented in detail the Army's use of landmines in Kachin and northern Shan States, leading to the deaths and maiming of scores of civilians in early 2017 alone.⁶⁹³ There, as in northern Rakhine State, ethnic armed groups use IEDs, which likewise cause civilian harm, but true antipersonnel landmines are predominantly, if not exclusively, used by the military. In northern Myanmar, Amnesty International documented a Myanmar military practice of planting landmines near security force posts as part of what it considers to be defensive measures.⁶⁹⁴ This is consistent with the description that Sabiku Nahar and her son provided about where she stepped on a landmine, but other documented landmine injuries along the border after 25 August occurred in areas that do not appear to have had a proximate security force position.

Myanmar has not ratified either the Mine Ban Treaty⁶⁹⁵ or the Convention on Certain Conventional Weapons, Protocol II of which includes specific restrictions on antipersonnel landmines.⁶⁹⁶ However, many of the treaties' key provisions are considered to reflect rules of customary international law, due to the inherently indiscriminate nature of antipersonnel landmines. The Myanmar military is required, at minimum, to minimize the indiscriminate effects of landmines and IEDs, to record where such weapons are placed, and to remove them or make them otherwise harmless after fighting has ended.⁶⁹⁷ Here, far from meeting these requirements, the Myanmar military appears to have placed antipersonnel landmines in order to deliberately cause harm to civilians. There does not appear to have been any

fighting in the border fence area. Yet the military laid landmines along these key paths that fleeing Rohingya took when leaving northern Maungdaw Township for Bangladesh; failed to provide any warning, even after casualties occurred; and has failed to remove or otherwise render harmless at least some landmines in the border area, leading to another landmine-related death and additional injuries in March 2018. The continued presence of landmines in the border area at time of publication also undermines the potential for safe and voluntary returns.

Given the deliberate or, at minimum, known effect of placing landmines in the border area as people were fleeing, the deaths that occurred qualify as the crime against humanity of murder, as it was part of the widespread and systematic attack on the Rohingya population.⁶⁹⁸ The causing of serious injuries by such landmines would also fall under the crimes against humanity of "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health".⁶⁹⁹

⁶⁹² See Landmine & Cluster Munition Monitor, *Myanmar_Burma: Casualties and Victim Assistance*, 21 November 2016, www.the-monitor.org/en-gb/reports/2017/myanmar_burma/casualties-and-victim-assistance.aspx; IRIN, "Why can't Myanmar clear its landmines?", 7 January 2016; Roger Fasth and Pascal Simon, "Mine Action in Myanmar," *Journal of ERW and Mine Action*, Vol. 19(2), p. 23.

⁶⁹³ Amnesty International, *"All the Civilians Suffer"*, pp. 43-46.

⁶⁹⁴ Amnesty International, *"All the Civilians Suffer"*, pp. 43-46.

⁶⁹⁵ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention or Mine Ban Treaty), entered into force 1 March 1999.

⁶⁹⁶ Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, entered into force 2 December 1983.

⁶⁹⁷ See International Committee of the Red Cross, *Customary IHL Chapter 29: Landmines*.

⁶⁹⁸ Rome Statute, Article 7(1)(a); International Criminal Court, Elements of Crimes, UN Doc. PCNICC/2000/1/Add.2 (2000), Article 7(1)(a).

⁶⁹⁹ Rome Statute, Article 7(1)(k).

7. FORCED STARVATION

“No one could go to their paddy fields, no one could work their cows. When our food was gone and we couldn’t move, that’s why we came to Bangladesh.”

Rahima Khatun, around 55 years old, from Gu Dar Pyin village, Buthidaung Township.⁷⁰⁰

“The Muslims are starving in their homes. Markets are closed, and people can’t leave their villages, except to flee. There is widespread intimidation by the authorities, who are clearly using food and water as a weapon.”

A humanitarian worker whose organization operates in Rakhine State.⁷⁰¹

As a result of the widespread killings, rape and other sexual violence, and village burning that characterized the first weeks of the Myanmar military’s ethnic cleansing campaign, more than 420,000 Rohingya men, women, and children had fled to Bangladesh by 20 September 2017,⁷⁰² emptying villages in Maungdaw Township and parts of Rathedaung Township in particular. But hundreds of thousands of Rohingya remained in northern Rakhine State, trying to continue living in their homes and working their land. Many of them would eventually have to flee as well, having been driven to the brink of starvation. *“We weren’t able to get food, that’s why we fled,”* said Dildar Begum, 30, from Tat Yar village, Buthidaung Township.⁷⁰³

The population in northern Rakhine State has long suffered from high rates of malnutrition, with malnutrition among the Rohingya in particular a consequence of the system of apartheid under which they live, including the extensive movement restrictions that prevent or severely limit access to sufficient food sources such as forests, rivers, coastal waters, and other villages.⁷⁰⁴

But the Rohingya population’s inability to secure sufficient food in the months after 25 August went beyond the daily persecution they had long faced. Instead, through a series of deliberate actions, the security forces appear to have adopted a tactic of forced starvation as part of an attempt to drive the remaining Rohingya out of the country. The security forces took part in the massive theft of Rohingya livestock; burned and

⁷⁰⁰ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 20 January 2018.

⁷⁰¹ Amnesty International interview, September 2017.

⁷⁰² Inter Sector Coordination Group, *Situation Report: Cox’s Bazar Influx*, 20 September 2017, reliefweb.int/sites/reliefweb.int/files/resources/170920_ISCG-SitRep_Influx-August-2017.pdf.

⁷⁰³ Amnesty International interview, Balukhali Refugee Camp, 24 January 2018.

⁷⁰⁴ Amnesty International, *“Caged without a Roof”*. For more on malnutrition rates prior to the current crisis, see World Food Programme, *Food security assessment in the northern part of Rakhine State: Final Report*, July 2017.

otherwise blocked access to Rohingya markets; severely restricted humanitarian access in tandem with the civilian authorities; and blocked the Rohingya from accessing rice fields at harvest time.

In March 2018, after a trip to Cox's Bazar, the UN's Assistant Secretary-General for Human Rights, Andrew Gilmour, concluded that the military's ethnic cleansing of the Rohingya population continued through "*a lower intensity campaign of terror and forced starvation*."⁷⁰⁵ A month earlier, the Associated Press reported starvation tactics similar to those described in this report, quoting Rohingya men and women who said they had gone days without eating or had been forced to survive on banana plant stalks before fleeing.⁷⁰⁶

The result was the continued exodus of the Rohingya population. Doctors and aid workers in Bangladesh interviewed by Amnesty International said they treated many people for acute malnutrition, and for illnesses that stemmed in part from pervasive malnutrition.⁷⁰⁷ In November and December 2017, UN agencies reported emergency levels of malnutrition among the refugee population in Bangladesh, including 25 per cent of children; the highest rates of acute malnutrition were in the refugee camps with the greatest percentage of recent arrivals from Myanmar.⁷⁰⁸



Rohingya refugees arrive by boat from Myanmar, near Teknaf, Bangladesh, 28 September 2017. © Andrew Stanbridge / Amnesty International

FORCED STARVATION

Depriving people of food and other life-sustaining provisions, whether directly or through restrictions on movement, access to livelihoods, and humanitarian assistance is a clear violation of the human right to adequate food, provided *inter alia* in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), whilst also having a potentially serious negative impact on the right to health, guaranteed by Article 12 of the ICESCR, which Myanmar ratified in 2017.⁷⁰⁹

⁷⁰⁵ United Nations, *Note to Correspondents: Visit of the United Nations Assistant Secretary-General for Human Rights to Cox's Bazar*, 6 March 2018, www.un.org/sg/en/content/sg/note-correspondents/2018-03-06/note-correspondents-visit-united-nations-assistant.

⁷⁰⁶ Associated Press, "AP Exclusive: Rohingya say military cut off food in Myanmar," 9 February 2018.

⁷⁰⁷ Amnesty International interviews, Cox's Bazar, September 2017 and January 2018.

⁷⁰⁸ See, for example, UNICEF, "Malnutrition, anemia and disease plague Rohingya refugee children," 22 December 2017, www.unicefusa.org/press/releases/malnutrition-anemia-and-disease-plague-rohingya-refugee-children-%E2%80%93-unicef/33823; WFP, *WFP Concerned about High Malnutrition Rates among Rohingya Refugees in Cox's Bazar*, 13 November 2017.

⁷⁰⁹ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, Articles 11 and 12.

Being inflicted knowingly as part of a widespread and systematic attack on the Rohingya population, it also constitutes the crimes against humanity of persecution on racial or ethnic grounds and of “*other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health*”.⁷¹⁰ Since the actions appear to have been designed to, and at any rate were part of, the drive to force the Rohingya population out of their homes and country and into Bangladesh, they also constitute the crime against humanity of deportation or forcible transfer of population.⁷¹¹

7.1 LOOTING OF ROHINGYA LIVESTOCK

In dozens of interviews, Rohingya men and women from across northern Rakhine State described to Amnesty International witnessing their livestock being stolen, typically by the Myanmar security forces or by villagers from other ethnic communities, as security forces stood by. Such theft usually occurred during or soon after attacks on Rohingya villages by Myanmar soldiers. It stripped the Rohingya of an important resource and of family and communal wealth, and often marked the beginning of a drive toward starvation.

The security forces’ practice of stealing Rohingya livestock pre-dates the current campaign of ethnic cleansing. Rohingya from many villages told Amnesty International that for years, soldiers and police from nearby bases took their animals. A 53-year-old man from Chut Pyin village, Rathedaung Township, said that BGP who lived in the post between the village’s Rohingya and Rakhine hamlets, would sometimes “*come down and ask for chickens, gold, cows. Then after a while, they stopped asking—they just took.*”⁷¹²

But following the 25 August 2017 ARSA attacks, what had been recurrent theft turned into large-scale plundering. After the Rohingya had fled from security force attacks, hiding in adjacent hills or neighbouring villages, the security forces and villagers from other ethnic communities combed through Rohingya villages and systematically stole the livestock most Rohingya families were forced to leave behind.

Taslina, a 30-year-old woman from Gu Dar Pyin village, Buthidaung Township, told Amnesty International that she came from a wealthy Rohingya family that owned 22 cows and 18 goats. When security forces attacked Gu Dar Pyin on 28 August 2017 (see Chapter 4), she fled with her husband to the neighbouring village of Kan Da, leaving behind the family’s livestock. Over subsequent days, as security forces locked down the village, the family watched from across the canal as ethnic Rakhine from the same village tract stole Rohingya livestock and transported it back to their village on land and through the canal.⁷¹³

Seven other Rohingya from Gu Dar Pyin separately provided similar descriptions of the security forces and ethnic Rakhine working together to steal Rohingya livestock in the days after the 28 August attack, which had displaced the village’s entire Rohingya population. Several people snuck back into the village around a week later to find, amidst the smouldering remains, that the vast majority of livestock was gone.⁷¹⁴

Amnesty International documented a similar pattern of livestock looting in dozens of other Rohingya villages that were burned across northern Rakhine State. In late August 2017, a security force attack drove the Rohingya population out of Sin Thay Pyin village, part of the ethnically mixed village tract of Laung Don, in Maungdaw Township. Four Rohingya from Sin Thay Pyin whom Amnesty International interviewed, including a 46-year-old man who owned 18 cows and 12 buffalo, said that the security forces and vigilantes then looted the village of valuables, including livestock.⁷¹⁵ When Chein Kar Li village, in Rathedaung Township, was attacked and burned on 25 August, many Rohingya fled to the nearby hill or to neighbouring Koe Tan Kauk village, and described watching their livestock being stolen.⁷¹⁶ Several days later, Koe Tan Kauk was attacked, and again, livestock were stolen.⁷¹⁷

Livestock theft continued after the acute period of violence. In parts of Buthidaung and Rathedaung Townships, Rohingya villages remained intact and residents tried to remain despite hearing of the widespread killing and burning all around. The stealing of Rohingya livestock often marked the first of a series of actions by the authorities that left the Rohingya population without access to food.

⁷¹⁰ See Rome Statute, Articles 7(1)(h), 7(1)(k). See also Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, UN Doc. A/HRC/25/CRP.1, 4 February 2014, paras 1115 and 1131.

⁷¹¹ See Rome Statute, Article 7(1)(d).

⁷¹² Amnesty International interview, Thaingkhali Refugee Camp, Bangladesh, 26 September 2017.

⁷¹³ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 21 January 2018.

⁷¹⁴ Amnesty International interviews, Kutupalong and Balukhali Refugee Camps, Bangladesh, 20–24 January 2018.

⁷¹⁵ Amnesty International interviews, Kutupalong and Balukhali Refugee Camps, Bangladesh, 22–23 January 2018.

⁷¹⁶ Amnesty International interviews, September 2017 and January 2018.

⁷¹⁷ Amnesty International interviews, September 2017 and January 2018.

Fatima, 22, lived in the isolated Rohingya village of Kan Sit, Rathedaung Township, only several hundred metres from a Rakhine village to the north. She told Amnesty International that in the months after 25 August, “Any cow or buffalo that grazes there and crosses [the boundary], the [ethnic] Rakhine people take them away. When this happened, we went to a nearby [BGP] camp to lodge a complaint. They say, ‘It’s your problem. You didn’t mind the cows.’”⁷¹⁸ Several relatives lost livestock that way. The situation was further compounded when, around November 2017, her father, a fisherman, had his fishing boat taken by ethnic Rakhine villagers when it was deemed to cross outside the area where Rohingya were allowed to fish. When he complained to the BGP, they beat him and reportedly said the loss of the boat was his fault. Unable to sell fish or feed themselves, the family was forced to flee to Bangladesh.⁷¹⁹

Rohingya refugees from three other villages, including Zaiur Rahman, 31, from Ah Nauk Pyin, in Rathedaung Township, similarly described how villagers from other communities stole their livestock in late 2017 when they let the animals out to graze. In each instance, the authorities refused to intervene.⁷²⁰

At times, the livestock theft involved violence, again with no response from local authorities. For example, Abdul Ghani, 27, and Mohamed Salam, 37, told Amnesty International that in their village of Thein Tan, Buthidaung Township, the Rohingya villagers put all their cows and buffalo in one area and assigned eight people to watch over them. In October, a group wielding long knives attacked them at night, cutting one of the watchpersons on the side of the face and taking away cows and buffalo. In response, the community moved the remaining livestock to another area at the village’s edge. In November, there was another night attack. Community leaders complained to the Village Administrator, who reportedly told them that if they could not recognize the attackers, there was nothing he could do.⁷²¹ “Since we didn’t get justice, and never would, we thought it was better to sell all these cows and buffalo, before they were all taken,” Abdul Ghani said.⁷²² In response to that and other pressures, Abdul Ghani and Mohamed Salam’s families, along with scores of other families from Thein Tan, were forced to leave for Bangladesh in early 2018.

Credible media accounts corroborate Amnesty International’s findings. In its investigation into Inn Din, Reuters reported that police there stole Rohingya cattle and sold them on to local businesspeople.⁷²³ In late September 2017, the Associated Press reported that security forces and local civilian authorities in northern Rakhine State were selling stolen cattle to traders at the equivalent of US\$200 a head; some traders, in turn, transported cattle to Sittwe and sold it to Rohingya who are among those who have been held for six years in an IDP camp that resembles an open-air prison—completing a full circle of profiting off Rohingya misery.⁷²⁴

7.2 BURNING OF OR DENIAL OF ACCESS TO MARKETS

Even before August 2017, state-imposed curfews and movement restrictions on the Rohingya in Rakhine State severely limited their ability to access markets, particularly major markets outside their village.⁷²⁵ Those problems worsened significantly after 25 August. Members of the security forces and vigilantes burned key Rohingya markets, at times in a targeted manner, at other times as part of the burning of entire villages. Movement restrictions became more severe, cutting off access to those markets that remained intact. The result was a crippling of livelihoods and additional difficulties in accessing adequate food.

In early August 2017, as tensions escalated in Rathedaung Township following the disappearance of an ethnic Rakhine man named Than Htay (see Chapter 3), local authorities systematically denied Rohingya from accessing the market in Zay Di Pyin—a major market that served Rohingya who lived there and in surrounding village tracts. Three Rohingya leaders from Zay Di Pyin told Amnesty International that the community could not even go to buy rice in the market, much less sell their goods there.⁷²⁶ One of the men, Mohamed Meza, 38, said, “We were totally trapped inside our village.”⁷²⁷ After the massacre in Chut Pyin on

⁷¹⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018. Research by Amnesty International confirms that there is a Border Guard Police post in Oke Hpo (Oe Hpauk) Village Tract, within which Kan Sit village falls.

⁷¹⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.

⁷²⁰ Amnesty International interviews, Kutupalong and Balukhali Refugee Camps, Bangladesh, 23–24 January 2018.

⁷²¹ Amnesty International group interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.

⁷²² Amnesty International group interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.

⁷²³ Reuters, “Massacre in Myanmar: A Reuters Special Report,” 8 February 2018.

⁷²⁴ Associated Press, “Cattle from abandoned Rohingya villages sold to displaced,” 27 September 2017.

⁷²⁵ Amnesty International, “Caged without a Roof”.

⁷²⁶ Amnesty International telephone interviews, Bangladesh refugee camps, 26–27 March 2018.

⁷²⁷ Amnesty International telephone interview, Bangladesh refugee camp, 27 March 2018.

27 August (see Chapter 4), the entire Rohingya population of Zay Di Pyin fled to Bangladesh in fear that the military might attack them next and due to their lack of access to food.⁷²⁸

Amnesty International interviewed by telephone Maung Aye Tin, the Village Administrator for Zay Di Pyin in August 2017. He confirmed that during this time he had issued an order prohibiting Rohingya from coming to the ethnic Rakhine area of Zay Di Pyin or to the market there. He said that it was an effort to avoid inter-communal violence, as many ethnic Rakhine and people from other predominantly Buddhist communities had fled to Zay Di Pyin from surrounding villages after Than Htay went missing, and tensions were high.⁷²⁹ Regardless of the specific intent, the order discriminatorily targeted only one community—the Rohingya—and had foreseeable consequences in terms of their access to livelihoods and food. Moreover, the authorities do not appear to have taken steps to mitigate those consequences, for example by ensuring the delivery of food and other supplies into the Rohingya area of the village.

During the first weeks of the military's campaign, members of the security forces and local vigilantes often destroyed Rohingya markets in the process of burning entire villages, for example at Inn Din, where looting and burning occurred over several days and left almost no structure intact in the Rohingya areas.⁷³⁰

Other attacks on Rohingya markets appear more targeted. Around 29 August 2017, for example, the security forces and vigilantes burned the large Rohingya market in Sein Hnyin Pyar village tract, Buthidaung Township. The market in Sein Hnyin Pyar served the Rohingya villages in that village tract, in neighbouring Hpoe Khaung Chaung village tract, and in Gu Dar Pyin village tract, where the previous day the military and BGP had killed Rohingya men and women and burned houses.⁷³¹ While several dozen houses in Sein Hnyin Pyar were burned the same day as the market, the vast majority of homes remained intact. The burning was overwhelmingly concentrated on the Rohingya market stalls.

When soldiers attacked Gu Dar Pyin village on 28 August, Jamir Hossain, 27, fled from his home there across the canal to Sein Hnyin Pyar village tract. He told Amnesty International that the next morning he was forced to flee again, as he saw soldiers and local vigilantes descend on the Rohingya market, where they looted valuables, smashed stalls, and then set the market ablaze.⁷³² Mohamed Jubair, a 30-year-old mosque committee member from a village in Sein Hnyin Pyar village tract, said similarly, *"People said [the soldiers] had set fire in the [Sein Hnyin Pyar] market. I went out of my house and went to [a rice field nearby] where I could see [the market]. We saw flames and heard the burning."*⁷³³

Amnesty International interviewed several dozen people from villages in this area, and almost all of them mentioned the impact of the market's burning on their livelihoods. Although many Rohingya villages in Sein Hnyin Pyar and Hpoe Khaung Chaung village tracts remain physically intact, much of the Rohingya population from these villages fled to Bangladesh in late 2017 or early 2018 due to a lack of access to food.

Rahima Khatun, around 55 years old, who fled to Kan Da and then Sein Hnyin Pyar after her village of Gu Dar Pyin was attacked, told Amnesty International why she ultimately fled to Bangladesh: *"We couldn't sleep well, we couldn't eat well, we couldn't move... No one could go to their fields, no one could work their cows [in Sein Hnyin Pyar]... We couldn't take anything from the market, as the market was gone... They burned all of the market... When our food was gone and we couldn't move, that's why we came to Bangladesh."*⁷³⁴

Before-and-after satellite imagery shows that a large market located in Sein Hnyin Pyar village tract, near the boundary with Gu Dar Pyin and Hpoe Khaung Chaung village tracts, was burned in a targeted manner. Consistent with witness accounts, the images show that surrounding structures and vegetation remained intact, whereas dozens of market stalls were burned. An analysis of available low-resolution satellite imagery narrows the period of the market's destruction to between 29 August and 11 September 2017, which is likewise consistent with witness testimony.

⁷²⁸ Amnesty International telephone interviews, Bangladesh refugee camps, 26-27 March 2018.

⁷²⁹ Amnesty International telephone interview, Zay Di Pyin, Myanmar, 29 April 2018.

⁷³⁰ Amnesty International interviews with Inn Din witnesses, Balukhali and Thaingkhal camps, September 2017 and January 2018.

⁷³¹ Amnesty International interviews with people from each of those villages, Bangladesh, January 2018. The village tracts are Gu Dar Pyin, Sein Hnyin Pyar, and Hpoe Khaung Chaung. The market is physically located in Sein Hnyin Pyar village tract, but roughly sits at the intersection of those three village tracts.

⁷³² Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁷³³ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 20 January 2018.

⁷³⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 20 January 2018.



Structures in the market in Sein Hnyin Pyar village tract are visible on 26 May 2017. On 25 September 2017, satellite imagery shows the market has been destroyed. A review of satellite imagery narrows the date of destruction to between 29 August and 11 September 2017.

The burning of Rohingya markets continued well after the military's initial attacks. A 47-year-old farmer from Ka Kyet Bet, Buthidaung Township, told Amnesty International that his village's market was torched around October 2017.⁷³⁵ The market served several nearby villages, including Ah Lel Chaung. All five Rohingya who Amnesty International interviewed from Ah Lel Chaung spoke of the devastating effect of the Ka Kyet Bet market's burning, which they said the BGP and vigilantes perpetrated.⁷³⁶ "After that, we only ate what we found inside the village," said Musana Begum, 40. "Sometimes, we starved."⁷³⁷

An analysis of satellite imagery corroborated witness accounts that the burning of Ka Kyet Bet market was targeted: market stalls along the road were burned while homes and other structures removed from the road show no damage. Remote sensing analysis indicates the burning occurred between 4 and 11 October 2017.

The impact of the destruction of major Rohingya markets was exacerbated by movement restrictions. The 47-year-old Rohingya farmer from Ka Kyet Bet explained that after the market there was burned, very few Rohingya in the village had access to any market. "You'd have to go to Buthidaung market, and to go there, you have to pass through a checkpoint. They check for the NVC," he said. "If anyone is found without it, they're beaten. So how would we go to market?"⁷³⁸ The National Verification Card, or NVC, is a temporary identification document that most Rohingya reject since it fails to recognise them as citizens.⁷³⁹

More than a dozen other Rohingya men and women who arrived in Bangladesh in January or February 2018 described to Amnesty International the mounting pressure from the authorities to obtain an NVC, with access to markets and basic livelihoods used as leverage. Abdu Salam, 37, said the market near his village of Hpon Nyo Leik, in Buthidaung Township, was still operating, but "if you go to the market—sellers and visitors both—you need an NVC. We don't want to take the NVC."⁷⁴⁰

⁷³⁵ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 23 January 2018.

⁷³⁶ Amnesty International interviews, Kutupalong Refugee Camp, January and February 2018.

⁷³⁷ Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.

⁷³⁸ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 23 January 2018.

⁷³⁹ For background on the NVC cards, see Amnesty International, "Caged without a Roof", pp. 28-41.

⁷⁴⁰ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.



Between 4 and 11 October 2017, an area of the market in Ka Kyet Bet village appears razed. Structures behind the razed market area remain intact.

At times, soldiers used violence at even small village shops to pressure people into taking the NVC. A 35-year-old farmer and shopkeeper from Ah Lel Chaung recalled how, in mid-December 2017, soldiers came to his shop and said he needed to get the NVC, then beat him up. Villagers from another ethnic community looted his shop. The man and his family left for Bangladesh around 10 days later.⁷⁴¹

Local markets in northern Rakhine State were vital for the Rohingya population's livelihood and well-being, both as places where people sold chopped wood and agricultural products and where they bought food and other essentials. Destroying or denying access to markets was therefore a violation of individuals' human right to an adequate standard of living, including adequate food, provided *inter alia* in Article 11 of the ICESCR.⁷⁴² Being inflicted knowingly as part of a widespread and systematic attack on the Rohingya population, it constitutes the crime against humanity of "*other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health*".⁷⁴³ Since this crime appears to have been designed to, and at any rate was part of, the drive to force the Rohingya out of their homes and country and into Bangladesh, it also constitutes the crime against humanity of deportation or forcible transfer of population.⁷⁴⁴

7.3 BLOCKING OR RESTRICTING HUMANITARIAN ASSISTANCE

Throughout the crisis, the Myanmar authorities severely restricted and at times outright blocked humanitarian access to northern Rakhine State. The Rohingya population there has long faced acute food insecurity, as the authorities' restrictions on their movement have critically undermined livelihoods, including the ability to fish, farm, collect wood, and sell goods at market.⁷⁴⁵ As a result, many Rohingya have had to

⁷⁴¹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 January 2018.

⁷⁴² ICESCR, Article 11.

⁷⁴³ See, for example, Rome Statue of the International Criminal Court, adopted on 17 July 1998 (A/CONF.183/9, as subsequently amended), entered into force 1 July 2002, Article 7(1)(k).

⁷⁴⁴ See, for example, Rome Statue of the International Criminal Court, Article 7(1)(d).

⁷⁴⁵ See Amnesty International, "*Caged without a Roof*". For more information on rates of malnutrition prior to the current crisis, see World Food Programme, *Food security assessment in the northern part of Rakhine State: Final Report*, July 2017, docs.wfp.org/api/documents/WFP0000019264/download/?_ga=2.193844397.1274248860.1510069014-1309529638.1508234327.

depend heavily on food aid for survival. Deliberate restrictions on humanitarian access—still present at time of publication, though less severe than in the crisis's first months—have prevented aid from reaching many who needed it, with the foreseeable result of starving out Rohingya who stayed through the acute violence.

Aid workers told Amnesty International that restrictions on their operations, especially on their travel authorizations, tightened in the weeks prior to the August attacks, then significantly tightened in the immediate aftermath.⁷⁴⁶ For several critical weeks, all access was blocked. Then, on 9 September, in response to international pressure, the Myanmar authorities announced that the Myanmar Red Cross Society would lead the humanitarian response, supported by the International Committee of the Red Cross.⁷⁴⁷ Aid workers and diplomats in Yangon feared that the enormous humanitarian needs would be beyond the capacity of any one or even a few organizations to respond,⁷⁴⁸ and subsequent months bore that out.

Making matters worse, during the first part of the crisis, the Myanmar authorities fuelled local tensions and animosity towards international aid organizations and workers.⁷⁴⁹ Government spokespeople accused international aid organizations in Rakhine State of providing support to ARSA, after World Food Programme (WFP)-branded biscuits were found in an alleged ARSA “camp” in late July 2017.⁷⁵⁰

By late 2017, the Myanmar authorities allowed a few other aid organizations to partially resume operations in northern Rakhine State, but there were still major gaps in coverage and many affected communities did not receive the assistance they needed.⁷⁵¹ Travel authorizations for aid workers were often limited in duration, making it almost impossible to guarantee sustained delivery of aid, while access to some rural areas remained non-existent. Restrictions undermined even programs aimed at addressing acute child malnutrition.⁷⁵² At time of publication, 10 months after 25 August, the authorities had yet to allow the UN or other organizations to conduct a full needs assessment of those remaining in the region.⁷⁵³

At the end of September 2017, many Rohingya refugees arriving to Bangladesh, in particular from villages in Buthidaung and Rathedaung Townships, told Amnesty International that hunger was a main reason they fled.⁷⁵⁴ Humanitarian access could have potentially prevented many from needing to leave their homes.

In January and February 2018, Amnesty International interviewed 23 recent arrivals to Bangladesh from 11 different villages, part of the thousands of Rohingya who crossed the border during that period. New arrivals from only three of those villages indicated they had received an aid distribution since August 2017; even in those instances, it was only one distribution toward the end of 2017.⁷⁵⁵

Several Rohingya said the lack of access to humanitarian aid and assistance had a direct impact on food security. Zaiur Rahman, 31, arrived in Bangladesh in mid-January 2018 from Ah Nauk Pyin, a Rohingya village in Rathedaung Township surrounded primarily by ethnic Rakhine villages. Its isolation made inhabitants particularly dependent on food aid. He said a UN agency had long brought rice by boat, but this stopped shortly before 25 August. *“When it stopped, it cut our food rations. We only had a small quantity of rice,”* he said. *“The government and [ethnic Rakhine] didn’t allow us to go out of the village.”*⁷⁵⁶

The situation became increasingly desperate in October and early November 2017, including several weeks during which Zaiur Rahman said his and other families *“were starving,”* as they had run out of their food supply and were reduced to eating what plants they could find around the village.⁷⁵⁷ Unlike in many other villages, Rohingya families in Ah Nauk Pyin were then able to harvest some paddy fields around their village, which allowed them to restock a minimal rice supply. But without the supplemental food aid, he said they were quickly eating through their rice, which forced him to bring his family to Bangladesh. He indicated that at least several dozen other households from the village fled around the same time.⁷⁵⁸

Several humanitarian officials told Amnesty International in May 2018 that the situation had improved since March, with better access across northern Rakhine State for the delivery of food aid and longer durations of

⁷⁴⁶ Amnesty International interview with humanitarian officials, Yangon, Myanmar, September 2017.

⁷⁴⁷ Amnesty International interviews, Yangon, Myanmar, September 2017. See also Reuters, “Red Cross fills UN void in Myanmar’s violence-torn region,” 9 September 2017.

⁷⁴⁸ Amnesty International interviews, Yangon, Myanmar, September 2017.

⁷⁴⁹ Amnesty International, “Myanmar: Restrictions on international aid putting thousands at risk,” 4 September 2017.

⁷⁵⁰ Oliver Holmes, “Aung Sang Suu Kyi’s office accuses aid workers of helping ‘terrorists’ in Myanmar,” The Guardian, 28 August 2017.

⁷⁵¹ Amnesty International interviews, 17 and 18 January and 2 February 2018. See also World Food Programme, WFP Myanmar Country Brief: December 2017, 31 December 2017.

⁷⁵² Amnesty International correspondence with people with direct knowledge, March 2018.

⁷⁵³ Amnesty International telephone interviews and correspondence, February and March 2018.

⁷⁵⁴ Amnesty International interviews, Phalung Khali area, 24–25 September 2017; and Teknaf boat arrival point, 28 September 2017.

⁷⁵⁵ Amnesty International interviews, Bangladesh, January and February 2018.

⁷⁵⁶ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁷⁵⁷ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁷⁵⁸ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

travel authorizations.⁷⁵⁹ But at time of publication, the authorities were still restricting access to only several humanitarian organizations; others have yet to be able to resume providing much needed assistance.⁷⁶⁰ The more than 150,000 Rohingya who remain in northern Rakhine State face significant challenges, as continued movement restrictions imposed by the authorities combined with the deportation into Bangladesh of most of the Rohingya population have left them with scant work and other livelihood options.⁷⁶¹

7.4 DENIAL OF ACCESS TO AND EXPROPRIATION OF FARMLAND

The looting of livestock, destruction of markets, and lack of access to food aid put an already vulnerable population at even greater risk as they struggled to find adequate food. The Myanmar authorities compounded this further at the end of 2017, when, in many villages across northern Rakhine State, they blocked the remaining Rohingya from accessing their rice fields at harvest time; in some areas, the authorities have expropriated the land. Cut off from replenishing their staple crop, thousands of Rohingya feared starvation and poured across the border into Bangladesh.

In October 2017, the Myanmar government announced it would soon harvest rice paddies in 20 village tracts in Maungdaw Township, in what appeared to be a mass confiscation of Rohingya crops.⁷⁶² At the time, the government's plans seemed to focus on areas that had been emptied of the Rohingya population due to the military's widespread killing, rape, and burning. Rakhine State officials indicated that the profits from the crops' sale would go into state coffers,⁷⁶³ prompting international outcry, after which the national authorities backtracked and said that any harvested crop would *"be returned to the original owners either in cash or in the form of paddy"*⁷⁶⁴—without effectively explaining how this would be implemented, much less fairly.

But the authorities' actions turned out to be even worse: in areas where Rohingya villages remained intact and the inhabitants present, the security forces often denied Rohingya farmers access to their fields. The overwhelming majority of the 23 new Rohingya arrivals interviewed by Amnesty International in January and February 2018, from 11 villages across all three townships, said the Myanmar security forces stopped them from harvesting all, or at least most, of their paddy fields.⁷⁶⁵ After staying in northern Rakhine State through the military's campaign of killing, raping, and burning, the threat of starvation drove them to Bangladesh.

Several Rohingya who arrived in Bangladesh in January 2018 said they had started to harvest rice fields when the authorities stopped them. Abdu Salam, 37, lived in Hpon Nyo Leik village just south of Buthidaung town, and was a day labourer on other people's rice fields. He told Amnesty International that he was able to work for only four or five days after the harvest started. *"Then the soldiers came and said, 'This harvest is not your harvest.' There were many [of us] harvesting there. All of us were forced to leave,"* he recalled. Soon after, he saw villagers from another ethnic group using machinery to harvest the same land.⁷⁶⁶

Abdu Salam said the Rohingya population in Hpon Nyo Leik was only able to harvest the small rice plots right next to the village, but *"where the fields go on and on, there we couldn't go."*⁷⁶⁷ His neighbours provided his family with a little rice on which they survived for several weeks, but he said it was insufficient

⁷⁵⁹ Amnesty International interviews, Myanmar, May 2018.

⁷⁶⁰ Amnesty International interviews, Myanmar, May 2018. See also John Zaw, "UN appeals for humanitarian access in Myanmar's restive regions," *Union of Catholic Asian News (UCAN)*, 9 April 2018, www.ucanews.com/news/un-appeals-for-humanitarian-access-in-myanmars-restive-regions/82021.

⁷⁶¹ Amnesty International interviews, Myanmar, May 2018.

⁷⁶² *The Global New Light of Myanmar*, "Harvesting combines arrive in Rakhine State," 25 October 2017, www.globalnewlightofmyanmar.com/harvesting-combines-arrive-rakhine-state/. In late November 2017, the State Counsellor's office referred in a statement to "ownerless monsoon paddy" that could be harvested by the state. State Counsellor Office, *Rakhine State Minister and Officials Inspect Rice Harvesting and Land for New Villages*, November 2017, www.statecounsellor.gov.mm/en/node/1378.

⁷⁶³ Ministry of Information, *Sales from Maungdaw paddy kept as national budget*, 12 November 2017, www.moi.gov.mm/moi:eng/?q=news/12/11/2017/id-11975.

⁷⁶⁴ Union Enterprise for Humanitarian Assistance, Resettlement, and Development in Rakhine, *Clarification regarding harvested rice in northern Rakhine State*, 12 November 2017, rakhine.unionenterprise.org/latest-news-en/205-2017-11-12. Several people with direct knowledge of the harvest in northern Rakhine State told Amnesty International that only a small percentage of the paddy fields were ultimately harvested; most of the crop rotted, in part because there were so few people remaining in the region to work the fields. Amnesty International interviews, 16 and 17 January 2018.

⁷⁶⁵ There were exceptions, with several new arrivals from village tracts where only Rohingya live saying they had been able to harvest and mill at least part of their crop.

⁷⁶⁶ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.

⁷⁶⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.

for his children, forcing them to leave Myanmar in December 2017. He said the shortage of food forced many other families to flee his village around the same time.⁷⁶⁸

Other Rohingya men and women said soldiers blocked them from harvesting anywhere. Dildar Begum, 30, told Amnesty International that she fled in January 2018 from Tat Yar village, in Buthidaung Township, after remaining there throughout the crisis. *"We have no paddy field [this year], the military took out the harvest,"* she said. *"[Last month was] the time for the harvest, but we couldn't do it."*⁷⁶⁹ She said she lived close to the security force camp and saw uniformed personnel use a harvester on Rohingya land.⁷⁷⁰

Hasina, around 25 years old, arrived in Bangladesh in mid-January from Kan Da village, Buthidaung Township. She said they first experienced difficulties obtaining sufficient food when soldiers blocked them from going to the nearby hill where her family had collected wood to sell at market. At the end of August 2017, the security forces had also burned the market in neighbouring Sein Hnyin Pyar village tract, as described above. Then, she said, in November and December, *"We weren't allowed to harvest our rice fields. [We saw that] the Rakhine people harvested the fields."*⁷⁷¹ Without food, she, and at least hundreds of other Rohingya from the area, joined the exodus to Bangladesh.

In early 2018, the Myanmar authorities took steps in several village tracts to expropriate land on which the Rohingya population had lived or farmed—in order to build new security force bases, helicopter pads, and a "transit centre" for returning refugees, among other new construction (see Chapter 8).⁷⁷²

For example, in Ah Lel Chaung, the Myanmar authorities expropriated without consultation or compensation hundreds of acres of Rohingya farmland in order to build a new security force base and, according to witness accounts, a "model village" for people from other ethnic groups.⁷⁷³ Amnesty International interviewed five Rohingya from Ah Lel Chaung soon after they arrived in Bangladesh in January or February 2018. Musana Begum, a 40-year-old widow from a family of farmers, said the situation became difficult in October 2017, when security forces harvested Rohingya fields to the west of the village and took crops away in trucks. Without the rice crop, the villagers returned to plant potatoes, melons, and cucumbers, but in December, the BGP, military, and township officials ordered the villagers to stop farming there. In January 2018, the authorities planted flags across a large area. *"Two weeks after [that], they returned and called a meeting with the villagers,"* Musana Begum 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."*⁷⁷⁴

Satellite images (see page 128) confirm major construction where there used to be farmland on the west side of Ah Lel Chaung and other Rohingya villages to the south. The construction is primarily for a security force base, with a workforce including members of the security forces, ethnic Rakhine villagers, and Rohingya.⁷⁷⁵ The Arakan Project told Amnesty International that it had documented the use of forced labour for the security force base,⁷⁷⁶ a longstanding practice of the Myanmar military in ethnic minority areas.⁷⁷⁷

In addition to expropriating Rohingya farmland, the security forces evicted villagers from one hamlet of Ah Lel Chaung village to make way for the new construction site. Salim Ullah, a 53-year-old farmer, was one of those evicted: *"They harvested our crops. They confiscated our land. Where will we stay without a home? What will we eat? Fleeing [to Bangladesh] is the only way left for us. It is what they want to happen."*⁷⁷⁸

⁷⁶⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 January 2018.

⁷⁶⁹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁷⁷⁰ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁷⁷¹ Amnesty International interview, Kutupalong Refugee Camp transit centre, Bangladesh, 23 January 2018.

⁷⁷² For more information on this specific issue, see Amnesty International, *Remaking Rakhine State*; IRIN, "Myanmar levels former Rohingya villages to build camp for returnees," 12 March 2018.

⁷⁷³ Local media likewise reported that the authorities are constructing a major new Border Guard Police (BGP) base, and that Rohingya had fled to Bangladesh as a direct result. *The Irrawaddy*, "Construction Plan for New Police Regimental Base Causes Rohingya to Flee," 16 February 2018, www.irrawaddy.com/news/burma/construction-plan-new-police-regimental-base-causes-rohingya-flee.html.

⁷⁷⁴ Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.

⁷⁷⁵ Amnesty International interviews, Kutupalong Refugee Camp, 17 February 2018.

⁷⁷⁶ Amnesty International telephone interview, March 2018.

⁷⁷⁷ See, for example, Amnesty International, *The Rohingya Minority: Fundamental Rights Denied*, pp. 16-22; Amnesty International, *Myanmar: Exodus from the Shan State*; Amnesty International, *Myanmar: Leaving Home*; Human Rights Watch, *Untold Miseries: Wartime Abuses and Forced Displacement in Kachin State*, 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.

⁷⁷⁸ Amnesty International interview, Kutupalong Refugee Camp, 17 February 2018.



Rohingya refugees arrive to Bangladesh by boat from Myanmar with what few possessions they were able to carry when fleeing their villages in northern Rakhine State days before, Teknaf, Bangladesh, 28 September 2017.

8. BURNING, BULLDOZING, AND REMAKING VILLAGES

“When I came out of my house I saw other houses burning. Everything was on fire. It was so bright, it was like day time.”

Setara Begum, a 25-year-old woman from Gu Dar Pyin village tract, Buthidaung Township.⁷⁷⁹

Almost immediately after the 25 August 2017 attacks by ARSA, the Myanmar security forces, often in close cooperation with local vigilantes, burned down Rohingya villages across northern Rakhine State, in what appears to be a coordinated effort to permanently drive the Rohingya out of their homes and villages. Satellite imagery and data, as well as photo and video evidence analysed by Amnesty International, show a pattern of burning that is deliberate, organized, widespread, consistent over time and across several hundred villages in northern Rakhine State, and targeted at Rohingya homes, mosques, and other structures, including markets, as discussed in Chapter 7. Witness accounts indicate that in some instances burnings were orchestrated and planned in advance by the military and local government authorities.

At a government meeting in Sittwe on 27 September 2017, the Union Minister for Social Welfare, Relief and Resettlement, Dr Win Myat Aye, said that under the country's Natural Disaster Management Law, “*burnt lands become a government managed lands*,” arguing that the burning fit under “*natural disaster*” because the “*area will be defined as a land facing disaster caused by terrorist act*.”⁷⁸⁰ Since then, but in particular since the start of 2018, the Myanmar authorities have embarked on a major operation to clear burnt villages and to build new infrastructure.

The civilian-led government has said that the purpose of the extensive bulldozing and new construction is to prepare the region for the repatriation of Rohingya refugees from Bangladesh and, more generally, to address decades of chronic under-development and under-investment in one of Myanmar's poorest states.⁷⁸¹ But Amnesty International's analysis of satellite imagery, combined with interviews with people on both sides of the border, strongly suggests something far less benevolent. Dozens of Rohingya villages have been wiped off the map through bulldozing, including structures that had survived village burning. In place of many of these villages, often in the exact location where the Rohingya used to live and farm, the

⁷⁷⁹ Amnesty International interview, Balukhali Refugee Camp, Bangladesh, 24 January 2018.

⁷⁸⁰ Ministry of Information, *Redevelopment of Maungdaw region as per Disaster Management Law – Dr Win Myat Aye*, 26 September 2017, www.moi.gov.mm/moi:eng?q=news/27/09/2017/id-11604.

⁷⁸¹ Reuters, “Bulldozing Rohingya villages was not ‘demolition of evidence’, Myanmar official says,” 26 February 2018; *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.

authorities are building new security force bases and other security infrastructure; roads and other civilian infrastructure; and “model villages” for other ethnic and religious communities. The authorities are also, at minimum, tacitly supporting a much more ambitious effort by some ethnic Rakhine community leaders to resettle people from other parts of the state—and even people from predominantly Buddhist ethnic communities who reside across the border in Bangladesh—to areas where the Rohingya used to live.⁷⁸²

While the picture is only partial at this stage, the situation raises urgent concerns. The remaking of northern Rakhine State in the absence of most of the Rohingya population—and without any consultation with them—makes the prospect for safe, voluntary, and dignified return increasingly unlikely for the hundreds of thousands of refugees in Bangladesh. These actions may constitute a deliberate effort to prevent the Rohingya from ever returning and to cement their expulsion from the state. And for the Rohingya who remain or choose to return, the ongoing construction risks entrenching and amplifying existing socioeconomic deprivation and inequalities, exacerbating conflict and the system of discrimination and segregation under which they have lived, amounting to the crime against humanity of apartheid.⁷⁸³

RIGHT TO ADEQUATE HOUSING, CRIME AGAINST HUMANITY OF DEPORTATION

Nothing embodies a person's, a family's, or a community's ties to a place more than their home. Nothing embodies the intention to uproot a person, a family, or a community and to force them to leave their homeland more than the deliberate destruction of their home.

The large-scale, systematic destruction of Rohingya homes, property, and villages, and some of the subsequent construction on the sites of villages and farmlands, has resulted in widespread and systemic human rights violations, including related to the rights to adequate housing and food.⁷⁸⁴ Being perpetrated knowingly as part of a widespread and systematic attack on the Rohingya population, it also constitutes the crime against humanity of deportation or forcible transfer of population.⁷⁸⁵

8.1 BURNING OF ROHINGYA VILLAGES

In its October 2017 report, Amnesty International documented in detail the deliberate, organized, and targeted nature of the burning of Rohingya homes and villages during the course of the military's ethnic cleansing campaign.⁷⁸⁶ This chapter will provide a brief summary of that analysis, along with some previously-unreleased satellite and aerial photograph images that offer additional evidence as to the systematic and widespread nature of the military's village burning.

Between 25 August and December 2017, hundreds of Rohingya villages in northern Rakhine State were totally or partially razed, including almost every village in Maungdaw Township. According to an analysis by Human Rights Watch, at least 40 Rohingya villages had signs of burning or other destruction in October and November 2017, months after the initial violence.⁷⁸⁷ The greatest concentration of burning occurred in Maungdaw Township, as well as in certain parts of northern Buthidaung Township and western Rathedaung Township. At times, the burning occurred well after the vast majority of the Rohingya population had already fled from a village, indicating that it was a tactic designed to ensure the Rohingya could not return.

DELIBERATE, ORGANIZED BURNING

Amnesty International analysed satellite imagery and data from across northern Rakhine State, as well as video material and aerial photographs of specific burned villages. Together, these demonstrate that the destruction has been deliberate and organized so as to ensure that distinct clusters of Rohingya structures are all burned completely.

First, fires that destroyed entire villages did not originate in one initial location and then spread. For example, in before-and-after satellite images from Wet Kyein village, Maungdaw Township, it is possible to see areas of healthy vegetation between groups of homes and other structures that were completely burned down. These fires were distinct events; the perpetrators made a deliberate effort to burn down each structure.

⁷⁸² See, for example, Agence France-Presse, “Rakhine seek Muslim-free ‘buffer zone’ on Bangladeshi border,” 16 March 2018; Al-Jazeera, “Buddhists ‘lured’ to settle on Rohingya land,” 2 April 2018, www.aljazeera.com/news/2018/04/buddhists-lured-settle-rohingya-land-180402122106160.html.

⁷⁸³ Amnesty International, “*Caged without a Roof*”.

⁷⁸⁴ ICESCR, Article 11.

⁷⁸⁵ See, for example, Rome Statue of the International Criminal Court, Article 7(1)(d).

⁷⁸⁶ Amnesty International, “*My World Is Finished*”, pp. 27-39.

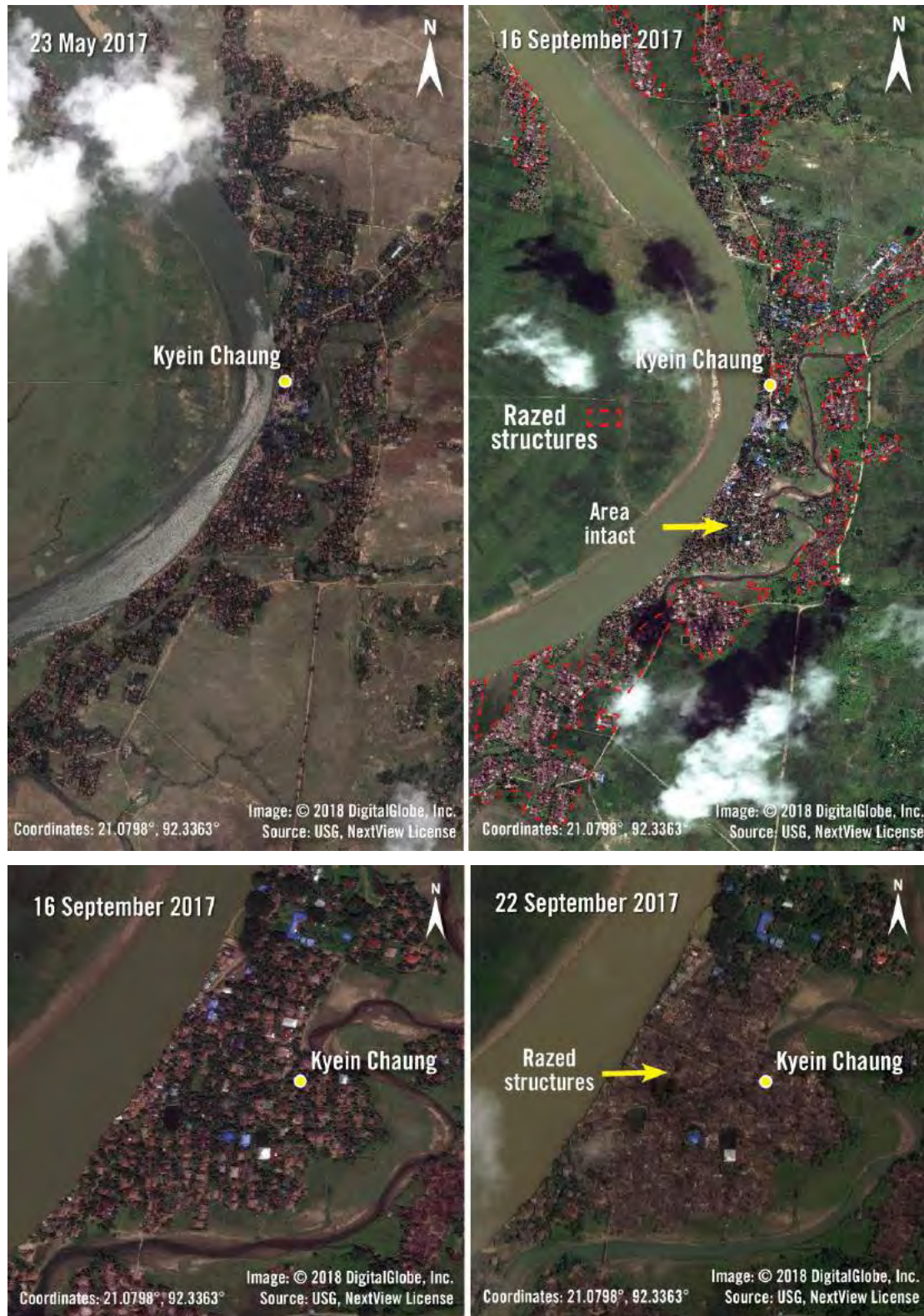
⁷⁸⁷ Human Rights Watch, “Burma: 40 Rohingya Villages Burned Since October,” 17 December 2017.



The village of Wet Kyein consists of many clusters of structures dispersed along the river and fields. On 16 September 2017, imagery shows most structures had been razed in the area. Areas were not burned between clusters of structures, suggesting the fire did not spread naturally and each cluster was lit on fire independently.

Second, satellite imagery and aerial photographs show structures that were burned uniformly, suggesting that structures have been burned in the same manner. Witness statements further corroborate this, as discussed below. In most villages from which Amnesty International has reviewed satellite imagery, each structure had been burned so that it was consumed in its entirety.

Third, the burning often happened over days, as the perpetrators worked to ensure that every last structure in the Rohingya area was torched. Satellite imagery from Kyein Chaung, for example, shows that large areas were set on fire prior to 16 September, but that a particular stretch along the river remained untouched. By 22 September, these areas had likewise been burned down.



On 16 September 2017, imagery shows much of Kyein Chaung village has been razed. A small area of unburned structures are visible in the centre of the village. Between 16 September 2017 and 22 September 2017, much of the previously unburned area was razed. Environmental sensors detected fires in the area on 15 September 2017. More fires were detected on 25 September 2017.

The acute period of burning occurred during the rainy season in Myanmar, when there were heavy showers almost daily. That made extensive burning even more difficult, and thus required all the more determination.

Rohingya villages vary greatly in size, from populations of several hundred up to more than 10,000 people. Min Gyi, for example, had a Rohingya population of more than 4,000, spread over a large area along the river.⁷⁸⁸ An analysis of satellite imagery, pictured on page 74, shows approximately 385 burned structures, with healthy vegetation between different groups of structures, representing distinct fire events.

The Myanmar authorities have alleged that the Rohingya burned their own homes before fleeing.⁷⁸⁹ Ethnic Rakhine Village Administrators made the same accusation in interviews with Amnesty International.⁷⁹⁰ Had the destruction been carried out by the Rohingya, who were typically fleeing in haste from military attacks, one would expect far more haphazard burning. It is exceedingly unlikely, for example, that they would have had time to burn down every last structure, including those across natural fire breaks. It is also exceedingly unlikely that the burning would have occurred over separate days in the same village, or be so uniform across the region. Amnesty International's research and credible media reports also indicate that burning occurred in villages long after the Rohingya had fled from them.⁷⁹¹

TARGETED BURNING

Aerial photographs and satellite imagery show that Rohingya villages were burned in an extremely targeted manner. In many mixed-ethnicity village tracts, Rohingya areas were completely razed while areas where other communities lived—typically referred to as ethnic Rakhine areas—were untouched.⁷⁹²

In Zay Di Pyin village, Rathedaung Township, for example, satellite imagery shows a square of burned structures surrounded by structures still intact. The intact areas display a different layout and quality, including more organized thatch and metal-roof structures, which suggest they belong to people from other ethnic communities, not the Rohingya. Buddhist pagodas are visible in the intact areas. Rohingya and ethnic Rakhine from Zay Di Pyin both told Amnesty International that only the Rohingya homes were burned.⁷⁹³

⁷⁸⁸ The population of Min Gyi comes from Amnesty International interviews with Rohingya leaders from Min Gyi, Balukhali Refugee Camp, Bangladesh, 28 January 2018.

⁷⁸⁹ See, for example, Associated Press, "Burmese attempt to show Rohingya torched their own homes unveiled as 'fake news'," 11 September 2017.

⁷⁹⁰ Amnesty International interviews, Sittwe, Myanmar, April 2018; and telephone interviews, Myanmar, April and May 2018.

⁷⁹¹ See, for example, Amnesty International, "Myanmar: Video and satellite evidence shows new fires still torching Rohingya villages," 22 September 2017; Associated Press, "New Myanmar fires in empty village raise questions," 8 September 2017.

⁷⁹² Amnesty International was able to distinguish where Rohingya lived from areas where other communities lived in several ways. First, an analysis of satellite imagery consistently showed distinct differences between Rohingya areas, which tend to have structures built of lower-quality materials and to be organized in a less structure manner; and areas occupied by other communities, which have structures built with higher-quality construction material and are often organized in more of a grid-like formation. Buddhist pagodas are also typically visible in the areas where other ethnic communities live. Second, witnesses interviewed from many villages indicated to Amnesty International where in their villages tracts were the areas where the Rohingya lived and where other ethnic communities lived; these aligned with the burned and non-burned areas, respectively, and with the differences of construction quality and layout. Third, the UN MIMU data set includes GIS for villages throughout Rakhine State, and often identifies the ethnic composition of the village, particularly for villages inhabited by communities other than the Rohingya; again, these aligned with Amnesty International's analysis more generally.

⁷⁹³ Amnesty International interviews and telephone interviews, Bangladesh refugee camps, January and March 2018; and in Sittwe Myanmar, April 2018. See also Moe Myint, "Settling Scores in Northern Rakhine," *The Irrawaddy*, 14 December 2017, www.irrawaddy.com/news/burma/settling-scores-northern-rakhine.html (quoting a Rohingya man from Zay Di Pyin).



Comparing imagery from 27 December 2016 and 16 September 2017, a section of Zay Di Pyin village appears razed by fire. Zay Di Pyin is a mixed-ethnicity village. According to Rohingya and ethnic Rakhine from there, the area that was burned was where the Rohingya lived. The areas where other communities reside are still intact.

Likewise, the satellite images below show Laung Don village tract, in Maungdaw Township, on 21 January 2017 and 16 September 2017. On the western side, there are highly organized structures with predominantly metal roofs; a Buddhist pagoda is visible. To the east, the structures are less organized and the roofs predominantly thatch. Rohingya from Laung Don village tract interviewed by Amnesty International

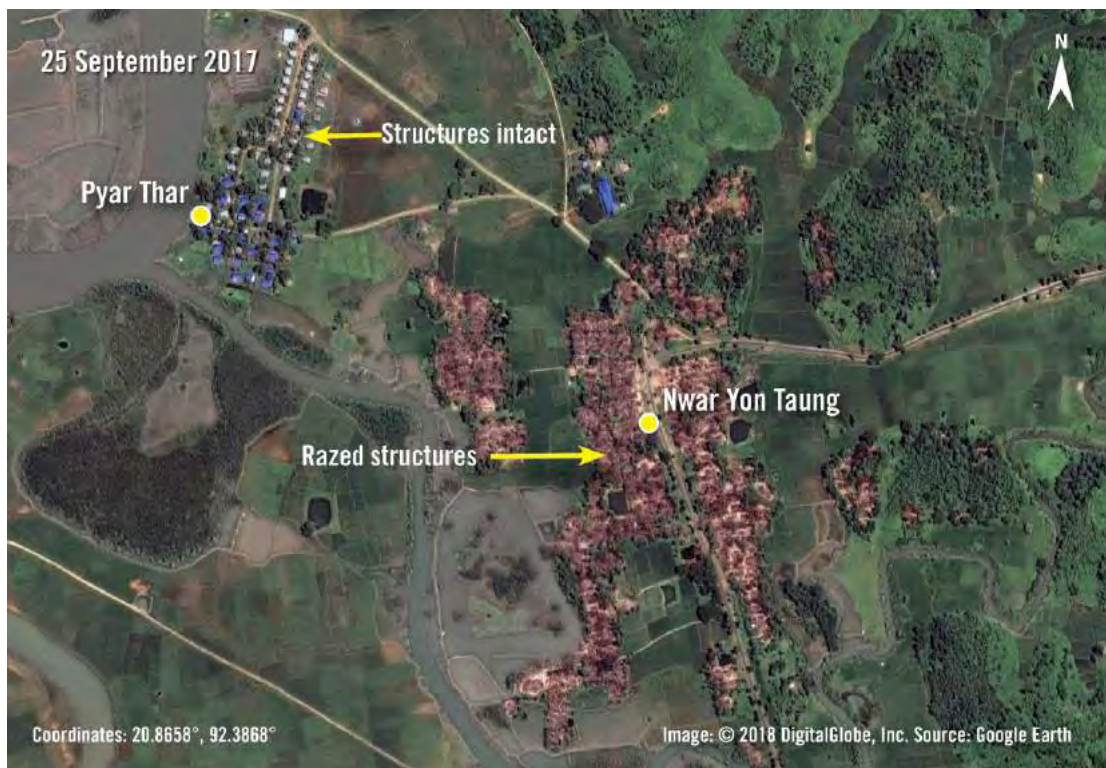
described a NaTaLa village, mostly inhabited by ethnic Rakhine, as is consistent with the organized structures to the west.⁷⁹⁴ The imagery from 16 September 2017 shows that those structures were untouched, while the villages to the east were razed by fire.



Imagery from 21 January 2017 shows Laung Don village tract. Well organized structures, many with metal roofs, are located on the west side of the village tract. Less organized structures, predominantly made of thatch, are located to the east. On 16 September 2017, the structures in the less organized area appear razed. The more organized structures appear intact.

⁷⁹⁴ Amnesty International interviews, Bangladesh refugee camps, January 2018.

Finally, in Pyar Thar and Nwar Yon Taung villages, Maungdaw Township, an analysis of satellite imagery shows again an organized village with new metal roof structures not burned; the less organized, thatch-roof structures to the east are completely razed by fire.



Imagery from 21 January 2017 shows Pyar Thar and Nwar Yon Taung villages, both part of Nwar Yon Taung village tract. All the structures in Pyar Thar appear organized and have metal roofs. The structures in Nwar Yon Taung are less organized and closer together. Most of the roofs are thatch. Imagery from 25 September 2017 shows the less organized structures have been razed while the more organized, metal roof structures have been left intact.

Amnesty International analysed several dozen additional examples of village tracts that show similar targeted burning. Together, the images indicate a persistent determination to burn Rohingya-populated areas, and only those areas. This strongly suggests a level of planning and oversight in the burning.

CONSISTENT METHOD OF SETTING FIRES

Witnesses from several dozen Rohingya villages described similar means by which Myanmar soldiers and vigilantes set houses, mosques, schools, and other structures on fire. In satellite imagery and aerial photographs, the burnt areas look similar in villages burned days or even weeks apart.

On a government-led visit to northern Rakhine State in early September 2017, a BBC reporter witnessed the burning of a Rohingya village, and saw *“one empty jug reeking of petrol and another with a little fuel left in it in the middle of the path”*.⁷⁹⁵ At least 20 Rohingya witnesses interviewed by Amnesty International described seeing soldiers and local vigilantes with matchsticks and bottles or canisters of petrol that they used to burn structures in a cluster, and then allowed the flames to spread. Senouwara Begum, around 35 years old, described soldiers and vigilantes torching house after house in Chut Pyin with petrol and matchsticks during the massacre there on 27 August 2017.⁷⁹⁶ Rahama Khatun, also around 35 years old, from Inn Din, said she saw soldiers carrying a container that they used to soak rags, and then set houses on fire.⁷⁹⁷

In addition, more than 100 Rohingya witnesses told Amnesty International that soldiers used a shoulder-fired weapon to destroy certain structures. Their descriptions most likely indicate the use of 40mm grenade launchers, rocket-propelled grenades (in particular an RPG-7), or both. Amnesty International’s weapons expert said both weapons are capable of the use and damage described, and an analyst of the Myanmar military told Amnesty International that Army battalions typically carry several of each weapon.⁷⁹⁸

In general, Rohingya witnesses described local vigilantes taking the lead in burning smaller, thatch-roof houses, using petrol and matchsticks to set the fires. Then, for taller or larger Rohingya structures, or structures built with sturdier material, soldiers fired RPG-7s or 40mm grenade launchers that heavily damaged the structures and often started fires.

PRIOR WARNING IN CERTAIN VILLAGES, ADVANCE PLANNING

In the days immediately following the 25 August attacks, the military and BGP often caught Rohingya residents by surprise when surrounding their villages, opening fire, and then burning homes. Later, beginning in early to mid-September, the military or local civilian authorities at times warned the Rohingya in advance that their homes would be burned. This potentially reduced the scale of killing, but also strongly suggests planning in the effort to drive out the Rohingya population.

In Auk Nan Yar, a village not far from Chut Pyin in Rathedaung Township, several Rohingya residents interviewed by Amnesty International said that, soon after Eid al-Adha on 2 September 2017, the military told them to leave, as soldiers would be setting fire to the village. Hamid, 53, recalled:

“The military had warned one or two days before [the] burning that we should leave the village. They entered the village and told us to leave, because they would burn it all. They said, ‘You people are providing food and shelter to armed groups.’ We never did that.

*The day before the burning the number of military had increased and we realised they might do something and so we hid... in the hillside. [The next day], it was all clear to see. I saw my house burn... The military and BGP did the burning. They used launchers mostly. Every few houses they burned, but many houses are close to one another so it spread quickly.”*⁷⁹⁹

Amnesty International received similar accounts in two other villages in the same area of Rathedaung Township, near the border with Maungdaw and Buthidaung Townships.⁸⁰⁰ Residents of these villages said they had seen smoke and flames in neighbouring villages, including Chut Pyin, so when they received the military’s warnings, most residents fled to surrounding hills, from where they saw their own village burned,

⁷⁹⁵ BBC, “BBC reporter in Rakhine: ‘A Muslim village was burning,’” 7 September 2017.

⁷⁹⁶ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

⁷⁹⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 18 January 2018.

⁷⁹⁸ Amnesty International telephone interview, 19 March 2018.

⁷⁹⁹ Amnesty International interview, Bangladesh refugee camp area, 12 September 2017.

⁸⁰⁰ Amnesty International interviews, Bangladesh refugee camp area, 11-13 September 2017.

before heading on to Bangladesh.⁸⁰¹ They said the Village Administrator had accompanied the military when the warning of imminent burning was issued.⁸⁰²

8.2 BULLDOZING ROHINGYA VILLAGES

Since late 2017, but especially since early 2018, the Myanmar authorities have initiated a major operation using heavy machinery to remove structures in burned villages. 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—once Rohingya homes, shops and businesses—have been bulldozed and cleared. Surrounding trees and vegetation were also removed, rendering the landscape unrecognizable. In late February 2018, Human Rights Watch reported identifying at least 55 bulldozed villages.⁸⁰³

For example, in Tha Win Chaung, a village in southern Maungdaw Township near Inn Din, the three satellite images below show the Rohingya village intact prior to the 25 August attacks; then burned, except for surrounding vegetation; and, more recently, cleared away completely, as if the village had never existed.



⁸⁰¹ Amnesty International interviews, Bangladesh refugee camp area, 11-13 September 2017.

⁸⁰² Amnesty International interviews, Bangladesh refugee camp area, 11-13 September 2017.

⁸⁰³ Human Rights Watch, *Burma: Scores of Rohingya Villages Bulldozed*, 23 February 2018.



Imagery from 27 December 2016 shows the village of Tha Win Chaung intact. Imagery from 7 January 2018 shows that most of the structures have been razed by fire. By 11 February 2018, all of the burned areas have been scraped and cleared away.

An aerial photograph of Tha Win Chaung taken in February 2018 is another depiction of how bulldozing stripped away all Rohingya structures and vegetation.



An aerial photograph taken in February 2018 shows, at centre along the dirt road, the bulldozed remains of what used to be the Rohingya village of Tha Win Chaung, Maungdaw Township. After being burned in the military's campaign of violence following 25 August 2017, the authorities cleared away the remains of the structures, along with most vegetation, in early 2018. © Private

An aerial photograph taken in February 2018 between Kyee Kan Pyin village tract and Zin Paing Nyar village tract, northern Maungdaw Township, shows another cleared village. Only a few trees remain on the side of the main road, where a truck is visible in the image.

Among other concerns, mass bulldozing and clearance raises issues about the destruction of evidence and obstruction of future investigations into crimes under international law.⁸⁰⁴ The Myanmar authorities have flatly rejected such accusations, insisting that the clearing of land is to facilitate the building of new homes for returnees.⁸⁰⁵ To date, Amnesty International is not aware of any efforts to secure and protect sites of suspected crimes under international law, such as suspected mass graves.

⁸⁰⁴ See for example, Human Rights Watch, *Burma: Scores of Rohingya Villages Bulldozed*, 23 February 2018.

⁸⁰⁵ Channel News Asia, "Bulldozed Rohingya villages deepen fears Myanmar is erasing history," 12 February 2018, 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.



An aerial photograph taken in February 2018 between Kyee Kan Pyin village tract and Zin Paing Nyar village tract, northern Maungdaw Township, shows another cleared village. © Private

While many of the areas being bulldozed are villages that were completely burned to the ground, in some locations the authorities are also demolishing buildings in Rohingya villages which had remained intact and could still have been usable or inhabitable.⁸⁰⁶ 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 2018.⁸⁰⁷ Amnesty International received six photographs which capture the destruction of the remaining structures by heavy machinery.⁸⁰⁸ Satellite images confirm that the buildings were demolished between 28 December 2017 and 18 January 2018. The owner of the market was not consulted, offered any compensation, or given any indication that he would be able to rebuild his business.⁸⁰⁹

8.3 NEW CONSTRUCTION

Since early 2018, the Myanmar authorities have overseen rapid new construction across northern Rakhine State. Both publicly and privately, the authorities say the purpose of construction is to develop one of the country's poorest regions and to prepare for the repatriation of the Rohingya from Bangladesh.⁸¹⁰ Denial of access for independent observers has made it difficult to determine exactly what is happening on the ground. However, in-depth analysis of satellite imagery coupled with interviews with people on both sides of the border indicate a major effort to reconstruct the state in a way that makes the safe and voluntary return of the Rohingya population an even more distant prospect. In particular, the construction includes new

⁸⁰⁶ For more on the destruction of Rohingya structures in late 2017 and early 2018, see Amnesty International, *Remaking Rakhine State*.

⁸⁰⁷ Amnesty International telephone interview, 23 February 2018.

⁸⁰⁸ Photographs on file with Amnesty International.

⁸⁰⁹ Amnesty International telephone interview, 23 February 2018.

⁸¹⁰ Amnesty International interviews, March and April 2018. See also Reuters, "Bulldozing Rohingya villages was not 'demolition of evidence', Myanmar official says," 26 February 2018, 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.

security force bases and infrastructure in places where there were previously Rohingya homes and farmland, and new villages for communities other than the Rohingya, in an effort to alter the region's demographics.

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.⁸¹¹ Witness testimony and satellite imagery show these efforts are well underway.

In April 2018, *The Irrawaddy*, an independent media outlet in Myanmar, identified four locations in northern Rakhine State where the authorities are constructing new security force bases—all on the site of villages where Rohingya had lived.⁸¹² Amnesty International has confirmed the presence of each of these new bases through an analysis of satellite imagery, and previously disclosed three of them in its March 2018 report.⁸¹³ Three of the bases under construction are in Maungdaw Township, and one is in Buthidaung Township.⁸¹⁴

In some areas, the authorities are building new security structures directly on areas previously inhabited by Rohingya villagers. For example, security forces burned Kan Kya (South) village, part of Myo Thu Gyi village tract in Maungdaw Township, soon after the 25 August attacks. Satellite images captured on 16 September 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.⁸¹⁵ By 27 February 2018, the village had been cleared and all remaining structures and vegetation removed, and construction on new structures had begun. As of 25 April 2018, satellite imagery confirms the presence of 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, and the layout and organization of the buildings is almost identical to those in known BGP bases. A reliable source living near the area who was able to witness the construction confirmed that 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.⁸¹⁶



⁸¹¹ See Radio Free Asia, “Myanmar Officials Plan to Fortify Border Fence between Rakhine State and Bangladesh,” 7 September 2017, 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, frontiermyanmar.net/en/security-infrastructure-in-northern-rakhine-receives-massive-cash-boost-after-refugee-exodus

⁸¹² Moe Myint, “New Border Bases Rising on Top of Razed Rohingya Villages,” *The Irrawaddy*, 2 April 2018, www.irrawaddy.com/news/burma/new-border-bases-rising-top-razed-rohingya-villages.html.

⁸¹³ Amnesty International, *Remaking Rakhine State*.

⁸¹⁴ The Maungdaw Township bases are in Inn Din, Myo Thu Gyi, and Kyein Chaung. The Buthidaung Township base is in Ah Lel Chaung.

⁸¹⁵ 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 explained further that in some villages, mosques have a pool of water in the grounds, which also makes them more easily identifiable from space.

⁸¹⁶ Amnesty International communication, 1 March 2018.



Imagery from 25 October 2017 shows razed structures in Kan Kya, less than two kilometres east of Maungdaw town. As of February 2018, the razed village was scraped, including what appears to have been a mosque that survived the burning. New structures are visible that are similar in shape, colour, and size to those found in Inn Din, shown below. On 25 April 2018, a new possible helicopter pad is present.

Amnesty International also detected the construction of a new security force base in the previously mixed-ethnicity village of Inn Din, in Maungdaw Township. By 29 March 2018, the burned buildings in the southern section of the village, formerly home to the Rohingya population, had been cleared and 14 new structures—long, rectangular buildings, similar to those in Kan Kya (South)—are visible. *The Irrawaddy* has reported that the construction in Inn Din and Kan Kya (South) is for new BGP bases.⁸¹⁷ Several journalists were taken to Inn Din during a government tour in March 2018, and confirmed a BGP base is being built.⁸¹⁸

⁸¹⁷ Moe Myint, “New Border Bases Rising on Top of Razed Rohingya Villages,” *The Irrawaddy*, 2 April 2018.

⁸¹⁸ Amnesty International correspondence, April 2018.



Imagery from 27 December 2016 shows Inn Din before the mass burning of villages occurred in August 2017. On 7 January 2018, the north-western part of the village tract 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. On 29 March 2018, 14 new buildings are visible, similar to those in Kan Kya.

As with the satellite imagery, aerial photographs taken over Inn Din in February 2018 show the bulldozing of most of the Rohingya areas of the village tract, as well as the construction of several buildings that are now known to be part of a new security force base. The aerial photographs also show just how targeted the burning was in Inn Din, with only a small dirt road separating the Rohingya area, which was burned in its entirety, from the ethnic Rakhine area, which remains intact.



An aerial photograph taken in February 2018 shows what used to be the Rohingya areas of Inn Din village tract, Maungdaw Township. Myanmar security forces burned the homes and other structures in the days after 25 August 2017. The area was bulldozed and cleared in early 2018, and the authorities then began construction on a security force base, two buildings of which are seen at centre, with red roofs. © Private



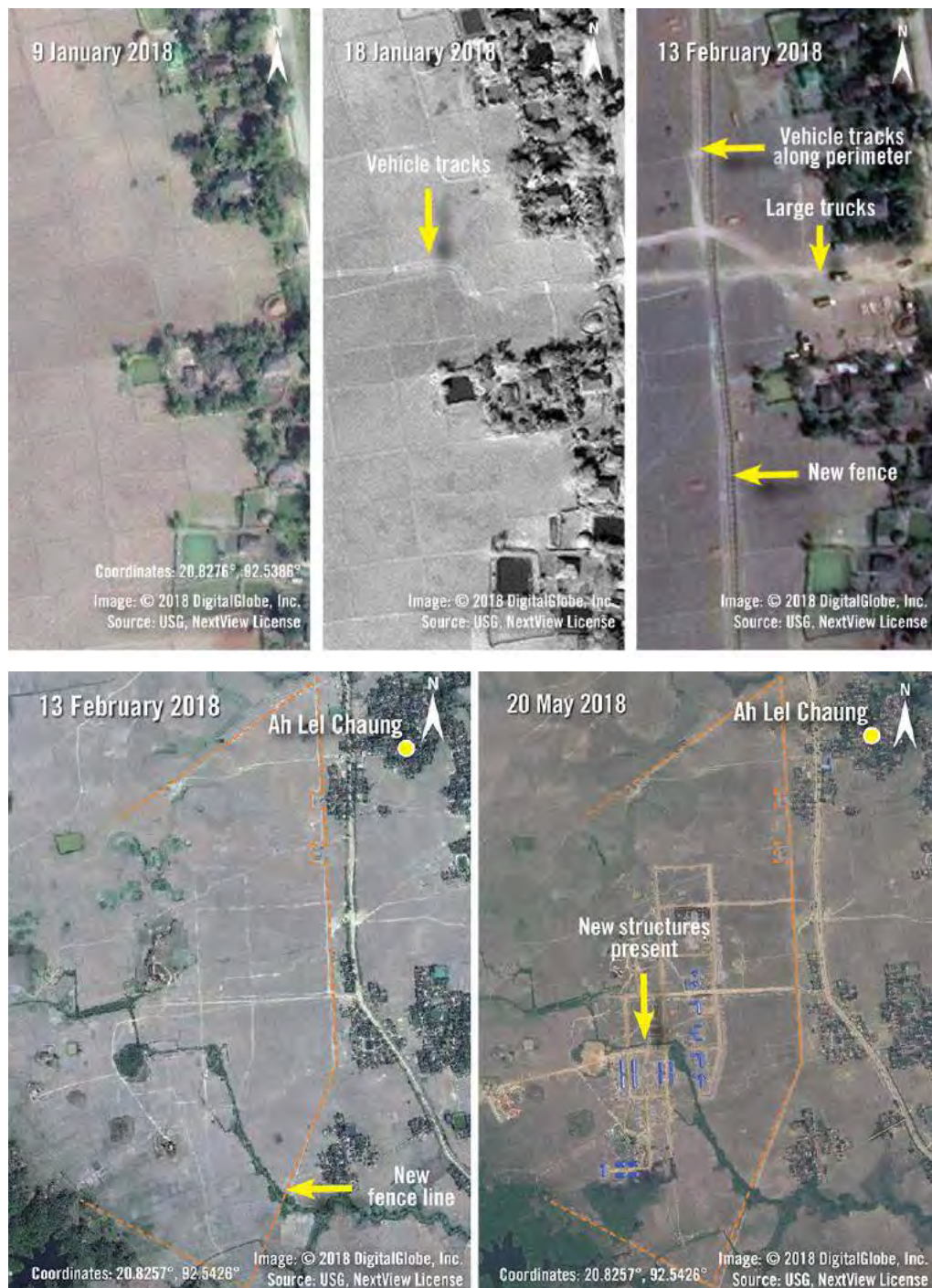
In another aerial photograph taken over Inn Din village tract in February 2018, the ethnic Rakhine area, to the west, is still intact. Only a small road separated that area from the Rohingya area, which was burned to the ground. Construction on the security force base is visible, where Rohingya homes once stood. © Private

A new security force base is also being built in at least one Rohingya village that remained intact and inhabited when construction started. Ah Lel Chaung village, in Buthidaung Township, was not attacked during the acute period of violence, and most of its Rohingya population remained in the village through the end of 2017. However, the security forces progressively starved out the population (see Chapter 7), and then began building the new base, leading many families to flee to Bangladesh.

Amnesty International interviewed five Rohingya villagers from Ah Lel Chaung who had fled to Bangladesh in January or February 2018, soon after authorities began construction of the new base. They described how, after villagers were blocked from going to their rice fields during harvest season, the authorities came in January and planted flags across a large area that they later announced had been expropriated for a security

post and NaTaLa village. Soon after, construction began on a large fence between the village and the new planned site, on area that had been Rohingya farmland.⁸¹⁹

Satellite images confirm major construction around Ah Lel Chaung. New vehicle tracks appeared in mid-January, less than 10 days after a 9 January 2018 image showed no major activity visible in the area. By 13 February, large vehicles and a new fence were visible to the west of the village. Vehicle tracks along the perimeter corroborate Rohingya witness accounts of regular security patrolling in vehicles. As of 20 May, 18 new structures were present in the fenced area, similar in size and layout to Inn Din and Kan Kya (South).



Imagery from 20 May 2018 shows the progress of construction in the secure area west of Ah Lel Chaung. There are 18 new structures that look similar to structures in other areas where the authorities are reportedly building security force bases. A perimeter fence and vehicle tracks are visible, suggesting the area is being patrolled.

⁸¹⁹ Amnesty International interviews, February 2018.

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 construction is taking place on land the Rohingya population previously inhabited or used for livelihoods. In Pa Da Kar Ywar Thit, two helipads are among many new structures built on what appears to have been farmland next to a burnt Rohingya part of a mixed-ethnicity village tract.

Northern Rakhine State was already a heavily militarized area, with BGP posts in almost every village tract of Maungdaw Township and dozens more posts across Buthidaung and Rathedaung Townships. Western Command, the regional military command for Rakhine State, likewise maintains a heavy presence, particularly in Buthidaung Township. The addition of further security infrastructure, especially after the crimes against humanity that drove hundreds of thousands away, undermined the likelihood that they will be able to return to their places of origin in a way that is safe, voluntary, and dignified.

The government has downplayed that concern, saying the new bases are for the police, not the military, and will be part of improving security for all populations.⁸²⁰ First, such statements ignore the fact that the BGP has played a central role in the atrocities against the Rohingya, as Amnesty International and others have documented. The BGP worked hand-in-hand with the military in perpetrating the unlawful killings, burning, and rape and other sexual violence. For other violations, including arbitrary arrests as well as torture and other ill-treatment in detention centres (see Chapter 2), the BGP appear often to have been the principal perpetrators. Second, the government's explanation avoids addressing the concern that these new bases, regardless of which unit they are built for, are being constructed on top of Rohingya homes and farmland. This makes a return to their place of residence impossible for many Rohingya families, despite the government's stated commitment to allow just that.⁸²¹

NEW VILLAGES AND OTHER CIVILIAN INFRASTRUCTURE

In addition to new security infrastructure, the authorities are overseeing or allowing the construction of new civilian infrastructure across northern Rakhine State. Much of this construction has the effect of preventing the voluntary, safe, and dignified repatriation of Rohingya refugees, as it has occurred on former Rohingya villages and is not for the Rohingya themselves. It also risks entrenching the system of apartheid under which the Rohingya have long lived and appears to be an effort to remake the demography of the region.

As part of their stated preparations for the “repatriation process” related to the Rohingya refugees in Bangladesh, the Myanmar authorities have built two “reception centres” and one “transit centre”.⁸²² One “reception centre” has been built in Taung Pyo Let War, to receive refugees returning from Bangladesh by land; and another in Nga Khu Yar village, which is to receive refugees returning by river. According to the government, returnees will then be moved to a “transit centre” in the village of Hla Poe Kaung, where they will be provided with food and access to health services.⁸²³ 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.⁸²⁴

The pace of construction at the “transit centre” in Hla Poe Kaung has been rapid. Satellite images from early December 2017 show no visible changes in the area; by January, construction was well underway.⁸²⁵ By 25 April 2018, there were several hundred 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 a Rohingya village.⁸²⁶

⁸²⁰ See, for example, Associated Press, “Rights group: Myanmar army building on razed Rohingya land,” 12 March 2018 (quoting Myanmar government spokesperson Zaw Htay as saying, “It’s not true that the army is building bases in the region. There are only police posts for regional security and law enforcement reasons.”). Amnesty International has also heard that the authorities raise this as a defence privately, when satellite images are shown. Amnesty International correspondence, April 2018.

⁸²¹ 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.

⁸²² See, for example, *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.

⁸²³ *The Global New Light of Myanmar*, “Repatriation camps will be ready on time, say officials,” 15 January 2018.

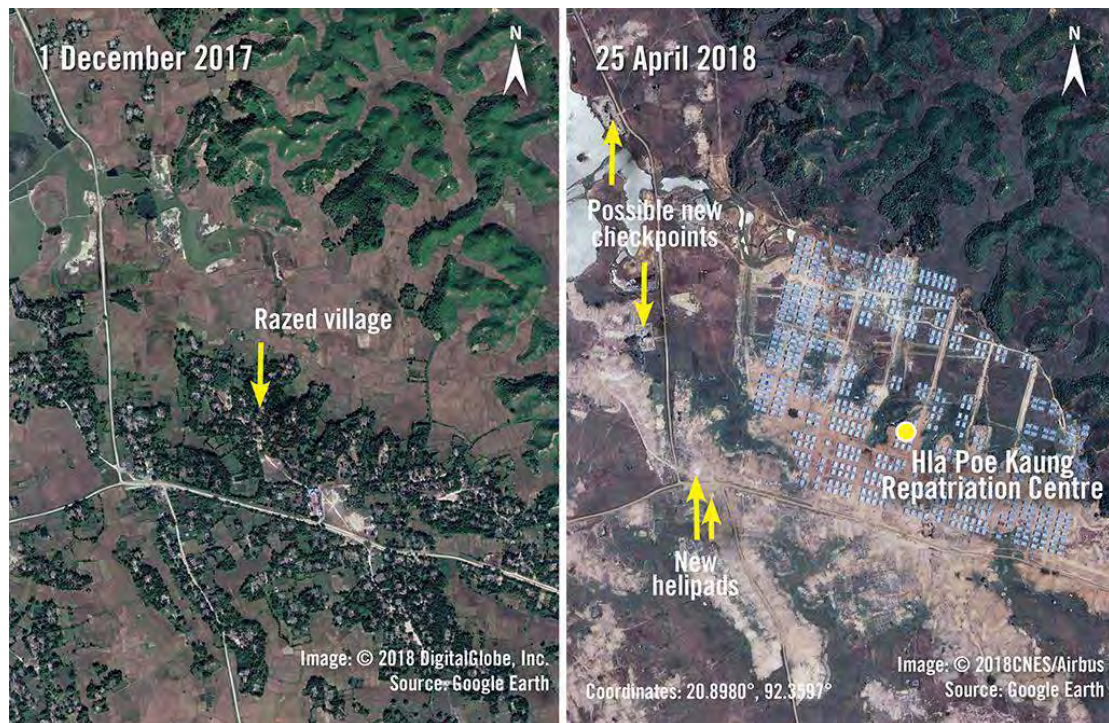
⁸²⁴ *The Global New Light of Myanmar*, “The day that we can commence repatriation is 23 January. We therefore made preparations and we are now ready: Dr. Win Myat Aye,” 25 January 2018.

⁸²⁵ 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.

⁸²⁶ In addition to Amnesty International’s own analysis of satellite imagery, see IRIN, “Myanmar levels former Rohingya villages to build camp for returnees,” 12 March 2018.

As part of the repatriation arrangement with Bangladesh, reached in November 2017 but as yet to be implemented, the Myanmar government committed to ensuring that returning refugees would not be settled in camps or centres for long periods of time and further stated that their freedom of movement would be allowed, albeit “in conformity with existing laws and regulations”.⁸²⁷

In addition to concerns about the application of existing, deeply discriminatory laws and regulations restricting the movement of the Rohingya population, Amnesty International’s review of satellite imagery and photographs of the sites, as well as interviews with humanitarian workers, diplomats, and other experts, raise concerns about further movement restrictions. The two “reception centres” are each surrounded by a perimeter fence, 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.⁸²⁸ Although satellite images of the “transit centre” in Hla Poe Kaung do not reveal a fenced perimeter, Amnesty International has detected two new small compounds with perimeter fences. These new compounds 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.



Imagery from 1 December 2017 shows a razed village. On 25 April 2018, the razed areas have been scraped and the “transit centre” in Hla Poe Kaung is visible. Two new helipads and possible checkpoints are visible.

The construction of security infrastructure around or near the “reception centres” and “transit centre” raise concerns about planned restrictions on the freedom of movement of the returning population. In central Rakhine State, ostensibly temporary camps established to house tens of thousands of Rohingya displaced during waves of violence in Rakhine State in 2012 have become effectively permanent. Around 127,000 Rohingya, and people from other Muslim communities, have spent the last six years confined to these camps, unable to leave without the authorities’ permission, with impacts on their ability to earn a livelihood and to provide for themselves and their families.⁸²⁹ There are reasons to fear that any Rohingya returning to Myanmar would face similar restrictions.

In addition to the new “reception centres”, Amnesty International has detected the construction of 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-cleared areas where there used to be Rohingya villages.

⁸²⁷ 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.

⁸²⁸ Amnesty International interviews, February and March 2018.

⁸²⁹ Amnesty International, “Caged without a Roof”, pp. 53-54.

Thit Tone Nar Gwa Son village, in northern Maungdaw Township, was burned following the August 2017 attacks. By early March 2018, the entire area had been cleared and new construction was visible on what had been homes and farmland. 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 to search for food. While there, he watched security forces bulldoze the village madrasa in Ta Man Thar and saw villagers from another ethnic community cut down trees and take away timber.⁸³⁰

The man described seeing a new village near Thit Tone Nar Gwa Son: *“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.”*⁸³¹ He said the new village was built on an area previously inhabited and used by Rohingya villagers as farmland.⁸³² In late April 2018, an ethnic Mro man told Amnesty International that he had moved from his village in the mountains down to the flat area of Thit Tone Nar Gwa Son. He said he and others were helping build the new village, and residing in temporary housing nearby in the meantime.⁸³³

An analysis of satellite imagery of the area around Thit Tone Nar Gwa Son village confirms the construction of more than 160 organized, metal-roof structures on recently cleared land, as well as additional, smaller structures to the south, the latter of which are consistent with the ethnic Mro man’s description of living in temporary housing. State media has confirmed that Thit Tone Nar Gwa Son is one of five new villages that will resettle displaced ethnic Rakhine, Mro, Khami, Daingnet and Thet communities.⁸³⁴



⁸³⁰ Amnesty International interview, 24 February 2018.

⁸³¹ Amnesty International interview, 24 February 2018.

⁸³² Amnesty International interview, 24 February 2018.

⁸³³ Amnesty International interview, Sittwe, Myanmar 27 April 2018.

⁸³⁴ *The Global New Light of Myanmar*, “New homes for residents in Maungdaw, Rakhine State,” 24 February 2018.



On 5 November 2017, imagery shows the burned village of Thit Tone Nar Gwa Son. On 28 April 2018, the village has been scraped and over 160 new metal-roof structures are visible. Many small structures are visible south of the construction, possibly serving as temporary housing until the new structures are complete.

The Myanmar authorities have a long history of relocating people from predominantly Buddhist ethnic groups to northern Rakhine State to live in specially built villages, commonly known as NaTaLa or “model” villages.⁸³⁵ Since the August 2017 attacks, the Myanmar authorities have announced their intention to build new houses for “ethnic nationals”, leading to fears that more land used by Rohingya who fled to Bangladesh will be expropriated, especially in view of the fact that the authorities do not consider the Rohingya as one of Myanmar’s ethnic nationalities.⁸³⁶ 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.⁸³⁷

In addition to state-led construction of “model villages”, there are ongoing efforts by private actors, particularly from the ethnic Rakhine community, to resettle people from other parts of the state, or even people from predominantly Buddhist ethnic groups who have resided across the border in Bangladesh, into new villages on or near where the Rohingya had lived. In March 2018, AFP reported on a specific private-led plan to create a “Muslim-free” zone running from Sittwe through southern Maungdaw Township.⁸³⁸ Amnesty International met with two leaders from the Committee for the Reconstruction of Rakhine (CRR), which is spearheading that effort. They confirmed the ongoing construction of new ethnic Rakhine villages near Inn Din and Koe Tan Kauk (see satellite imagery below), and that they are building homes and providing fishing equipment as incentives to those who relocate there.⁸³⁹ They expressed ambitions to expand resettlement to other village tracts in southern Maungdaw Township, including U Daung, Myin Hlut, and Kyauk Pan Du, but they said they were not developing Rohingya land or farmland and that the state authorities had not responded to their request to incentivize resettlement through offering families farmland.⁸⁴⁰ If approved, such resettlement would almost inevitably involve the expropriation of Rohingya lands.

⁸³⁵ 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 2017 violence. See Amnesty International, *The Rohingya Minority: Fundamental Rights Denied*, pp. 22-24; and *The Global New Light of Myanmar*, “Rebuilding houses in Maungdaw,” 15 October 2017.

⁸³⁶ *The Global New Light of Myanmar*, “Rebuilding houses in Maungdaw,” 15 October 2017.

⁸³⁷ 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.

⁸³⁸ Agence France-Presse, “Rakhine seek Muslim-free ‘buffer zone’ on Bangladeshi border,” 16 March 2018.

⁸³⁹ Amnesty International group interview, Sittwe, Myanmar, 28 April 2018.

⁸⁴⁰ Amnesty International group interview, Sittwe, Myanmar, 28 April 2018.



On 25 November 2017, imagery shows the southern part of the Koe Tan Kau group of villages. New structures are visible in imagery from 5 April 2018.

Several media outlets also reported on an effort to resettle families—including ethnic Mro and other predominantly Buddhist ethnic communities—from the Bandarban hills area of Bangladesh, with local authorities involved in building houses for 60 such families who moved to Kha Maung Seik village tract in northern Maungdaw Township.⁸⁴¹ Representatives of an ethnic Rakhine civil society organization told Amnesty International that there are seven such villages where Bangladeshi families from predominantly Buddhist ethnic groups are being settled, with significant relocation occurring since 25 August 2017.⁸⁴²

Given the heavy security presence in the area, and the reporting in local and international media about the resettlement efforts, the Myanmar authorities are bound to be aware of and condoning what is happening, despite their public statements that the Rohingya will be allowed to return to their places of residence.

8.4 CEMENTING EXPULSION, ENTRENCHING APARTHEID

Rakhine State is one of the poorest states in Myanmar. All communities there have suffered from decades of chronic underdevelopment and a lack of investment and infrastructure. Sustainable development and investment aimed at benefitting without discrimination the whole population, including Rohingya, are desperately needed and are prerequisites for all communities in the state to be able to live in safety and with dignity, progressively enjoying their rights to a decent standard of living, adequate housing, food, education, and health, among others. The civilian-led administration has repeatedly stated that development is the key to resolving the situation in Rakhine State and has touted the rebuilding of the state—including new homes and roads—as part of a major initiative toward this goal, in addition to preparing for refugee returns.⁸⁴³

The Myanmar authorities' actions appear to be contrary to these claims, however. The clearing of burned Rohingya villages, including by destroying or unlawfully seizing houses and farmland; the expansion of security infrastructure; the transfer of other ethnic communities to Rohingya villages; and the construction of potentially permanent holding centres for returning refugees all seem designed to alter the region's demography and to make it more difficult, if not impossible, for Rohingya to return in safety and dignity.

For the Rohingya who remain in northern Rakhine State, and for those who may at some point choose to return, the authorities' policies and actions also all appear designed and implemented so as to entrench the

⁸⁴¹ Moe Myint, "Reporter's Notebook: Up Close and Personal in Post-Conflict Northern Rakhine State," *The Irrawaddy*, 9 April 2018, www.irrawaddy.com/news/burma/reporters-notebook-close-personal-post-conflict-northern-rakhine-state.html; Al-Jazeera, "Buddhists 'lured' to settle on Rohingya land," 2 April 2018.

⁸⁴² Amnesty International interview, Sittwe, Myanmar, April 2018.

⁸⁴³ Reuters, "Bulldozing Rohingya villages was not 'demolition of evidence', Myanmar official says," 26 February 2018; *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.

institutionalized regime of systematic oppression and domination of the Rohingya population. These policies are part of a long-standing pattern of abuse, which amount to crimes under international law, in particular the crime against humanity of apartheid.⁸⁴⁴ They include the systematic denial of a right to a nationality for the Rohingya; severe restrictions on their freedom of movement; violations of their rights to adequate health care, education, work and food; as well as restrictions on their right to participate in public life and to worship and freely manifest their religious beliefs.⁸⁴⁵

In a Facebook post on 4 May 2018, after the UN Security Council's visit to Myanmar at the end of April, Senior General Min Aung Hlaing seemed to endorse the system of segregation and discrimination. In discussing the plans for repatriating the refugees in Bangladesh, he posted, "*There is no need to be worried about their security if they stay in the areas designated for them*"⁸⁴⁶—strongly suggesting that he believed segregation and severe restrictions on freedom of movement should remain in place.

Without effective action to dismantle this system of apartheid and to restore rights to the Rohingya, any development is only likely to entrench and amplify inequality, exacerbate conflict and perpetuate human rights violations and abuses.⁸⁴⁷ Without a serious change in course, the situation for the Rohingya risks deteriorating still further. Many still in northern Rakhine State will feel that they have little choice but to leave, and the 700,000 in Bangladesh are unlikely to feel they can return home safely and in dignity.

⁸⁴⁴ Amnesty International, "*Caged without a Roof*".

⁸⁴⁵ Amnesty International, "*Caged without a Roof*".

⁸⁴⁶ Senior General Min Aung Hlaing Facebook Post, *Discussions between Senior General Min Aung Hlaing and permanent envoys of UNSC*, 4 May 2018, www.facebook.com/seniorgeneralminaunghlaing/posts/1963383073696171.

⁸⁴⁷ For recommendations on dismantling this system of apartheid, see Amnesty International, "*Caged without a Roof*", pp. 99-109.

9. INTERNATIONAL LEGAL FRAMEWORK

The evidence collected by Amnesty International during the last 10 months demonstrates that the Myanmar security forces knowingly targeted the Rohingya population in the aftermath of the 25 August attacks by ARSA, following a similar, smaller-scale campaign of violence against the Rohingya population after the 9 October 2016 attacks. Rohingya men, women, children—including, in many instances, whole families and even entire villages—have been attacked and abused. The security forces also systematically burned down, in whole or in part, several hundred Rohingya villages. Their actions evince a clear intent to target Rohingya collectively on the basis of their ethnicity and religion.

Amnesty International does not consider there to be an armed conflict between the Myanmar armed forces and ARSA. Therefore, international humanitarian law is not applicable to the situation covered in this report. A non-international armed conflict arises when there are protracted armed confrontations between government armed forces and one or more armed groups, or between armed groups.⁸⁴⁸ The armed confrontations must reach a requisite level of intensity and the parties involved must have a requisite degree of organization.⁸⁴⁹ Amnesty International does not consider the clashes between ARSA and the Myanmar armed forces to have met the requisite level of intensity.

The Myanmar Army-led response to the actions of ARSA has not satisfied the key standards of law enforcement under international human rights law—necessity and proportionality—either on the use of force or other measures. Instead, the Myanmar security forces violated human rights on a massive scale, including the rights to life and freedom from torture; and the rights to adequate housing and an adequate standard of living, including the right to food; and to non-discrimination, which must be fully respected at all times, including emergencies.

The crimes committed by the Myanmar security forces meet all criteria and include all of the elements of crimes against humanity under international law. Independent, impartial, and effective criminal investigations are needed to establish individual responsibility for these crimes, including under command or other superior responsibility.

9.1 CRIMES AGAINST HUMANITY

Crimes against humanity are prohibited acts committed as part of widespread or systematic attack directed against a civilian population pursuant to or in furtherance of a state or organizational policy. Crimes against humanity may be committed in times of armed conflict or during times of peace and periods of unrest that do not rise to the level of armed conflict.

⁸⁴⁸ See *Prosecutor v. Dusho Tadic* (IT-94-1-A), ICTY Appeals Chamber, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 70. See also Rome Statute, Article 8(2)(f).

⁸⁴⁹ For list of indicative factors for each of these criterion, see *Prosecutor v. Boskoski* (IT-04-82-T), ICTY Trial Chamber, Judgment, 10 July 2008, paras 175–206.

The Rome Statute of the International Criminal Court (ICC) defines crimes against humanity in Article 7: “For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack...”⁸⁵⁰ Article 7(1) lists 11 crimes, or “acts,” including “[m]urder”; “forcible transfer of population”; “imprisonment”; “[t]orture”; “[r]ape”; “[p]ersecution against any identifiable group” on any “grounds that are universally recognized as impermissible under international law”; “[e]nforced disappearance of persons”; “[t]he crime of apartheid”; and “[o]ther inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”⁸⁵¹

“Attack directed against any civilian population” is defined in Article 7(2)(a) of the Rome Statute as “a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a state or organizational policy to commit such attack.”⁸⁵² The Rome Statute definition reflects rules of customary international law binding on all states, regardless of whether or not a state is party to the Statute.⁸⁵³

The contextual elements of crimes against humanity require that each individual act be perpetrated in the context of a widespread or systematic attack directed against a civilian population and with knowledge of the attack. Such attack does not need to be both widespread and systematic. “Widespread” is determined by the number of victims or magnitude of the acts.⁸⁵⁴ “Systematic” has been held to “signif[y] the organised nature of the acts of violence and the improbability of their random occurrence.”⁸⁵⁵ Courts have commonly held the “systematic” threshold to be met when there is a “[p]atterns of crimes—that is the nonaccidental repetition of similar criminal conduct on a regular basis.”⁸⁵⁶

The presence of each of these requirements must be proved before any accused person can be convicted of crimes against humanity. Moreover, individual culpability for crimes against humanity requires that the perpetrator have a certain degree of knowledge about the crime. Notably, perpetrators must have knowledge of the fact that their actions were part of a widespread or systematic attack.⁸⁵⁷

Under international law, states may, and in some cases must, exercise universal jurisdiction over crimes against humanity.⁸⁵⁸ Any state may, under customary international law, undertake one of the following actions against suspected perpetrators of crimes against humanity, even where the suspects are neither nationals nor residents of the state concerned, and the crime(s) did not take place in its territory: bring such persons before its own courts; extradite such persons to any state party willing to do so; or surrender such persons to an international criminal court with jurisdiction to try persons for these crimes. Regarding certain crimes described in this report, in particular torture, including rape, exercising universal jurisdiction over perpetrators is a legal obligation, not a choice.⁸⁵⁹

As detailed in this report and previous ones, Amnesty International has concluded that these contextual elements of crimes against humanity have been met in Myanmar and an independent, impartial, and effective criminal investigation is needed to establish individual responsibility for these crimes.

Hundreds of thousands of Rohingya women, men, and children have been the victims of the military-led widespread and systematic attack. Specifically, Amnesty International has documented the following crimes:

- Unlawful killings (“murder”), including through the use of landmines;

⁸⁵⁰ Rome Statute, Article 7(1).

⁸⁵¹ Rome Statute, Article 7(1).

⁸⁵² Rome Statute, Article 7(2)(a).

⁸⁵³ For a description of customary international law on crimes against humanity, see *Report of the International Law Commission: Sixty seventh session* (4 May-5 June and 6 July-7 August 2015), Chapter 7: Crimes against Humanity, UN Doc. A/70/10, p. 54 (“The characterization of crimes against humanity as ‘crimes under international law’ indicates that they exist as crimes whether or not the conduct has been criminalized under national law.”).

⁸⁵⁴ See *Prosecutor v. Akayesu*, ICTR Trial Chamber, 2 September 1998, para. 579; *Kordic and Cerkez*, ICTY Trial Chamber, 26 February 2001, para. 179; *Kayishema and Ruzindana*, ICTR Trial Chamber, 21 May 1999, para. 123.

⁸⁵⁵ *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Blaškić*, ICTY Trial Chamber, Judgment, 3 March 2000, para. 203; and *Prosecutor v. Akayesu*, ICTR Trial Chamber, Judgment, 2 September 1998, para. 580.

⁸⁵⁶ *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Tadić*, ICTY Trial Chamber, Opinion and Judgment, 7 May 1997, para. 648.

⁸⁵⁷ Rome Statute, Article 7(1). See also *Prosecutor v. Kupreskic et al.*, ICTY Trial Chamber, Judgment, 14 January 2000, para. 556 (“[T]he requisite mens rea for crimes against humanity appears to be comprised by (1) the intent to commit the underlying offence, combined with (2) knowledge of the broader context in which that offence occurs.”). See also *Prosecutor v. Tadić*, ICTY Appeals Chamber, para. 271; *Prosecutor v. Kayishema et al.*, ICTR Trial Chamber, Judgment, 21 May 1999, paras 133-34.

⁸⁵⁸ Amnesty International, *Universal Jurisdiction: The duty of states to enact and enforce legislation* (Index: IOR 53/008/2001), 1 September 2001, Chapter 5.

⁸⁵⁹ See, for example, UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 5-9. As of May 2018, 163 states are party to this Convention.

- Deportation and forcible transfer, through armed attacks, killings, rape, the burning of buildings, looting, and other acts threatening the Rohingya population and forcing them to flee;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- Torture, including rape as well as severe beating and burning;
- Rape and other sexual violence of comparable gravity;
- Persecution based on ethnic and religious grounds, through burning of homes, other buildings, and whole villages; looting; and denial or severe restrictions on humanitarian aid resulting in, when combined with other military actions, forced starvation;
- Enforced disappearance of persons;
- The crime of apartheid; and
- Other inhumane acts, including forced starvation.⁸⁶⁰

9.2 ETHNIC CLEANSING, DEPORTATION

In Myanmar and elsewhere, at the heart of what is often called “ethnic cleansing,” which is not a legal term, is an organized deportation operation—that is, coordinated action aimed at forcing people to leave their homes and country and at ensuring they do not return. The Myanmar security forces’ method of achieving these goals has involved terrorising Rohingya out of their homes, mostly through shooting, killing, threats, and rape and other sexual violence; followed by the burning of their homes and villages. As discussed above, international law provides for the crime against humanity of “[d]eportation or forcible transfer of population,”⁸⁶¹ which the Myanmar security forces have committed since 25 August.

When the authorities uproot people by deliberately destroying their homes and belongings, and force them into exile, they are committing a host of human rights violations. These include violations of: the right to adequate housing; the right to an adequate standard of living more generally; the right to education, particularly for children; and the right to work. All are provided in the International Covenant on Economic, Social and Cultural Rights, which Myanmar ratified in early October 2017, even as its soldiers continued to burn Rohingya homes.

9.3 COMMAND OR OTHER SUPERIOR RESPONSIBILITY

Individuals, whether civilians or military and regardless of rank, can be held criminally responsible for crimes against humanity and other crimes under international law. Commanders may be responsible for crimes under international law under a number of modes of liability, including committing, co-perpetration, indirect perpetration, planning, ordering, aiding and abetting, as well as command responsibility. For all modes of responsibility for crimes under international law, superior orders cannot be invoked as a defence,⁸⁶² although there is some authority that they may be taken into account in mitigation of punishment.⁸⁶³

Command responsibility is a mode of individual criminal responsibility under customary international law by which a military commander or a civilian superior in a similar capacity can be held responsible for the acts of his or her subordinates if he or she knew or should have known of the crimes and failed to prevent or stop

⁸⁶⁰ Rome Statute, Articles 7(1)(a), 7(1)(d), 7(1)(e), 7(1)(f), 7(1)(g), 7(1)(h), 7(1)(i), 7(1)(j), and 7(1)(k), respectively.

⁸⁶¹ Rome Statute, Article 7(1)(d).

⁸⁶² See, for example, Rome Statute, Article 33.

⁸⁶³ See Statute of the International Criminal Tribunal for the Former Yugoslavia, Article 7(4), September 2009. See also International Committee of the Red Cross, *Customary IHL: Rule 155. Defence of Superior Orders*.

the crimes or to punish those responsible.⁸⁶⁴ The International Criminal Tribunal for the Former Yugoslavia, for example, has convicted people based on command responsibility.⁸⁶⁵

The following elements are required to prove command responsibility:⁸⁶⁶

- Crimes under international law, such as crimes against humanity, were committed;
- The individual was acting as a commander or superior;
- A relationship of effective control or authority existed between the superior and the subordinates who committed the crime;⁸⁶⁷
- The superior either “*knew or... should have known*” of the subordinates’ actions;⁸⁶⁸
- The superior must have failed to prevent or to stop the subordinate from carrying out the crimes, or to punish the subordinate for the crimes committed;⁸⁶⁹ and
- The crimes that were committed were “*a result of the failure of the accused to exercise control properly over them*”.⁸⁷⁰

In this report, and in particular in naming senior officials in the military who Amnesty International believes merit criminal investigation, Amnesty International has focused on command or other superior responsibility. For field commanders and other soldiers who are named, Amnesty International has also established direct modes of criminal liability, including committing, co-perpetration, and ordering (see Chapter 11).

⁸⁶⁴ Command responsibility is part of customary international law and conventional international law, and has been included as a mode of responsibility both in ad hoc tribunals and in the ICC. See, for example, the Statute of the International Criminal Tribunal for the Former Yugoslavia, Article 7(3); Statute of the International Criminal Tribunal for Rwanda, Article 6(3); and Rome Statute, Article 28. For the ICRC’s iteration of command responsibility as defined in customary international law, see The International Committee of the Red Cross (Jean-Marie Henckaerts and Louise Doswald-Beck, eds), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), Rule 153, pp. 558-563. The ICRC definition applies to responsibility for war crimes rather than crimes against humanity, but the rule is very similar, if not identical, in the two cases. Thus the provisions for command responsibility in the Statutes of the International Tribunals for Rwanda and for former Yugoslavia cover both types of crimes. For additional information, see Amnesty International, *The International Criminal Court: Checklist for effective implementation* (Index: IOR 40/11/00), July 2000; and G. Mettraux, *The Law of Command Responsibility* (2009), p. 21.

⁸⁶⁵ See, for example, *Prosecutor v. Delalić et al. (Čelebići case)* (IT-96-21-A), ICTY Trial Chamber, Judgment, 16 November 1998; *Prosecutor v. Aleksovski* (IT-95-14/1-T), ICTY Trial Chamber, Judgment, 25 June 1999. Both cases were appealed, but the verdicts concerning command responsibility were upheld.

⁸⁶⁶ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170-213; Antonio Cassese, *International Criminal Law* (2003), Chapter 10.

⁸⁶⁷ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 180-190.

⁸⁶⁸ Rome Statute, Article 28(a)(i) (the “*military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes.*”). For a detailed analysis, see *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170, 191-196.

⁸⁶⁹ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170, 197-209. See also *Prosecutor v. Blaskić* (IT-95-14), ICTY Trial Chamber, Judgment, 3 March 2000.

⁸⁷⁰ For a detailed analysis of this requirement, see *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170, 210-213. See also Rome Statute, Article 28(a)(ii).

PROCEEDINGS AT THE INTERNATIONAL CRIMINAL COURT

On 9 April 2018, the Office of the Prosecutor of the ICC requested from the ICC's Pre-Trial Division a ruling on whether the ICC could exercise jurisdiction over the specific crime of deportation, related to the more than 700,000 Rohingya forced out of Myanmar and into Bangladesh.⁸⁷¹ Myanmar is not a state party to the Rome Statute, but Bangladesh is. The UN Security Council has yet to refer the situation to the ICC, despite clear evidence of acts constituting crimes under its Statute. However, the Office of the Prosecutor argued that the ICC should have jurisdiction specifically on the crime of deportation "*because an essential legal element of the crime—crossing an international border—occurred on the territory of a State which is a party to the Rome Statute (Bangladesh)*".⁸⁷²

The case was assigned to Pre-Trial Chamber I, which on 7 May requested that the Government of Bangladesh "*submit written observations*" by 11 June with regards to the Prosecutor's jurisdictional request—giving the Bangladesh authorities the option to do so either publicly or confidentially.⁸⁷³ A closed-door hearing was scheduled for 20 June, in which the Prosecutor would appear before the judges for Pre-Trial Chamber I.⁸⁷⁴ At the time of publication, no ruling had been issued.

Even if the Pre-Trial Chamber grants the Prosecutor's request and allows a preliminary examination to be opened into the crime of deportation, that will not reduce the urgent need for the Security Council to refer to the ICC the entire situation in Myanmar. First, the Prosecutor's request may restrict investigations and prosecutions to a single type of crime against humanity, while Amnesty International has documented at least nine such types of crimes against humanity, including murder, torture, rape, and the crime of apartheid. Potentially all these crimes could be investigated and prosecuted as contributing to, or constituent parts of, the crime of deportation. However, concerns remain that, even if this is done, ICC jurisdiction on this basis would leave unaddressed the rights of many victims of crimes under international law and other serious violations of human rights committed by the Myanmar authorities. Second, it would not allow for the investigation and prosecution of crimes under international law committed in other parts of the country, including for the war crimes the military and ethnic armed groups have committed in Kachin and northern Shan States since 2011.⁸⁷⁵

⁸⁷¹ International Criminal Court (ICC), Application Under Regulation 46(3): Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute, 9 April 2018, www.icc-cpi.int/CourtRecords/CR2018_02057.PDF.

⁸⁷² ICC, Application Under Regulation 46(3): Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute, p. 3.

⁸⁷³ ICC, Pre-Trial Chamber I: Decision Inviting the Competent Authorities of the People's Republic of Bangladesh to Submit Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute," 7 May 2018, www.icc-cpi.int/CourtRecords/CR2018_02487.PDF.

⁸⁷⁴ Agence France-Presse, "War crimes judges to hold closed talks on Rohingya crisis," 15 May 2018.

⁸⁷⁵ See Amnesty International, "*All the Civilians Suffer*".

10. COMMAND STRUCTURE

“[Commanders] must implement the special military operational responsibilities and enemy assault plan set by the above departments.”

Confidential document on the Myanmar military, on file with Amnesty International.⁸⁷⁶

This chapter examines the command structure of the Myanmar military, in particular as it relates to the doctrine of command or other superior responsibility. Command responsibility requires, among other things, that a superior had a relationship of effective control or authority over the subordinates who perpetrated the crime or crimes; “*knew or... should have known*” of the subordinates’ actions;⁸⁷⁷ and failed to take effective action to prevent or to stop the commission of crimes or to punish those responsible.⁸⁷⁸

The operations that followed the 25 August ARSA attacks have overwhelmingly been led by—and the atrocities overwhelmingly committed by—some of the main fighting units of the Myanmar Army, known as “combat divisions”. Confidential documents that Amnesty International obtained on the Myanmar military show that the Office of the Commander-in-Chief (Army), commonly referred to as the “War Office,” exercises direct command authority over the combat divisions.⁸⁷⁹ Senior officials within the War Office appear to have been actively engaged in overseeing the specific operations in northern Rakhine State that were marked by crimes against humanity. Several of those officials, including Senior General Min Aung Hlaing, the Commander-in-Chief of the Defence Services, were in or travelled to Rakhine State during the period of mid-August through late September 2017, to be briefed on or to oversee the operations.⁸⁸⁰

Amnesty International has not been able to obtain any specific order from the War Office to commanders in the field, nor has it obtained reports sent from field commanders to the War Office, to know whether any acts constituting crimes against humanity were referenced directly or indirectly. But neither of those is a necessary condition for establishing command responsibility, or even direct responsibility, for senior officials.

Confidential documents on the Myanmar military indicate that, during military operations like those in northern Rakhine State, forces on the ground normally operate under the tight control of superior levels of the command structure. Combat division units have strict reporting requirements as to their movements, engagements, and weapon use. The tight structure and strict reporting requirements mean that officials

⁸⁷⁶ Confidential document, on file with Amnesty International.

⁸⁷⁷ Rome Statute, Article 28(a)(i) (one of the conditions for a finding of command or other superior responsibility is that the “*military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes.*”).

⁸⁷⁸ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170-213; Antonio Cassese, *International Criminal Law* (2003), Chapter 10.

⁸⁷⁹ Confidential document, on file with Amnesty International.

⁸⁸⁰ See, for example, Senior General Min Aung Hlaing Facebook Posts, August and September 2017, www.facebook.com/pg/seniorgeneralminaunghlaing/posts/, archived and on file with Amnesty International.

within the War Office knew or should have known which units were where on specific days. Throughout the crisis, media outlets and human rights organizations have reported on the dates and locations of specific atrocities; military authorities have demonstrated an awareness of this reporting, at least generally, as they have responded to it publicly, typically with blanket denials. The internal reporting requirements for military units together with the public reporting on where and when specific atrocities occurred means that senior military officials knew or should have known which specific units were credibly alleged to have been involved in crimes under international law and other human rights violations.

Despite this actual or constructive knowledge, superiors in the military, including at the most senior levels, failed to stop the commission of the initial or further crimes. For weeks and, indeed, months after credible reports of serious crimes were first published, the military continued to commit crimes against humanity, including murder; rape; deportation or forcible transfer, including through village burning and forced starvation tactics; and other inhumane acts. In response to these crimes, there have been only a handful of military prosecutions, primarily for one incident, and possibly a few other instances of disciplinary measures. The overwhelming majority of direct perpetrators at all levels have enjoyed impunity, with military investigations whitewashing the crimes committed. Together, this strongly suggests command responsibility for crimes against humanity. Chapter 11 details specific individuals who should face judicial proceedings, based on the evidence Amnesty International has compiled.

10.1 MILITARY COMMAND AND CONTROL IN NORTHERN RAKHINE STATE

Following the attacks on the morning of 25 August, the Government of Myanmar branded ARSA a “terrorist group” under national law.⁸⁸¹ The same day, the President’s Office authorized the Myanmar military to designate parts of northern Rakhine State as a “military operations area” at the request of military’s Office of the Commander-in-Chief, according to the *Myanmar Times*.⁸⁸²

As discussed below, the Myanmar military had already reinforced northern Rakhine State with at least nine, and perhaps 12, battalions of troops from the 33rd and 99th Light Infantry Divisions, collectively. State-run media report that, following the ARSA attacks, the military undertook what it described as “area clearance operations” and “area dominance operations”.⁸⁸³ Relying on confidential documents and key informant interviews, an analyst of the Myanmar military, in a confidential memorandum prepared for Amnesty International, said those “terms describe tactics that the Tatmadaw frequently uses in the context of counter-insurgency operations in other parts of Myanmar, against the larger and more established non-state armed groups, such as the Kachin Independence Army, and the Karen National Liberation Army.”⁸⁸⁴

Official statements from the Myanmar authorities in 2017 do not appear to have demarcated the exact area considered to be a “military operations area”; state media, in citing officials, makes reference to the “conflict areas” of northern Rakhine State.⁸⁸⁵ A year earlier, following the ARSA attacks in October 2016, Police Major General Zaw Win, the Chief of Myanmar’s Police Force, said that Rakhine State “had been divided into [an] operation zone and [a] security and law enforcement zone,” with the military leading only in the “operation zone”⁸⁸⁶—derived from the same Burmese expression that is translated as “military operations area”.⁸⁸⁷

⁸⁸¹ The Republic of the Union of Myanmar Anti-terrorism Central Committee, Order No. 1/2017, 25 August 2017, www.myanmarembassydhaka.com/wp-content/uploads/2017/10/terror-attack-order-1-25-8-17.pdf.

⁸⁸² Htet Soe Lin, “Office of the Commander-in-Chief released statement by saying that Rakhine was regarded as an area of military operation according to directive of president’s office,” *Myanmar Times*, 25 October 2017, myanmar.mmtimes.com/news/102817.html (translated from Burmese). See also CINCDs Facebook Post, *The stance on the terrorist attacks of the extremist Bengalis in Buthidaung-Maungdaw region in Rakhine State*, 24 October 2017 (“The President’s Office declared a military operation zone as of 25 August. ... Before such incident, some military units performed area clearance operations acting on tip-off that terrorists took training to do terror attacks and timely arrival of military forces could save lives of security forces and local people in Buthidaung-Maungdaw region.”).

⁸⁸³ See *Myanmar Alin*, 25 August 2017, www.burmalibrary.org/docs23/mal%2025-08-2017.pdf; *Myanmar Alin*, 28 August 2017, www.burmalibrary.org/docs23/mal%2028-08-2017.pdf. See also CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017, para. 5 (referring to the “area clearance operations”).

⁸⁸⁴ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 2.

⁸⁸⁵ See, for example, *The Global New Light of Myanmar*, “Short-term priority projects in northern Rakhine underway,” 2 November 2017, www.burmalibrary.org/docs23/GNLM2017-11-02-red.pdf.

⁸⁸⁶ *The Global New Light of Myanmar*, “Nine policemen killed, five injured, one missing in border attacks,” 10 October 2016, www.burmalibrary.org/docs23/GNLM2016-10-10-red.pdf.

⁸⁸⁷ In the original Burmese, the language is “*sitsinyei neimyei*,” which an analyst of the Myanmar military stated most accurately translates to “military operations area,” given the military’s primacy in these operations, though is also translated as “operation zone”. Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 2.

According to the analyst of the Myanmar military who prepared a memorandum for Amnesty International, “the terms ‘military operations area’ and ‘security and law enforcement zone’ are terms of art in Tatmadaw parlance, entailing specific military security and reporting protocols. In practice, the invocation of these terms entails changes in the rules of engagement and use of force.”⁸⁸⁸ The military analyst could not determine, nor has Amnesty International determined independently, if the military issued specific orders or instructions on the use of force for the northern Rakhine State operations. But the similar pattern of crimes committed by soldiers from different units in at least dozens of villages strongly suggests that, at minimum, the soldiers believed they had authorization to use force liberally, without distinguishing between ARSA fighters threatening the lives of security forces or others and the wider Rohingya population.

The related failure to respect customary international legal rules enforcing the principle of distinction in armed conflict⁸⁸⁹ has long been a part of Myanmar military policy and practice in areas of armed conflict with ethnic minority-affiliated armed groups.⁸⁹⁰ In a legal memorandum from 2014, the Harvard Law School International Human Rights Clinic examined the military’s counterinsurgency operations during the armed conflict in Kayin State in the 2000s. Based on interviews with a former Myanmar soldier and with military analysts, as well as a review of confidential military documents, the Clinic reported that the military historically classified geographic areas by “three color designations—black, brown, and white—based on the extent of government control.”⁸⁹¹ The geographic scope of the colour designations were “precisely defined” by the military command, with black areas representing weak or non-existent government control:

“The central feature of military conduct in black areas has been the categorical rejection of the principle of distinction, a key tenet of international humanitarian law that requires soldiers to distinguish between civilian and military targets and refrain from attacking the former. In black areas, soldiers have been instructed that individuals present within those areas who are not Myanmar military personnel are ‘the enemy’ and can therefore be targeted regardless of other factors such as age, gender, proximity to opposition forces, and whether they are carrying weapons...”

[T]he effect of these practices was most clearly exhibited in numerous ‘shoot-on-sight’ incidents in which soldiers opened fire with small arms upon initial contact with civilians. These incidents often occurred during military attacks on villages, when soldiers opened fire on civilians as they fled... In addition, the rejection of the principle of distinction... manifested itself in... the widespread destruction of civilian property, and the purposeful use of landmines against civilian targets.”⁸⁹²

Amnesty International has not been able to determine if the military still employs a colour-designation scheme or, if so, that northern Rakhine State or areas therein were designated “black”. However, the description of “black” area policy is consistent with the pattern of crimes across northern Rakhine State and with the specific threats to punish entire Rohingya villages for ARSA activity that Amnesty International documented in Inn Din and Chut Pyin (see Chapter 4). As Rohingya men, women, and children fled, soldiers opened fire without distinguishing the wider population from armed ARSA fighters threatening the lives of soldiers or others (see Chapter 4). Soldiers also destroyed property, most notably through the widespread and systematic burning of Rohingya villages (see Chapter 8), and planted landmines in a way that caused harm to Rohingya as they fled (see Chapter 6). Whether formally or informally, the military practice of establishing “black” areas where almost anything goes seems—in Rohingya villages in areas with suspected ARSA fighters—to have been part of the design and purpose of the post-25 August operations.

⁸⁸⁸ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 2.

⁸⁸⁹ See, for example, The International Committee of the Red Cross (Jean-Marie Henckaerts and Louise Doswald-Beck, eds), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), Rule 1, pp. 3-24.

⁸⁹⁰ See, for example, Amnesty International, “We Are at Breaking Point”; Amnesty International, “All the Civilians Suffer”; Amnesty International, *Crimes against Humanity in Eastern Myanmar*; Amnesty International, *Leaving Home*; Amnesty International, *Exodus from the Shan State*; Amnesty International, “No Place to Hide”: Killings, Abductions and Other Abuses against Ethnic Karen Villagers and Refugees; Ta’ang Women’s Organization (TWO), *Trained to Torture: Systematic War Crimes by the Burma Army in Ta’ang Areas of Northern Shan State (March 2011-March 2016)*, June 2016; Harvard Law School International Human Rights Clinic, *Policy Memorandum: Preventing Indiscriminate Attacks and Willful Killings of Civilians by the Myanmar Military*, March 2014; Human Rights Watch, “Untold Miseries”; Human Rights Watch, “We Are Like Forgotten People”; Human Rights Watch, *No Safety in Burma, No Sanctuary in Thailand*; and Shan Women’s Action Network & Shan Human Rights Foundation, *License to Rape: The Burma Military Regime’s Use of Sexual Violence in the Ongoing War in Shan State*, July 2002.

⁸⁹¹ Harvard Law School International Human Rights Clinic (IHRC), *Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar*, November 2014, pp. 26-27.

⁸⁹² IHRC, *Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar*, November 2014, pp. 26-27.

The Myanmar authorities announced the end “military operations” effective 5 September 2017.⁸⁹³ As Amnesty International and others have documented, however, for weeks after that date, Myanmar soldiers and other members of the security forces continued to drive Rohingya out of their villages and into Bangladesh, including by surrounding and burning down Rohingya villages, often while opening fire on people as they fled, and through tactics that pushed Rohingya toward starvation.⁸⁹⁴

In March 2018, the military released a statement that said that “[i]n the Rakhine conflict, as directed by the government, the Tatmadaw reduced from military operation to security and control operation”.⁸⁹⁵ It seems very likely that the shift is in reference to 5 September and therefore indicates, by the military’s own admission, that the military remained actively involved in operations after that date. It is conceivable that, on the ground, the military made a distinction between “area clearance operations” that occurred during the initial phase of “military operations” and the mop-up operations which occurred as part of the “security and control operations”. It is also conceivable that the military’s public statements did not reflect the operational designations that were being used in the field.

As the following sections describe at length, during military operations like those in northern Rakhine State, forces on the ground “normally operate under the tight control of superior command levels”.⁸⁹⁶ They also have strict reporting requirements about their movements and actions. Based on those reporting requirements, Amnesty International concludes that senior officials in the War Office knew or should have known which units were where on specific days. When combined with public reporting on the crisis by the media and human rights organizations, those officials also knew or should have known which units and soldiers were implicated in specific atrocities committed against the Rohingya population. At the time of publication, those senior officials had still taken no steps to punish the vast majority of perpetrators.

10.2 SENIOR COMMAND

Military operations, as the operations in northern Rakhine State were publicly declared as for the 10 days after 25 August, are commanded by the Office of the Commander-in-Chief, known also as the War Office. The War Office is based in Naypyidaw and is commanded by the military’s three most senior officials:⁸⁹⁷

- The Commander-in-Chief of the Defence Services (CINCDS), a position currently held by Senior General Min Aung Hlaing. The CINCDS has unified command over the three branches of the Myanmar military: the Army, the Navy, and the Air Force;
- The Vice Commander-in-Chief of the Defence Services, who also holds the title of Commander-in-Chief (Army). This position, currently held by Vice Senior General Soe Win, is “heavily involved in formulating and managing major operations, including command decisions about whether to deploy combat divisions, and in what strength, the designation of key strategic objectives, and in some cases key tactical objectives”,⁸⁹⁸ and
- The Chief of General Staff (Army/Navy/Air Force), who commands the Bureau of Special Operations (BSOs), which in turn has control over one or more regional commands.⁸⁹⁹ BSO No. 3 oversees operations over areas that include Rakhine State, and was commanded during the period of the 25 August operations by Lieutenant General Aung Kyaw Zaw.

⁸⁹³ See, for example, Republic of the Union of Myanmar President Office, *Tatmadaw ends area clearance operations in northern Rakhine; The Global New Light of Myanmar*, “Short-term priority projects in northern Rakhine underway,” 2 November 2017; BBC, “Rohingya crisis: Are Suu Kyi’s Rohingya claims correct?,” 19 September 2017, www.bbc.com/news/world-asia-41312931.

⁸⁹⁴ See Chapters 4 and 8. See also, for example, Human Rights Watch, “Burma: 40 Rohingya Villages Burned Since October,” 17 December 2017; OHCHR, “Myanmar: Senior UN human rights official decries continued ethnic cleansing in Rakhine State,” 6 March 2018; ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22761&LangID=E; Associated Press, “Rohingya say military cut off food in Myanmar,” 9 February 2017.

⁸⁹⁵ CINCDS Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁸⁹⁶ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 9.

⁸⁹⁷ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, pp. 5-7.

⁸⁹⁸ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 6.

⁸⁹⁹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, pp. 5-6.

10.3 REGIONAL COMMANDS, COMBAT DIVISIONS

Operationally, the Myanmar Army is comprised of two command structures: the Regional Commands, which oversee the Army's actions in specific geographic areas; and the combat divisions, which are moved around the country to areas of high priority.

In Rakhine State, the relevant Regional Command is Western Command, which oversees more than 40 infantry battalions and light infantry battalions (IBs/LIBs). Each infantry battalion under Western Command wears a uniform with that command's unique patch. Some of these units are "garrison battalions", which are historically "*engaged mostly in consolidation of the base area, ensuring security of lines of communication, and training local militias*".⁹⁰⁰ Several garrison battalions are based in Buthidaung Township.



The insignia of the Myanmar Army's Western Command.

In addition to garrison battalions, the army has battalions that belong to combat divisions, "*the strike forces in operations*".⁹⁰¹ The combat divisions are alternatively designated as Military Operation Commands (MOC) and Light Infantry Divisions (LID), but operate functionally in the same way.⁹⁰² MOCs are typically based in the country's borderlands and wear on their uniform the patch of the Regional Command where they are headquartered. LIDs, by contrast, are typically based centrally in urban areas, from where they are deployed rapidly; each wears its own distinct patch, which is the LID number in Burmese numerals. However, both types of combat divisions are moved around the country regularly, depending on where the War Office determines the greatest need for their deployment.

Each combat division, whether a MOC or LID, is comprised of 10 battalions, divided into three Tactical Operations Commands (TOCs) of three battalions each, plus a tenth battalion in reserve.⁹⁰³ Combat division battalions have a stated strength of more than 800 soldiers, but in practice tend to be staffed with only between 200 and 300 troops.⁹⁰⁴

LIDs and OCCs are equipped to engage in combat operations against opposing armed forces or groups. Their armaments include assault rifles, grenade launchers, light and heavy machine guns, 60mm and 120mm mortars, hand grenades, and anti-tank and anti-personnel landmines.⁹⁰⁵

Within Western Command, there are three MOCs: MOC 5, MOC 9, and MOC 15. Of these, MOC 15, with its headquarters in Buthidaung Township, is the one that appears to have had a major role in the post-25 August operations.⁹⁰⁶ It includes the 564th Light Infantry Battalion (LIB), which carried out the massacre in Maung Nu (see Chapter 4); the 536th and 537th LIBs, which were involved in burning villages and committing other crimes in Rathedaung and southern Maungdaw Townships; and the 552nd LIB, which was involved in burning villages in northern Buthidaung Township.

The Myanmar Army has 10 LIDs, the other main type of combat division. In August 2017, at least six battalions of the 99th LID and at least three, and likely six, battalions of the 33rd LID were moved to Rakhine

⁹⁰⁰ Maung Aung Myoe, *Building the Tatmadaw: Myanmar Armed Forces Since 1948* (Singapore: Institute of Southeast Asian Studies, 2009), p. 78.

⁹⁰¹ Maung Aung Myoe, *Building the Tatmadaw*, p. 78.

⁹⁰² Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International. See also Maung Aung Myoe, *Building the Tatmadaw*, p. 80; IHRC, *Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar*, November 2014, pp. 23. The Burmese term translated here as "Military Operation Command" is alternatively translated as Operation Control Command (OCC). Amnesty International uses the former term in this report, as it is far more widely used in English-language Burmese media, international media, and by Burmese activists.

⁹⁰³ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 5; IHRC, *Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar*, November 2014, pp. 21-24.

⁹⁰⁴ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 5. Other analysts of the Myanmar military similarly told Amnesty International that military battalions are staffed with significantly fewer soldiers than is indicated on paper under military doctrine. Amnesty International interviews, Myanmar, April 2018; and telephone interviews, March and April 2018.

⁹⁰⁵ Confidential documents on the Myanmar military, on file with Amnesty International.

⁹⁰⁶ MOC 9, for example, plays the lead role in fighting the Arakan Army. Amnesty International telephone interview with an analyst of the Myanmar military, April 2018.



The insignia of the 33rd Light Infantry Division (LID).



The insignia of the 99th Light Infantry Division (LID).

State.⁹⁰⁷ In late 2016 and early 2017, these divisions operated in northern Shan State, where Amnesty International documented that they had committed war crimes.⁹⁰⁸

Once deployed to northern Rakhine State, the 33rd LID appears to have operated primarily in southern Maungdaw Township and in Rathedaung Township, based on Amnesty International's interviews with Rohingya, ethnic Rakhine, and other

residents from those areas who interacted with these units. This is also based on investigations of public Facebook posts that describe, among other things, the 33rd LID's arrival in Rathedaung town and their use in operations in Rathedaung Township and in the mountains between Rathedaung and Maungdaw Townships.⁹⁰⁹ The 99th LID appears to have operated primarily in northern Maungdaw Township, based on the same type of evidence.⁹¹⁰

As discussed in Chapter 4, in six of the seven villages where Amnesty International documented in detail incidents of unlawful killing constituting the crime against humanity of murder, including all three massacres, Amnesty International was able to identify the combat division involved:

- **99th LID:** in Min Gyi;
- **33rd LID:** in Chut Pyin, Koe Tan Kau, Chein Kar Li, and Inn Din; and
- **MOC 15:** in Maung Nu and Inn Din.

Those units were also involved in a consistent pattern of burning across dozens of Rohingya villages in the areas where they operated, with the 33rd LID burning villages across Rathedaung and southern Maungdaw Township; the 99th LID burning villages in northern Maungdaw Townships; and MOC 15 burning villages in Buthidaung Township, as well as in parts of Rathedaung and southern Maungdaw Township.

10.4 DEPLOYMENT OF COMBAT DIVISIONS

As widely reported both by the media and by the military itself, on 9 August 2017, ethnic Rakhine political leaders met with Senior General Min Aung Hlaing, the Commander-in-Chief of the Defence Services, and Vice Senior General Soe Win, the Commander-in-Chief of the Army. According to media reports, the political leaders expressed concern over the recent killing of six Mro villagers (see Chapter 3) and of the perceived increase in ARSA activity more generally, and asked for additional security.⁹¹¹ Less than two days later, military reinforcements began to arrive to northern Rakhine State.⁹¹²

The decision to deploy those units could only have come from the senior-most levels of military, namely senior officials within the War Office.⁹¹³ As noted, under Myanmar military doctrine, the combat divisions are under the direct command of the Commander-in-Chief (Army).⁹¹⁴ Moreover, moving the LID battalions to northern Rakhine State from their respective headquarters, located in geographically distant regions of

⁹⁰⁷ Amnesty International telephone interviews and correspondence with analysts of the Myanmar military, October 2017 and April 2018. See also Anthony Davis, "Myanmar Army steps up troop deployment in Rakhine State," *IHS Jane's Defence Weekly*, 21 September 2017; *The Irrawaddy*, "ANALYSIS: Myanmar Army Deployed in Maungdaw," 11 August 2017. Several battalions of the 99th LID appear to have been sent to fight the Arakan Army. Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 4; open source investigations of Facebook posts about the 99th LID, archived and on file with Amnesty International.

⁹⁰⁸ Amnesty International, "All the Civilians Suffer".

⁹⁰⁹ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018; and in Sittwe, Myanmar, April 2018; telephone interviews, March, April, and May 2018; and investigations of Facebook posts, archived and on file with Amnesty International.

⁹¹⁰ Amnesty International interviews, Bangladesh refugee camps, January 2018; and in Sittwe, Myanmar, April 2018; telephone interviews, April and May 2018; and investigations of public Facebook posts, archived and on file with Amnesty International.

⁹¹¹ See, for example, Htet Naing Zaw, "ANP Asks Army Chief to Segregate Ethnic Communities in Maungdaw," *The Irrawaddy*, 10 August 2017; Hein Ko Soe, "Returning Rakhine villagers call for more security," *Frontier Myanmar*, 10 August 2017; *The Irrawaddy*, "ANALYSIS: Myanmar Army Deployed in Maungdaw," 11 August 2017. See also CINCDs Facebook Post, *Senior General Min Aung Hlaing holds meeting with officials of ANP Party*, 9 August 2017, www.facebook.com/Cincds/posts/1420712961382898.

⁹¹² See, for example, "ANALYSIS: Myanmar Army Deployed in Maungdaw," *The Irrawaddy*, 11 August 2017; Anthony Davis, "Myanmar Army steps up troop deployment in Rakhine State," *IHS Jane's Defence Weekly*, 21 September 2017.

⁹¹³ Amnesty International interviews, April and May 2018; and Confidential memorandum, on file with Amnesty International, p. 11.

⁹¹⁴ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 10.

Myanmar, would require significant logistical coordination, including in transporting the soldiers and in managing their re-supply.⁹¹⁵ Given his meeting with ethnic Rakhine political leaders only days prior, the decision to deploy battalions from those combat divisions very likely involved Senior General Min Aung Hlaing himself.

Amnesty International implicated both the 33rd and 99th LIDs in war crimes in a report published two months earlier, documenting torture and other violations of international humanitarian law against civilians from ethnic minorities in northern Shan State; those crimes against civilians typically followed attacks on the military by ethnic armed groups, within the armed conflict that is ongoing there.⁹¹⁶ That pattern would be replicated against the Rohingya in northern Rakhine State, on a much larger scale.

10.5 OPERATIONAL PLANNING AND DISSEMINATION OF ORDERS

During military operations, the War Office has oversight of and ultimate responsibility for developing strategy and operational plans, including how the combat divisions should conduct the operations. Those plans are then disseminated down through the chain of command, in writing, orally, or both.⁹¹⁷

When deployed to an area of military operations, combat divisions typically fall under the control of the relevant Regional Command,⁹¹⁸ which for Rakhine State is, as noted, Western Command. The War Office would issue commands and operational plans to the Regional Command, which in turn would convey those orders to the units operating in its geographic area of control.⁹¹⁹ However, the War Office, and in particular the Commander-in-Chief (Army), can and does bypass that chain of command on occasion to issue commands directly to combat divisions.⁹²⁰ Amnesty International has not been able to establish whether this occurred in northern Rakhine State, but even if the Regional Command exercised direct command authority during the operations, by policy and practice the regional commanders would have been in daily communication with the War Office and the relevant BSO to provide information about the operations and to receive further or updated orders, if such orders were issued.⁹²¹

According to a confidential document, Myanmar military commanders on the ground “*must implement the special military operational responsibilities and enemy assault plan set by the above departments*,”⁹²² with the word “above” referring to superior levels of the chain of command. Analysts of the Myanmar military report that, in practice, commanders at each level of the Myanmar military hierarchy tend to follow operational orders strictly, with promotions linked to such discipline.⁹²³

Amnesty International has not been able to obtain copies of any written military orders from the War Office in relation to the post-25 August operations. But the War Office’s own statements and actions strongly suggest active involvement in at least the strategy and plans around these operations. According to Senior General Min Aung Hlaing’s Facebook posts, the Commander of BSO No. 3 was physically in northern Rakhine State at least in mid-August and in mid-September 2017, as part of leading the response to ARSA.⁹²⁴ He also appears to have been in northern Rakhine State, or at least coordinating aspects of the humanitarian response there, in late August 2017.⁹²⁵ Senior General Min Aung Hlaing himself went to northern Rakhine State from 19 to 21 September, during which he was briefed on the operations and instructed senior commanders on the ground to keep him updated; he was met at the Sittwe airport by the BSO No. 3

⁹¹⁵ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 11.

⁹¹⁶ Amnesty International, “*All the Civilians Suffer*”.

⁹¹⁷ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 1.

⁹¹⁸ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, pp. 8, 10. See also IHRC, *Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar*, November 2014, pp. 23-24.

⁹¹⁹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 8.

⁹²⁰ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 8. See also IHRC, *Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar*, November 2014, pp. 23-24.

⁹²¹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 8.

⁹²² Confidential document, on file with Amnesty International.

⁹²³ Amnesty International interviews and telephone interviews, April 2018. See also, for example, Maung Aung Myoe, *Building the Tatmadaw*, p. 65 (“Commanders of regional command HQs, LIDs, Military Operation Commands (MOCs) and Regional Operation Commands (ROCs) are loyal to all their superiors and there is little evidence of alliances against others within the Tatmadaw.”).

⁹²⁴ CINCDs Facebook Post, *Recent terrorist attacks in Yathedaung tsp force Rakhine ethnic villagers to leave their homes; Tatmadaw columns and police members jointly provide security*, 8 August 2017, www.facebook.com/Cincds/posts/1419856918135169; CINCDs Facebook Post, *Senior General Min Aung Hlaing arrives in Sittway and inspects measures for regional peace and stability*, 19 September 2017, www.facebook.com/Cincds/posts/1460946557359538.

⁹²⁵ *The Global New Light of Myanmar*, “Collective efforts under way to alleviate suffering of victims,” 28 August 2017.

Commander and Western Commander, among others.⁹²⁶ Moreover, from the operations' first days, Senior General Min Aung Hlaing posted updates on Facebook about what was happening on the ground, and other senior officials from the War Office held press conferences about the operations.⁹²⁷

Sources who were in communication during this period with the military's senior leadership in Naypyidaw, including with officials in the War Office, likewise told Amnesty International that those officials appeared to have been actively involved in commanding the operations.⁹²⁸

Even for orders or instructions issued at lower levels of the chain of command, the War Office is kept apprised. For example, under military doctrine, if a TOC commander issues an order or instructions to the battalions under his command, a copy of that order or instruction has to be sent to the LID headquarters, which in turn reports it to the War Office and the relevant regional command.⁹²⁹

Likewise, battalions, TOCs, and divisions—including LIDs and MOCs—are required to report to superior levels their operational plans, including the military units that will be involved as well as the “*the duration, goals, operational area, and the battalion plan*”.⁹³⁰

10.6 OPERATIONAL LIMITATIONS AND REPORTING REQUIREMENTS

Under Myanmar military policy and practice, combat divisions are deliberately limited in their ability to undertake operations independently; communication and logistical restrictions imposed on field units are instead structured so as to require higher-level control in planning and coordination.

The military's systems of command and control preclude units at the same level—for example, at the company, battalion, or TOC level—from communicating with each other. Instead, each unit is “*dependent upon superior levels for information about the movement and activities of other units. Consequently, geographically distant units are incapable of coordinating their actions independently of superior commanders.*”⁹³¹ That means that under military doctrine battalions would have been dependent on TOC commanders to know the movements and actions of other battalions; TOCs would have been dependent on the division headquarters; and the different combat division headquarters operating in northern Rakhine State would have been dependent on more senior commanders—at minimum, Western Command leadership, and more likely, the War Office. Coordination of the different combat divisions deployed across the different areas of northern Rakhine State would have required those same senior officials.

In addition, combat division units have strict reporting requirements as to their movements and, at least for those in the field, actions; reporting requirements apply from the senior levels of the combat division down to the company level. For the LID commander, confidential documents on file with Amnesty International state:

“Whenever the LID commander leaves the LID he must inform the Commander-in-Chief (Army), Ministry of Defence when and where, and send a copy to related regional commands...”

When the LID commander leaves the TOC he must report the date and itinerary to the LID headquarters and send a copy to other TOCs and the related regional command.

⁹²⁶ CINCDs Facebook Post, *Senior General Min Aung Hlaing arrives in Sittway and inspects measures for regional peace and stability*, 19 September 2017.

⁹²⁷ See, for example, CINCDs Facebook Post, *Tatmadaw holds press conference on attacks by extremist Bengali terrorists in northern part of Rakhine State*, 29 August 2017, www.facebook.com/Cincds/posts/1440854936035367; CINCDs Facebook Post, *Mines, aid of international organizations found in movement area of extremist Bengali terrorists*, 29 August 2017, www.facebook.com/Cincds/posts/1440859919368202; CINCDs Facebook Post, *Explanation of terror attacks by extremist Bengalis in Rakhine State*, 30 August 2017, www.facebook.com/Cincds/posts/1441819272605600 (press conference led by Major General Aung Ye Win); CINCDs Facebook Post, *Life sacrifices and injuries of ethnic natives, state service personnel and security forces resulting from violent attacks of ARSA extremist Bengali terrorists, and seizures from terrorists*, 31 August 2017, www.facebook.com/Cincds/posts/1442708959183298; CINCDs Facebook Post, *Tatmadaw holds press conference on attacks by extremist Bengali terrorists in northern part of Rakhine State*, 1 September 2017, www.facebook.com/Cincds/posts/1442804549173739.

⁹²⁸ Amnesty International interviews, location withheld to protect their security, October and November 2017.

⁹²⁹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 12. If the TOC was reporting directly to a regional command, rather than to an LID headquarters, the order would go to the regional command and to the LID headquarters, which in turn would again report it to the War Office. Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 12.

⁹³⁰ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 13.

⁹³¹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 9. According to the same memorandum, subordinate units are also “*dependent on superior levels for logistical support complicating their ability to act independently for a sustained period.*”

When the LID commander arrives to the LID headquarters he must send the date and the time to the War Office and the related regional command and TOC.”⁹³²

At the battalion level, units are “required to send operational reports to their TOC every twelve hours according to a prescribed format, which includes information on movements, engagements, troop loss, and weapons use. Operational units are also required to submit a daily intelligence report, and detailed battle reports on a daily and monthly basis.”⁹³³ Those detailed battle reports include information on any encounter with an opposing force, including its estimated strength, as well as a summary of the battalion’s plans.⁹³⁴ The reporting requirements extend down to company-level units, which have to report to their battalion commander whenever they move or enter a new area.⁹³⁵ Amnesty International received examples of some such reports from Myanmar military operations in other parts of the country. They included photographs of the unit’s activities that day, including of digging in positions and of caching munitions.⁹³⁶

Every LID and MOC has a signals company to ensure effective communication both up and down the chain of command, and every battalion is required to have several different communications systems, including high-frequency radio and couriers as well as telephones, including satellite phones.⁹³⁷

In the context of the operations in northern Rakhine State, the reporting requirements mean that battalions from the 33rd and 99th LIDs and from MOC 15 would have been required to report their movements, engagements, and weapon use to the TOC commander, which in turn would have been required to report that information to Western Command leadership and the War Office. Combat division units appear to have moved frequently during the first weeks after 25 August. Villagers from different ethnic and religious communities in northern Rakhine State consistently described to Amnesty International seeing soldiers from the 33rd and 99th LIDs basing themselves in their village for several days, before moving on.⁹³⁸ A trail of unlawful killing and village burning typically accompanied these movements. Under Myanmar military doctrine, each of these movements would have had to be reported up the chain of command, and therefore should be on file with the War Office.

10.7 USE OF AIR ASSETS

During the military’s operations that followed the October 2016 attacks by ARSA, attack helicopters fired on the Rohingya population in several villages, killing and seriously injuring people and also destroying property, as documented at the time by Amnesty International and the United Nations.⁹³⁹ The deployment of attack helicopters could only be authorized within the War Office, according to three analysts of the Myanmar military interviewed by Amnesty International, as it requires coordination between different branches of the military—namely, the Army and the Air Force.⁹⁴⁰ The standard protocol is for a combat division to request air support from the relevant BSO Commander, who in turn conveys it to the War Office; once authorized by the War Office, the field commander then communicates with the aircraft.⁹⁴¹

Although Amnesty International did not document the use of attack helicopters during the military’s operations from 25 August 2017, helicopters were regularly used for logistical purposes. Analysts of the Myanmar military said that the use of air assets to transport soldiers or equipment would typically require the same approval process during a military operation.⁹⁴² In several villages in northern Maungdaw Township, ethnic Rakhine and Mro residents, as well as people from the Hindu community, described helicopters transporting soldiers from the 99th LID to their village in the days after 25 August.⁹⁴³ Rohingya villages nearby were burned down, very likely by these same soldiers, in subsequent days.

⁹³² Confidential document, on file with Amnesty International.

⁹³³ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 13.

⁹³⁴ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 13.

⁹³⁵ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 13.

⁹³⁶ Confidential Myanmar military reports and photographs, on file with Amnesty International.

⁹³⁷ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, pp. 12-13.

⁹³⁸ Amnesty International interviews, April 2018.

⁹³⁹ Amnesty International, “We Are at Breaking Point”, pp. 8, 17-19; OHCHR, *Report of OHCHR mission to Bangladesh, Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, pp. 14-15, 39; Reuters, “How a two-week army crackdown reignited Myanmar’s Rohingya crisis,” 25 April 2017, www.reuters.com/investigates/special-report/myanmar-rohingya-crisis2/.

⁹⁴⁰ Amnesty International correspondence, October 2017; and telephone interviews, March and April 2018.

⁹⁴¹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 15.

⁹⁴² Amnesty International correspondence, October 2017; and telephone interviews, March and April 2018. Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 15.

⁹⁴³ Amnesty International interviews, April 2018; and telephone interviews, May 2018.

More directly related to specific crimes, several witnesses in Min Gyi described the landing of a helicopter there on 30 August 2017, the day that Myanmar soldiers committed a massacre of Rohingya men, women, and children—likely the single largest incident of unlawful killing during the entire crisis (see Chapter 4). Nazmul Islam, a former Myanmar soldier and civil servant who later converted to Islam, and who was detained in the ethnic Rakhine part of Min Gyi during the massacre, told Amnesty International that a helicopter landed there in the early afternoon, after most of the unlawful killings had occurred. He saw the helicopter land and then leave again. He said he then saw soldiers and some ethnic Rakhine villagers go down to the river, where many Rohingya had been killed, and start burning the bodies.⁹⁴⁴ Nazmul Islam gave a similar account to *The Guardian*.⁹⁴⁵ While not conclusive, it suggests knowledge at senior levels of the military, who would have had to sign off on the helicopter's deployment, that there had been a major incident in Min Gyi that day. One week later, *The Guardian* first reported on the massacre in Min Gyi.⁹⁴⁶ To date, the military has not given any public indication of having undertaken an investigation into the atrocities in Min Gyi, despite consistent reporting about what happened there. In the military investigations made public to date or referenced by Senior General Min Aung Hlaing, there has been no mention of Min Gyi.⁹⁴⁷

Overall, air assets played a relatively minor role during both the 2016 and 2017 operations in northern Rakhine State. Amnesty International only documented a few incidents in November 2016 involving attack helicopters and, even logistically, soldiers much more often appear to have moved on foot, by vehicle, or by boat. Still, even these incidents demonstrate senior military involvement in planning and executing the operations, given the command and control involved in using such assets. They are also directly linked to human rights violations and crimes, whether in attacks on the population in November 2016, or in facilitating, at minimum, the disposal of bodies and the burning of villages in August and September 2017.

10.8 FAILURE TO PUNISH

Despite consistent documentation and reporting on the Myanmar military's crimes against the Rohingya following the ARSA attacks on 25 August, the senior command has overwhelmingly failed to initiate prompt, independent, impartial, and efficient investigations, or to suspend those suspected of involvement in crimes pending the conclusion of such investigations. This continues a longstanding legacy of impunity.

In Myanmar, the military conducts its own justice processes without any civilian oversight, a deeply flawed system that undermines fair trials. Senior General Min Aung Hlaing himself has wide latitude in these processes, including to issue pardons or to amend sentences.⁹⁴⁸

On 13 November 2017, Senior General Min Aung Hlaing published the findings of a military "Investigation Team" chaired by Lt. Gen. Aye Win, the Inspector-General of the Defence Services, related to the military's performance during the security operations in northern Rakhine State.⁹⁴⁹ That investigation was a whitewash, in essence refuting all reports from media outlets and human rights organizations allegation by allegation:

*"[S]ecurity forces did not commit shooting at innocent villagers and sexual violence and rape cases against women. They did not arrest, beat and kill the villagers. They did not totally destroy, rob and take property, gold and silver wares, vehicles and animals of villagers from the villages and displaced villages. They did not set fire to the mosques in Bengali villages. They allow the Bengali villagers to perform their faiths in freedom without banning them to attend the mosques and join prayers. They did not threaten, bully and drive out the villagers not to be able to live in the villages and they did not set fire to the houses."*⁹⁵⁰

⁹⁴⁴ Amnesty International telephone interview, Bangladesh refugee camp, 23 April 2018.

⁹⁴⁵ Poppy McPherson, "Witness to a massacre: the former Myanmar soldier who saw his village burn," *The Guardian*, 5 February 2018.

⁹⁴⁶ Oliver Holmes, "Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack," *The Guardian*, 7 September 2017.

⁹⁴⁷ See CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Innadin Village cemetery in Maungdaw Township*, 10 January 2018; *The Global New Light of Myanmar*, "Authorities refute AP's report on mass graves in Buthidaung Tsp," 3 February 2018; CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018; CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

⁹⁴⁸ See, for example, *Constitution of the Republic of the Union of Myanmar* (2008), para. 343 ("In the adjudication of Military justice: (a) the Defence Services personnel may be administered in accord with law collectively or singly; (b) the decision of the Commander-in-Chief of the Defence Services is final and conclusive.").

⁹⁴⁹ CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017.

⁹⁵⁰ CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017.

The “Investigation Team” concluded that *“all security members up from the leaders to the privates were aware of and strictly abided by the orders and directives of superior bodies, especially the rules of engagement-ROE in connection with the rights of self-defence and in discharging duties during the armed conflicts and anti-terrorist operations.”*⁹⁵¹

The November 2017 investigation echoed similar whitewash investigations in regards to the crimes against humanity that the Myanmar security forces committed after the 9 October 2016 ARSA attacks.⁹⁵²

Several months later, on 10 January 2018, the military admitted that soldiers had been involved in the extrajudicial execution of 10 Rohingya men in Inn Din,⁹⁵³ as Reuters was preparing to publish a detailed account of the incident. While a rare admission of responsibility, the military cast the murders as the actions of a few rogue soldiers and police officers *“who broke the Rules of Engagement,”*⁹⁵⁴ ignoring the consistent documentation of extrajudicial executions and other unlawful killings in villages across northern Rakhine State. On 10 April 2018, Senior General Min Aung Hlaing announced that seven Myanmar soldiers had been sentenced to 10 years in prison for their role in the Inn Din killings; all of the soldiers were also dismissed from the military, with the three sentenced officers demoted a rank prior to their dismissal.⁹⁵⁵

Only a week after Senior General Min Aung Hlaing’s statement, Myanmar National Television reported that those seven soldiers had been pardoned and released from prison, showing footage of men emerging from Sittwe Prison. The Myanmar authorities, including the government spokesperson, swiftly responded to the report by stating that it was inaccurate, and that the men remained in prison.⁹⁵⁶ The reporting added further confusion to a process that has been shrouded in mystery; to Amnesty International’s knowledge, the military has never, for example, released the names of the seven officers and soldiers who had been prosecuted and sentenced, making it impossible to independently determine if they remain in prison or not.

A statement released by the military’s senior leadership on 6 March 2018 indicated that, in relation to the security forces’ actions during the Rakhine crisis, *“Legal action was taken against seven officers and other ranks and three police members in line with the existing laws.”*⁹⁵⁷ The seven members of the military against whom there has been “legal action” very likely refers to the Inn Din incident, as the number is the same as that cited by Senior General Min Aung Hlaing. Amnesty International has not been able to determine whether the “legal action” against three police officers was for the same or another incident(s).

The only other specific act of potential accountability referenced in public military statements is the *“terminat[ion]”* of the *“duties of the commander of Western Command, who took charge of Rakhine security affairs ... as he had weaknesses in his actions over the issue.”*⁹⁵⁸ Major General Maung Maung Soe was the Western Commander until 10 November, when the military relieved him of the command and put him “in reserve,” according to senior military officials quoted by the media.⁹⁵⁹ His removal came just three days before the military released its initial investigation, quoted at length above, that claimed no human rights violations had been committed—so does not appear to have been linked to those reasons. *Jane’s Weekly* has suggested that the removal was due to *“anger at higher levels of command over intelligence failures”*.⁹⁶⁰

In December 2017, the U.S. government announced targeted financial sanctions against Major General Maung Maung Soe for his role in human rights violations in the northern Rakhine State operations.⁹⁶¹ In response, the Myanmar government spokesperson said the *“targeted sanction is based on unreliable*

⁹⁵¹ CINCDs Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017.

⁹⁵² *The Global New Light of Myanmar*, “No evidence of crimes against humanity, ethnic cleansing,” 7 August 2017; CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁵³ CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Inn Din Village cemetery in Maungdaw Township*, 10 January 2018.

⁹⁵⁴ CINCDs Facebook Post, *Tatmadaw investigation team issues statement on findings of discovery of unidentified bodies in Inn Din Village cemetery in Maungdaw Township*, 10 January 2018.

⁹⁵⁵ CINCDs Facebook Post, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

⁹⁵⁶ See, for example, Hannah Beech, “Did Soldiers Jailed for Killings Go Free? Myanmar TV Says Yes (Briefly),” *New York Times*, 18 April 2018; DVB, “Broadcaster erroneously reported release of Inn Din massacre soldiers: govt,” 18 April 2018, www.dvb.no/news/state-tv-erroneously-reported-release-inn-din-massacre-soldiers-govt/80578.

⁹⁵⁷ CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁵⁸ CINCDs Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁵⁹ See Reuters, “Myanmar military denies atrocities against Rohingya, replaces general,” 13 November 2017.

⁹⁶⁰ Anthony Davis, “Myanmar Army removes Rakhine State commander,” *IHS Jane’s Defence Weekly*, 15 November 2017, www.janes.com/article/75702/myanmar-army-removes-rakhine-state-commander.

⁹⁶¹ U.S. Department of the Treasury, “United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe,” 21 December 2017.

*accusations without evidence, as we have repeatedly said, so we feel sad for that*⁹⁶²—strongly suggesting, again, that the military's decision to remove him from command had nothing to do with the widespread and systematic crimes committed by units and soldiers under his command.

Other than the seven soldiers and three police against whom “legal action” was taken, and, potentially, though not likely, the removal of Major General Maung Maung Soe from his command, the military's public statements do not reference any other action to provide justice or accountability. The military's 6 March 2018 statement indicated that, according to its investigations, other than the examples just cited, “[t]he Tatmadaw acted in line with the existing military and civilian laws during the Rakhine crisis” and “[t]here were no orders and actions leading to violations of the existing laws”.⁹⁶³

Rather than pursue soldiers responsible for crimes, the military has said *“the conflicts... were ignited by the illegal Bengalis [sic] migrants who have been unlawfully living in the area for many consecutive years.”*⁹⁶⁴ It also denied basic facts, claiming that *“those Bengalis fled to the other country only after 5 September 2017 when there were no more clashes”*⁹⁶⁵—despite the well-documented stream of Rohingya who fled to Bangladesh before 5 September, and the fact that the military continued to burn Rohingya villages and commit other serious crimes after that date. It further painted several hundred thousand people as “terrorist” supporters, saying that, *“[a]s the majority [of those who fled to Bangladesh] were close to ARSA extremist Bengali terrorists, they fled for fear of investigation and legal action or due to the persuasion that they would have the chance to go to [a] third country.”*⁹⁶⁶ The military's investigations have therefore contributed not only to impunity for the overwhelming majority of perpetrators of human rights violations and crimes, but also to the continued demonization and persecution of the Rohingya population.

Far from being investigated and prosecuted, several commanders who held positions of authority during the operations that were marked by crimes against humanity in northern Rakhine State have since received promotions. For example, Maung Maung Win, who during the period relevant to this report was the Deputy Commander of MOC 15—the combat division that includes battalions that committed the Maung Nu massacre and other crimes under international law (see Chapter 4)—was promoted from Colonel to Brigadier General in January 2018, and made the Commander of MOC 5.⁹⁶⁷

Hla Myint Soe, the Regional Operations Commander (ROC) in Sittwe, which is part of Western Command, was reportedly promoted from Brigadier General to Major General at the same time.⁹⁶⁸ Several analysts of the Myanmar military suggested to Amnesty International that Hla Myint Soe, and the ROC (Sittwe) more generally, played a key role in overseeing the operations in northern Rakhine State.⁹⁶⁹ Amnesty International was unable to determine exactly how command was divided between Hla Myint Soe and the former Western Commander, Maung Maung Soe, who was Hla Myint Soe's superior.

Several people following military officer promotions told Amnesty International that there were additional promotions in early 2018 for commanders with authority over the northern Rakhine State operations.⁹⁷⁰ Such promotions fit a pattern, including for commanders who had authority over units that committed crimes under international law in northern Myanmar and for commanders who had authority over units that committed such crimes in Kayin State in the mid-2000s.⁹⁷¹ Senior leadership within the Office of the Commander-in-Chief oversees all promotions and appointments of officers.⁹⁷²

⁹⁶² Reuters, “Myanmar says U.S. sanctions against general based on ‘unreliable accusations’,” 27 December 2017.

⁹⁶³ CINCDS Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁶⁴ CINCDS Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁶⁵ CINCDS Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁶⁶ CINCDS Facebook Post, *News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar*, 6 March 2018.

⁹⁶⁷ Amnesty International interviews, January, February, and May 2018. See also LAN, *Seeking Accountability for Ending Impunity*, January 2018, footnote 12.

⁹⁶⁸ Amnesty International interviews, January and February 2018. Amnesty International correspondence, February 2018.

⁹⁶⁹ Amnesty International interview, February 2018; and telephone interview, April 2018.

⁹⁷⁰ Amnesty International interviews, February and May 2018. See also LAN, *Seeking Accountability for Ending Impunity*, January 2018.

⁹⁷¹ See LAN, *Seeking Accountability for Ending Impunity in Burma: Analysis of War Crimes Taking Place in Ethnic States*, April 2018, www.legalaidnetwork.org/Reports%20LAN/Seeking%20Accountability%20for%20Ending%20Impuni.pdf (discussing the May 2017 promotion of Brigadier General Khin Hlaing from Commander of LID 99 to Commander of North Eastern Command, after the 99th LID was implicated in crimes under international law in northern Shan State); International Human Rights Clinic, *Universal Periodic Review Submission: Myanmar 23rd Session, November 2015 (Report submitted March 23, 2015)* (discussing the promotion of specific commanders who the Clinic had implicated in potential crimes under international law in Kayin State in the mid-2000s).

⁹⁷² Amnesty International interviews, March and April 2018.

Despite consistent public reporting about the 33rd LID's particular role in crimes against the Rohingya in northern Rakhine State,⁹⁷³ senior military officials deployed battalions from that unit to a conflict area of Kachin State by early May 2018, if not earlier.⁹⁷⁴ Reports claiming abuses soon followed.⁹⁷⁵

10.9 COMMAND STRUCTURE, COMMAND RESPONSIBILITY

Under international criminal law, key elements of command responsibility are:

- a relationship of effective control or authority existed between the superior and the subordinates who committed the crime or crimes;⁹⁷⁶
- the superior knew or should have known of the subordinates' actions;⁹⁷⁷
- the superior must have failed to prevent or stop the subordinate from carrying out the crime, or to punish the subordinate for the crime;⁹⁷⁸ and
- crimes that were committed were "*a result of the failure of the accused to exercise control properly over them*".⁹⁷⁹

As described above, in Myanmar, the War Office, and in particular the Commander-in-Chief (Army), has command authority over the combat divisions. In the northern Rakhine State operations, there is strong indication that the War Office exercised that authority, based on the presence in northern Rakhine State during the operations of officials from the War Office, including, in mid-September 2017, of Senior General Min Aung Hlaing; the original decision to deploy LID battalions from other parts of the country, which would have had to come from the War Office; the regular Facebook posts and other updates on the operations provided by officials from the War Office throughout the period, including as crimes against humanity were being committed; the use of air assets; and the operational structure of the military, which requires superior commanders' involvement in coordination and communication between different combat divisions.

Moreover, senior officials in the military knew or should have known of their subordinates' actions, including of specific crimes committed. The military's reporting requirements are such that the War Office knew or should have known which units were where on specific days, as well as those units' movements, engagements, and use of weapons. Indeed, the tight reporting structure of the Myanmar military is likely precisely why, during the first days of the operations, the Commander-in-Chief of the Defence Services was able to provide daily updates as to the military's version of where ARSA attacks occurred; how many members of the security forces had been killed or injured; and how many alleged members of ARSA were killed. The deployment of air assets for logistical purposes would likewise have provided actual or constructive knowledge at least as to units' locations, if not aspects of their actions, as in Min Gyi.

Consistent public reporting from the media and from human rights organizations has identified the specific date and location of many of the military's worst atrocities during the course of the operations. When combined with the military's reporting requirements, superiors often had actual or constructive knowledge of specific subordinate units being implicated in crimes, in addition to more general knowledge of allegations that the military units in northern Rakhine State were being alleged to have committed serious crimes.

In terms of the failure to stop subordinates from committing crimes, within days of the "military operations" being launched on 25 August, public reporting indicated that the military was burning Rohingya villages and

⁹⁷³ See, for example, Reuters, "Massacre in Myanmar," 8 February 2018; Jon Emont and Niharika Mandhana, "'We'll Turn Your Village Into Soil': Survivors Recount One of Myanmar's Biggest Massacres," *Wall Street Journal*, 11 May 2018; Amnesty International, "*My World Is Finished*". See also Amnesty International, "*All the Civilians Suffer*" (on the 33rd LID's war crimes in northern Shan State in 2016-2017).

⁹⁷⁴ See, for example, Anthony Davis, "A vision for war without end in Myanmar," *Asia Times*, 30 May 2018; Agence France-Presse, "Kachin civilians flee Myanmar's 'forgotten war'," 18 May 2018; Jon Emont and Myo Myo, "Myanmar Military Targets Other Ethnic Groups After Driving Rohingya Out," *Wall Street Journal*, 28 May 2018.

⁹⁷⁵ See, for example, Kachin Women's Association Thailand (KWAT), Burma Army commits war crimes against Kachin IDPs: blocking access to refuge, using as human shields and minesweepers, indiscriminate shelling, looting, 15 May 2018; and Jon Emont and Myo Myo, "Myanmar Military Targets Other Ethnic Groups After Driving Rohingya Out," *Wall Street Journal*, 28 May 2018.

⁹⁷⁶ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 180-190.

⁹⁷⁷ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 191-196.

⁹⁷⁸ See *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 197-209. See also *Prosecutor v. Blaskic* (IT-95-14), ICTY Trial Chamber, Judgment, 3 March 2000.

⁹⁷⁹ For a detailed analysis of this requirement, see *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170, 210-213. See also Rome Statute, Article 28(a)(ii).

shooting at Rohingya men, women, and children as they fled.⁹⁸⁰ Yet, far from using the operational command and control to change course and prevent further crimes, the military continued for weeks to commit similar crimes under international law and other human rights violations causing the deportation of the Rohingya population. As described above, targeted village burning occurred until November 2017, if not later, as did tactics that had the foreseeable effect of starving Rohingya who remained.

Finally, as described above, the military's senior leadership has overwhelmingly failed to punish subordinates for the crimes committed, but instead attempted to whitewash those crimes. The main exception is for the extrajudicial executions in Inn Din; even in that case, the military has divulged little information and may have pardoned and released those responsible, though the authorities deny that. For the vast majority of the crimes against humanity committed by the security forces, the military has imposed no punishment.

⁹⁸⁰ See, for example, Human Rights Watch, "Burma: Satellite Data Indicate Burnings in Rakhine State," 29 August 2017; Human Rights Watch, "Burma: Satellite Images Show Massive Fire Destruction," 2 September 2017; Poppy McPherson, "'The Villages are Burning Down.' Fear and Fire Send Rohingya Fleeing to Bangladesh," *Time*, 31 August 2017; Oliver Holmes and Emanuel Stoakes, "Fears mount of Myanmar atrocities as fleeing Rohingya families drown," *The Guardian*, 1 September 2017.

11. KEY INDIVIDUALS MERITING JUDICIAL PROCEEDINGS OR CRIMINAL INVESTIGATION

As detailed throughout this report, during the operations that followed the 25 August 2017 ARSA attacks, the Myanmar security forces committed serious human rights violations and, specifically, acts that constitute crimes against humanity under international criminal law.⁹⁸¹ These crimes built on a pattern of crimes under international law for which the Myanmar security forces have been responsible. In November 2017, Amnesty International published a report based on a two-year investigation into the system of segregation and discrimination in northern Rakhine State against the Rohingya and other Muslim minorities, amounting to the crime against humanity of apartheid.⁹⁸² In December 2016, Amnesty International reported on crimes against humanity against the Rohingya population during the security force operations that followed the 9 October 2016 attacks by ARSA.⁹⁸³ And in June 2017, Amnesty International reported on war crimes the Myanmar Army committed against ethnic minorities in Kachin and northern Shan States, during the ongoing internal armed conflicts there.⁹⁸⁴ Several of the specific Army units that Amnesty International has implicated in crimes against humanity during the post-25 August operations were identified in that report as responsible for war crimes in northern Shan State.⁹⁸⁵

While this report and the list of individuals named below are based on Amnesty International's own documentation, the UN, other human rights organizations, and media outlets have documented and reported on the same types of crimes being committed by the Myanmar security forces.⁹⁸⁶

Individuals who are responsible for crimes under international law must be brought to justice. People can be held criminally accountable for their direct role in crimes and for their command or other superior

⁹⁸¹ For a detailed discussion of relevant international criminal law, see Chapter 9.

⁹⁸² Amnesty International, *"Caged without a Roof"*.

⁹⁸³ Amnesty International, *"We Are at Breaking Point"*.

⁹⁸⁴ Amnesty International, *"All the Civilians Suffer"*.

⁹⁸⁵ Amnesty International, *"All the Civilians Suffer"*.

⁹⁸⁶ See, for example, OHCHR, *Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh: 13-24 September 2017*, 11 October 2017; OHCHR, "Myanmar: Senior UN human rights official decries continued ethnic cleansing in Rakhine State," 6 March 2018; Human Rights Watch, *Massacre by the River*; Human Rights Watch, *"All of My Body Was Pain"*; Human Rights Watch, "Burma: Scores of Rohingya Villages Bulldozed," 23 February 2018; Human Rights Watch, "Burma: 40 Rohingya Villages Burned Since October," 17 December 2017; Human Rights Watch, "Burma: Military Massacres Dozens in Rohingya Village," 4 October 2017; Fortify Rights and the United States Holocaust Memorial Museum, *"They Tried to Kill Us All": Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar*, November 2017; Jon Emont and Niharika Mandhana, "We'll Turn Your Village Into Soil": Survivors Recount One of Myanmar's Biggest Massacres," *Wall Street Journal*, 11 May 2018; PBS Frontline, "Myanmar's Killing Fields," 8 May 2018; Reuters, "Massacre in Myanmar," 8 February 2018; BBC, *Newsnight*, "Rohingya crisis: The Tula Toli massacre," 14 November 2017; Associated Press, "Rohingya Survivors: Myanmar's Army Slaughtered Men, Children," 21 December 2017; Oliver Holmes, "Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack," *The Guardian*, 7 September 2017.

responsibility, if a person in such a position knew or should have known of the crime and failed to prevent it, stop it, or to submit it for investigation and prosecution.⁹⁸⁷ Based on its research, Amnesty International believes the following individuals should face judicial proceedings for crimes against humanity detailed in this report—for their command responsibility, their direct responsibility, or both.

11.1 MILITARY

Senior General Min Aung Hlaing, Commander-in-Chief of the Defence Services (CINCDs) – Amnesty International believes that Senior General Min Aung Hlaing should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, enforced disappearance, apartheid, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

All of the elements of command or other superior responsibility appear to have been satisfied.

- Crimes under international law have been committed in northern Rakhine State;
- Senior General Min Aung Hlaing acted as a commander or superior;
- There existed a relationship of effective control or authority between Senior General Min Aung Hlaing and subordinate units and individuals who committed crimes;

As described in Chapter 10, Senior General Min Aung Hlaing is the senior-most official in the Office of the Commander-in-Chief, or War Office, which commands military operations, including those undertaken in northern Rakhine State as of 25 August 2017. He has unified command over the three branches of the Myanmar military: the Army, the Navy, and the Air Force.

In addition to having control and authority under military doctrine, Senior General Min Aung Hlaing appears to have asserted control or authority during the operations. For example, Senior General Min Aung Hlaing seems very likely to have been involved in the decision to deploy, in August 2017, battalions of the 33rd and 99th Light Infantry Divisions (LIDs) to northern Rakhine State (see Chapter 10). Amnesty International published a report in June 2017, received by the Myanmar authorities, indicating that soldiers from the 33rd and 99th LIDs had committed war crimes against civilians from ethnic minorities in northern Shan State.⁹⁸⁸

Deploying combat divisions like the LIDs meant more direct control of the operations by the War Office in Naypyidaw (see Chapter 10), and in particular by Senior General Min Aung Hlaing and his immediate subordinate, Vice Senior General Soe Win, the Commander-in-Chief (Army). Amnesty International has linked units from the 33rd and 99th LIDs to massacres and other unlawful killings in Min Gyi, Chut Pyin, Inn Din, Koe Tan Kauk, and Chein Kar Li (see Chapter 4).

Analysts of the Myanmar military and diplomats working on Myanmar have told Amnesty International that the planning and command of the military operations occurred in significant part out of the War Office.⁹⁸⁹

- Senior General Min Aung Hlaing knew or should have known of his subordinates actions;

Senior General Min Aung Hlaing appears to have remained actively informed about the operations on the ground. In the immediate aftermath of the 25 August ARSA attacks—and even in the weeks before them, as tensions escalated—Senior General Min Aung Hlaing’s personal Facebook page and the official CINCDs Facebook page both posted almost daily about the operations in northern Rakhine State, including on 1 September that the Myanmar military “*had to get involved as the strength of police forces alone could not defend*”.⁹⁹⁰ From 19-21 September, as the military’s scorched-earth campaign continued, Senior General Min Aung Hlaing met with senior officers on the ground in Rakhine State, including the head of Western Command and the Regional Operations Commander (Sittwe).⁹⁹¹ While in Rakhine State, his Facebook page

⁹⁸⁷ Rome Statute, Article 28.

⁹⁸⁸ Amnesty International, “*All the Civilians Suffer*”. While the Myanmar military has a poor human rights record in general, deploying the LIDs to northern Rakhine State seems to have signaled a shift, in which the security forces would further tighten their grip on the Rohingya, backed by violence, as seen by Major Aung Myo Thu’s statements to Rohingya leaders from villages around Chut Pyin (see Chapter 4).

⁹⁸⁹ Amnesty International interviews, October and November 2017; and telephone interviews, April 2018.

⁹⁹⁰ Senior General Min Aung Hlaing Facebook Post, *Entire government institutions and people must defend the country with strong patriotism*, 1 September 2017, www.facebook.com/seniorgeneralminaunghlaing/posts/1698274643540350. See generally, Senior General Min Aung Hlaing Facebook Posts, www.facebook.com/seniorgeneralminaunghlaing/posts/; and CINCDs Facebook Posts, www.facebook.com/pg/Cincds/posts/, both archived and on file with Amnesty International.

⁹⁹¹ Amnesty International interviews, April 2018. See also CINCDs Facebook Post, *Senior General Min Aung Hlaing arrives in Sittwe and inspects measures for regional peace and stability*, 19 September 2017; Senior General Min Aung Hlaing Facebook Post, *Gallant efforts to defend the HQ against terrorist attacks and brilliant efforts to restore regional peace, security are honoured*, 20 September 2017,

included statements indicating that he “gave [those commanders] instructions on getting timely information”; he also “honoured” the military’s “brilliant efforts to restore regional peace”.⁹⁹²

In addition, as described in Chapter 10, the military’s reporting requirements are such that the War Office would have been kept apprised, under military doctrine, of the combat division units’ movements, engagements, and weapons’ use. Public reporting by human rights organizations and by the media from the crisis’s first weeks identified the date and location of specific atrocities, including large-scale massacres, the burning of villages, and other acts of violence against the Rohingya population. As a result, Senior General Min Aung Hlaing had at least constructive knowledge from the first week of (a) general, credible allegations of crimes being committed by the forces under his command; and (b) specific incidents where some of the most egregious crimes appear to have been committed. He has demonstrated knowledge of these allegations, as he has at times responded to them with blanket denials, similar to in the past.⁹⁹³

- Senior General Min Aung Hlaing failed to prevent or stop the crimes and failed to punish subordinates who were responsible for crimes;

Amnesty International, the United Nations, and other groups all documented and reported on crimes against humanity against the Rohingya during the military’s “clearance operations” following ARSA’s 9 October 2016 attacks.⁹⁹⁴ Senior General Min Aung Hlaing failed to ensure that subordinates responsible for crimes were punished; indeed, a military investigation refuted the UN’s findings and conclusions, determining them to be either “totally wrong” or “untrue due to false accusations and exaggerations”.⁹⁹⁵ The investigation found only two instances of wrongdoing: the theft of a motorbike, for which a military officer was sentenced to one year in prison and ordered to pay a fine; and the beating of a Village Administrator who allegedly failed to help in putting out a fire, for which one soldier received a warning and two others were each sentenced to one year in prison for “voluntarily causing hurt”.⁹⁹⁶ The impunity for other crimes, including the crimes against humanity against the Rohingya, appears to have been part of a more general failure to prevent or stop their commission. After the 25 August 2017 attacks, the military unleashed an even more widespread campaign against the Rohingya, targeting Rohingya women, men, children, and entire villages.

Once the post-25 August operations began, there were almost immediately reports of crimes being committed by Myanmar forces under Senior General Min Aung Hlaing’s overall command. Yet, far from using the operational command and control to change course, the military continued to commit similar violations and crimes for weeks, in particular through targeted village burning that occurred until November 2017, if not later, and caused the deportation of the Rohingya population.

Moreover, as after the October 2016 operations, Senior General Min Aung Hlaing has failed to ensure prompt, independent, impartial, and effective investigations, much less punishment, for the overwhelming majority of the crimes committed under international law. Statements from Senior Min Aung Hlaing’s office reference only “legal action” against seven soldiers and three police officers.⁹⁹⁷ The seven soldiers appear related to the extrajudicial executions in Inn Din,⁹⁹⁸ and it is unclear if they even remain in prison (see

www.facebook.com/seniorgeneralminaulaung/posts/1716465351721279; and Senior General Min Aung Hlaing Facebook Post, *Local ethnics can strengthen the defence prowess by living in unity and by joining hands with the administrative bodies and security forces in oneness*, 21 September 2017, www.facebook.com/seniorgeneralminaulaung/posts/1717476404953507.

⁹⁹² CINCDS Facebook Post, *Senior General Min Aung Hlaing arrives in Sittway and inspects measures for regional peace and stability*, 19 September 2017; and Senior General Min Aung Hlaing Facebook Post, *Gallant efforts to defend the HQ against terrorist attacks and brilliant efforts to restore regional peace, security are honoured*, 20 September 2017.

⁹⁹³ See, for example, CINCDS Facebook Post, *Senior General Min Aung Hlaing holds talks with permanent envoys of UNSC*, 30 April 2018, www.facebook.com/Cincds/posts/1679638058823719 (“No sexual violence happened in the history of Myanmar Tatmadaw.”); CINCDS Facebook Post, *Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State*, 13 November 2017; CINCDS Facebook Post, *The stance on the terrorist attacks of the extremist Bengalis in Buthidaung-Maungdaw region in Rakhine State*, 24 October 2017 (“Security forces took actions in accordance with the law, and did not overstep the law. ... One-sided statements and accusations against Myanmar and security members over the terror attacks of extremist Bengalis in the north of Rakhine State are totally untrue and the intentional acts done under the pretext of the facts such as human rights and humanitarians may hamper national security.”); CINCDS Facebook Post, *Senior General Min Aung Hlaing meets Malaysian Defence Forces Chief General Tan Sri Dato’ Sri (Dr.) Haji Zulkifeli Bin Mohd Zain*, 5 December 2016 (“The Bengali problems in the northern Rakhine State occurred because of the Bengalis’ failure to abide by the existing laws of Myanmar. Myanmar security forces have never committed any human rights violations such as illegal killing, rape and arson attack and investigation is being made in cooperation with the relevant organizations.”); Kyaw Phyoo Tha, “Burma Army Chief Persists in Denying Rights Abuses,” *The Irrawaddy*, 7 December 2016.

⁹⁹⁴ Amnesty International, “We Are at Breaking Point”.

⁹⁹⁵ CINCDS Facebook Post, Press statement issued by Tatmadaw True News Information Team about accusations described in the OHCHR’s report submitted to Human Rights Commission, 22 May 2017.

⁹⁹⁶ CINCDS Facebook Post, Press statement issued by Tatmadaw True News Information Team about accusations described in the OHCHR’s report submitted to Human Rights Commission, 22 May 2017.

⁹⁹⁷ CINCDS Facebook Post, “News release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar,” 6 March 2018.

⁹⁹⁸ See, for example, CINCDS Facebook Page, 10 April 2018, www.facebook.com/Cincds/posts/1659798304141028.

Chapter 10). Rather than ensure accountability, Senior General Min Aung Hlaing's office has promoted commanders credibly linked to crimes in northern Myanmar and in northern Rakhine State (see Chapter 10).⁹⁹⁹

The failure to prevent or stop the crimes in northern Rakhine State, or to punish subordinates responsible, reflects a pattern of atrocities and impunity under Senior General Min Aung Hlaing's command—particularly for crimes under international law committed against civilians from ethnic minorities during military operations against armed groups associated with the ethnic minority.¹⁰⁰⁰ Such a pattern provides evidence of, at minimum, tacit acceptance of those crimes, and arguably that such crimes are part of the military's country-wide strategy when conducting what it considers to be counterinsurgency operations.

- The crimes that were committed were a result of Senior General Min Aung Hlaing's *"failure... to exercise control properly over them"*.¹⁰⁰¹

The failure to prevent, stop, or punish crimes committed during and after the post-9 October 2016 operations led directly to the crimes committed following the 25 August 2017 attacks. Likewise, the failure to exert control in the hours and days immediately following the 25 August 2017 attacks led to a similar pattern of crimes being committed for weeks and, for certain crimes, months later.

Indeed, far from just failing to prevent or stop the crimes or to punish those responsible, Senior General Min Aung Hlaing's Facebook pages often included posts with inflammatory language against the Rohingya. Given his position, such language was likely to encourage soldiers to see and treat the Rohingya as less deserving of rights or protection. On 1 September, his Facebook page featured a post that stated, *"We openly declare that 'absolutely, our country has no Rohingya race'."*¹⁰⁰² Around the same time, he reportedly told the media that the clearance operations were *"unfinished business"* that dated to the period of World War II, when he claimed that "Bengalis" forced out ethnic Rakhine villagers.¹⁰⁰³

On 20 September, his Facebook page included a statement that *"collective efforts must be made to protect the minorities of Buthidaung/Maungdaw region such as Mro, Khamee, Thet and Daingnet"*¹⁰⁰⁴—making no mention of protecting the Rohingya, or even "Bengali", community. On 11 October, Senior General Min Aung Hlaing's Facebook page stated that it was an *"exaggeration to say that the number of Bengalis fleeing to Bangladesh is very large"* and that the *"native place of Bengalis is really Bengal. Therefore, they might have fled to the other country with the same language, race and culture as theirs by assuming that they would be safer there."*¹⁰⁰⁵ Such statements continued through March 2018, eventually drawing criticism from the UN Secretary-General's office.¹⁰⁰⁶

In addition to appearing to satisfy the elements of command or other superior responsibility for crimes against humanity committed during the post-25 August operations, Amnesty International believes that Senior General Min Aung Hlaing should be investigated for his command and potentially direct responsibility in perpetuating the institutionalised regime of systematic oppression and domination of the Rohingya in northern Rakhine State, which amounts to the crime against humanity of apartheid. Since at least 2012, the Myanmar security forces, including police and military units, have enforced this system of apartheid across a

⁹⁹⁹ Amnesty International interviews, February 2018 and June 2018. See also LAN, *Seeking Accountability for Ending Impunity*, January 2018; LAN, *Seeking Accountability for Ending Impunity in Burma: Analysis of War Crimes Taking Place in Ethnic States*, April 2018; *The Irrawaddy*, "Burma Army Reshuffles Senior Positions," 11 May 2017.

¹⁰⁰⁰ See, for example, Amnesty International, *"All the Civilians Suffer"*; Human Rights Watch, *"Untold Miseries"*; Human Rights Watch, *"All You Can Do is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State*; Human Rights Watch, *Dead Men Walking: Convict Porters on the Front Lines in Eastern Burma*, July 2011; Ta'ang Women's Organization (TWO), *Trained to Torture: Systematic War Crimes by the Burma Army in Ta'ang Areas of Northern Shan State (March 2011-March 2016)*, June 2016.

¹⁰⁰¹ For a detailed analysis of this requirement, see *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC Trial Chamber III, Judgment pursuant to Article 74 of the Statute, paras 170, 210-213. See also Rome Statute, Article 28(a)(ii).

¹⁰⁰² Senior General Min Aung Hlaing Facebook Post, *Entire government institutions and people must defend the country with strong patriotism*, 1 September 2017.

¹⁰⁰³ See, for example, James Hookway, "Myanmar Says Clearing of Rohingya Is Unfinished Business From WWII," *Wall Street Journal*, 2 September 2017; Nicola Smith, "Myanmar violence: Aung San Suu Kyi under pressure as Muslim Rohingya crisis continues," *The Telegraph*, 3 September 2017.

¹⁰⁰⁴ Senior General Min Aung Hlaing Facebook Post, *Gallant efforts to defend the HQ against terrorist attacks and brilliant efforts to restore regional peace, security are honoured*, 20 September 2017.

¹⁰⁰⁵ Senior General Min Aung Hlaing Facebook Post, *Senior General Min Aung Hlaing receives US Ambassador*, 11 October 2017, www.facebook.com/seniorgeneralminaugnhaing/posts/1736743383026809.

¹⁰⁰⁶ While addressing a military gathering in March 2018, Min Aung Hlaing was widely reported to have said, "Bengalis do not have any characteristics or culture in common with the ethnicities of Myanmar. The tensions were fuelled because the Bengalis demanded citizenship." See, for example, DVB, "Min Aung Hlaing warns against anti-military sentiment," 21 March 2018, www.dvb.no/news/min-aung-hlaing-warns-anti-military-sentiment/80255. The UN Secretary-General's office said it was "shocked" at Min Aung Hlaing's reported statements and called for Myanmar's leaders to take a "unified stance against incitement to hatred." UN, "Secretary-General Expresses Shock over Reported Comments by Myanmar Senior General, Calls for Unified Stance against Incitement to Hatred," 26 March 2018, www.un.org/press/en/2018/sgsm18957.doc.htm.

wide geographic area in very similar ways, including through severe restrictions on movement that impact access to livelihoods and to adequate health care, among other rights; the segregation of villages, schools, and other facilities, including Sittwe Hospital; and severe restrictions on worship.¹⁰⁰⁷ The regime of systematic oppression and domination imposed consistently on Rohingya throughout Rakhine State strongly suggests support from the military's highest levels and, indeed, the regime reflects Senior General Min Aung Hlaing's public statements about the Rohingya population. In addition to the statements cited above, Senior General Min Aung Hlaing said in a Facebook post on 4 May 2018 that, for Rohingya refugees in Bangladesh considering repatriation, *"There is no need to be worried about their security if they stay in the areas designated for them."*¹⁰⁰⁸ It indicated that Senior General Min Aung Hlaing supports continued segregation, discrimination, and movement restrictions.

Vice Senior General Soe Win, Deputy Commander-in-Chief of the Defence Services and Commander-in-Chief (Army) – Amnesty International believes that Vice Senior General Soe Win should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, enforced disappearance, apartheid, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

Under Myanmar military doctrine, the Commander-in-Chief (Army) has direct command authority over the Army's combat divisions (see Chapter 10). The position is *"heavily involved in formulating and managing major operations, including command decisions about whether to deploy combat divisions, and in what strength, the designation of key strategic objectives, and in some cases key tactical objectives."*¹⁰⁰⁹

All of the elements of command or other superior responsibility appear to have been met. Vice Senior General Soe Win was a commander; had a relationship of effective control or authority over combat division units that committed crimes against humanity; knew or should have known of his subordinates' actions, based on the strict reporting requirements of units' movements and activities (see Chapter 10) and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which show that soldiers and field commanders have overwhelmingly benefited from impunity, as detailed above. Amnesty International believes that at least some of the crimes committed were due to the failure of Vice Senior General Soe Win to properly exercise his control to prevent, stop, and punish crimes by those under his command.

The details outlined above for Senior General Min Aung Hlaing's control or authority, including the decision to deploy the LIDs; his actual or constructive knowledge of crimes; and his failure to take action apply as well to Vice Senior General Soe Win, who has been in the position of Commander-in-Chief (Army) since 2011.¹⁰¹⁰ During that period Amnesty International has documented crimes against humanity committed by the Army during successive "clearance operations" in northern Rakhine State; as well as war crimes committed by the Army during the ongoing armed conflict with ethnic armed groups in Kachin and northern Shan States.¹⁰¹¹

Despite considerable reporting about the crimes committed by the 33rd LID in northern Rakhine State, battalions of that unit were, in April 2018, deployed to a sensitive area of Kachin State to lead military operations there—a decision which would have again involved Vice Senior General Soe Win (see Chapter 10). Within weeks, new reports of human rights violations by 33rd LID units emerged in Kachin State.¹⁰¹²

In addition, as discussed above for Senior General Min Aung Hlaing, Vice Senior General Soe Win had command authority over the Army as it played an important role in enforcing the institutionalized regime of systematic oppression and domination against the Rohingya, amounting to the crime against humanity of apartheid.¹⁰¹³

Lieutenant General Aung Kyaw Zaw, Former Commander of the No. 3 Bureau of Special Operations (BSO) – Amnesty International believes that Lt. Gen. Aung Kyaw Zaw should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence,

¹⁰⁰⁷ Amnesty International, *"Caged without a Roof"*.

¹⁰⁰⁸ Senior General Min Aung Hlaing Facebook Post, *Discussions between Senior General Min Aung Hlaing and permanent envoys of UNSC*, 4 May 2018.

¹⁰⁰⁹ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 6.

¹⁰¹⁰ See Saw Yan Naing, "Thai Army Commander Visits Burma for Security Talks," *The Irrawaddy*, 15 September 2011 (referring to him in that position).

¹⁰¹¹ In addition to this report, see Amnesty International, *"My World Is Finished"*; Amnesty International, *"We Are at Breaking Point"*; Amnesty International, *"All the Civilians Suffer"*; Amnesty International, *"Caged without a Roof"*. See also Human Rights Watch, *"Untold Miseries"* (on crimes committed in Kachin State in 2011-2012, during a period under his command).

¹⁰¹² See Kachin Women's Association Thailand (KWAT), *Burma Army commits war crimes against Kachin IDPs: blocking access to refuge, using as human shields and minesweepers, indiscriminate shelling, looting*, 15 May 2018.

¹⁰¹³ See Amnesty International, *"Caged without a Roof"*.

persecution, enforced disappearance, apartheid, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

As Commander of BSO No. 3 from 2015 until January 2018, Lt. Gen. Aung Kyaw Zaw controlled all military operations in Southern, Southwestern, and, as concerns this report, Western Command, which includes Rakhine State. According to a confidential memorandum on the Myanmar military's structure prepared for Amnesty International, *"BSOs are heavily involved in counter-insurgency operations. During operations, their primary purpose is serve a control function, rather than a command function. They ensure that subordinate levels in the chain of command effectively carry out the War Office's commands and assist them in doing so."*¹⁰¹⁴ The BSO Commander also coordinates operations that involve different branches of the armed forces, for example the Army and Air Force.¹⁰¹⁵ Lt Gen. Aung Kyaw Zaw would therefore have been involved in coordinating and controlling the use of air assets, including helicopters, during the northern Rakhine State operations following the October 2016 and August 2017 ARSA attacks.¹⁰¹⁶ In November 2016, attack helicopters fired on several Rohingya villages and unlawfully killed people, as documented by Amnesty International, the UN, and others.¹⁰¹⁷ During the post-25 August 2017 operations, logistical support via helicopter appears linked to the commission or cover-up of the massacre in Min Gyi.¹⁰¹⁸

Lt. Gen. Aung Kyaw Zaw was physically present in northern Rakhine State during, at minimum, key periods before and during the 2017 operations marked by crimes against humanity. In early August 2017, he accompanied the Western Commander to Rathedaung Township, including Zay Di Pyin village, in response to *"recent terrorist attacks,"* according to Senior General Min Aung Hlaing's Facebook page.¹⁰¹⁹ A blockade was instituted against the Rohingya community in Zay Di Pyin around that time (see Chapter 7). When Senior General Min Aung Hlaing visited Rakhine State in mid-September, Lt. Gen. Aung Kyaw Zaw and Western Commander welcomed him at the Sittwe airport and briefed him on the operations,¹⁰²⁰ further suggesting that Lt. Gen. Aung Kyaw Zaw played a critical role in coordinating the military's actions.

All of the elements of command or other superior responsibility appear to have been met. Lt. Gen. Aung Kyaw Zaw was a commander; had a relationship of effective control or authority over units that committed crimes against humanity; knew or should have known of his subordinates' actions, based on the strict reporting requirements of units' movements and activities (see Chapter 10) and the public reporting about crimes committed by these units; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which show that soldiers and field commanders have overwhelmingly benefited from impunity. Amnesty International believes that at least some of the crimes committed were due to the failure of Lt. Gen. Aung Kyaw Zaw to properly exercise his control to prevent, stop, and punish crimes by those under his command.

In addition, as discussed above regarding Senior General Min Aung Hlaing, Lt. Gen. Aung Kyaw Zaw had control over military operations in Rakhine State from 2015 to January 2018, a period during which the military played an important role in enforcing the institutionalized regime of systematic oppression and domination against the Rohingya, amounting to the crime against humanity of apartheid.¹⁰²¹

In January 2018, Lt. Gen. Aung Kyaw Zaw was transferred to the position of commander of BSO No. 6, which oversees Naypyidaw Command.¹⁰²² In late May 2018, *The Irrawaddy* reported that he had been removed from that position; it cited a military analyst that linked the decision to Lt. Gen. Aung Kyaw Zaw having to *"take responsibility for the actions of the Western commander"*.¹⁰²³ The military has not publicly linked his removal to the human rights violations committed by units under his command. Even if that was the basis of his removal, being removed from a command is nowhere near an adequate form of accountability given credible allegations that he is implicated in crimes under international law.

¹⁰¹⁴ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 7.

¹⁰¹⁵ Confidential memorandum prepared by an analyst of the Myanmar military, on file with Amnesty International, p. 7.

¹⁰¹⁶ Analysts of the Myanmar military confirmed this in interviews with Amnesty International.

¹⁰¹⁷ Amnesty International, *"We Are at Breaking Point"*, pp. 8, 17-19; OHCHR, *Report of OHCHR mission to Bangladesh, Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, pp. 14-15, 39; Reuters, "How a two-week army crackdown reignited Myanmar's Rohingya crisis," 25 April 2017.

¹⁰¹⁸ See Chapters 4 and 10. See also Human Rights Watch, *Massacre by the River*; CNN, "Accounts of rape, burning children and murder: How a Rohingya massacre unfolded at Tula Toli," 3 December 2017.

¹⁰¹⁹ CINCDs Facebook Post, *Recent terrorist attacks in Yathedaung township force Rakhine ethnic villagers to leave their homes; Tatmadaw columns and police members jointly provide security*, 8 August 2017.

¹⁰²⁰ CINCDs Facebook Post, *Senior General Min Aung Hlaing arrives in Sittway and inspects measures for regional peace and stability*, 19 September 2017.

¹⁰²¹ See Amnesty International, *"Caged without a Roof"*.

¹⁰²² LAN, *Seeking Accountability for Ending Impunity*, January 2018, footnote 7. Amnesty International interviews with independent sources confirmed the transfer.

¹⁰²³ Htet Naing Zaw, "Deputy Home Affairs Minister Leaves Post to Return to Top Military Job," *The Irrawaddy*, 26 May 2018.

Major General Maung Maung Soe, Commander of Western Command at the material time – Amnesty International believes that Major General Maung Maung Soe should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, enforced disappearance, apartheid, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

Witnesses were often able to identify Western Command soldiers by their unique uniform patch; this includes soldiers in the combat division known as Military Operation Command (MOC) No. 15. Western Command units carried out the massacre in Maung Nu (see Chapter 4); participated in other unlawful killings in at least several dozen other villages; raped and committed other sexual violence against women and girls; and burned villages across northern Rakhine State in a consistent, systematic way. Across Maungdaw, Buthidaung, and Rathedaung Townships, they were also involved in tactics which starved many of the Rohingya who remained in their villages after the initial, acute violence, forcing them out of their villages and country.

Maj. Gen. Maung Maung Soe appears to have been in Rakhine State during the operations, moving between the regional command headquarters, located in Ann, and in or near the area of operations, including in Sittwe.¹⁰²⁴ Facebook posts from Senior General Min Aung Hlaing indicate that Maj. Gen. Maung Maung Soe was involved in coordinating the response to ARSA activity in early August 2017, and was also one of the commanders who briefed the Senior General on the ongoing operations when the Senior General came to Rakhine State from 19-21 September.¹⁰²⁵

All of the elements of command or other superior responsibility appear to have been met. Maj. Gen. Maung Maung Soe was a commander; had a relationship of effective control or authority over units that committed crimes against humanity; knew or should have known of his subordinates' actions, based on the strict reporting requirements of units' movements and activities (see Chapter 10) and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which do not include mention of Maung Nu and other locations where Western Command units committed crimes (see Chapters 4 and 10). Amnesty International believes that at least some of the crimes committed were due to the failure of Maj. Gen. Maung Maung Soe to properly exercise his control to prevent, stop, and punish crimes by those under his command.

As detailed above for Senior General Min Aung Hlaing, at least a dozen battalions under Maj. Gen. Maung Maung Soe's overall command were also involved in maintaining the system of apartheid under which the Rohingya population lived even before 25 August.¹⁰²⁶ Maj. Gen. Maung Maung Soe was also Western Commander during the post-9 October 2016 operations. He does not appear to have ensured any accountability for troops under his command then either, despite consistent reports of serious crimes.

Maj. Gen. Maung Maung Soe was relieved of his command of Western Command in November 2017 and put in the "reserves" or "auxiliary forces".¹⁰²⁷ Amnesty International has not been able to determine his exact position at time of publication.¹⁰²⁸ As discussed in Chapter 10, his removal does not appear to have been linked to the human rights violations committed by units under his command. Even if it was, being removed from his command is nowhere near an adequate form of accountability given credible allegations that he is implicated in crimes under international law. The United States and Canada imposed targeted sanctions against him in December 2017 and February 2018, respectively, for his role in overseeing operations marked by, as Canada phrased it, "*human rights violations against the Rohingya in Myanmar and in the violence and persecution that has forced more than 688,000 Rohingya to flee their country*".¹⁰²⁹

¹⁰²⁴ Amnesty International telephone interview, April 2018; and correspondence, May 2018.

¹⁰²⁵ See CINCDs Facebook Post, *Recent terrorist attacks in Yathedaung tsp force Rakhine ethnic villagers to leave their homes; Tatmadaw columns and police members jointly provide security*, 8 August 2017; CINCDs Facebook Post, *Senior General Min Aung Hlaing arrives in Sittway and inspects measures for regional peace and stability*, 19 September 2017; Senior General Min Aung Hlaing Facebook Post, *Gallant efforts to defend the HQ against terrorist attacks and brilliant efforts to restore regional peace, security are honoured*, 20 September 2017; and Senior General Min Aung Hlaing Facebook Post, *Local ethnics can strengthen the defence prowess by living in unity and by joining hands with the administrative bodies and security forces in oneness*, 21 September 2017.

¹⁰²⁶ See Amnesty International, "*Caged without a Roof*".

¹⁰²⁷ See, for example, Reuters, "Myanmar military denies atrocities against Rohingya, replaces general," 13 November 2017; Anthony Davis, "Myanmar Army removes Rakhine State commander," *IHS Jane's Defence Weekly*, 15 November 2017.

¹⁰²⁸ One source indicated that, far from a demotion, Maung Maung Soe was actually put in charge of the "auxiliary forces," which would be a promotion. Amnesty International interview, May 2018. However, Amnesty International has not been able to confirm that. Further investigation is needed.

¹⁰²⁹ Global Affairs Canada, "Canada imposes targeted sanctions in response to human rights violations in Myanmar," 16 February 2018. See also U.S. Department of the Treasury, "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe," 21 December 2017.

Brigadier General Khin Maung Soe, Commander of Military Operation Command (MOC) 15, a combat division under Western Command – Amnesty International believes that Brig. Gen. Khin Maung Soe should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, enforced disappearance, apartheid, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

MOC 15 is the main combat division based in northern Rakhine State, with its headquarters in Buthidaung Township. During the operations, Brig. Gen. Khin Maung Soe was based in Da Pyu Chaung village, just east of Buthidaung town. The 564th LIB, one of 10 battalions under his MOC 15 command, carried out the Maung Nu massacre on 27 August (see Chapter 4). Two other MOC 15 battalions, the 536th and 537th, carried out operations in Rathedaung and Maungdaw Townships where villages were burned and other Rohingya were unlawfully killed (see Chapter 4), according to Rohingya witnesses as well as villagers from other ethnic and religious communities where those units operated.¹⁰³⁰ The 552nd LIB, based in Thin Ga Net village tract, was likewise involved in operations in northern Buthidaung Township that caused the deportation of the Rohingya population, including through the systematic burning of villages.

Throughout Buthidaung Township, units within MOC 15 also played a critical role in carrying out the tactics which starved many of the Rohingya who remained after the initial, acute violence, forcing them out of their villages and country in late 2017 and early 2018. Soldiers from MOC 15 battalions participated in the looting of cattle; burned or otherwise blocked access to markets; denied access to livelihoods, including fishing and collecting wood; and denied people access to their farmland at harvest. The consistent resort to these tactics across at least several dozen villages in Buthidaung Township alone, where or near where MOC 15 has bases, strongly suggests a common plan from the top of MOC 15.

All of the elements of command or other superior responsibility appear to have been met. Brig Gen. Khin Maung Soe was a commander; had a relationship of effective control or authority over units who committed crimes against humanity; knew or should have known of his subordinates' actions, based on the strict reporting requirements of units' movements and activities (see Chapter 10) and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which do not include mention of Maung Nu and other locations where MOC 15 units committed crimes (see Chapters 4 and 10). Amnesty International believes that at least some of the crimes committed were due to the failure of Brig. Gen. Khin Maung Soe to properly exercise his control to prevent, stop, and punish crimes by those under his command.

As detailed above for Maj. Gen. Maung Maung Soe, the battalions under Brig. Gen. Khin Maung Soe's overall command were also involved in maintaining the system of apartheid under which the Rohingya population lived even before 25 August.¹⁰³¹

Major Thant Zaw Win, 564th Light Infantry Battalion (LIB), commanded by MOC 15 – Amnesty International believes that Maj. Thant Zaw Win¹⁰³² should be investigated for direct and command responsibility for crimes against humanity committed in and around Maung Nu village, including murder, torture, and persecution.

Maj. Thant Zaw Win was separately described by five witnesses as the highest-ranking officer present for the Maung Nu massacre on 27 August 2017. Prior to the massacre, he was seen speaking on the phone in the courtyard where the vast majority of murders occurred, then was heard giving an order to begin. Soldiers under his command then proceeded to carry out scores of extrajudicial executions of Rohingya men and boys, often in front of Rohingya women and girls who were being held in nearby houses (see Chapter 4). Maj. Thant Zaw Win had previously summoned to meetings Rohingya leaders from villages in and around Chin Tha Mar village tract, and was known to witnesses and other Chin Tha Mar residents at the time of the massacre. Amnesty International has confirmed with additional sources Maj. Thant Zaw Win's rank and role in the massacre, including that he was the highest-ranking officer present as it was carried out.¹⁰³³

As the officer on the ground who ordered the extrajudicial execution of Rohingya men and boys in Maung Nu village, Maj. Thant Zaw Win should face judicial proceedings for direct responsibility for the crime of murder, torture, and persecution. In addition, he is responsible under command or other superior responsibility, as he had a relationship of effective control or authority over soldiers in the 564th LIB; had

¹⁰³⁰ Amnesty International interviews, Bangladesh refugee camps, September 2017 and January 2018; and in Sittwe, Myanmar, April 2018.

¹⁰³¹ See Amnesty International, *"Caged without a Roof"*. MOC 15 is headquartered in Buthidaung Township, an area where Amnesty International has documented the system of apartheid. MOC 15 battalions are based in village tracts throughout the township.

¹⁰³² Each witness independently described the insignia signifying his rank as a "moon and a star," which is consistent with the rank of major in the Myanmar Army. Other sources with direct knowledge confirmed his rank is major. Among witnesses and other sources with direct knowledge, there was a discrepancy in the spelling or transliteration of his first name between "Thant" and "Than". From its sources, Amnesty International believes Thant is correct, but cannot rule out "Than". It was clear that everyone was referring to the same person.

¹⁰³³ Amnesty International interview, May 2018; and correspondence with three sources, June 2018.

actual knowledge of his subordinates' actions, as he was at the site where the massacre occurred; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which do not include mention Maung Nu (see Chapters 4 and 10).

Staff Sergeant Ba Kyaw, 564th LIB – Amnesty International believes that Staff Sergeant Ba Kyaw should face judicial proceedings for direct responsibility for crimes against humanity committed in and around Maung Nu village, including murder, deportation, torture, persecution, and other inhumane acts.

Staff Sergeant Ba Kyaw appears to have been one of several key perpetrators of the Maung Nu massacre on 27 August 2017 (see Chapter 4). He was well known to Rohingya living in the area, as he spoke the Rohingya dialect and had often interacted with Rohingya leaders and villagers in Chin Tha Mar village tract. That background positioned him to play a determinative role in the massacre's scale. Witnesses interviewed by Amnesty International consistently said they saw and heard Staff Sergeant Ba Kyaw force Rohingya to open their houses under threat of burning them down with people inside; arrest and shepherd people to the compound where the massacre occurred; force men out into the courtyard for extrajudicial execution; and then personally carry out some of the murders.

Human Rights Watch, the Associated Press, and PBS Frontline have each named Staff Sergeant Ba Kyaw as a leading perpetrator of the Maung Nu massacre, based on consistent eyewitness testimony and, for the PBS Frontline report, based on positive identifications of a photograph of Staff Sergeant Ba Kyaw.¹⁰³⁴

Brigadier General Aung Aung, Commander of the 33rd Light Infantry Division (LID) – Amnesty International believes that Brig. Gen. Aung Aung should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, enforced disappearance, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

Units under his command carried out the massacre, torture, and rape and other sexual violence in Chut Pyin on 27 August 2017 (see Chapters 4 and 5). They also carried out unlawful killings in Inn Din, Koe Tan Kauk, and Chein Kar Li, and burned Rohingya villages in Rathedaung Township and southern Maungdaw Township (see Chapter 4). The threats made by Maj. Aung Tho Myu to Rohingya leaders in Chut Pyin (see below), as well as the systematic, consistent nature of the crimes in villages across northern Rakhine State where the 33rd LID operated, including extrajudicial executions and targeted burning, strongly suggest higher order and planning.

At minimum, however, Amnesty International believes that all of the elements of command or other superior responsibility have been met for Brig. Gen. Aung Aung. He was acting as a commander; had a relationship of effective control or authority over units who committed crimes against humanity; knew or should have known of the subordinates' actions, based on the strict reporting requirements of units' movements and activities (see Chapter 10) and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which do not include mention of Chut Pyin, Koe Tan Kauk, and Chein Kar Li, among other places where 33rd LID soldiers committed crimes (see Chapters 4 and 10). Amnesty International believes that at least some of the crimes committed were due to the failure of Brig. Gen. Aung Aung to properly exercise his control to prevent, stop, and punish crimes by those under his command.

Amnesty International documented war crimes by the 33rd LID in northern Shan State in 2016 and early 2017, before battalions from that division were moved to northern Rakhine State, where they committed similar crimes on an even greater scale.¹⁰³⁵

Major Aung Myo Thu, field unit commander under the 33rd LID – Amnesty International believes that Maj. Aung Myo Thu should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, enforced disappearance, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

Maj. Aung Myo Thu was a field commander of either a battalion or company of the 33rd LID. He and his unit were based in Chut Pyin in late August 2017. On 27 August 2017, soldiers under his command, together with the BGP and local vigilantes, murdered more than 200 Rohingya men, women, and children; raped and committed other sexual violence against Rohingya women; and burned down the Rohingya village. Maj.

¹⁰³⁴ PBS Frontline, "Myanmar's Killing Fields," 8 May 2018; Human Rights Watch, "Burma: Military Massacres Dozens in Rohingya Village," 4 October 2017; Associated Press, "Rohingya Survivors: Myanmar's Army Slaughtered Men, Children," 21 December 2017.

¹⁰³⁵ Amnesty International, "All the Civilians Suffer".

Aung Myo Thu appears to have been physically present in Chut Pyin when these crimes were committed. Around 20 August, Maj. Aung Myo Thu led a meeting in Chut Pyin with Rohingya leaders from surrounding villages. Amnesty International interviewed seven people at the meeting, each of who described Maj. Aung Myo Thu as threatening the Rohingya with dire consequences if they failed to accept the National Verification Card (NVC) or if there was any ARSA-related activity. Following an ARSA attack in the village, soldiers under his command followed through on that threat (see Chapters 4 and 5).

Amnesty International believes that all of the elements of command or other superior responsibility have been met for Maj. Aung Myo Thu. He was acting as a commander; had a relationship of effective control or authority over units who committed crimes against humanity; knew or should have known of his subordinates' actions, based on his apparent physical presence when crimes were committed and on public reporting about crimes committed in Chut Pyin almost immediately after the incident; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which do not include mention of Chut Pyin. Amnesty International believes that at least some of the crimes committed were due to the failure of Maj. Aung Myo Thu to properly exercise his control to prevent, stop, and punish crimes by those under his command.

In a detailed account of the crimes committed by the Myanmar military in Chut Pyin, the *Wall Street Journal* likewise identified Aung Myo Thu as the field commander of the 33rd LID unit in the village in the period before and during the massacre and rapes and other sexual violence.¹⁰³⁶

Brigadier General Than Oo, Commander of the 99th LID during the material period – Amnesty International believes that Brig. Gen. Than Oo should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, rape and other sexual violence, persecution, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

A unit under his command carried out the massacre, torture, and rape and other sexual violence in Min Gyi on 30 August 2017 (see Chapters 4 and 5). They burned other Rohingya villages in northern Maungdaw Township.

Amnesty International believes that all of the elements of command or other superior responsibility have been met for Brig. Gen. Than Oo. He was acting as a commander; had a relationship of effective control or authority over units who committed crimes against humanity; knew or should have known of the subordinates' actions, based on the strict reporting requirements of units' movements and activities (see Chapter 10) and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which do not include mention of Min Gyi (see Chapters 4 and 10). Amnesty International believes that at least some of the crimes committed were due to the failure of Brig. Gen. Than Oo to properly exercise his control to prevent, stop, and punish crimes by those under his command.

In late May 2018, *The Irrawaddy* reported that Brig. Gen. Than Oo had been “*transferred to the auxiliary force*”.¹⁰³⁷ The Myanmar military does not appear to have officially announced the transfer, nor that Brig. Gen. Than Oo had been removed from his command. *The Irrawaddy* linked the decision to pressure from the UN Security Council over the atrocities committed during the northern Rakhine State operations,¹⁰³⁸ but none of the published military investigations to date, including those that have identified legal and administrative actions taken in response to the operations, have mentioned Brig. Gen. Than Oo or the 99th LID (see Chapter 10). Even if Brig. Gen. Than Oo's removal is associated with crimes committed by his soldiers under his command, such action is nowhere near an adequate form of accountability given credible allegations that he is implicated in crimes under international law.

11.2 BORDER GUARD POLICE (BGP)

Brigadier General Thura San Lwin, Commander of the Border Guard Police at the material time – Amnesty International believes that Brig. Gen. Thura San Lwin should face judicial proceedings for command responsibility for the crimes against humanity of murder, deportation, torture, imprisonment or other severe

¹⁰³⁶ Jon Emont and Niharika Mandhana, “‘We’ll Turn Your Village Into Soil’: Survivors Recount One of Myanmar’s Biggest Massacres,” *Wall Street Journal*, 11 May 2018.

¹⁰³⁷ Htet Naing Zaw, “Military Officers Transferred over Jade Mine Bribes, Killings in Rakhine,” *The Irrawaddy*, 23 May 2018, www.irrawaddy.com/news/burma/military-officers-transferred-jade-mine-bribes-killings-rakhine.html.

¹⁰³⁸ Htet Naing Zaw, “Military Officers Transferred Over Jade Mine Bribes, Killings in Rakhine,” *The Irrawaddy*, 23 May 2018.

deprivation of physical liberty, rape and other sexual violence, persecution, enforced disappearance, apartheid, and other inhumane acts, as detailed in this report, as well as be investigated for direct responsibility for these crimes.

Brig. Gen. Thura San Lwin commanded the BGP from mid-October 2016 to 3 October 2017,¹⁰³⁹ a period marked by two “clearance operations” in which BGP officers under his command committed murder; torture; rape and other sexual violence; imprisonment or other severe deprivation of physical liberty; and other inhumane acts, including forced starvation.¹⁰⁴⁰ They also carried out other actions that caused the deportation of the Rohingya population, including village burning.¹⁰⁴¹ Brig. Gen. Thura San Lwin was based in the BGP headquarters in Kyee Kan Pyin, in northern Maungdaw Township, a region where dozens of Rohingya villages were burned by security forces during the material period. In October 2016, the *New York Times* reported that Rohingya from a village in Kyee Kan Pyin village tract were forced out of their homes, allegedly under order by Brig. Gen. Thura San Lwin and backed by threat of violence if they did not leave.¹⁰⁴²

He appears to have actively undermined investigations into his police officers’ involvement in crimes. In July 2017, he told Reuters that claims of burning and rape during the post-October 2016 operations were “wrong information” and that the police had charged and jailed Rohingya villagers for bringing what Brig. Gen. Thura San Lwin said were false claims of abuse.¹⁰⁴³

All of the elements of command or other superior responsibility appear to have been met. From October 2016 to October 2017, Brig. Gen. Thura San Lwin was a commander over the BGP force in Rakhine State; had a relationship of effective control or authority over individuals who committed crimes against humanity; and knew or should have known of his subordinates’ actions, due to his physical presence in an area where many crimes occurred and to consistent reporting about the BGP’s role in abuses, including reporting that he responded to directly. Despite that, Brig. Gen. Thura San Lwin failed to prevent or stop the commission of crimes and to punish subordinates who were responsible. Amnesty International believes that some of the crimes committed by the BGP during this period were due in part to the failure of Brig. Gen. Thura San Lwin to properly exercise his control to prevent, stop, and punish crimes by the BGP under his command.

In addition, Brig. Gen. Thura San Lwin commanded the BGP as it played a major role in maintaining and enforcing the system of apartheid in northern Rakhine State.¹⁰⁴⁴ Every day, officers under his command severely and discriminatorily restricted the movement of the Rohingya population, which undermined, among other things, their access to adequate health care and to livelihoods and food. His forces also placed severe and discriminatory restrictions on worship and other forms of religious practice.¹⁰⁴⁵ The BGP’s consistent pattern, across hundreds of villages, of perpetuating the institutionalized regime of systematic oppression and domination strongly suggests commands from the force’s highest levels.

Brig. Gen. Thura San Lwin was replaced as the BGP Commander on 3 October 2017; analysts of the Myanmar military, as well as credible media outlets, linked his sacking to the failure to pre-empt the ARSA attacks, as had happened with his predecessor the year before.¹⁰⁴⁶

BGP Officer Tun Naing, Commanding officer of the BGP base in Taung Bazar – Amnesty International believes that Tun Naing, the commanding officer of the BGP base in Taung Bazar, should face judicial proceedings for direct and command responsibility for crimes against humanity, including torture, rape and other sexual violence, persecution, and imprisonment or other severe deprivation of physical liberty.

Torture survivors and other witnesses from villages in northern Buthidaung Township identified Tun Naing as directly involved in ordering and in perpetrating torture at the BGP base in Taung Bazar, which oversees at least seven BGP posts in northern Buthidaung Township. Five Rohingya survivors interviewed by Amnesty International identified Tun Naing as ordering and/or perpetrating their torture in the Taung Bazar BGP base in the months before the 25 August 2017 attacks. In particular, they said that he severely beat them, burned

¹⁰³⁹ Media outlets reported that Thura San Lwin took over around 17 October 2016, after the previous BGP commander was sacked following the 9 October 2016 attacks. See Reuters, “Myanmar fires border police chief over deadly insurgent attacks,” 17 October 2016.

¹⁰⁴⁰ Chapters 2, 4, and 5; Amnesty International, “*We Are at Breaking Point*”. See also, for example, Reuters, “Massacre in Myanmar,” 8 February 2018; OHCHR, Human Rights Watch, “*All of My Body Was Pain*”. OHCHR, *Report of OHCHR mission to Bangladesh Interviews with Rohingyas fleeing from Myanmar since 9 October 2016*, 3 February 2017, www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf.

¹⁰⁴¹ Chapters 7-8.

¹⁰⁴² “In Myanmar, Military Action Forces Some to Flee: ‘We Just Had to Run Away to Save Our Lives’,” *New York Times*, 29 October 2016.

¹⁰⁴³ Reuters, “Rohingya villagers tell media of abuses during army crackdown,” 15 July 2017. Other outlets reported that Thura San Lwin alleged the Rohingya burned their own homes during the October 2016 “clearance operations”. See, for example, “Border Guard Police commander replaced,” *Frontier Myanmar*, 4 October 2017, frontiermyanmar.net/en/border-guard-police-commander-replaced.

¹⁰⁴⁴ For more on the crime against humanity of apartheid in Rakhine State, see Amnesty International, “*Caged without a Roof*”.

¹⁰⁴⁵ Amnesty International, “*Caged without a Roof*”.

¹⁰⁴⁶ Amnesty International telephone interviews and correspondence, October and November 2017; Htet Naing Zaw, “Maungdaw Border Guard Police Chief Replaced,” *The Irrawaddy*, 4 October 2017, www.irrawaddy.com/news/maungdaw-border-guard-police-chief-replaced.html; “Border Guard Police commander replaced,” *Frontier Myanmar*, 4 October 2017.

at least one man's beard, and, for some of them, ordered that they be waterboarded. In addition, a man who acted as an informant and interpreter for the BGP in northern Buthidaung Township told Amnesty International that he had directly witnessed Tun Naing order and be physically present during the torture of Rohingya men in the Taung Bazar BGP base (for more details, see Chapter 2).

In addition to his direct responsibility, Tun Naing was acting as a superior over the other BGP officers based in Taung Bazar; had a relationship of effective control or authority over individuals who committed crimes against humanity, namely torture, rape and other sexual violence, and imprisonment or other severe deprivation of physical liberty; knew or should have known of the subordinates' actions, as he was often physically present as crimes were committed; and failed to prevent or stop the crimes and to punish subordinates who were responsible. Amnesty International believes that the torture committed in the Taung Bazar BGP base was due in part to the failure of Tun Naing to properly exercise his control to prevent, stop, and punish crimes by the BGP under his command.

On 2 June 2018, Amnesty International interviewed Tun Naing by telephone. He said that he had been the head of the Taung Bazar BGP base since 2015, and maintained that position through the material period. He denied that he had physically mistreated anyone in detention, but said that he was directly involved in the arrest, interrogation, and detention of Rohingya¹⁰⁴⁷—including for one of the specific incidents for which Amnesty International has documented torture, rape and other sexual violence, and other crimes by Tun Naing and by BGP under his command.

BGP Corporal Kyaw Chay – Amnesty International believes that BGP Corporal Kyaw Chay should face judicial proceedings for direct responsibility for crimes against humanity, including murder, deportation, torture, rape and other sexual violence, persecution, imprisonment or other severe deprivation of physical liberty, and other inhumane acts.

Survivors and other witnesses from Chut Pyin and surrounding villages consistently identified Cpl. Kyaw Chay as directly involved in crimes under international law. Nine Rohingya survivors of torture or other ill-treatment said that Kyaw Chay was among those who had tortured them or subjected them to other forms of ill-treatment during their arrest and/or while they were detained at the Zay Di Pyin BGP base (see Chapter 2). In particular, Rohingya survivors implicated Kyaw Chay in severe beatings, in forcing them into stress positions, in hanging them from the ceiling, and in burning them—including burning of their genitalia. In addition, at least 11 Rohingya witnesses from Chut Pyin said that Cpl. Kyaw Chay was among the security forces who carried out the 27 August 2017 attack during which Rohingya were murdered and raped, and the village was burned (see Chapters 4 and 5).

Amnesty International interviewed Cpl. Kyaw Chay by telephone on 4 April 2018. He denied torturing anyone, and said he was not in Chut Pyin on 27 August 2017. He said had been based in the Zay Di Pyin BGP base earlier in 2017, though denied being there during the material period from June through September 2017.¹⁰⁴⁸ A superior in Cpl. Kyaw Chay's police command contradicted this. Police Lieutenant Myo Zaw Oo, the head of the BGP base in Zay Di Pyin through the material period, until he was transferred to another base in December 2017, told Amnesty International that Cpl. Kyaw Chay had been stationed in the Zay Di Pyin BGP base with him in the period before and after the 25 August attacks, and that Cpl. Kyaw Chay remained in Zay Di Pyin through mid-June 2018.¹⁰⁴⁹ He confirmed Kyaw Chay is a corporal.¹⁰⁵⁰

¹⁰⁴⁷ Amnesty International telephone interview, 2 June 2018. In March 2017, Myanmar state media identified Tun Naing as the Police Inspector from Taung Bazar police station. *The Global New Light of Myanmar*, "Journalists interview authorities, family members of suspects in Buthidaung," 30 March 2017, www.globalnewlightofmyanmar.com/journalists-interview-authorities-family-members-of-suspects-in-buthidaung/. Independent media identified him in the same position on 25 August and 22 September 2017. Radio Free Asia, "Attacks in Myanmar's Volatile Northern Rakhine State Leave 71 Dead, 11 Injured," 25 August 2017, www.rfa.org/english/news/myanmar/attacks-in-myanmars-volatile-northern-rakhine-state-leave-71-dead-11-injured-08252017125843.html; Naw Noreen, "Bomb Explodes at Buthidaung Mosque," DVB, 22 September 2017.

¹⁰⁴⁸ Amnesty International telephone interview, Myanmar, 4 April 2018.

¹⁰⁴⁹ Amnesty International telephone interview, Myanmar 13 June 2018.

¹⁰⁵⁰ Police Lt. Myo Zaw Oo said that Kyaw Chay's rank was *Tat-Kyat* in Burmese, which three separate people fluent in Burmese and English translated to Amnesty International as "Corporal". Amnesty International telephone interview, Myanmar, 13 June 2018.

COMMISSION OF ENQUIRY

On 31 May 2018, the Myanmar government announced the establishment of an “*independent commission of enquiry*” to “*investigate the violation of human rights and related issues following the terrorist attacks by ARSA*”.¹⁰⁵¹ The announcement contained few details, other than that the commission would be composed of three members, including one “*international personality*,” and that it would be “*assisted by national and international legal and technical experts*”.¹⁰⁵² At time of publication, none of the three commissioners had been named.

There is little reason to believe the commission, or any other domestic body, will have the will or capability to investigate and contribute to the prosecution of those responsible for crimes under international law in northern Rakhine State, including the individuals named in this report. Myanmar has a history of establishing commissions and other investigative bodies after allegations of human rights violations and crimes under international law in Rakhine State—in particular as a way to deflect international attention and delay possible international action on accountability. These commissions have repeatedly denied atrocities and led to little, if any, accountability.¹⁰⁵³

Indeed, if the Myanmar government was genuinely interested in an independent investigation into the crimes committed by all sides in northern Rakhine State, and in other parts of the country, such a body already exists: the UN Fact-Finding Mission. But rather than cooperate with that body, the authorities have denied it access to the country.

¹⁰⁵¹ Office of the President, *Government of the Republic of the Union of Myanmar Will Establish an Independent Commission of Enquiry*, Announcement 3/2018, 31 May 2018, www.moi.gov.mm/moi:eng/?q=announcement/1/06/2018/id-13694.

¹⁰⁵² Office of the President, *Government of the Republic of the Union of Myanmar Will Establish an Independent Commission of Enquiry*, Announcement 3/2018, 31 May 2018.

¹⁰⁵³ See, for example, Amnesty International, *Myanmar: National efforts to investigate Rakhine State violence are inadequate* (Index: ASA 16/5758/2017), 21 February 2017; The Arakan Project, *Investigation Commissions to whitewash atrocities? The need for an independent international investigation mechanism*, 15 March 2017; and Human Rights Watch, “Myanmar’s Proposed Rakhine Commission Latest Sham,” 3 June 2018; Human Rights Watch, “Burma: Army Investigation Denies Atrocities,” 24 May 2017.

12. CONCLUSIONS AND RECOMMENDATIONS

The Myanmar military's widespread as well as systematic attack on the Rohingya population since 25 August 2017 came after the military had committed similar, though smaller-scale, atrocities against the Rohingya following ARSA's attacks on security force posts in October 2016. It came after the Myanmar authorities had established and enforced a system of discrimination and segregation in Rakhine State that affected all aspects of Rohingya life, amounting to the crime against humanity of apartheid. And it came after decades of the Myanmar military perpetrating similar violations against ethnic minorities in other parts of the country, with little or no accountability, whether within Myanmar or abroad.

It is clear that ARSA carried out well-orchestrated attacks early in the morning of 25 August 2017. A relatively small group of core fighters had guns or improvised explosive devices (IEDs) and were joined, at least in some villages, by dozens, and at times possibly more than a hundred, Rohingya men who carried knives or sticks. ARSA overwhelmingly targeted security force posts. But in the hours and days after those attacks, its fighters also burned several ethnic Mro and Rakhine villages and killed men, women, and children from Hindu and ethnic Mro communities in at least three villages, including the massacre of the Hindu community in Kha Maung Seik village tract. During the months before the attacks, ARSA unlawfully killed at least two dozen Rohingya who were seen as informants to the authorities.

The military-led operations in the wake of 25 August were far from a necessary and proportionate response to the threat posed by ARSA. They amounted to an orchestrated campaign of murder, rape, torture, and destruction aimed at punishing the Rohingya population in northern Rakhine State and at driving them out of the country. Soldiers and police lined up and extrajudicially executed men and older boys during massacres in several villages. They shot at men, women, and children fleeing from their homes in villages throughout the region. They raped and perpetrated other sexual violence against women and girls in a widespread manner. They tortured men and boys in detention sites. They planted landmines that killed and maimed people in the border area, including Rohingya fleeing to Bangladesh. And they systematically burned several hundred villages across northern Rakhine State including, in some cases, homes where people were still present. As a result, more than 700,000 Rohingya have fled to Bangladesh since 25 August. They joined several hundred thousand Rohingya refugees who fled earlier waves of death and destruction at the hands of the Myanmar security forces.

Amnesty International has concluded that the bulk of these crimes were not the actions of rogue or out-of-control soldiers or units. They were carried out in a very similar, almost uniform, way across a large geographic area, both during the initial, acute campaign of violence and in the months that followed—as Rohingya villages continued to be destroyed and as the security forces undertook actions, such as burning markets or blocking people from accessing their farmland, which had the foreseeable effect of forcing tens of thousands of people to choose between fleeing their country and facing starvation.

There is strong evidence that these crimes, which amount to crimes against humanity under international law, were overseen and approved by senior levels of the Myanmar military. The Office of the Commander-in-Chief decided to deploy battalions of the 33rd and 99th Light Infantry Divisions to northern Rakhine State in

mid-August, in spite of recent public reporting, including from Amnesty International, which linked those units to war crimes in northern Shan State. Commanders on the ground openly threatened to punish, or referenced orders to punish, entire Rohingya villages in response to any ARSA activity, then followed through in the most ruthless of ways. Myanmar military doctrine is clear that combat division units must report frequently up their chain of command and cannot communicate among themselves. It defies credibility to suggest that, across northern Rakhine State, different commanders and different units were simultaneously deciding to sweep through villages in the same way, to open fire on people as they fled, and to burn every last structure, without orders to do so or at the very least without senior commanders knowing about these systematic crimes. Several commanders involved in the northern Rakhine State operations received promotions in January 2018, which strongly suggests approval for how those operations—including the widely reported crimes involved—were conducted, despite widespread international condemnation.

As those promotions show, the Myanmar authorities are unwilling to conduct independent, impartial, and thorough investigations into the crimes committed, let alone prosecute those responsible—including commanders who either ordered subordinates to directly commit these crimes or knew or should have known of crimes committed by subordinates and failed to take the necessary and appropriate measures to prevent them, stop them, or punish those involved. This should come as little surprise; under the 2008 Constitution, the military oversees its own justice processes, without civilian oversight.

With the exception of the investigation, prosecution, conviction, and possible imprisonment of seven soldiers for the extrajudicial execution of 10 Rohingya men in Inn Din, military investigations to date have been whitewashes, denying that soldiers committed any crimes. In his public statements, Senior General Min Aung Hlaing has said the findings of those whitewash investigations “*are true and correct*”.¹⁰⁵⁴ The civilian authorities have been scant better. Instead of attempting to mobilise state authorities to carry out real investigations, State Counsellor Aung San Suu Kyi has demanded more proof of crimes—despite the mountain of evidence that exists, including highly consistent testimonies; satellite imagery and data; medical records of trauma wounds; and verified photographs and videos.

Given the gravity of the crimes and the national authorities’ unwillingness to ensure justice, the UN Security Council should immediately refer the situation to the International Criminal Court (ICC), so that the Office of the Prosecutor can begin investigating crimes under the Rome Statute. Such a referral should cover crimes across the country, not just Rakhine State, and date at least from 2011.

The politics of the Security Council pose a challenge, but the international community cannot use that as an excuse to allow the Myanmar security forces to get away with crimes of this magnitude. The consequences of the military’s longstanding impunity have already been laid bare. Regional blocs like the European Union and the Association of Southeast Asian Nations (ASEAN) should impose targeted financial sanctions on senior officials implicated in crimes under international law and other serious human rights violations. In addition, when the UN Human Rights Council convenes in September 2018, it should establish a body with the mandate and capacity to collect and preserve evidence and build criminal cases that can ultimately be used in international or internationalized courts or for domestic prosecutions under universal jurisdiction.

The international community must also act in concert to ensure the basic needs of the 900,000 Rohingya refugees sheltering in camps or with host communities in Bangladesh. It should demand that the Myanmar authorities dismantle the system of apartheid, including by ensuring that nationality is granted free of discrimination on the basis of criteria which comply with human rights law and standards, and that arbitrary and discriminatory restrictions on freedom of movement are removed. The right of Rohingya to return to their country must be respected and protected. When conditions in Myanmar allow people to voluntarily return home safely and with dignity, the international community should help ensure that they are able to do so. Donor countries should also swiftly and carefully review their support for projects in Rakhine State, to ensure that development in the State is sustainable and that it does not assist in construction or other activity that makes repatriation more difficult or that entrenches discrimination and segregation.

Ten months after 25 August, the military has in effect succeeded in its campaign of ethnic cleansing. Through bringing those responsible to account and paving the way for safe, dignified, and voluntary repatriation in the future, the international community must now ensure that this success does not stand.

¹⁰⁵⁴ Senior General Min Aung Hlaing Facebook Post, *Discussions between Senior General Min Aung Hlaing and permanent envoys of UNSC*, 4 May 2018.

12.1 RECOMMENDATIONS

TO THE UN SECURITY COUNCIL

- Refer the situation in Myanmar to the International Criminal Court;
- Impose a comprehensive arms embargo on Myanmar that covers the direct and indirect supply, sale, and transfer, including transit and trans-shipment, of all weapons, munitions, and other military and security equipment, as well as the provision of training and other military and security assistance;
- Impose targeted financial sanctions against senior officials responsible for serious violations and crimes; and
- Hold regular, open public meetings on the situation in Myanmar and adopt a resolution or resolutions, as necessary, that send an unambiguous message to the Myanmar authorities about the need to allow unrestricted humanitarian access; to allow unfettered access for independent investigators, including the UN Fact-Finding Mission (FFM); to support international efforts to hold perpetrators criminally accountable; to dismantle the system of apartheid in Rakhine State, including the movement restrictions that the Rohingya face; and to allow the safe, voluntary, and dignified return of all Rohingya refugees to their homes.

TO THE UN HUMAN RIGHTS COUNCIL

- Establish at the 39th Session, as a follow-up to the final report of the UN Fact Finding Mission, an international investigation staffed with independent international experts, including on international human rights law, international criminal law, military command structures, sexual and other gender-based violence, video and image verification, and forensic analysis. Ensure the investigative mechanism has sufficient resources, including financial and technical, to fulfil a mandate to:
 - Monitor and report on the situation of human rights in Myanmar, with an emphasis on the situations in Rakhine State and in Kachin and northern Shan States, and to make recommendations to prevent further deterioration of the situation;
 - Determine and report the facts and circumstances of; collect, consolidate, preserve, and analyse evidence of; and establish individual responsibility for crimes under international law, both under direct modes of liability and under the doctrine of command or other superior responsibility with an emphasis on the situations in Rakhine State and in Kachin and northern Shan States;
 - Establish an evidence management system and build cases to criminal law standards that can be used by future prosecutorial and judicial mechanisms that meet international standards of fairness and do not involve seeking or imposing the death penalty; and
 - Engage with the Government of Myanmar and with international and regional mechanisms, including by receiving information from the UN Fact-Finding Mission, the UN Office of the High Commissioner for Human Rights (OHCHR) and the UN Special Rapporteur on Myanmar.
- Formally transmit the final report of the UN Fact Finding Mission, once it is presented, to the UN General Assembly and to the UN Security Council;
- Extend at the 40th session the mandate of the Special Rapporteur on the situation of human rights in Myanmar and urge the government to cooperate fully with her, including by reversing the decision to bar her from entering the country; and
- Seek additional means by which to address the deteriorating human rights situation in the country, in the event the Government of Myanmar continues to refuse to cooperate with the Special Rapporteur and other UN human rights mechanisms.

TO THE UN GENERAL ASSEMBLY

- Adopt a comprehensive resolution on the situation of human rights in Myanmar at the UNGA Third Committee. The resolution should include strong language condemning human rights violations and

abuses in Myanmar, strong calls for international accountability for such abuses, and make explicit reference to the situations in Rakhine State and in northern Myanmar.

TO THE UN SECRETARY GENERAL AND THE UN COUNTRY TEAM IN MYANMAR

- Ensure human rights are given sufficient prominence and resources across all UN operations relating to Myanmar, and develop a comprehensive plan for operationalizing the Human Rights Up Front initiative. This should include detailed timelines for implementation, clearly identified indicators of success, and an early warning mechanism designed to prevent and respond to serious human rights violations;
- Strengthen human rights training for UN staff at all levels and across all operational agencies operating in Myanmar, to ensure awareness of their wider responsibility to uphold the UN Charter, human rights standards, and overall UN mandates;
- Fully cooperate with the ICC or any UN mechanism established to investigate, prosecute, and bring to justice those responsible for crimes under international law and other human rights violations and abuses in Myanmar, and promptly respond to any requests from the ICC or any mechanism, including access to all information and documentation; and
- Call on the Myanmar government to agree to the establishment at the earliest opportunity of an OHCHR office with a full protection and promotion mandate and access throughout the country.

TO REGIONAL BLOCS INCLUDING THE EUROPEAN UNION AND THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

- Impose targeted financial sanctions against senior Myanmar officials responsible for serious violations and crimes.

TO THE INTERNATIONAL COMMUNITY AS A WHOLE AND MYANMAR'S PARTNERS IN PARTICULAR, INCLUDING THE UNITED STATES, THE EUROPEAN UNION, ASEAN MEMBER STATES, AUSTRALIA, JAPAN, KOREA, CHINA, AND INDIA:

- Immediately suspend the direct and indirect supply, sale, and transfer, including transit and trans-shipment, of all weapons, munitions, and other military and security equipment, as well as the provision of training and other military and security assistance;
- Use all bilateral, multilateral, and regional platforms at your disposal to urge the Myanmar authorities to immediately end crimes under international law and other human rights violations; to allow humanitarian agencies and independent investigators access to Rakhine State; and to establish the conditions necessary, including by dismantling the system of discrimination and segregation, for Rohingya refugees to return to their homes voluntarily, safely, and with dignity;
- Express support for the establishment of a UN mechanism to investigate human rights violations and abuses in Myanmar, to collect and preserve evidence, and to prepare cases for criminal prosecution; and pledge to provide financial, technical, and other support to it;
- Exercise universal and other forms of jurisdiction to investigate any person who may reasonably be suspected of committing crimes against humanity or other crimes under international law in Myanmar, including those persons named in this report. Where there is sufficient admissible evidence, prosecute the suspect in proceedings that meet international standards of fairness and do not involve seeking or imposing the death penalty, or extradite the suspect to a jurisdiction that will do so;
- Ensure that any international aid, development projects, or financial assistance in Rakhine State are explicitly and specifically conditioned on non-discrimination, non-segregation, and equality. Conduct rigorous and ongoing assessments of all projects and assistance to ensure they are implemented in a

way that does not entrench, support, or perpetuate discrimination and segregation or would be detrimental to the safe, voluntary, and dignified return of Rohingya refugees; and

- Provide international cooperation and assistance to the Government of Bangladesh to help meet the humanitarian needs of Rohingya and other refugees from Myanmar.

TO THE AUTHORITIES IN MYANMAR

ACCOUNTABILITY AND SECURITY SECTOR REFORM

- Cooperate fully with international efforts to investigate, and prosecute individuals suspected of involvement in crimes under international law and other human rights violations, including those with command or other superior responsibility;
- Accede to the Rome Statute of the ICC, issue a declaration accepting the ICC's jurisdiction since 1 July 2002, and incorporate its provisions into domestic law;
- Become a party to other key human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and their respective protocols;
- Amend the 2008 Constitution to bring the Myanmar Army and Myanmar Police Force under the oversight of civilian courts, and ensure that offences involving human rights violations and crimes under international law are tried in civilian courts;
- Order prompt, impartial, independent, and effective investigations into all allegations of crimes against humanity and other serious human rights violations by members of the security forces. Where there is sufficient, admissible evidence, bring those reasonably suspected of individual criminal responsibility, including command responsibility, to trial in proceedings which meet international standards of fairness without recourse to the death penalty;
- Immediately order members of all state security forces to end and refrain from all future conduct that violates international law and suspend from active duty any military or police personnel suspected of ordering or committing violations of international law pending the completion of investigations;
- Establish a nationwide vetting mechanism to ensure that current and former officials implicated in human rights violations are not kept or placed in civilian or military leadership positions;
- Provide survivors and the families of victims of crimes under international law and other human rights violations, as well as survivors and the families of victims of abuses by non-state actors, with full, effective, gender-sensitive, and transformative reparations in accordance with international standards;
- Clarify in law the separation of powers between the police and the military and the command and control systems for joint operations. The law should also clarify that the military may carry out police functions only in extraordinary circumstances, and when doing so soldiers may have no more powers than police officers; should receive appropriate training; and be subject to the same laws and regulations as well as civilian judicial oversight. Make clear under what legal and operational procedures military are permitted to perform police functions and use police powers;
- Establish internal disciplinary mechanisms within the police force and the military to sanction officers who fail to respect and protect the rights of all communities living in Rakhine State; who extort bribes from civilians; who require unofficial fees for services; or who harass or intimidate individuals making a complaint about human rights violations and misconduct by members of the security forces. This should include enacting policies to ensure that discrimination, other human rights violations, and corruption are made grounds for suspending officials from office. Such disciplinary measures must complement rather than replace criminal investigations into human rights violations and crimes against humanity, as well as prosecutions and punishments of such crimes, all of which should be carried out by independent civilian bodies;
- Develop clear guidelines requiring law enforcement officials to report abuses, and ensure that officers at all levels of the chain of command know about these guidelines and are held responsible for enforcing them, with penalties imposed, following fair proceedings, for failing to report or for covering up security force violations or misconduct; and

- Cease immediately the harassment, intimidation, and prosecution of whistle-blowers on military or police crimes or misconduct. Release all such whistle-blowers currently in detention. Enshrine in law protections from retaliation for whistle-blowers.

DISMANTLE APARTHEID IN RAKHINE STATE AND ENSURE SUSTAINABLE DEVELOPMENT FOR ALL

- Urgently adopt a comprehensive action plan on combating discrimination and segregation, with the active consultation and cooperation of the Rakhine State government; of relevant Union Ministries; of representatives of Rakhine, Rohingya, Kaman, and other communities living in Rakhine State; of civil society; and of the United Nations and other relevant stakeholders. The plan should include a defined timeline and specific rights-compliant targets, indicators, and benchmarks; identify necessary financial, human and technical resources; and designate bodies responsible for its implementation and monitoring, and a mechanism of regular public reporting on progress. Specific efforts should be made to ensure women's meaningful participation in consultations with affected rights holders affected and to address the gendered impacts of discrimination and segregation;
- Amend the 1982 Citizenship Act to ensure that citizenship is granted free of any discrimination such as on the basis of race, colour, ethnic origin, sex/gender, language, or religion, among other prohibited grounds of discrimination, and ensure that this principle is implemented in practice. Pending the repeal or amendment of the Citizenship Law, take immediate steps to restore citizenship rights to holders of formerly valid identity cards, and their children, ensuring they are not required to undergo any further citizenship determination process;
- Revoke all local orders and policies which place arbitrary and discriminatory restrictions on Rohingya, in particular on their freedom of movement, and ensure Rohingya in Rakhine State can access healthcare, education, and livelihood opportunities without discrimination;
- Allow Muslim Rohingya and other Muslims the freedom to manifest their religion peacefully through worship, observance, practice, and teaching, both publicly and privately;
- Guarantee the safe, voluntary, and dignified return of refugees, displaced individuals, and communities to their prior places of residence where at all feasible or, in exceptional circumstances, to adequate alternative housing elsewhere in northern Rakhine State, while ensuring the full participation of refugees and internally displaced persons, including women in particular, in the planning and management of their return or resettlement and reintegration and overall development of the region. Ensure the right of all refugees and displaced persons not to be subjected to forcible return to or resettlement in any place where their life, safety, liberty, or health would be at risk;
- Develop appropriate plans and policies for the sustainable development of Rakhine State which benefits everybody without discrimination, and address structural factors underpinning pre-existent inequalities to ensure adequate respect for, protection, and fulfilment of economic, social, and cultural rights for all; and
- Publicly and unequivocally condemn any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. Take effective action to end its dissemination and provide protection for those targeted by it, in accordance with international human rights law.

CO-OPERATE WITH UN AND OTHER INTERNATIONAL AND NATIONAL STAKEHOLDERS AND AGENCIES

- Provide immediate, unfettered humanitarian access throughout the country, including to all areas of Maungdaw, Buthidaung, and Rathedaung Townships. Allow UN, international, and national humanitarian organizations to assess and monitor the needs of displaced persons and others in need and to deliver assistance to them;
- Streamline and standardize the process by which humanitarian and development workers obtain authorization to operate in Rakhine State, and ensure in particular that a substantive response is provided within a reasonable period, taking into consideration that many groups are supporting particularly vulnerable populations;
- Allow human rights monitors, independent observers, and national and international media workers full and sustained access to all parts of Rakhine State, and in particular to Maungdaw, Buthidaung, and Rathedaung Townships;
- Provide human rights monitors and other independent observers access to all detention facilities in Rakhine State, including informal detention sites like Border Guard Police bases and posts;

- Immediately provide the families of all individuals detained in connection with the security force operations in northern Rakhine State in the weeks prior to and in the aftermath of the 25 August 2017 attacks by ARSA with full information about their fate and whereabouts. Ensure that all detainees are immediately released, unless they are charged with internationally recognizable offences and remanded by an independent, civilian court into custody in official places of detention where they would have regular, frequent access to family and lawyers of choice and be treated in full compliance with the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other international law and standards;
- Immediately reverse the decision to bar the UN Special Rapporteur on the situation of human rights in Myanmar from accessing the country, and instead ensure she has full, unimpeded, and sustained access to all parts of the country, and is able to meet with officials as well as any other individuals or groups she chooses, including detainees, without intimidation or harassment directed either at her or at the people with whom she meets. Engage with her to establish joint benchmarks for assessing progress on human rights, as requested by the Human Rights Council;
- Extend a standing invitation to all other UN Special Procedures and facilitate any requested visits in an expeditious manner, ensuring full access to all parts of the country; and
- Facilitate the establishment of an OHCHR Office at the earliest opportunity, with a full protection and promotion mandate and access throughout the country.

TO THE ARAKAN ROHINGYA SALVATION ARMY (ARSA)

- Immediately order all members to cease and to refrain from unlawful killings, abductions, and other serious human rights abuses;
- Remove from the ranks any member suspected of responsibility for serious human rights abuses; and
- Fully cooperate with any future ICC investigation and with any current or future UN mechanism established to investigate or prosecute those responsible for crimes under international law and for other human rights violations and abuses in Myanmar. Respond promptly to any requests from the mechanism, including with regard to access to information and documentation.

TO THE GOVERNMENT OF BANGLADESH

- Continue allowing all persons fleeing violence and persecution in Myanmar to enter Bangladesh without delay or restriction;
- Strictly observe and apply the principle of *non-refoulement*, and ensure any plan to repatriate Rohingya refugees to their homes in Myanmar is a voluntary, safe, dignified, and sustainable process. Guarantee that no one will be forced back to a situation where they risk facing serious human rights violations, including systematic discrimination and segregation;
- Prioritize, through funding and programs, the provision of post-rape care, including psychological support and counselling, and a full range of sexual and reproductive health services and information including emergency contraception, HIV counselling, testing and post-exposure prophylaxis, safe and legal abortion, and maternal health support for sexual violence survivors among the Rohingya refugee population;
- Fully cooperate with any future ICC investigation and with any current or future UN mechanism established to investigate, prosecute, or bring to justice those responsible for crimes under international law and for other human rights violations and abuses in Myanmar, and promptly respond to any requests from the mechanism, including with regard to access to information and documentation; and
- Take effective steps to ensure survivors of and witnesses to human rights violations and abuses by the Myanmar security forces and by ARSA are protected, as are their families, against threats, harassment, and attacks. Investigate and bring those responsible for such threats or attacks to justice in fair trials; and provide secure housing, access to financial and other forms of assistance, relocation, and identity changes if necessary.

TO INTERNATIONAL HUMANITARIAN ORGANIZATIONS AND DONORS WORKING WITH ROHINGYA REFUGEES IN BANGLADESH

- Prioritize, through funding and programs, the provision of post-rape care, including psychological support and counselling, and a full range of sexual and reproductive health services and information including emergency contraception, HIV counselling, testing and post-exposure prophylaxis, safe and legal abortion, and maternal health support for sexual violence survivors among the Rohingya refugee population.

Reference: TG ASA 16/2018.004

Daw Aung San Suu Kyi
State Counsellor and Minister of Foreign Affairs
Office of the State Counsellor
Nay Pyi Taw
Republic of the Union of Myanmar

11 June 2018

Dear Daw Aung San Suu Kyi,

RE: REQUEST FOR INFORMATION

I am writing to request information on criminal investigations and judicial proceedings in Myanmar related to the security forces' operations in northern Rakhine State following the 25 August 2017 attacks by the Arakan Rohingya Salvation Army (ARSA).

Amnesty International plans to report publicly on specific crimes committed by the Myanmar security forces against the Rohingya population in northern Rakhine State, which Amnesty International considers amount to crimes against humanity under international law. Our organization will be naming individuals within the Myanmar military and Border Guard Police (BGP) against whom we have gathered sufficient evidence to indicate that criminal investigations or judicial proceedings should be initiated, relating to their direct role in perpetrating such crimes, their command responsibility, or both.

We would welcome information from your government as to whether any such investigations or proceedings are ongoing against specific individuals. We also would welcome information as to the current status of investigations or judicial proceedings more generally, including military- and civilian-led investigations, prosecutions, and any other processes.

As such, we would appreciate answers to the following questions:

- In an Annex to this letter, Amnesty International has provided a summary of the prima facie evidence we have obtained implicating specific individuals in crimes. Amnesty International would appreciate the comment of these individuals in response to our accusations, so that we can take that into account as necessary prior to our publication. Could your government communicate the accusations in the Annex to each individual identified below, and provide Amnesty International with each individual's response to those accusations?

- **Border Guard Police officer Kyaw Chay**, a Sergeant who appears to have been based in Zay Di Pyin, Rathedaung Township;
- **Border Guard Police officer Tun Naing**, the head the BGP post in Taung Bazar, Buthidaung Township, since 2015;
- **Staff Sergeant Ba Kyaw**, a soldier in the 564th Light Infantry Battalion (LIB), based in Chin Tha Mar village tract, Buthidaung Township;
- [REDACTED] a soldier in the 564th LIB, based in Chin Tha Mar village tract;
- [REDACTED] a soldier in the 564th LIB, based in Chin Tha Mar village tract;
- [REDACTED] a field commander in the 564th LIB, based in Chin Tha Mar village tract;
- **Major Aung Myo Thu**, a field commander within the 33rd Light Infantry Division (LID);

- **Brigadier General Aung Aung**, the Commander of the 33rd LID;
 - **Brigadier General Than Oo**, the Commander of the 99th LID during the material period;
 - **Brigadier General Khin Maung Soe**, the Commander of the combat division known as Military Operation Command (MOC) No. 15, headquartered in Buthidaung Township;
 - **Major General Maung Maung Soe**, the Commander during the material period of Western Command, headquartered in Rakhine State;
 - **Lieutenant General Aung Kyaw Zaw**, the Commander of the Bureau of Special Operations (BSO) No. 3 during the material period;
 - **Brigadier General Thura San Lwin**, the Commander of the Border Guard Police during the material period;
 - [REDACTED]
 - **Vice Senior General Soe Win**, the Commander-in-Chief of the Army; and
 - **Senior General Min Aung Hlaing**, the Commander-in-Chief of the Defence Services.
- Have any of the above-named individuals been subject to a criminal investigation or judicial proceedings under Myanmar law for crimes committed during the security force operations that occurred in northern Rakhine State in the weeks prior to, and in the aftermath of, the 25 August ARSA attacks;
 - What steps have been taken to investigate those with command or superior responsibility for crimes committed during the October 2016 operations and during the August 2017 operations in northern Rakhine State? How high up the chain of the command have any such investigations reached?
 - In total, how many Myanmar Army officers have been prosecuted for crimes committed during the northern Rakhine State operations beginning on 25 August 2017? What specific crimes was each one of those officers charged with? Please provide the name and rank of each individual. Please also provide details of the status of any prosecutions, including details of any outcomes, such as acquittals, convictions, and sentences.
 - In total, how many Myanmar Army soldiers, not of officer class, have been prosecuted for crimes committed during the northern Rakhine State operations beginning on 25 August 2017? What specific crimes was each one of those soldiers charged with? Please provide the name and rank of each individual. Please also provide details of the status of any prosecutions, including details of any outcomes, such as acquittals, convictions, and sentences.
 - In total, how many police officers, including members of the Border Guard Police, have been prosecuted for crimes committed during the northern Rakhine State operations beginning on 25 August 2017? What specific crimes was each one of those soldiers charged with? Please provide the name and rank of each individual. Please also provide details of the status of any prosecutions, including details of any outcomes, such as acquittals, convictions, and sentences.
 - Other than prosecution, have any specific actions of punishment been taken against members of the Myanmar military or police force for crimes committed during the northern Rakhine State operations beginning on 25 August 2017? Please provide specific details about each case.
 - Has there been a military- or civilian-led investigation into potential crimes committed by the security forces in Chut Pyin village, Rathedaung Township, on 27 August 2017? Consistent reporting from media outlets and human rights organizations, including Amnesty International, indicates that Myanmar security forces attacked the entire Rohingya population there that day, including through a massacre, rape and other sexual violence, and the burning of the village;
 - Has there been a military- or civilian-led investigation into potential crimes committed by the security forces in Min Gyi (Tula Toli) village, Maungdaw Township, on and around 30 August 2017? Consistent reporting from media outlets and human rights organizations, including Amnesty International, indicates that Myanmar security forces attacked the entire Rohingya population there that day, including through a massacre, rape and other sexual violence, and the burning of the village;
 - Has there been a military- or civilian-led investigation into potential crimes committed by the security forces in Maung Nu village, Buthidaung Township on and around 27 August 2017? Consistent reporting from media outlets

and human rights organizations, as well as Amnesty International's own investigations, indicate that Myanmar security forces summarily and extrajudicially executed Rohingya men and boys that day, committed sexual violence, and burned part of the village;

- Have any civilian authorities in northern Rakhine State—including, for example, village administrators—been subject to judicial investigations for involvement in crimes committed against the Rohingya related to the operations that began on 25 August 2017?
- On what basis was the decision made to remove Major General Maung Maung Soe from his position as Western Commander, on or around 10 November 2017?
- What is the current rank of Major General Maung Maung Soe, and what position does he occupy?
- On what basis was the decision made to remove Brigadier General Thura San Lwin from his position as the head of the Border Guard Police in October 2017?
- What is the current rank of Brigadier General Thura San Lwin, and what position does he occupy?
- On what basis was the decision made in January 2018 to transfer Lieutenant General Aung Kyaw Zaw from Commander of BSO-3 to Commander of BSO-6? And on what basis was the decision made in May 2018 to remove Lieutenant General Aung Kyaw Zaw from the BSO command?
- What is the current rank of Brigadier General Hla Myint Soe, and what position does he occupy?
- What is the name and rank of each of the seven Myanmar soldiers and officers prosecuted for murdering Rohingya men in Inn Din village? Where are each of those seven soldiers and officers currently?

We would appreciate if you could respond with this information at your earliest opportunity, and at the latest by **25 June 2018**.

Yours sincerely,



Salil Shetty
Secretary General

CC: Senior General Min Aung Hlaing, Commander-in-Chief of the Defence Services

CC: Lieutenant General Sein Win, Minister of Defence

CC: Lieutenant General Aye Win, Inspector General of the Defence Services

CC: Brigadier General Aung Win Oo, Chief of the Myanmar Police Force

ANNEX

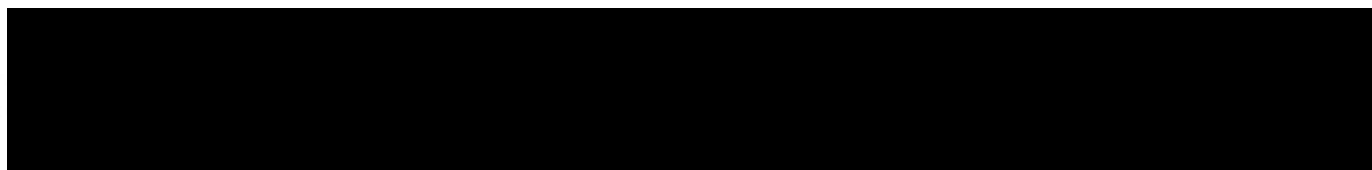
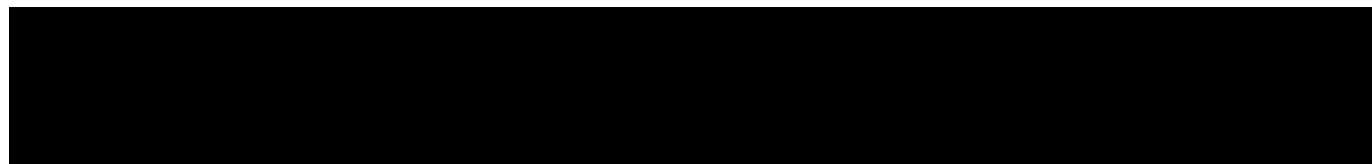
Below is a summary of Amnesty International's prima facie evidence against each individual for whom Amnesty International would appreciate both: (1) the individual's response to the accusations; and (2) information from your government as to whether the individual faces criminal investigation or judicial processes for crimes committed during the course of the operations in northern Rakhine State.

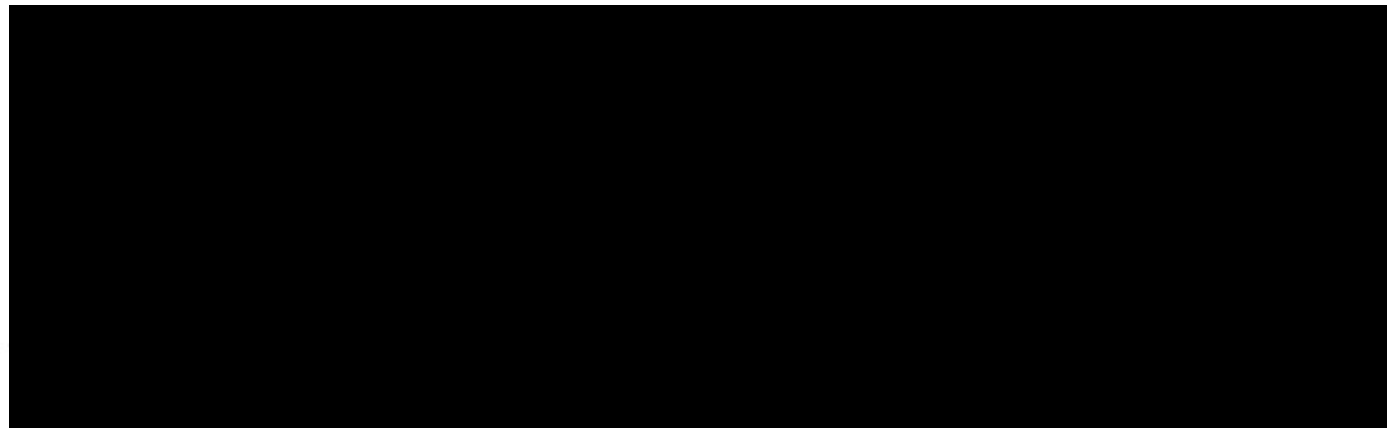
- **Border Guard Police officer Kyaw Chay**, a Sergeant who appears to have been based in the BGP post in Zay Di Pyin village, Rathedaung Township. Survivors and other witnesses from the Rohingya villages of Ah Htet Nan Yar, Auk Nan Yar, Chin, and Chut Pyin, all in Rathedaung Township, consistently identified Sgt. Kyaw Chay as directly involved in crimes. In particular, Rohingya survivors of torture interviewed by Amnesty International consistently said Kyaw Chay carried out their arrest and perpetrated or co-perpetrated their subsequent torture in the Zay Di Pyin BGP post. In addition, Rohingya witnesses from Chut Pyin said that Sgt. Kyaw Chay was among the security forces who carried out the 27 August 2017 attack on that village, during which Rohingya men, women, and children were murdered; women and girls were raped; and the village was burned.
- **Border Guard Police officer Tun Naing**, the head the BGP post in Taung Bazar, Buthidaung Township, since 2015. Torture survivors and other witnesses from villages in northern Buthidaung Township identified Tun Naing as directly involved in ordering and in co-perpetrating torture at the BGP station in Taung Bazar, which oversees at least seven BGP posts in northern Buthidaung Township. A man who acted as an informant and translator for the BGP in northern Buthidaung Township told Amnesty International that he had seen Tun Naing present as Rohingya men were tortured under Tun Naing's orders. Victims and witnesses also implicated Tun Naing in arbitrarily arresting and detaining people, and releasing them only when they paid extortionate bribes.

In addition to his direct responsibility, Tun Naing was acting as a superior over the other BGP based in Taung Bazar; had a relationship of effective control or authority over individuals who committed torture; knew or should have known of the subordinates' actions, as he was often physically present; and failed to prevent or stop the commission of crimes and to punish subordinates.

- **Staff Sergeant Ba Kyaw**, a soldier in the 564th Light Infantry Battalion (LIB), based in Chin Tha Mar village tract, Buthidaung Township. Staff Sergeant Ba Kyaw appears to have been one of several key perpetrators of the massacre of Rohingya men and boys in Maung Nu village, Buthidaung Township, on 27 August 2017. He was well known to Rohingya living in the area, as he spoke the Rohingya dialect and had often interacted with Rohingya leaders in Chin Tha Mar village tract. That background positioned him to play a determinative role in the massacre's scale.

Witnesses interviewed by Amnesty International consistently said they saw and heard Staff Sergeant Ba Kyaw force Rohingya to open their houses under threat of burning them down with people inside; arrest and shepherd people to the compound where the massacre in Maung Nu occurred; force men and boys out into the courtyard for extrajudicial execution; and then personally carry out some of the murders. Human Rights Watch, the Associated Press, and PBS Frontline have each named Staff Sergeant Ba Kyaw as a leading perpetrator of the Maung Nu massacre.



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- **Major Aung Myo Thu**, a field commander within the 33rd Light Infantry Division (LID). Amnesty International has documented that Maj. Aung Myo Thu and his unit were based in Chut Pyin village, Rathedaung Township, in late August 2017. On 27 August 2017, soldiers under his command, together with the BGP and local vigilantes, murdered more than 150 Rohingya men, women, and children in Chut Pyin; raped and committed other sexual violence against Rohingya women; and burned down the Rohingya village. Around 20 August, Maj. Aung Myo Thu led a meeting in Chut Pyin with Rohingya leaders from surrounding villages. Amnesty International interviewed seven people at the meeting, each of who described Maj. Aung Myo Thu as threatening the Rohingya with dire consequences if they did not take the National Verification Card (NVC) or if there was any ARSA activity in the village. Following an ARSA attack in Chut Pyin, soldiers under his command followed through on that threat, in one of the largest massacres committed during the northern Rakhine State operations.

In a detailed account of the crimes committed by the Myanmar military in Chut Pyin, the Wall Street Journal likewise identified Aung Myo Thu as the commander of the 33rd LID unit in the village in the period before and during the massacre and rapes and other sexual violence.

- **Brigadier General Aung Aung**, the Commander of the 33rd LID. Amnesty International has documented that units under his command carried out a massacre, torture, and rape and other sexual violence in Chut Pyin village on 27 August 2017. They also carried out unlawful killings in Inn Din, Koe Tan Kauk, and Chein Kar Li villages, and burned other Rohingya villages in Rathedaung Township and southern Maungdaw Township. Reuters has reported that soldiers from the 33rd LID extrajudicially executed 10 Rohingya men in Inn Din village. The Wall Street Journal has reported that soldiers from the 33rd LID carried out the massacre and rape and other sexual violence in Chut Pyin village.

Amnesty International believes that all of the elements of command or other superior responsibility have been met for Brig. Gen. Aung Aung. He was acting as a commander; had a relationship of effective control or authority over units who committed crimes against humanity; had actual or constructive knowledge of the subordinates' actions, based on the strict reporting requirements of units' movements and activities and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations

Amnesty International documented war crimes by the 33rd LID in northern Shan State in 2016 and early 2017, before battalions from that division were moved to northern Rakhine State, where they committed similar crimes on an even greater scale.

- **Brigadier General Than Oo**, the Commander of the 99th LID during the material period. Soldiers from a unit under Brig. Gen. Than Oo's command carried out the massacre of several hundred Rohingya men, women, and children in Min Gyi village, Maungdaw Township, on 30 August 2017. Soldiers also carried out rape and other sexual violence against Rohingya women and girls in Min Gyi that day. The massacre and rapes that occurred in Min Gyi village have been widely reported by the media and other human rights organizations, including Human Rights Watch, The Guardian, the New York Times, the BBC, and CNN. Soldiers from units under Brig. Gen. Than Oo's command appear to have burned other Rohingya villages in northern Maungdaw Township in late August and early September 2017.

Amnesty International believes that all of the elements of command or other superior responsibility have been met for Brig. Gen. Than Oo. He was acting as a commander; had a relationship of effective control or authority over units who committed crimes against humanity; had actual or constructive knowledge of the subordinates' actions, based on the strict reporting requirements of units' movements and activities and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations.

- **Brigadier General Khin Maung Soe**, the Commander of the combat division known as Military Operation Command (MOC) No. 15, headquartered in Buthidaung Township. During the northern Rakhine State operations, Brig. Gen. Khin Maung Soe appears to have been based in Da Pyu Chaung village, just east of Buthidaung town. Amnesty International has documented that the 564th LIB, one of 10 battalions under his MOC 15 command, carried out a massacre of Rohingya men and boys in Maung Nu village on 27 August. Two other MOC 15 battalions, the 536th and 537th, carried out operations in Rathedaung and Maungdaw Townships where villages were burned and other Rohingya were unlawfully killed, according to Rohingya witnesses as well as villagers from other ethnic and religious communities where those units operated. The 552nd LIB, based in Thin Ga Net village tract, was likewise involved in the burning of villages in northern Buthidaung Township.

Moreover, throughout Buthidaung Township, units within MOC 15 played a critical role in carrying out the tactics which starved many of the Rohingya who remained after the initial, acute violence, forcing them out of their villages and country in late 2017 and early 2018. Soldiers under Brig. Gen. Khin Maung Soe's command participated in the looting of Rohingya cattle; burned or otherwise blocked access to markets; denied access to livelihoods, including fishing and collecting wood; and denied Rohingya access to their farmland at harvest.

All of the elements of command or other superior responsibility appear to have been met. Brig Gen. Khin Maung Soe was a commander; had a relationship of effective control or authority over units who committed crimes against humanity; had actual or constructive knowledge of his subordinates' actions, based on the strict reporting requirements of units' movements and activities and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes.

- **Major General Maung Maung Soe**, the Commander during the material period of Western Command, headquartered in Rakhine State. Survivors and witnesses were consistently able to identify Western Command soldiers by their uniform patch. Amnesty International has documented that Western Command units carried out the massacre in Maung Nu; participated in other unlawful killings in at least several dozen other villages, and burned villages across northern Rakhine State in a consistent, systematic way. Across Maungdaw, Buthidaung, and Rathedaung Townships, they were also involved in tactics which starved many of the Rohingya who remained in their villages after the initial, acute violence, forcing them out of their villages and country in late 2017 and early 2018.

Maj. Gen. Maung Maung Soe appears to have been in Rakhine State during the operations, moving between the regional command headquarters, located in Ann; and in or near the area of operations, including in Sittwe. Facebook posts from Senior General Min Aung Hlaing indicate that Maj. Gen. Maung Maung Soe was involved in coordinating the response to increased ARSA activity in early August 2017; and was also one of the commanders who briefed the Senior General on the ongoing operations when the Senior General came to Rakhine State from 19-21 September.

All of the elements of command or other superior responsibility appear to have been met. Maj. Gen. Maung Maung Soe was a commander; had a relationship of effective control or authority over units that committed crimes against humanity; had actual or constructive knowledge of his subordinates' actions, based on the strict reporting requirements of units' movements and activities and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes.

At least a dozen battalions under Maung Maung Soe's overall command were also involved in maintaining the system of apartheid under which the Rohingya population lived even before 25 August. Army units under Maung Maung Soe's command have enforced this system of apartheid across a wide geographic area in very similar ways, including through severe restrictions on movement that impact access to livelihoods and to adequate health care, among other rights; the segregation of villages, schools, and other facilities, including Sittwe Hospital; and severe restrictions on worship.

Maj. Gen. Maung Maung Soe was also Western Commander during the post-9 October 2016 operations. He does not appear to have ensured any accountability for troops under his command then either, despite consistent reports of serious crimes.

- **Lieutenant General Aung Kyaw Zaw**, the Commander of the Bureau of Special Operations (BSO) No. 3 during the material period. As Commander of BSO No. 3 from 2015 until January 2018, Lt. Gen. Aung Kyaw Zaw controlled all military operations in Western Command, which includes Rakhine State. Under Myanmar military doctrine, BSOs ensure that subordinate levels in the chain of command effectively carry out the War Office's commands and assist them in doing so. The BSO Commander also coordinates operations that involve different branches of the armed forces, for example the Army and Air Force. Lt Gen. Aung Kyaw Zaw would therefore have been involved in coordinating and controlling the use of air assets, including helicopters, during the northern Rakhine State operations following the October 2016 and August 2017 ARSA attacks. In November 2016, attack helicopters fired on several Rohingya villages and unlawfully killed people, as documented by Amnesty International, the UN, and others. During the post-25 August 2017 operations, logistical support via helicopter appears linked to the commission or cover-up of the 30 August 2017 massacre of Rohingya men, women, and children in Min Gyi village, Maungdaw Township.

Lt. Gen. Aung Kyaw Zaw was physically present in northern Rakhine State during, at minimum, key periods before and during the 2017 operations marked by crimes against humanity, according to Facebook posts by Senior General Ming Aung Hlaing.

All of the elements of command or other superior responsibility appear to have been met. Lt. Gen. Aung Kyaw Zaw was a commander; had a relationship of effective control or authority over units that committed crimes against humanity; had actual or constructive knowledge of his subordinates' actions, based on the strict reporting requirements of units' movements and activities and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which show that soldiers and field commanders have overwhelmingly benefited from impunity.

In addition, Lt. Gen. Aung Kyaw Zaw had control over military operations in Rakhine State from 2015 to January 2018, a period during which the military played an important role in enforcing the institutionalized regime of systematic oppression against the Rohingya, amounting to the crime against humanity of apartheid.

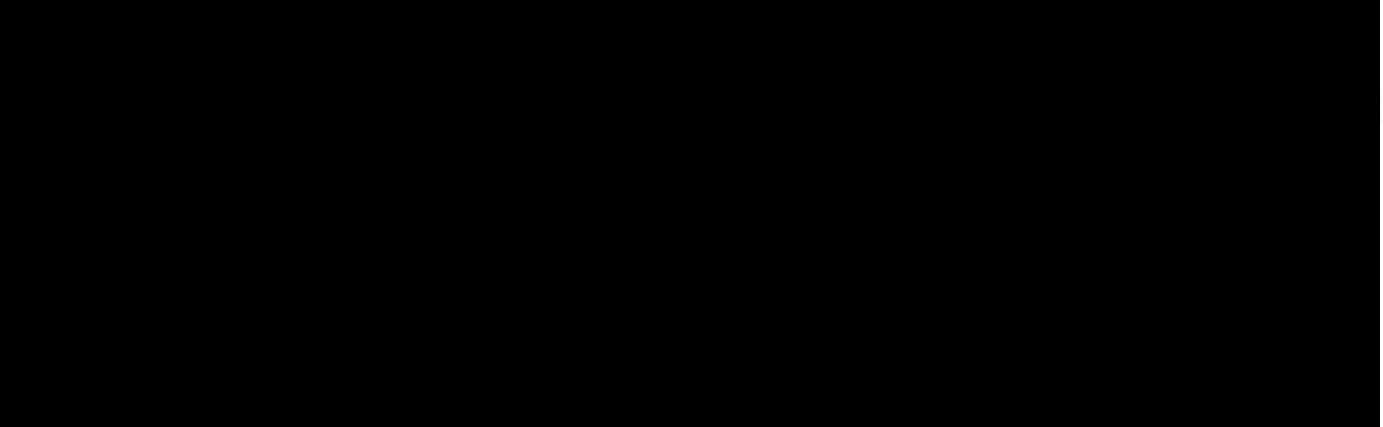
- **Brigadier General Thura San Lwin**, the Commander of the Border Guard Police during the material period. Brig. Gen. Thura San Lwin commanded the BGP from mid-October 2016 to 3 October 2017, a period marked by two "clearance operations" in which BGP officers under his command committed unlawful killings; torture; rape and other sexual violence; and other inhumane acts, including forced starvation. They also carried out other actions aimed at the deportation of the Rohingya population, including village burning. Brig. Gen. Thura San Lwin was based in the BGP headquarters in Kyee Kan Pyin, in northern Maungdaw Township, a region where dozens of Rohingya villages were burned by security forces during the material period. In October 2016, the New York Times reported that Rohingya from a village in Kyee Kan Pyin village tract were forced out of their homes, allegedly under order by Brig. Gen. Thura San Lwin and backed by threat of physical violence if they did not leave.

Brig. Gen. Thura San Lwin appears to have actively undermined independent and effective investigations into his police officers' involvement in crimes; in July 2017, he told Reuters that claims of burning and rape during the post-October 2016 operations were "wrong information" and that the police had charged and jailed Rohingya villagers for bringing what Brig. Gen. Thura San Lwin said were false claims of abuse.

All of the elements of command or other superior responsibility appear to have been met. From October 2016 to October 2017, Brig. Gen. Thura San Lwin was a commander over the BGP force in Rakhine State; had a relationship of effective control or authority over individuals who committed crimes against humanity; knew or should have known about his subordinates' actions, due to his physical presence in an area where many abuses occurred and to consistent reporting about the BGP's role in abuses—reporting that he responded to directly. Brig. Gen. Thura San Lwin failed to prevent and stop the commission of crimes and failed to punish subordinates for those crimes.

In addition, Brig. Gen. Thura San Lwin commanded the BGP as it played a major role in maintaining and enforcing the system of apartheid in northern Rakhine State. Every day, officers under his command severely and

discriminatorily restricted the movement of the Rohingya population, which undermined, among other things, access to adequate health care and to livelihoods and food. His forces also placed severe and discriminatory restrictions on worship and other forms of religious practice. The BGP's consistent pattern, across hundreds of villages, of perpetuating the institutionalized regime of systematic oppression and domination strongly suggests commands from the force's highest levels.



- **Vice Senior General Soe Win**, the Deputy Commander-in-Chief of the Defence Services and the Commander-in-Chief (Army). Under Myanmar military doctrine, the Commander-in-Chief (Army) has direct command authority over the Army's combat divisions. The position is heavily involved in formulating and managing major operations, including command decisions about whether to deploy combat divisions, and in what strength, the designation of key strategic objectives, and in some cases key tactical objectives. Amnesty International has documented the combat divisions' involvement in many of the worst atrocities committed during the operations in northern Rakhine State following the 25 August ARSA attacks, including: massacres in Chut Pyin, Min Gyi, and Maung Nu villages; other unlawful killings in Rohingya villages across northern Rakhine State; rape and other sexual violence; the burning of villages; and other crimes.

All of the elements of command or other superior responsibility appear to have been met. Vice Senior General Soe Win was a commander; had a relationship of effective control or authority over combat division units that committed crimes against humanity; knew or should have known of his subordinates' actions, based on the strict reporting requirements of units' movements and activities and the public reporting about crimes committed by these units in several locations; failed to prevent or stop the commission of crimes; and failed to punish subordinates for crimes, based on the military's published information about investigations, which show that soldiers and field commanders have overwhelmingly benefited from impunity.

Vice Senior General Soe Win has been in the position of Commander-in-Chief (Army) since 2011. During that period Amnesty International has documented crimes against humanity committed by the Army during successive "clearance operations" in northern Rakhine State; as well as war crimes committed by the Army during the ongoing armed conflict with ethnic armed groups in Kachin and northern Shan States. Despite considerable reporting about the war crimes committed by the 33rd LID in northern Shan State in 2016 and early 2017, battalions of that unit were, in August 2017, deployed to northern Rakhine State—a decision that would have involved Vice Senior General Soe Win. And despite considerable reporting about the crimes committed by the 33rd LID in northern Rakhine State, battalions of that unit were, in April 2018, deployed to a sensitive area of Kachin State to lead military operations there—a decision that would have again involved Vice Senior General Soe Win. Within weeks, new reports of human rights violations by 33rd LID units emerged in Kachin State.

In addition, Vice Senior General Soe Win had command authority over the Army as it played an important role in enforcing the institutionalized regime of systematic oppression and domination against the Rohingya, amounting to the crime against humanity of apartheid.

- **Senior General Min Aung Hlaing**, the Commander-in-Chief of the Defence Services. As the senior-most official in the Office of the Commander-in-Chief, or War Office, Senior General Min Aung Hlaing commands military operations, including those undertaken in northern Rakhine State. He has unified command over the three branches of the Myanmar military: the Army, the Navy, and the Air Force.

Senior General Ming Aung Hlaing appears to have asserted that control or authority during the operations. For example, Senior General Min Aung Hlaing seems very likely to have been involved in the decision to deploy, in August 2017, battalions of the 33rd and 99th Light Infantry Divisions (LIDs) to northern Rakhine State. Amnesty International published a report in June 2017, received by the Myanmar authorities, indicating that soldiers from the 33rd and 99th LIDs had committed war crimes against civilians from ethnic minorities in northern Shan State.

Deploying combat divisions like the LIDs meant more direct control of the operations by the War Office in Nay Pyi Taw, and in particular by Senior General Min Aung Hlaing and his immediate subordinate, Vice Senior General Soe Win, the Commander-in-Chief (Army). Amnesty International has linked units from the 33rd and 99th LIDs to massacres and other unlawful killings in Min Gyi, Chut Pyin, Inn Din, Koe Tan Kauk, and Chein Kar Li villages.

Experts on the Myanmar military and diplomats working on Myanmar have told Amnesty International that the planning and command of the military operations occurred in significant part out of the War Office. Some decisions, such as the severe restrictions on, or at times outright blocking of, humanitarian access in northern Rakhine State and in northern Myanmar could only come from the highest levels of the military.

Senior General Min Aung Hlaing appears to have remained actively informed about the operations on the ground. In the immediate aftermath of the 25 August ARSA attacks—and even in the weeks before them, as tensions escalated—Senior General Min Aung Hlaing’s personal Facebook page and the official CINCDs Facebook page both posted almost daily about the operations in northern Rakhine State. From 19-21 September, as the military’s scorched-earth campaign continued, Min Aung Hlaing met with senior officers on the ground in Rakhine State, including the head of Western Command and the Regional Operations Commander (Sittwe). While in Rakhine State, his Facebook page included statements indicating that he “gave [those commanders] instructions on getting timely information”; he also “honoured” the military’s “brilliant efforts to restore regional peace.”

In addition, the military’s reporting requirements are such that the War Office would have been kept apprised, under military doctrine, of the combat division units’ movements, engagements, and weapons’ use. Public reporting by human rights organizations and by the media from the crisis’s first weeks identified the date and location of specific atrocities, including large-scale massacres, the burning of villages, and other acts of violence against the Rohingya population. As a result, Senior General Min Aung Hlaing knew or should have known from the first weeks of (a) general, credible allegations of crimes being committed by the forces under his command; and (b) specific incidents where some of the most egregious crimes appear to have been committed. He has demonstrated knowledge of these allegations, as he has at times responded to them with blanket denials.

Amnesty International, the United Nations, and other groups all documented and reported on crimes against humanity against the Rohingya during the military’s “clearance operations” following ARSA’s 9 October 2016 attacks. Senior General Min Aung Hlaing failed to ensure that subordinates responsible for crimes were punished; indeed, an Army investigation refuted the UN’s findings and conclusions, determining them to be either “totally wrong” or “untrue due to false accusations and exaggerations.” Only two soldiers faced punishment: one for the theft of a motorbike, and another for beating someone who failed to help in putting out a fire. The impunity for those crimes appears to have been part of a more general failure to prevent or stop the commission of such crimes. After the 25 August 2017 attacks, the military unleashed an even more widespread campaign against the Rohingya, targeting Rohingya women, men, children, and entire villages.

Once the post-25 August operations began, there were almost immediately reports of crimes being committed by Myanmar forces under Senior General Min Aung Hlaing’s overall command. Yet, far from using the operational command and control to change course, the military continued to commit similar violations and crimes for weeks, in particular through targeted village burning that occurred to November 2017, if not later, and was designed at the deportation of the Rohingya population.

Moreover, as after the October 2016 operations, Senior General Min Aung Hlaing has failed to ensure prompt, independent, impartial, and effective investigations, much less punishment, for the overwhelming majority of the crimes committed under international law. Statements from Senior Min Aung Hlaing’s office reference only “legal action” against seven soldiers and three police officers.

The failure to prevent or stop the crimes in northern Rakhine State, or to punish subordinates responsible, reflects a pattern of atrocities and impunity under Senior General Min Aung Hlaing's command—particularly for crimes under international law committed against ethnic minorities during military operations against armed groups associated with the ethnic minority. Such a pattern provides evidence of, at minimum, tacit acceptance of those crimes, and arguably that such crimes are part of the military's country-wide strategy when conducting what it considers to be counterinsurgency operations.

The failure to exercise control during and after the post-9 October 2016 operations led directly to the crimes committed following the 25 August 2017 attacks. Likewise, the failure to exert control in the hours and days immediately following the 25 August 2017 led to a similar pattern of crimes being committed for weeks and, for certain crimes, months later.

Far from just failing to prevent or stop the crimes or to punish those responsible, Senior General Min Aung Hlaing's Facebook pages often included posts with inflammatory language against the Rohingya; given his position, such language was likely to encourage soldiers to see and treat the Rohingya as less deserving of rights or protection. On 1 September, his Facebook page featured a post that stated, "We openly declare that 'absolutely, our country has no Rohingya race.'" Around the same time, he reportedly told the media that the clearance operations were "unfinished business" that dated to the period of World War II, when he claimed that "Bengalis" forced out ethnic Rakhine villagers. On 20 September, his Facebook page included a statement that "collective efforts must be made to protect the minorities of Buthidaung/Maungdaw region such as Mro, Khamee, Thet and Daingnet" —making no mention of protecting the Rohingya, or even "Bengali", community. On 11 October, Senior General Min Aung Hlaing's Facebook page stated that it was an "exaggeration to say that the number of Bengalis fleeing to Bangladesh is very large" and that the "native place of Bengalis is really Bengal. Therefore, they might have fled to the other country with the same language, race and culture as theirs by assuming that they would be safer there." Such statements continued through March 2018, eventually drawing criticism from the UN Secretary-General's office.

In addition to appearing to satisfy the elements of command or superior responsibility for crimes against humanity committed during the post-25 August operations, Amnesty International believes that Senior General Min Aung Hlaing should be investigated for his command and potentially direct responsibility in perpetuating the institutionalised regime of systematic oppression and domination of the Rohingya in northern Rakhine State, which amounts to the crime against humanity of apartheid. Since at least 2012, Myanmar military units have enforced this system of apartheid across a wide geographic area in very similar ways, including through severe restrictions on movement that impact access to livelihoods and to adequate health care, among other rights; the segregation of villages, schools, and other facilities, including Sittwe Hospital; and severe restrictions on worship. The regime of systematic oppression and domination imposed consistently on Rohingya throughout Rakhine State strongly suggests commands from the military's highest levels and, indeed, the regime reflects Senior General Min Aung Hlaing's public statements about the Rohingya population. In addition to the statements cited above, Senior General Min Aung Hlaing said in a Facebook post on 4 May 2018 that, for Rohingya refugees in Bangladesh considering repatriation, "There is no need to be worried about their security if they stay in the areas designated for them." It indicated that Senior General Min Aung Hlaing supports continued segregation, discrimination, and movement restrictions.

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“WE WILL DESTROY EVERYTHING”

MILITARY RESPONSIBILITY FOR CRIMES AGAINST HUMANITY IN RAKHINE STATE, MYANMAR

Since 25 August 2017, the Myanmar military has carried out a widespread and systematic attack on the Rohingya population in northern Rakhine State, driving more than 700,000 people across the border into Bangladesh. Following attacks on security posts by an armed group known as the Arakan Rohingya Salvation Army (ARSA), the military swept through Rohingya villages. Soldiers killed women, men, and children; raped and committed other sexual violence against women and girls; hauled men and boys to detention sites, where they tortured them; and burned homes, shops, and mosques across several hundred villages.

The report examines in detail the military’s atrocities, which amount to crimes against humanity under international law. It also examines the command structure of the Myanmar military, and identifies 13 individuals against whom Amnesty International has gathered extensive, credible evidence of direct or command responsibility for crimes against humanity.

The crimes described in this report occurred in a context of entrenched impunity. For years, the Myanmar security forces have been allowed to get away with their crimes, with devastating results for the people of the country, in particular its ethnic minorities. This impunity cannot be allowed to continue.