

The Fading Humanity: Persecution of the Rohingya Muslims by the followers of Gentle Buddha and silence of International Community

Jamsheed Ahmad Sayed and Arshid Iqbal Dar
Research Scholars University of Kashmir India

Abstract

This paper begins with a detailed, historical account of the human rights situation of Rohingya since Myanmar's independence. The Rohingya are a Muslim minority group in Rakhine State, which occupies the western coast of Myanmar. An estimated one million Rohingya live in Rakhine State, primarily in the northern townships. It also discusses Rohingya have been denied equal access to citizenship. Rohingya have also been subjected to grave human rights abuses at the hands of the Myanmar authorities, security forces, police, and local Rakhines (the Buddhist majority population in Rakhine State). Further these actors have perpetrated violence against Rohingya, claiming thousands of lives. Hundreds more Rohingya have been the victims of torture, arbitrary detention, rape, and other forms of serious physical and mental harm. They (Rohingya) have been deprived of freedom of movement and access to food, clean drinking water, sanitation, medical care, work opportunities, and education. The paper explains the deprivation of their rights- by both government and societal actors- is one of the most profound human rights tragedies of the 21st century.

Keywords: Human rights, Rohingya, Muslim Minority, Rakhine State, Torture, Rape

1.1. Introduction

The Rohingya are a Muslim minority group in Rakhine State, Myanmar. An estimated one million Rohingya live in Rakhine State. Rohingya account for most of the population in the three northernmost townships, Maungdaw, Buthidaung, and Rathedaung. Myanmar, as a whole, has considerable ethnic diversity. Barmans also referred to as Burmans, are Myanmar's dominant and majority ethnic group, but a number of ethnic minority groups constitute forty percent of the Myanmar population. Myanmar's ethnic diversity does not entail religious heterogeneity. A majority of the population in Myanmar is Buddhist, with smaller religious minority populations. In every society since centuries minority has been the victim of majority will. Rohingya Muslim minority is one such minority group against whom there is ongoing genocide by Government and majority Buddhists. The deprivation of their rights- by both government and societal actors- is one of the most profound human rights tragedies of the 21st century. The humanity is losing human spirit by maintaining silence over the persecution of Rohingyas. The followers of gentle Buddha have crossed the all limits of humanity. The Rohingyas are most persecuted minority on the face of earth. This paper aimed at exploration of condition of Rohingya Muslim in Myanmar

1.2. The Denial of Citizenship

The efforts to deprive Rohingya of citizenship began shortly after Myanmar's independence. The 1948 Union Citizenship Act defined Myanmar citizenship and identified specific ethnicities—the “indigenous races of Burma”—that were approved to gain citizenship. The list did not include Rohingya. The Union Citizenship Act

allowed people whose families had lived for two generations in Myanmar to apply for identity cards. Initially, the government provided many Rohingya with citizenship or identification cards under this provision. However, after the military coup in 1962, the government began giving credentials to fewer and fewer Rohingya children, refusing to recognize fully new generations of the Rohingya population. In 1982, General Ne Win instituted a new citizenship law that proscribed Rohingya from obtaining equal access to full Myanmar citizenship, effectively rendering a majority of Rohingya stateless. The consequences of the 1982 Citizenship Law have affected Rohingya since its enactment. Because many Rohingya are stateless, most do not have standing in Myanmar courts and have limited access to economic opportunities, education, and property ownership.

1.3. Their forced Displacement

The 1978, military operation targeted Rohingya in Rakhine State; the government claimed Rohingya were foreigners rather than an ethnic minority of Myanmar. The military abused, raped, and murdered many Rohingya. As a result, more than 200,000 Rohingya fled across the border into Bangladesh. To deter Rohingya refugees from entering Bangladesh, the Bangladeshi government withheld food and humanitarian aid from the refugee camps. More than 12,000 refugees died of starvation. Following international condemnation, Myanmar's General Ne Win repatriated many of these refugees, but they continued to face persecution within Myanmar. Rohingya refugees continued to flood into Bangladesh over the next twenty years, with periodic attempts by the Bangladeshi government to expel them forcibly, including as recently as 2010.

Moreover Myanmar government has confiscated Rohingya lands, causing more Rohingya to become internally displaced or to flee the country. By law, the Myanmar government owns all land in the country, and only citizens have the right to use and enjoy their land.³⁷ As a result of their statelessness, Rohingya have no legal rights to the land on which they live and work, leaving them vulnerable to land confiscation by the government. A 1995 U.N. report stated that the government notified Rohingya from various regions that they had to leave their villages in a week and that they could not take their property with them. The government commissioned more than 40 model villages to be built in Rakhine State between 1990 and 2010, mostly in areas with large Rohingya populations. The government forced Rohingya to help build these model villages. It also confiscated land on which Rohingya were living and working for the construction. Rakhine Buddhists subsequently moved into these model villages.

1.4. The Forced Labour

The NaSaKa, a security force consisting of police, military, intelligence, customs officers, and riot police, operated in Rakhine State until 2013 under the control of the Ministry for Border Affairs. The NaSaKa forced Rohingya either to pay a weekly fee to avoid work – a fee that many Rohingya cannot afford – or to perform manual labour such as construction work, agricultural work, portering, or serving as guards.⁴⁵ The Myanmar Army and local police also forced Rohingya into labor.⁴⁶ In 2008, the U.N. Special Rapporteur reported allegations that Rohingya had been killed for refusal to perform forced labour. Rohingya reported that the Myanmar Army and NaSaKa beat forced labourers. The Myanmar Army and NaSaKa have forced males as young as ten years old into manual labour. The Irish Centre for Human Rights reported that one man or boy in each Rohingya household works one to two days a month, on average, just on pottering tasks. In the year 2009, government authorities ordered most Rohingya households in rural areas to send a family member one or two times a week to serve as a village night guard.⁵¹ Poor families faced difficulty supporting themselves

financially, as authorities force household members to spend their time working for them without compensation.

1.5. The Religious Persecution

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

1.6. Marriage Restrictions and Population Control

In the year 1990s, Myanmar government passed a law that required all people in Rakhine State to gain permission before obtaining marriage licenses. This law was enforced only against the Muslim populations of the area. The Border Region Immigration Control Headquarters and the Township Peace and Development Council of Maungdaw issued population control policies in 1993 and 2005, respectively that state that the Rohingya population is reproducing faster than the “international standards” of population increase. To obtain marriage licenses, men and women must adhere to rules that conflict with Rohingya religious beliefs. The rules require that men shave their beards for their license photographs. Similarly, the rules prohibit women from wearing religious head and face coverings. The NaSaKa have reportedly touched Rohingya women to determine if they are pregnant. Authorities have required Rohingya women to take pregnancy tests before issuing marriage permits.⁶⁴ The NaSaKa, at various points in the marriage-license process; have also demanded bribes that can total more than the equivalent of three months’ salary. Since at least 2005, the government has approved some Rohingya couples to obtain marriage licenses only if they agree to have no more than two children. Women in legal marriages who have more than two children and women who have children out of wedlock are subject to possible prison sentences of up to ten years.

1.7. Arbitrary Detention

Under the Thein Sein’s administration, state security forces, including the NaSaKa, have arbitrarily arrested and detained Rohingya. Rohingya have reported that soldiers have come into their village to make indiscriminate arrests. For example, Human Rights Watch documented that the NaSaKa detained between 2,000 and 2,500 Rohingya in 2011 for actions such as repairing homes without permission. State security forces have often refused to release Rohingya until ransoms were paid to local authorities.

1.8. Sexual Violence

The Myanmar Army, NaSaKa, Myanmar Police Force, and Rakhine villagers have raped and sexually assaulted Rohingya women and girls. They have often attacked women when the women were taken for forced labour or when their male relatives were taken for labour and could not protect them. One Rohingya woman reported that a NaSaKa member raped her in front of her child while she was on coerced guard duty. Military groups have also raped women in retaliation for others in their households not fulfilling their forced labour duties. Since the 1990s, the Myanmar Army has held Muslim women in Rakhine State as sex slaves. Rohingya have described instances when soldiers detained Rohingya women for weeks on military bases, where they were raped and abused. Also some women have died as a result of gang rapes. Rohingya women have fled Myanmar for fear of

being raped by state security forces. The military has beaten and tortured victims of sexual violence and those others who have reported sexual assaults. The perpetrators have not been punished for these abuses.

1.9. Restrictions on freedom of movement

The government of Myanmar imposes strict restrictions on the freedom of movement of Rohingya. For the purposes of authorizing travel within Myanmar, the government still considers Rohingya to be foreigners. Accordingly, in theory, Rohingya must abide by the 1940 Foreigners Act, which requires a person to have a license with his or her picture and name on it in order to move freely about the country. Many Rohingya lack the money to pay for the processing fees and bribes required to get such licenses. In practice, however, authorities impose severe restrictions on movement for all Rohingya in Rakhine State, regardless of what identification documents they have in their possession.

Conclusion

It can be said in conclusion that Rohingyas are most ill treated community on the face of earth. The Rohingya Muslims in Myanmar's Rakhine State have suffered severe and persistent human rights abuses. Myanmar authorities, security forces, police, and local Rakhine actors have engaged in pervasive violence, acts of torture, arbitrary detention, rape, and other crimes causing serious physical and mental harm. The scale of these atrocities has increased precipitously since 2012. The Rohingya lack freedom of movement, access to food, clean drinking water, sanitation, medical care, work opportunities, and education. They live in conditions that appear to have been calculated to bring about their destruction. The Rohingya Muslims face a difficult day-to-day existence with little ability to honour their past, prosper in the present, or make plans for their future. Rohingyas are suspended in time, largely unable to create a better life for themselves or their children. Those who are in state of power have lost moral imperative within so that the powerless has become the victim of their wild enthusiasm.

Reference and Notes

1. Convention on the Prevention and Punishment of the Crime of Genocide, adopted Dec. 9, 1948, 78 U.N.T.S. 277 (1951) [Genocide Convention].
2. Estimates vary and the most recent government census, conducted in 2014, excluded Rohingya from the count. Rakhine Inquiry Commission, The Republic of the Union of Myanmar, Final Report of Inquiry Commission on Sectarian Violence in Rakhine State, pp. 3, 78 (July 8, 2013) [Rakhine Commission Report] (citing 968,218 Muslims in Rakhine State). See also Jason Szep & Andrew Marshall, "Myanmar Minister Backs Two-Child Policy for Rohingya Minority," Reuters (June 11, 2013), <http://www.reuters.com/article/2013/06/11/us-myanmar-rohingya-idUSBRE95A04B20130611> (quoting Myanmar's Minister of Immigration and Population Khin Yi as stating 1.08 million Rohingya live in Rakhine State).
3. John F. May & Thomas R. Brooke, Deciphering the Demography of Myanmar, Population Reference Bureau (Sept. 2014), <http://www.prb.org/Publications/Articles/2014/myanmar-demography.aspx>.
4. See Christina Fink, Living Silence: Burma Under Military Rule p. 56 (2001); Bertil Lintner, Burma in Revolt: Opium and Insurgency Since 1948 (1999)
5. Human Rights Watch, Burma: The Rohingya Muslims: Ending a Cycle of Exodus?, p. 29 (Sept. 1996), <http://www.hrw.org/reports/pdfs/b/burma/burma969.pdf>.
6. Human Rights Watch, "All You Can Do Is Pray": Crimes against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State p. 112 (Apr. 22, 2013), <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>; International Federation of Human Rights Leagues (FIDH), Burma: Repression, Discrimination and Ethnic Cleansing in Arakan p. 18 (Apr. 2000), <https://www.fidh.org/IMG/pdf/arakbirm.pdf>.

7. 18 Human Rights Watch, Burma: The Rohingya Muslims: Ending a Cycle of Exodus?, p. 29 (Sept. 1996), <http://www.hrw.org/reports/pdfs/b/burma/burma969.pdf>.
8. Human Rights Watch, "All You Can Do Is Pray": Crimes against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State p. 112 (Apr. 22, 2013), <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>; International Federation of Human Rights Leagues (FIDH), Burma: Repression, Discrimination and Ethnic Cleansing in Arakan p. 18 (Apr. 2000), <https://www.fidh.org/IMG/pdf/arakbirm.pdf>.
9. Martin Smith, Burma: Insurgency and the Politics of Ethnicity, p. 241 (2d ed. 1999). 29.
10. United States Senate Committee on Foreign Relations, Trafficking and Extortion of Burmese Migrants in Malaysia and Southern Thailand, S. Prt-111-18 (Apr. 3, 2009).
11. Human Rights Watch, Perilous Plight: Burma's Rohingya Take to the Seas, p. 4 (May 26, 2009), <https://www.hrw.org/report/2009/05/26/perilous-plight/burmas-rohingya-take-seas>.
12. U.N. Commission on Human Rights, Report on the Situation of Human Rights in Myanmar, Prepared by the Special Rapporteur, Mr. Yozo Yokota, in Accordance with Commission Resolution 1994/85, UN Doc. E/ CN.4/1995/65 (1995), para. 118.
13. Irish Centre for Human Rights, Crimes against Humanity, pp. 41, 49.
14. International Labour Office (ILO), Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour, GB.291/5/1 (Nov. 2004).
15. "Muslim Homes Razed in Burma's Rakhine State - Report," BBC News (Aug. 14, 2012), <http://www.bbc.com/news/world-asia-19263926>.
16. Human Rights Watch, Burma: End 'Ethnic Cleansing' of Rohingya Muslims (Apr. 22, 2013), <https://www.hrw.org/news/2013/04/22/burma-end-ethnic-cleansing-rohingya-muslims>.

