INTERNATIONAL COURT OF JUSTICE

APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

THE GAMBIA
v.
MYANMAR

REPLY OF THE GAMBIA

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17 September 2018

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Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*

Summary

The Human Rights Council established the Independent International Fact-Finding Mission on Myanmar in its resolution 34/22. In accordance with its mandate, the Mission focused on the situation in Kachin, Rakhine and Shan States since 2011. It also examined the infringement of fundamental freedoms, including the rights to freedom of expression, assembly and peaceful association, and the question of hate speech.

The Mission established consistent patterns of serious human rights violations and abuses in Kachin, Rakhine and Shan States, in addition to serious violations of international humanitarian law. These are principally committed by the Myanmar security forces, particularly the military. Their operations are based on policies, tactics and conduct that consistently fail to respect international law, including by deliberately targeting civilians. Many violations amount to the gravest crimes under international law. In the light of the pervasive culture of impunity at the domestic level, the mission finds that the impetus for accountability must come from the international community. It makes concrete recommendations to that end, including that named senior generals of the Myanmar military should be investigated and prosecuted in an international criminal tribunal for genocide, crimes against humanity and war crimes.

The present document contains the detailed findings of the Mission. Its principal findings and recommendations are provided in document A/HRC/39/64.

* The information contained in this document should be read in conjunction with the report of the Independent International Fact-Finding Mission on Myanmar (A/HRC/39/64).

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official duty and got a lighter sentence. Sometimes lawyers are allowed to go to military hearings but mostly we are not, we just get informed of the outcome, we never get a written copy, we are just told orally. We also never know whether or not the rulings are implemented. Even cases before civilian courts have problems. Like with the military courts, we are not given a copy of the judgments. Sometimes if we request them we get them but it takes a long time. For sensitive cases we are generally not allowed to see them – we are told they are lost or in Naypyidaw.[901]

V. Emblematic situation 2: Rakhine State

405. Rakhine State is located in western Myanmar. It extends some 560 km along the Bay of Bengal and shares a border with Bangladesh. It is geographically remote – much of its internal borders with other states of Myanmar are mountainous and infrastructure links to the rest of the country are limited. Despite its strategic location and fertility, the state remains one of Myanmar's poorest, with an estimated 44 per cent of the population living below the poverty line.[902] All communities in the state are affected by scarcity of livelihood opportunities[903] and it scores poorly on many social development indicators.[904]

406. The state comprises various ethnic and religious groups. The majority of the population is ethnic Rakhine and Buddhist.[905] Muslims constitute the second largest religious group, the majority of whom are Rohingya,[906] with a smaller proportion of Kaman. There are also a number of other minorities such as Chin, Daingnet, Khami, Maramagyi, Mro, Thet and Hindus. The distribution of ethnic and religious minorities in the state varies by region, with Rohingya constituting a large majority in the northern district of Maungdaw, and ethnic Rakhine in most remaining districts. Estimates of Rohingya remaining in Rakhine State after the mass exodus to Bangladesh of 2016 and 2017 vary between 200,000 and 240,000 in the northern townships and 332,000 and 360,000 for central Rakhine State.[907]

407. The ethnic Rakhine, like many other ethnic minorities in the country, have grievances against the central Government, which they perceive to have favoured Bamar-Buddhists politically and economically. They are proud of ethnic Rakhine culture, language and history, which they feel is threatened. There is also a strong sentiment that the development of Rakhine State has been neglected. In the words of one ethnic Rakhine who spoke to the Mission, "in Rakhine State, there are a lot of resources but we can't get these resources from our own State".[908] This sentiment is fuelled by the high poverty levels. According to data from the 2014 census, Rakhine State has the highest unemployment rate in the country, and

[901] BM-007.

[902] UNDP, Poverty Profile, Integrated Household Living Conditions Survey in Myanmar - 2009-2010 (2011). Rakhine State continues to rank low compared to other states and regions in Myanmar on many indicators of living standards. See UNDP, Myanmar Living Conditions Survey 2017 (June 2018).

[903] Center for Diversity and National Harmony, *Rakhine Needs Assessment II* (January 2017).

[904] UNICEF, *Rakhine State – A Snapshot of Child Wellbeing,* available at: https://www.unicef.org/myanmar/Rakhine_State_Profile_30-07-15.pdf

[905] It is not possible to provide exact percentages as Rohingya were not included in the 2014 census and, in any case, the 2014 census data on ethnicity has not been released. 63 per cent of the population in Rakhine State was of Buddhist faith when adjusted for the non-enumerated population, principally the Rohingya. This figure includes some other smaller Buddhist groups in addition to the ethnic Rakhine. See also: Center for Diversity and National Harmony, *Rakhine Needs Assessment* (October 2015). The report estimated the population of ethnic Rakhine at 60 per cent in Rakhine State.

[906] On 29 March 2014, a day before the census was due to begin, the Government reneged on an earlier explicit commitment to allow the Rohingya to self-identify their ethnicity on census forms. The presidential spokesperson stated that those wishing to state their ethnicity as Rohingya would not be registered. As a consequence, most of the Rohingya were not enumerated in the census. The census estimates the non-enumerated population at 1,090,000 which would constitute 34 per cent of the total population in Rakhine State.

[907] K-113.7.

[908] DM-003.

the lowest access to clean water and sanitation.[909] There are also concerns that some large-scale development projects, such as the Shwe Gas pipeline, and initial preparatory phases for the Kyaukpyu Special Economic Zone are not benefitting local communities.[910]

408. In late 2015, an ethnic Rakhine armed group, the Arakan Army, started operating in Rakhine State.[911] Its stated aims include self-determination for ethnic Rakhine (Arakanese) people, safeguarding cultural heritage and promoting the "national dignity and Arakanese national interest".[912] It has operated in a number of townships within Rakhine State and has since sporadically clashed with the Tatmadaw, with clashes reportedly becoming more frequent and more deadly in recent years.[913] The casualties incurred by the Tatmadaw in these clashes exceed those resulting from the ARSA attacks of 2016 and 2017. The clashes have also caused displacement of civilians.

409. In September 2016, in an effort to address the concerns of all communities in the State, the Myanmar Government formed the Advisory Commission on Rakhine State. The Commission, composed of six national and three international members, was chaired by former United Nations Secretary-General, Kofi Annan. It was mandated to "finding lasting solutions to the complex and delicate issues in Rakhine State, in accordance with established international standards". The Commission produced a final report in August 2017, including 88 wide ranging recommendations.[914] The Office of the State Counsellor welcomed "recommendations for meaningful and long-term solutions". It stated that it would give the report "full consideration with a view to carrying out the recommendations to the fullest extent, and within the shortest timeframe possible, in line with the situation on the ground."[915] The report noted that the situation in Rakhine State amounted to a "development crisis", a "human rights crisis", and a "security crisis". It underscored that the mandate of the Advisory Commission was not to examine specific allegations of human rights violations.[916]

410. The Mission has examined such specific allegations. It has focused on (1) human rights violations against the ethnic Rakhine, (2) the systemic oppression of the Rohingya, (3) the violence in 2012, and (4) the extreme violence in 2016 and 2017 in the context of the ARSA attacks and security forces' "clearance operations".

A. Human rights violations against the ethnic Rakhine

I want to share my story with the whole world because the world does not know what is happening in our land.[917]

[909] Data from 2014 census data available on an interactive platform: http://www.dopredatam.gov.mm/redbin/RpWebEngine.exe/Portal?BASE=MMARENG&lang=eng

[910] CI-154, CI-162; International Commission of Jurists, *Special Economic Zones in Myanmar and the State Duty to Protect Human Rights* (February 2017); Earth Rights International, *There is no benefit, they destroyed our farmland* (June 2013).

[911] The Arakan Army was created in 2009 in Kachin State, predominantly by ethnic Rakhine migrant workers from the mines of Hpakant who received training by the Kachin Independence Army (KIA). The Arakan Army is part of the Northern Alliance and the Federal Political Negotiation and Consultative Committee (see chapter IV: Emblematic situation 1: Kachin and Shan States) and has participated in hostilities in the north of Shan State, Kokang Self-administered zone and Kachin State.

[912] Myanmar Peace Monitor, *The Arakan Army*.

[913] According to credible reports, the townships where the Arakan Army operates include Buthidaung, Kyauktaw, Maungdaw, Mrauk-U, Minbya, Ponnagyun, and Rathedaung. See: K-076.23; D. Mathieson, "Shadowy rebels extend Myanmar's wars (Asia Times, 11 June 2017); A. Davis, "Myanmar's other Rakhine problem (Asia Times, 29 November 2017).

[914] Advisory Commission on Rakhine State, Final Report, *Towards a peaceful, fair and prosperous future for the people of Rakhine* (August 2017).

[915] Republic of the Union of Myanmar, Office of the State Counsellor, *Statement by the Office of the State Counsellor on the Final Report of the Advisory Commission on Rakhine State* (24 August 2017).

[916] Advisory Commission on Rakhine State, Final Report, *Towards a peaceful, fair and prosperous future for the people of Rakhine* (August 2017), pp. 9-10 and p. 13.

[917] DI-028.

checkpoints: "If you didn't have the certificate you had to pay a lot, but even if you had it, you had to pay something."[1113] Rohingya who travel without the necessary documents risk arrest[1114] and prosecution under section 188 of the Penal Code or the 1949 Residents of Myanmar Registration Act. Another interview succinctly stated, "You will not find a single person who did not pay money to the authorities".[1115]

(d) Specific restrictions in central Rakhine

512. In central Rakhine, restrictions on freedom of movement of the Rohingya and the Kaman significantly increased after the 2012 violence. They apply to both displaced and non-displaced populations. This affects the Rohingya and Kaman residing in villages in central Rakhine (estimates range from 200,000 to 230,000), and an additional 128,000 Rohingya and Kaman living in displacement camps and sites, the majority in rural areas of Sittwe Township.[1116]

513. Rakhine and Rohingya communities have been segregated in central Rakhine since the 2012 violence. The authorities state this is to ensure the protection of the communities, but without any specific justification relating to the actual risks.[1117] While most restrictions are not formally codified, they are reportedly strictly enforced. According to credible reports, when Rohingya or Kaman try to move in central Rakhine beyond locally accepted boundaries, they are frequently arrested and subjected to ill-treatment.[1118]

514. Movement of the non-displaced Muslim population is tightly curtailed by the security forces, local authorities and communities. They are not allowed to travel to Sittwe town, or other main towns in central Rakhine, except very rarely for emergency medical treatment or other exceptional circumstances. These towns previously had substantial Muslim communities. Rohingya and Kaman have also been barred from entering many of the Rakhine villages in central Rakhine State, although there are examples where local arrangements have allowed this.[1119]

515. As early as September 2012, the then United Nations Special Rapporteur on the situation of human rights in Myanmar warned against the risks of such a policy of segregation:

> *The current separation of Muslim and Buddhist communities following the violence should not be maintained in the long term. In rebuilding towns and villages, Government authorities should pay equal attention to rebuilding trust and respect between communities, while confronting deep-rooted prejudices and discriminatory attitudes based on ethnicity and religion. These have been made manifest in the anti-Rohingya discourse and in the inaccurate and inflammatory images of the violence in the media, including social media. A policy of integration, rather than separation and segregation, should be developed at the local and national levels as a priority.*[1120]

516. Despite numerous calls by two United Nations Special Rapporteurs[1121], the United Nations High Commissioner for Human Rights[1122] and others, six years after the 2012 violence, this policy of segregation has been maintained and contacts between communities have been extremely limited in central Rakhine. In practice, this policy has contributed to growing mistrust and misunderstandings. It has also provided a conducive environment for

[1113] DI-051.
[1114] CI-089, K-076.
[1115] CI-094.
[1116] K-113.7.
[1117] Danish Refugee Council, European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, United Nations High Commissioner for Refugees, CCCM Cluster, Joint IDP Profiling Service, *Sittwe Camp Profiling report* (June 2017), p. 12.
[1118] K-069.
[1119] K-069, V-047.
[1120] A/67/383, para. 61.
[1121] A/67/383, para. 61; A/68/397, para. 52; A/HRC/25/64, para. 82(c); A/HRC/28/72, para. 60.
[1122] A/HRC/32/18, para. 54.

dehumanization and hate campaigns and for wrong perceptions to be engrained in the minds of each community.

Displacement camps and sites

517. The displacement camps and sites established after the 2012 violence[1123] are effectively places of deprivation of liberty. They are cordoned off from the outside world, with Rohingya and Kaman unable to move outside freely.[1124] In most cases, access is strictly controlled by checkpoints set up by the Myanmar Police Force. Moreover, many camps are surrounded by barbed wire fencing. There are further police checkpoints and military posts in the camp area, further limiting freedom of movement. A large military base is located near the Sittwe camps, where the majority of displaced people are accommodated. According to credible reports, even some local staff members of international organizations have not been able to leave the camps for the last few years.[1125]

518. Given the severe restrictions on freedom of movement imposed on the camp population, some humanitarian actors and analysts have referred to the camps as "internment camps":[1126]

> *These camps should be viewed as internment camps as the people there are not seeking refuge (at the heart of the definition of a camp for internally displaced people). Rather, they are "locked up". To get into the camp you have to pass through a series of barbed wire fences, then an army checkpoint, and then a police checkpoint.*[1127]
>
> *After 2012, the situation in central Rakhine changed with the establishment of the camps, and the unresolved question of whether these should be considered displaced people, or people forcibly transferred into detention centres*.[1128]

Image from 2018 showing the guarded entrance to the Sittwe displacement camps and the barbed wires all around



519. In 2015, the Government denied the existence of restrictions on the freedom of movement of the displaced population in central Rakhine. In a response to a report of the Special Rapporteur on the situation of human rights in Myanmar, the Government stated:

[1123] See this chapter, section C.1: Emblematic incidents.
[1124] Danish Refugee Council, European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations, United Nations High Commissioner for Refugees, CCCM Cluster, Joint IDP Profiling Service, *Sittwe Camp Profiling report* (June 2017), p. 12.
[1125] DM-004, DM-005, V-047.
[1126] QM-002, QM-005, V-337.
[1127] QM-005.
[1128] QM-002.

break all relationships between communities. The Mission has concluded that they contributed directly to the events of 2016 and 2017.

530. Considering the lack of reasonable justification for these movement restrictions, in some cases amounting to deprivation of liberty, and their discriminatory implementation, the Mission concludes that they are a second building block of the system of oppression and persecution targeting the Rohingya.

3. Restrictions on access to food, livelihoods, health care and education

(a) Restrictions on access to food and livelihood

Overview and legal framework

531. The human right to adequate food is firmly entrenched in international human rights law, including article 25 of the UDHR, article 11 of the ICESCR, articles 24 and 27 of the CRC, and article 28 of the ASEAN Human Rights Declaration. To realize the right to food, States must ensure that food is available, economically and physically accessible, and adequate.[1145] The right is realized when "every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement."[1146] The right to food is closely linked with the right to life: "without food there is no life, and with the wrong food, life is shorter and more prone to ill-health".[1147] The right to life requires States to take measures to increase life expectancy, especially in adopting measures to eliminate malnutrition.[1148]

532. While the right to food is to be progressively realised, the United Nations Committee on Economic, Social and Cultural Rights has established that States have immediate core obligations, regardless of resources and/or level of development, to ensure freedom from hunger; non-discrimination; and the protection of vulnerable populations. This includes the provision of access to the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone.[1149]

533. In Rakhine State, the Rohingya have long relied on fishing, farming and trading to provide for themselves and their families. However, movement restrictions generally, as well as specific restrictions on access to fishing, agricultural lands and forests, impede their access to food and livelihoods. The fear of crossing checkpoints – due to the harassment and extortion it entails – has had a similarly negative impact.

Access to food and malnutrition

534. According to a survey by the Myanmar Government in 2015, Rakhine State had the highest rates of global acute malnutrition, at 13.9 per cent, and severe acute malnutrition, at 3.7 per cent, in the country.[1150] However, in northern Rakhine, where most Rohingya live, rates were four to five times higher – for severe acute malnutrition, 19 per cent in Maungdaw Township and 15.1 per cent in Buthidaung Township – above the World Health Organization emergency threshold of 15 per cent.[1151] The health impacts of malnutrition may include heightened risk of preventable deaths and deterioration of pre-existing conditions, especially

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1145 United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The right to adequate food (Art. 11)*, 12 May 1999, E/C.12/1999/5.

1146 Ibid, para. 6.

1147 A. Eide, "Adequate Standard of Living", in *International Human Rights Law*, 2nd ed., D. Moeckli, S. Shah and S. Sivakumaran (Oxford University Press, Oxford, 2014), p. 199.

1148 United Nations Human Rights Committee, *General Comment No. 6: Right to life (Art. 6)*, 30 April 1982, HRI/GEN/1/Rev.1, para. 5.

1149 United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The right to the highest attainable standard of health (Art. 12)*, 11 August 2000, E/C.12/2000/4, para 43(b).

1150 Ministry of Health and Sports, *Myanmar - 2015-2016 Demographic and Health Survey - Key Findings* (2017); see also: The UN Network, "Nutrition Situation Analysis", abridged version (June 2017).

1151 K-076.44.

for children. A Word Food Programme report on northern Rakhine State in mid-2017 highlighted limited access to livelihoods, due largely to freedom of movement restrictions and the increased security presence, as being a main contributory cause of malnutrition. It summarised the situation at that time:

> *In line with the previous remote emergency assessments, the survey confirmed a worsening of the food security situation in already highly vulnerable areas after the October 2016 incidents and subsequent security operations. Nearly one third of the population was severely food-insecure and in need of humanitarian assistance. Only 14 per cent of women achieved minimum dietary diversity and none of the children met the minimum adequate diet. Income opportunities were scarce and households could not access sufficient food to cover their needs. About half of the markets were not functioning or were only partially operational, food prices were highly volatile and supply of affordable foods in many markets was scarce.*[1152]

535. The report further stated that poor child feeding practices may have increased wasting (low weight-for-height) and stunting (low height-for-age) in children, both symptoms of acute undernutrition. Of greatest concern, the report estimated that 80,500 children under the age of five were expected to be in need of treatment for acute malnutrition over the subsequent 12 months.[1153] This preceded the "clearance operations" that began on 25 August 2017.

536. The various waves of violence in Rakhine State have had a serious adverse impact on the enjoyment of the right to food. Interviewees from northern Rakhine reported increased hunger following the 2012 violence due to further movement restrictions and fear.[1154] One interviewee explained how they would only eat one meal a day out of fear to leave the house.[1155] The following account was also provided regarding the impact of the violence on access to food:

> *People couldn't go to work and couldn't earn money. At one point, there was no food. People were trying to help each other, but it was particularly difficult for very poor people. Initially, nobody dared going outside. Then hunger was such that people started to take risks and go out to work. They thought: "better to die by a bullet than to die of hunger*".[1156]

537. The 2016 and 2017 "clearance operations" have had a devastating impact.[1157] On 9 January and 23 August 2017, a group of United Nations Special Rapporteurs addressed two urgent appeals to the Government of Myanmar to raise the issue.[1158] The August 2017 communication highlighted information regarding "evident deterioration of the food security situation in northern Rakhine" and raised concern about the "long term, chronic lack of access to adequate food in the context of prolonged security operations in the area". The Special Rapporteurs highlighted allegations that one-third of homes in northern Rakhine were already experiencing extreme food deprivation, and that children were especially vulnerable, as reflected in their high malnutrition rates. It should be noted that this urgent appeal preceded the commencement of the August 2017 "clearance operations" by two days, after which access to food and its consequences further deteriorated significantly.

1152 World Food Programme, *Food security assessment in the northern part of Rakhine State - Final report* (July 2017).
1153 Ibid.
1154 DI-009, DI-053, DI-054.
1155 DI-009.
1156 DI-054.
1157 World Food Programme, *Food security assessment in the northern part of Rakhine State - Final report* (July 2017); V-047.
1158 UA MMR 6/2016 available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=22927 and UA MMR 8/2017 available at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23297

bribe, others transferred to Buthidaung prison. One interviewee was told by a police officer that his name was on a list of persons "who pass information to the international community". The police officer said that he had received orders "from higher authorities" to monitor and report on him and asked him to pay a bribe.[1345] Fear of arrest meant that many Rohingya mostly stayed at home or in hiding when security forces approached their village.[1346] Rohingya started suffering from hunger, especially children.[1347]

(b) Sittwe violence – June 2012

641. It is estimated that before the June 2012 violence Sittwe town was home to about 73,000 Muslims (Rohingya and Kaman), about half of the total population.[1348]

642. Soon after violence commenced in Maungdaw on 8 June 2012, there was violence in Sittwe, more than 100 kilometres to the south.[1349] Most of the violence took place in the first few days. According to the report of the Rakhine Inquiry Commission, the violence in Sittwe led to the death of 11 Rakhine and 24 Rohingya as well as the destruction of 666 Rakhine houses and 2,967 Rohingya houses.[1350] The actual scale of casualties and destruction in Sittwe is believed to be much higher.

643. The violence saw the burning and looting of houses, murders, summary executions and large-scale displacement affecting both ethnic Rakhine and Muslims. The majority of the Muslim population of Sittwe town was displaced by the violence. Six years on, most still live in displacement camps and sites built in the Sittwe countryside, totally segregated from the ethnic Rakhine population. Aung Mingalar, often referred to as a "Muslim ghetto", is the only remaining Muslim area in Sittwe town.[1351]

644. Given its lack of access to Myanmar, the Mission has not been able to gather sufficient information on the violence perpetrated against ethnic Rakhine in Sittwe in June 2012. According to credible reports, groups of Muslims carried out arson attacks against houses of ethnic Rakhine and monasteries.[1352] This warrant further investigation.

Involvement of security forces

645. The security forces played an active role in the violence against Muslims in Sittwe, often attacking them and their houses alongside ethnic Rakhine.[1353] In other cases, security forces provided support to Rakhine who were leading the attacks[1354] or refused to assist Muslims who sought their protection.[1355] One Kaman interviewee who sought protection was told by the security forces that they could not assist in the absence of an instruction from higher authorities.[1356] Similarly, a Rohingya interviewee explained that, on 10 June, a large group of ethnic Rakhine attacked his village and Rohingya families took shelter in a house. They called the police for assistance but, when the officer understood that they were Rohingya, he hung up.[1357]

Murders and summary executions

646. Ethnic Rakhine, police officers and Tatmadaw soldiers killed Muslims in Sittwe in June 2012. In the majority of cases, ethnic Rakhine killed their victims with large knives,[1358]

1345 CI-061
1346 DI-025.
1347 DI-009, DI-054, DI-075.
1348 V-237
1349 CI-096; K-076.9.15.
1350 Inquiry Commission on Sectarian Violence in Rakhine State, *Final report* (July 2013).
1351 See this chapter, section B.2.d: Specific restrictions in central Rakhine State.
1352 KI-076.9.01, KI-076.18.
1353 CI-066, CI-086, CI-166, DI-020, DI-023, DI-035, DI-049, DI-050, DI-055.
1354 CI-069, CI-086.
1355 CI-066, CI-166.
1356 CI-166, V-166.
1357 CI-066.
1358 CI-066, CI-075, CI-078, CI-086, CI-097, DI-020, DI-049, DI-050.

> *Everyone was crying, as everyone had lost someone, members of their families. I have never seen so many people mourning the deaths of loved ones at the same time.*[1740]

794. A number of survivors died soon afterwards in Ah Htet Nan Yar due to a lack of access to adequate medical care. Bodies recovered from Chut Pyin were also brought to Ah Htet Nan Yar and buried in collective graves.[1741] As one villager from Ah Htet Nan Yaar explained:

> *That night, many people who had fled from Chut Pyin came to our village. Some of my relatives brought with them 16 dead bodies from Chut Pyin. I arranged the funeral and buried them in the graveyard in the village. There were many dead bodies and injured people brought by other villagers as well*.[1742]

795. The Mission received video footage, time-stamped 29 August 2017, of injured Rohingya describing the attack on Chut Pyin, as well as footage of sites described as mass graves of those that were buried in Ah Htet Nan Yar.[1743] Forensic analysis of the footage, which shows Rohingya, including men, women and children, with gunshot wounds and other serious injuries, is consistent with the testimonies received.[1744] Forensic analysis further indicates areas of freshly disturbed earth indicative of gravesites.

796. A list prepared by Rohingya community volunteers in the refugee camps of southern Bangladesh indicates that 358 persons were killed that day. The list further details that 127 children aged five or under were killed; 19 women raped; 94 people lost limbs due to injuries sustained; and 57 people remain unaccounted.[1745] While the Mission cannot confirm the accuracy of the list, it is consistent with information received, and many deaths documented by the Mission appear on the list. Almost all of the more than 20 people from Chut Pyin interviewed by the Mission reported deaths of many family members and neighbours.

797. The Chut Pyin "clearance operations" were led by the Tatmadaw.[1746] A number of victims recognised the insignia of the Western Command.[1747] Consistent and credible sources, as well as the Myanmar media,[1748] indicate that the 33rd LID led or actively participated.[1749] The Tatmadaw were accompanied by other security forces[1750] and ethnic Rakhine.[1751] Individuals from the neighbouring ethnic Rakhine village were recognised as participants[1752] and some ethnic Rakhine men assisted the military in identifying specific Rohingya villagers.[1753] In particular, the Rakhine chairperson of Chut Pyin participated in the violence, armed with a knife or sword, guiding the military through the village.[1754]

798. Some of the ethnic Rakhine were in non-military clothing,[1755] equipped with swords, knives and machetes, or other types of local weapons.[1756] Others were wearing military style

1740 WI-006.
1741 CI-019, CI-177, CI-191, CI-199, WI-027, LM-006, LM-012, QI-050.
1742 CI-199.
1743 CI-200.
1744 CI-191.
1745 CI-185.
1746 BI-007, BI-008, BI-009, CI-019, EI-003, EI-004, EI-005, LI-008, LI-009, LI-010, QI-050, QI-052, WI-003, WI-005, WI-006, WI-024, WI-027, LM-006, LM-018, K-155.1.
1747 BI-009, QI-050, V-067.
1748 K-163, V-256; "It was reported that extremist Bengali terrorists and Myanmar Tatmadaw LID 33 were fighting in Chut Pyin village, Rathedaung Township" (Eleven Media Group, 27 August 2017).
1749 CI-191, K-155.2, V-067, V-071.
1750 BI-007, BI-008, BI-009, BI-010, CI-019, WI-003, WI-006, WI-024.
1751 BI-008, BI-009, CI-019, CI-177, CI-185, CI-191, EI-003, EI-004, EI-005, LI-042, QI-031, QI-052, RI-001, RI-004, WI-005, WI-006, WI-027.
1752 CI-019, QI-052, WI-005, LM-006, K-155.2.
1753 BI-010, WI-005.
1754 BI-007, BI-010, QI-115, LM-006, LM-012.
1755 BI-008, CI-019, LI-042.
1756 BI-008, BI-009, CI-019, CI-191, EI-003, LI-042, QI-031, RI-001, RI-004, WI-006.

encountered Tatmadaw soldiers. She said that some of the men were shot, while others were tied up, taken away and not seen again.[2158] A woman provided information of her two sons being captured in a village in Ah Lel Than Kyaw, Maungdaw Township, where they had sought refuge during their journey to Bangladesh:

> *We were trying to cook some rice under a tree when soldiers came and we all gathered. The soldiers picked out the males, including my two sons. They were forced onto the ground, with their hands tied behind their heads. The soldiers put their boots on the sides of my sons' faces. Thirteen men were then taken away, including my sons.*[2159]

957. The men and boys detained have not been seen since and their whereabouts are unknown.[2160] The circumstances in which men were detained during the "clearance operations" have not afforded family members the opportunity to seek information from the authorities, with many relatives now in Bangladesh. In any event, the Tatmadaw is unlikely to assist them with information. The Tatmadaw publicly referred to the detention of 114 "Bengalis" in October 2017, although no further details were provided regarding their identity or whereabouts, or whether any charges had been laid or judicial process initiated.[2161] Even a conservative estimate of those disappeared far exceeds this figure. Although relatives hope that those taken away are detained, many presume that they have been killed. Some of these fears are based on indications given at the time men and boys were taken away. For example, a woman who saw her son and other men taken away by soldiers was told, "We will do nothing to you, but we will slaughter them".[2162] Another interviewee saw men being tied up and taken into a house, after which he heard the sound of gunfire. He could not see what happened but believes that they were killed.[2163] Similarly, in a well-documented incident, 10 men who had their hands tied and were taken away in Inn Din, southern Maungdaw Township, were subsequently killed by the security forces and local villagers.[2164]

958. The anguish of not knowing what happened to those disappeared remains overwhelming within the Rohingya community. One man made a specific request to the Mission:

> *Please help us find out about the people who were taken away, those who died are gone, but please try to find information about these people*.[2165]

Destruction and looting of civilian homes, property and other protected objects

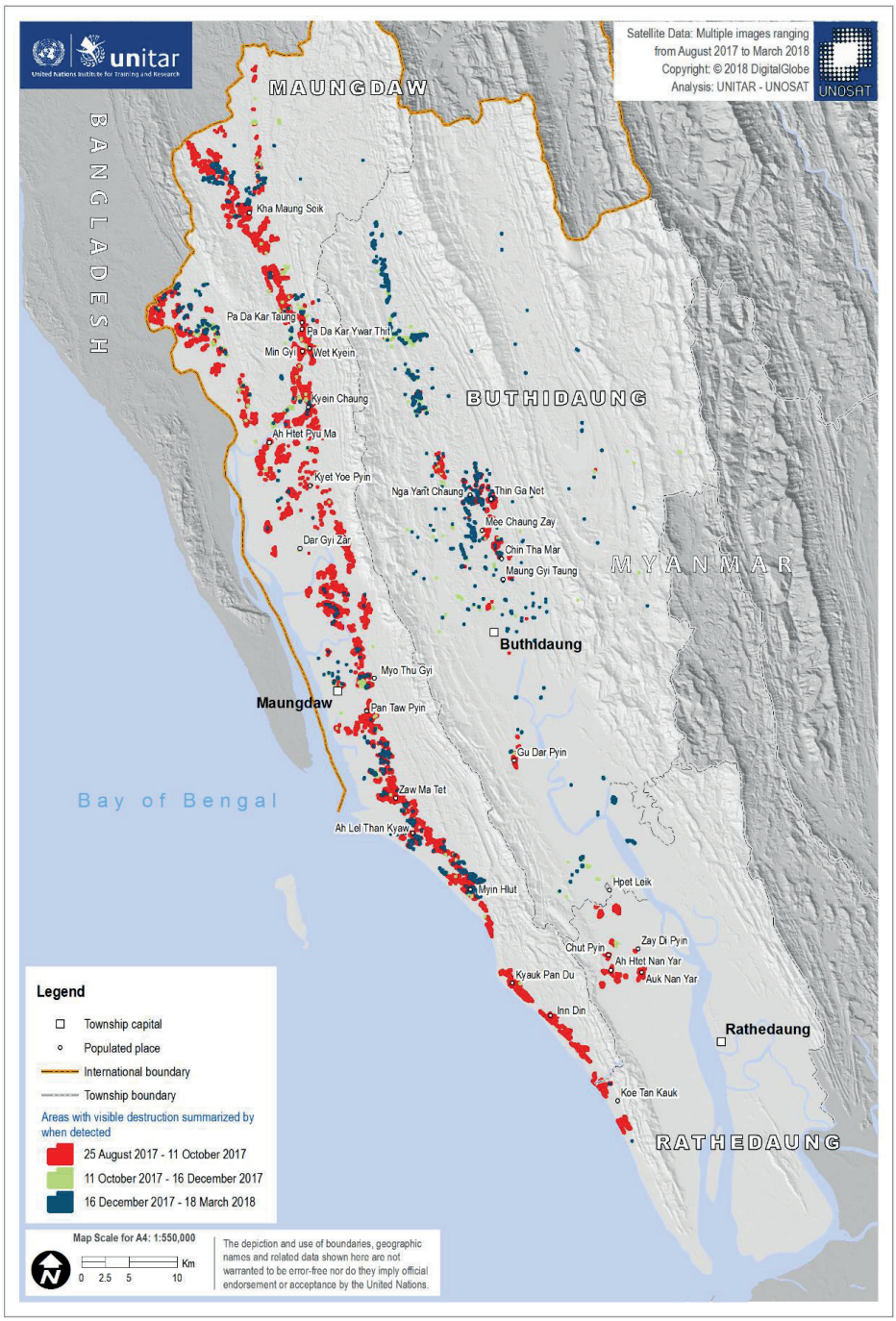
Burning of property

959. Through analysing satellite imagery and witness accounts, the Mission has established widespread, systematic, deliberate, organized and targeted destruction, mainly by fire, of Rohingya-populated area across the three townships of northern Rakhine State. Maungdaw, Buthidaung and Rathedaung Townships are comprised of approximately 993 villages. Satellite imagery from August 2017 to March 2018[2166] shows that, following 25 August 2017, approximately 392 of these villages[2167] across the three townships were partially (214

[2158] XI-001.
[2159] EI-030.
[2160] BI-016, XI-006.
[2161] This was stated in the Tatmadaw initial investigation in November, with the same figure reiterated in its more recent publication, "Myanmar Politics and the Tatmadaw: Part 1" (2018).
[2162] EI-030.
[2163] QI-115.
[2164] CI-146, LI-006, LI-130, QI-051; See this chapter, section D.1.a. Most serious incidents; Wa Lone, Kyaw Soe Oo, S. Lewis, A. Slodkowski, "Massacre in Myanmar" (Reuters, 8 February 2018). Commander-in-Chief, "Tatmadaw investigation team statement on findings of discovery of unidentified bodies in Inn Din Village Cemetery in Maungdaw Township" (Facebook post, 10 January 2018), post on file with Mission.
[2165] RI-001.
[2166] This is the period covered by the UNITAR-UNOSAT data analysis provided to the Mission, a summary of which is accessible at https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/UNOSATReportMyanmar_20180912.pdf
[2167] 277 villages in Maungdaw, 96 villages in Buthidaung, and 19 villages in Rathedaung.

villages) or totally (178 villages) destroyed during this period. This represents the destruction of approximately 40 per cent of villages in northern Rakhine State. More than 70 per cent of the destroyed villages, or 277, were located in Maungdaw Township, where the majority of Rohingya population in northern Rakhine State resided. Fire was the main means of destruction.

Map showing areas with visible destruction, through burning, of houses, other structures and vegetation in northern Rakhine State. The map was developed through the analysis of high-resolution satellite imagery collected on multiple dates between 25 August 2017 and 18 March 2018. Destruction is represented by coloured dots, with colours corresponding to the date range when visible destruction was detected. Due to cloud cover and satellite overpass range, damage is detected within a date range. The date range refers to damage detection, as opposed to when it occurred.



960. Within these affected villages, approximately 37,700 individual structures were destroyed.[2168] The vast majority were Rohingya homes, but the Mission has established that other buildings, including markets,[2169] religious schools (madrassas) and mosques, [2170] were also destroyed. The majority of the detected damage, approximately 80 per cent, was already visible in satellite imagery as of 16 September 2017. By that date, approximately 30,800 structures had already been destroyed in 279 villages.[2171] As such, the majority of the destruction occurred in the first three weeks of the "clearance operations", consistent with the timing of the most serious incidents in this report. However, the burning of houses and structures continued over an extended period, until at least March 2018.[2172]

961. Villages were burned by Tatmadaw soldiers and ethnic Rakhine. Much of this burning was done manually, through the use of flammable liquids thrown onto the buildings and set alight using matches and through lighting buildings with flaming torches. Tatmadaw soldiers also used weapons referred to by many victims as "launchers" and described as making loud explosive sounds, after which a whole building, or set of buildings, rapidly caught fire. "Launcher" likely refers to a weapon that fires a munition that explodes upon impact. Victims generally described a hand-held or shoulder-mounted weapon, but some also described weapons fixed to the ground using some sort of support. Victims were most likely describing a portable anti-armour weapon such as an RPG-7 (rocket propelled grenade launcher) or the M-3 Carl Gustav recoilless rifle, both of which are used by the Tatmadaw and match the description in terms of both use and results. It is likely that both rocket launchers and mortars were used by Tatmadaw soldiers to destroy buildings and homes.

962. The accounts collected further demonstrate the systematic and planned nature of the burning of villages. Burning followed a regular pattern. Interviewees describe "launchers" being fired by soldiers directly into Rohingya-inhabited areas, often at night or very early morning, and setting one or more structures on fire. The ethnic Rakhine played a role, burning Rohingya homes manually, house to house, often equipped with cans of petrol among other equipment.[2173] In some villages, other minorities fulfilled this role.[2174] For example, in Mee Chaung Zay, Buthidaung Township, interviewees stated that members of the Hindu minority and Tatmadaw soldiers burnt their village together. The Hindus were recognised from barber shops in the nearby Bazar.[2175] The participation of ethnic Rakhine and other ethnic communities in the burning was often coordinated with the Tatmadaw operations. In many locations, ethnic Rakhine methodically set fire to houses, alongside the soldiers.[2176] One Rohingya from Kyauk Pan Du, Maungdaw Township, explained:

2168 UNOSAT estimated the number of destroyed structures in the affected townships between 25 August 2017 and 18 March 2018 by carrying out a damage assessment using statistical predictive analytics based on a simple linear regression. This involved identifying a sample of representative areas and performing a structure count in these areas. This created a "sample dataset" which was then used to estimate the number of structures destroyed within the identified damaged areas across the three townships. UNOSAT estimate a margin of error in counting as low as 10 per cent.

2169 BI-002, CI-189, CI-192, CI-194, QI-106, RI-008.

2170 BI-002, CI-009, CI-028, CI-042, CI-102, CI-103, CI-108, CI-114, CI-129, CI-135, CI-189, EI-017, EI-066, LI-076, QI-001, QI-070, RI-015, RI-016, WI-005, WI-006, WI-009, WI-012, WI-013, WI-014, WI-017, YI-001, YI-013, YI-019 YI-030.

2171 According to UNOSAT, due to the presence of extensive cloud cover in the imagery collected during this period, the damage analysed is very likely underestimated. UNOSAT subsequently collected additional images of those areas, which were covered by clouds on 16 September and identified additional damage in 10 villages affecting approximately additional 1,700 individual structures. Given the pattern of the damage and the presence of fire detections on those areas, it is likely that this destruction might have occurred before 16 September 2017.

2172 Satellite image analysis prepared for the mission by UNITAR-UNOSAT.

2173 CI-036, CI-120, CI-124, CI-125, LI-066, LI-069, LI-102, LI-118, LI-120, LI-129, LI-132, QI-002, QI-005, QI-115, WI-007, WI-014, WI-032, WI-016, XI-002, XI-003, XI-005, YI-006, YI-013, YI-014, YI-015, YI-018, YI-021, YI-030.

2174 CI-125, CI-135, CI-148, EI-057, LI-044, LI-119, QI-012, QI-022, QI-035, QI-109, WI-044.

2175 CI-135, LI-044.

2176 CI-124, LI-066, LI-119, WI-016, YI-006, YI-014.

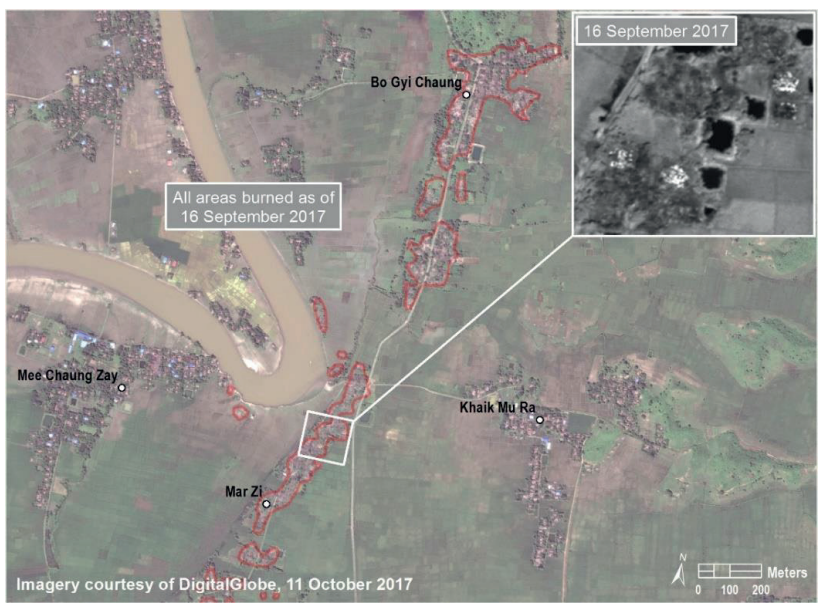
They threw bottles full of liquid onto the houses, and then they would throw a match. They also used large canisters containing between 10 to 20 litres of liquid. The military were using launchers, and they were directing the Rakhine to target the smaller houses and those that had been left unburned after the launcher had been used.[2177]

963. Although significant burning took place at and around the sites where ARSA carried out their attacks, the overall area affected was far greater, encompassing villages located significant distances away from these attacks. [2178]

964. A number of villages close to the location of ARSA attacks experienced "clearance operations" and burning in the immediate aftermath, within hours of the attacks on 25 August 2017. Three examples are given below. Verified accounts confirm that in each area the burning of villages commenced on 25 August and then continued for some days afterwards. Satellite imagery analysis taken from 16 September 2017, when the absence of cloud cover allowed for detailed imagery, shows the extent of the destruction in each location.

965. Mee Chaung Zay village tract in Buthidaung Township was near the location of three ARSA attacks.[2179] Interviewees from Ywar Thit, Mar Zi and Hpaw Tay Ahr Li villages reported hearing the sound of nearby gunfire in the early morning of 25 August and seeing soldiers entering their villages soon afterwards. The soldiers shot at people and burned homes with the use of "launchers". Burnings took place over a series of days while people sought shelter in the nearby forested hills.[2180] The mosque was also burned.[2181]

Image of Mee Chaung Zay from 11 October 2017. Burnings first detected on 16 September 2017

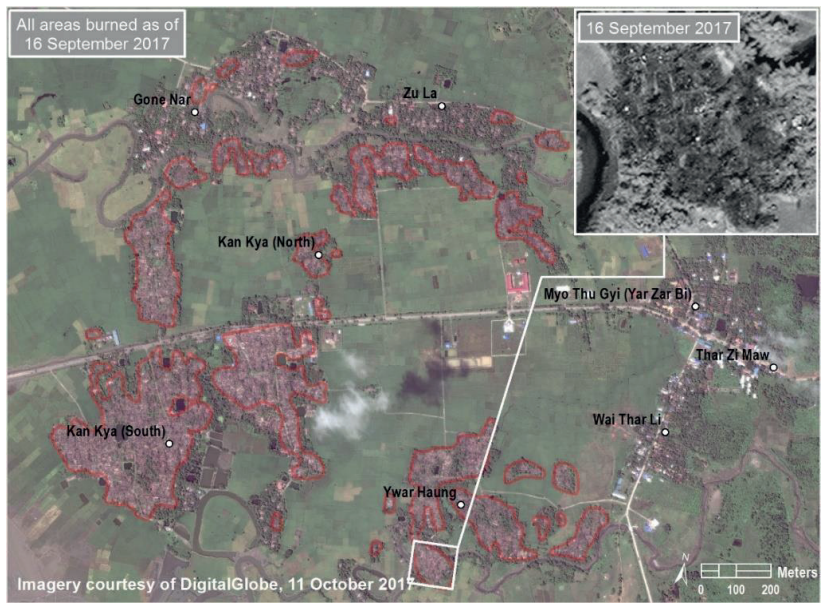


966. Villagers from Myo Thu Gyi village tract, Maungdaw Township, described soldiers, accompanied by ethnic Rakhine, burning houses on the morning of 25 August 2017 and the

2177 WI-016.
2178 Satellite image analysis prepared for the mission by UNITAR-UNOSAT.
2179 In the early hours of 25 August 2017, ARSA conducted an attack at the BGP outpost in Hpaung Taw Pyin, at the military base occupied by the Light Infantry Battalion 552, and another shortly afterwards at the BGP outpost in Nga Yant Chaung.
2180 CI-112, CI-135, QI -024, XI-005.
2181 CI-195, YI-030; K-164

following days.[2182] They burned several hamlets in the surrounding area. Despite not being mentioned in official Government accounts as the location for an ARSA attack on 25 August, there is official reference to ARSA carrying out an ambush on vehicles of the security forces in Myo Thu Gyi on 26 August 2017, which resulted in an exchange of fire.[2183]

Image of Myo Thu Gyi from 11 October 2017. Burnings first detected on 16 September 2017



967. Ywar Thit Kay, Ward Five in Maungdaw town, was also the location of an ARSA attack.[2184] One interviewee described how on 25 August, at around 3am, she heard gunshots and a loud explosion, and joined others fleeing to a nearby village. When she returned to her house two days later, she saw military and ethnic Rakhine setting houses on fire.[2185]

2182 QI-035, QI-108, WI-011.

2183 Information Committee, "Breaking News 6", (Facebook post, 28 August 2017),https://www.facebook.com/InfomationCommittee/posts/786693624837079

2184 Information Committee, "Breaking News 2", (Facebook post, 25 August 2017), https://www.facebook.com/InfomationCommittee/posts/785202504986191; K-154.2

2185 YI-021.

Image of Ywar Thit Kay from 25 September 2017. Burnings first detected on 16 September 2017



968. The "clearance operations" were also initiated in the days after the ARSA attacks in numerous other locations across northern Rakhine State that were not in the vicinity of an ARSA attack. One example is the village of Sin Oe Pyin, in Maung Gyi Haunt village tract, Buthidaung Township. On or around 26 August 2017, the village was set on fire by Tatmadaw soldiers. Neither the Government nor any other source reported any ARSA attack in the vicinity. Several interviewees said that soldiers entered the village, started shooting at villagers and used "launchers" to burn houses:[2186] "The soldiers were everywhere; the whole village seemed full of soldiers. They were shooting towards the people randomly and shooting launchers to burn the houses."[2187] These accounts are consist with satellite imagery analysed by the Mission showing that Sin Oe Pyin was burned by 16 September 2017.

[2186] CI-132, LI-047, LI-114, XI-004.
[2187] LI-114.

Image of Sin Oe Pyin from 11 October 2017. Burnings first detected on 16 September 2017



969. The security forces and ethnic Rakhine often returned to "clear" and systematically burn villages.[2188] Satellite imagery confirms that, despite the State Counsellor's statement of 19 September 2017 that the military's "clearance operations" ended on 5 September,[2189] the destruction of villages continued for weeks afterwards. One example is Goke Pi village in Buthidaung Township, which was intact as of 25 September and subsequently burned by 11 October.[2190]

[2188] CI-043, QI-008, QI-010, QI-011, QI-017, QI-025, QI-061, QI-062, QI-107.

[2189] "Speech delivered by Her Excellency Daw Aung San Suu Kyi, State Counsellor of the Republic of the Union of Myanmar on Government's efforts with regard to National Reconciliation and Peace" (Facebook post, 19 September 2017), https://www.facebook.com/state.counsellor/posts/speech-delivered-by-her-excellency-daw-aung-san-suu-kyi-state-counsellor-of-the-/1121130291354519.

[2190] For example, although not the site of any ARSA attacks, Aw Lan Pyin village in Nga Kyin Tauk village tract (Buthidaung); Mee Chaung Khaung Swea (Buthidaung); Tin May (Buthidaung); Goke Pi (Buthidaung) were all burned after 5 September 2017.

Image of Goke Pi from 25 September 2017. All structures remain intact



Image of Goke Pi from 11 October 2017. A large number of structures are burned



970. While in southern Bangladesh, the Mission witnessed large plumes of smoke from near the border in neighbouring Myanmar, which indicated the presence of large fires: on 15 September, in northern Maungdaw or north-western Buthidaung; and on 17 September in central Maungdaw, most probably in Kyauk Hlay Kar or Zin Paing Nyar village tracts in central Maungdaw.[2191]

[2191] Photographs taken by Mission staff member on 15 September 2017 at 1.15pm from 21°12'36.9"N 92°09'40.0"E is of burning in northern Maungdaw, or the north-western Buthidaung. Photographs

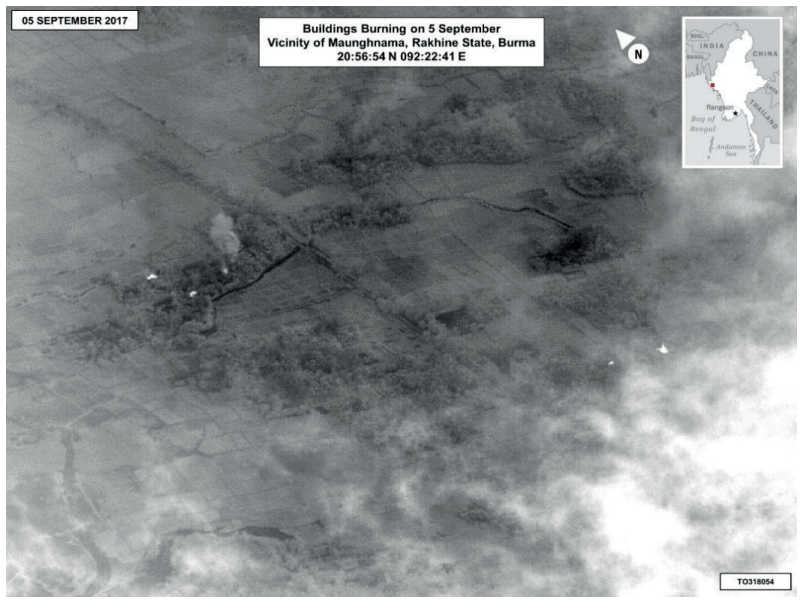
971. Imagery further demonstrates that the destruction deliberately targeted Rohingya villages and property. It shows that in some locations only clusters of structures appear to be burned, while the surrounding vegetation remains untouched, suggesting that fires were lit separately and that burning deliberately targeted specific structures.[2192] The images below, from 5 September 2017, show Hla Poe Kaung and Maung Hna Ma villages in Maungdaw Township, with numerous visible fires.[2193] These fires appear to be distinct and separate, rather than fire spreading from one area to another.



taken by Mission staff member on 17 September 2017 at 3.34pm from 20°53'29.0"N 92°17'44.0"E is likely to be of burning in Kyauk Hlay Kar or Zin Paing Nyar village tracts in central Maungdaw. (On file with FFM)

2192 V-067.

2193 US National Imaging Systems.



972. The targeted nature of the burning is further demonstrated by the fact that, in at least 22 locations analysed, only specific Rohingya settlements were affected, while other non-Rohingya settlements within the same village tracts remained untouched.[2194] The untouched settlements are often more organized in layout, with evenly distributed structures in rows, and appear to be constructed from higher quality materials, including corrugated iron roofs. Buddhist pagodas are also often visible within, or close to, these settlements. The burned settlements are generally less organized in layout, giving the appearance of having grown organically over time, and usually with less robust structures, with thatched roofs. These factors indicate that the intact areas are non-Rohingya, usually ethnic Rakhine, and the burned areas are Rohingya.

973. Similarly, where the Mission could establish that the "clearance operations" were carried out in mixed ethnicity villages, satellite imagery shows that only the areas populated by the Rohingya were targeted. Accounts provided to the Mission further corroborate this analysis.[2195] For example, the image below shows one area of Zay Di Pyin, a mixed-ethnicity village in Rathedaung Township, with an ethnic Rakhine majority population, damaged by fire. According to accounts provided to the Mission, the area burned was populated by Rohingya.

[2194] Kha Maung Seik (Maungdaw); Kyee Kan Pyin (Maungdaw), Laung Don (Sin Thay Pyin village, Maungdaw); Koe Tan Kauk (Rathedaung); Myo Thu Gyi (Maungdaw); Inn Din (Maungdaw); Nyaung Chaung (Maungdaw); (Du) Chee Yar Tan (Maungdaw); Ywar Thit Kay (Gaw Du Thar Ra village, Maungdaw); War Cha (Maungdaw); Chut Pyin (Rathedaung); Tha Man Thar (Maungdaw); Min Gyi (Maungdaw); Kyauk Pyin Seik (Maungdaw); Tha Yae Kone Tan (Maungdaw); Zaw Ma Tet (Maungdaw); Kyauk Pan Du (Maungdaw); Myauk Ye (A) Pan Be Chaung (Buthidaung); Zee Hton (Buthidaung); Zay Di Pyin (Rathedaung)

[2195] CI-007, LI-006, LI-042, LI-100, LI-101, LI-118, LI-142.

Image of Zay di Pyin taken on 16 September 2017



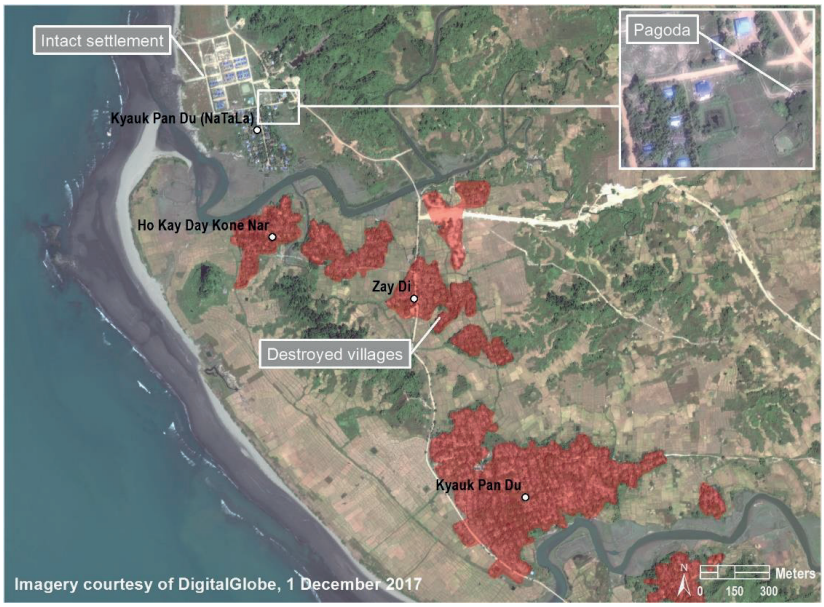
974. Many settlements that remained intact in mixed villages are "model villages", also known as "NaTaLa". For example, in Inn Din, southern Maungdaw Township, there are six Rohingya hamlets and two small ethnic Rakhine hamlets, one of which is a NaTaLa village. Satellite imagery analysis demonstrates that most Inn Din villages have been completely burned during the "clearance operations", while the NaTaLa village, Pae Youne, is unaffected. The Mission collected numerous accounts of the targeted burning of Rohingya settlements in Inn Din by Tatmadaw soldiers and ethnic Rakhine.

Image of Inn Din taken on 9 October 2017 showing burned structures and Pae Youne NaTaLa village, to the west, intact (with pagoda shown in inset)



975. Similarly, satellite imagery analysis shows most of Kyauk Pan Du village tract, southern Maungdaw Township, burned, while the NaTaLa village, characterised by a more structured distribution of houses and a pagoda, remains untouched.

Image of Kyauk Pan Du taken on 1 December 2017



976. Targeted destruction is also visible in satellite imagery analysis of Tha Pyay Taw village tract, southern Maungdaw Township. A small residential area, with a pagoda in the centre, remains intact, while the surrounding three villages, Tha Pyay Taw, Zone Kar Yar and Thar Yar Taw, are totally destroyed, as is Myin Hlut village tract to the southeast. Similarly, the majority of settlements in Tha Yae Kone Tan village tract in southern Maungdaw Township were destroyed, while Tha Ray Kon Baung, the nearby NaTaLa village, remains untouched, as does Saw Gi Nar. Pagodas unaffected by fire can be seen in each area. A more recent image of Tha Yae Kone Tan village tract shows new road improvements connecting the pagoda to Tha Ray Kon Baung.

Image of Tha Pyay Taw taken on 18 March 2018

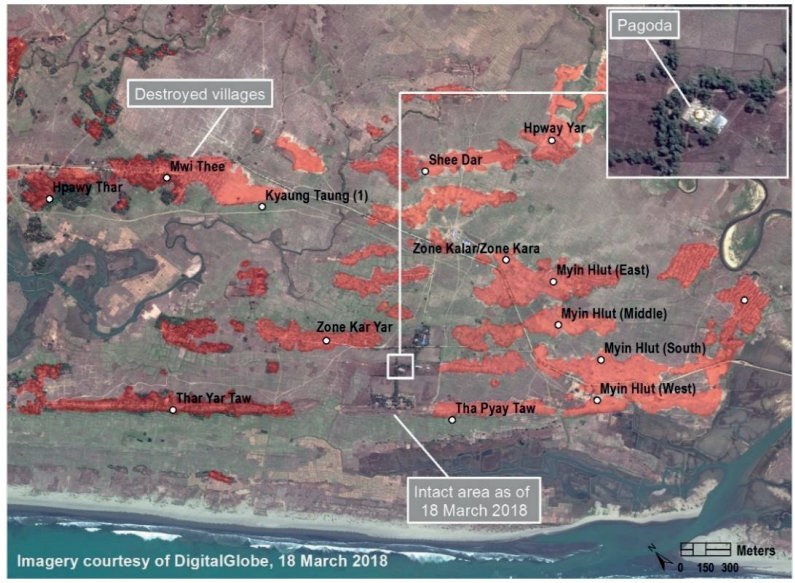


Image of Tha Yae Kone Tan taken on 11 October 2017

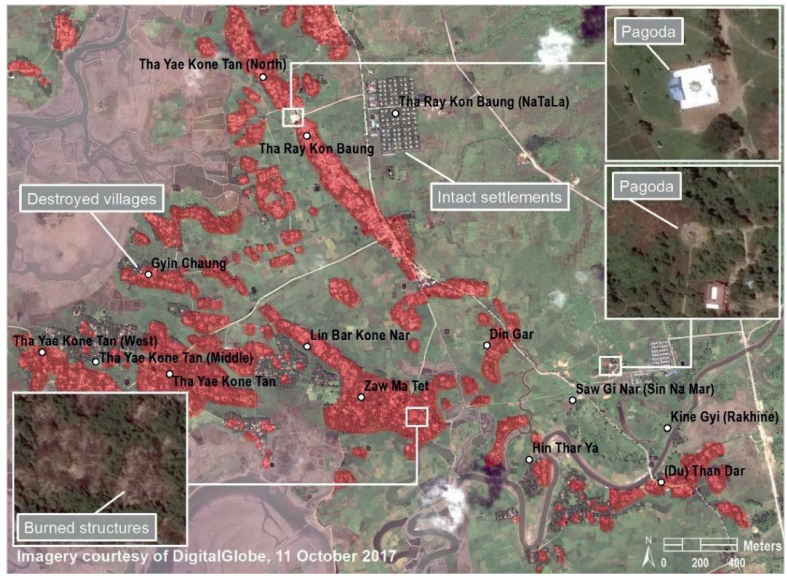
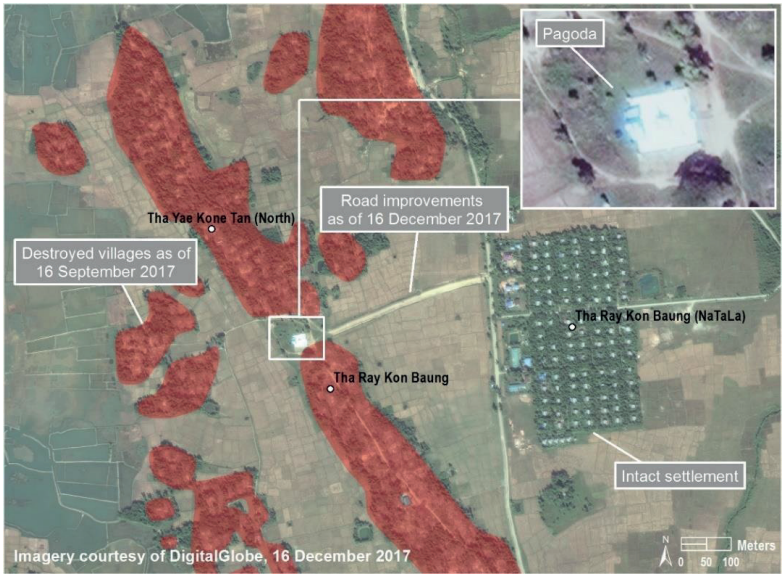
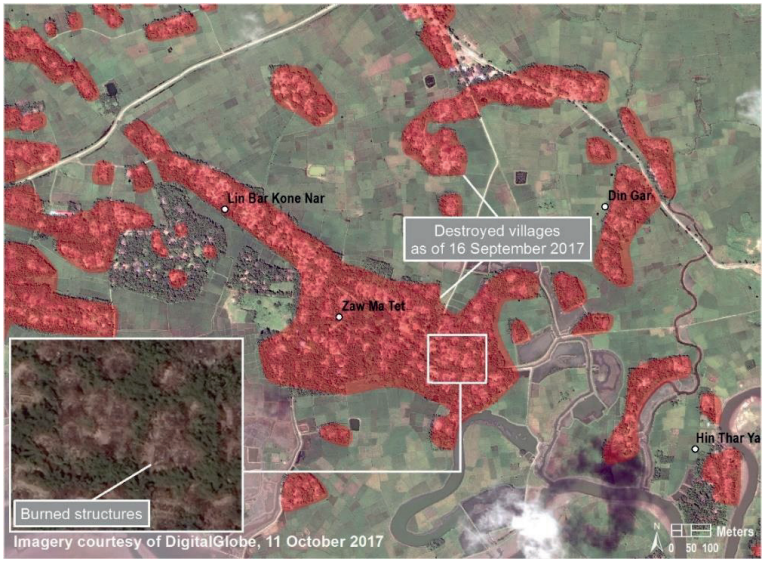


Image of Tha Yae Kone Tan taken on 16 December 2017



977. The Mission also received information of soldiers or local authorities demanding large bribes from the Rohingya villagers to spare their villages from burning.[2196] One example was Zaw Ma Tet village in central Maungdaw Township where one interviewee claimed that, after the Tatmadaw burned the local market place on 27 August, they requested 60 million Kyat or the village would be attacked. The interviewee stated that they were unable to pay such a large sum and so they fled to Bangladesh. Satellite imagery analysis shows that the village was subsequently burned.[2197]

Image of Zaw Ma Tet taken on 11 October 2017



[2196] QI-040, QI-041, QI-106.
[2197] QI-106.

1019. The political wing of ARSA is made up of five people who live outside Myanmar and who are authorised to represent the organization.[2292] They appear to have responsibility for the political and media strategy of the organization, including the public statements issued on ARSA's Twitter feed. Since the October 2016 attacks, ARSA has issued at least 31 written press releases, as well as videos and messages on Twitter.[2293]

1020. The number of ARSA members and supporters has varied over time. The three 2016 attacks were carried out by a small group of fighters.[2294] However, their relative success was a turning point in terms of support. The publicity garnered by the Government's response increased ARSA's visibility, both domestically and internationally, which encouraged Rohingya men to support ARSA, and for some to formally join it.[2295] Moreover, the 9 October 2016 violence led to the first series of Tatmadaw "clearance operations" and triggered an increase in the oppressive, discriminatory and abusive treatment of the Rohingya by the Myanmar authorities.[2296] As a result, between October 2016 and August 2017, ARSA grew stronger in both its membership and its support base.[2297]

1021. The number of ARSA members and supporters varied from village to village, with information indicating that there may have been at least ten ARSA supporters in each village tract where they were active.[2298] However, the extent of their reach was not consistent across all villages in the three townships of northern Rakhine.[2299]

1022. Total numbers of members and supporters are difficult to ascertain. The actual membership seems to have been small but the support base was certainly in the hundreds. This includes the "last minute" mobilization of many Rohingya, with many of those who participated in the 25 August 2017 attacks mobilized only shortly before that day or on the day itself.[2300] However, overall membership and support for ARSA represented a minority of the total population.

1023. Supporters claim to be motivated by the need to fight long-standing discrimination against the Rohingya and the denial of human rights.[2301] Some had personally suffered oppression and abuse by the Tatmadaw or other security forces.[2302] One young man said he joined ARSA after having been tortured over a period of days while detained by the Tatmadaw following the October 2016 violence.[2303] Another man saw his mother and brother killed in the 2012 violence and, as a result of this experience, as well as other oppressive measures, he joined ARSA:

> *The military's goal was to kill us all. Because of all these abuses, we decided to try to protect ourselves. We needed to establish a group to defend our rights*.[2304]

1024. ARSA retained a strong Muslim identity as a Rohingya group, and recruitment at the village level was sometimes conducted through local religious leaders. This may have been due to their influence among the Rohingya population, rather than their religious function *per se*.[2305] Religious scholars, known as *Moluvis*, approached potential supporters, often outside mosques, particularly in the months prior to the 2016 and 2017 ARSA attacks.[2306]

2292 ARSA, Appointment of Official Representatives, ARSA/PR/21/2017, on 16 November 2017.
2293 See: https://twitter.com/ARSA_Official
2294 V-094
2295 CI-137, LI-121, LI-124, QI-102, XI-007.
2296 See this chapter, section D.2.b: The build-up to 25 August 2017.
2297 LI-121, BM-025.
2298 CI-140, LI-054, QI-099, QI-103, YI-029.
2299 BM-025.
2300 CI-140, LI-054, LI-121, QI-103, XI-007, BM-003, BM-029, BM-049, QM-013, V-079.
2301 CI-140, LI-121, LI-124, QI-099, QI-100, XI-007, XI-008, BM-024.
2302 CI-137, CI-140, LI-122, QI-103.
2303 QI-103.
2304 LI-122.
2305 LI-124, BM-025.
2306 LI-054, LI-089, LI-124.

using hand gestures and wooden models.[2323] Other members were provided with basic instructions on self-defence techniques, the use of swords and hand-to-hand combat.[2324]

1030. ARSA supporters mobilised shortly prior to the 2017 attacks had no training and little information about the group.[2325] As one young man explained:

> *I joined ARSA about one or two months before the August 2017 attacks. I didn't receive any training or weapons. On the night of the attack, I wasn't informed in advance. I heard gunshots around 1am in the distance. The leader came to my house at around 3:30am and told me to come and fight. But I only had my small tool for digging.*[2326]

1031. One of the goals of the 9 October 2016 attacks was to obtain weapons.[2327] During those attacks, ARSA did obtain a small number of firearms, including from the BGP Headquarters at Kee Kan Pyin (Ta Na Shock), Maungdaw Township.[2328]

1032. Regardless, in the 2017 attacks, most ARSA members were without firearms,[2329] but equipped with homemade weapons such as sticks, knives, swords and slings-shots and some homemade explosives.[2330] Some participants noted that even these types of homemade weapons were difficult to obtain, given the Tatmadaw's confiscation of knives and other bladed objects from Rohingya households after October 2016.[2331]

1033. At the village level, those who were mobilised to participate were reassured that weapons and proper training would be provided at the right moment, although this did not eventuate.[2332] One participant stated that ARSA members had said that he and others would be provided with training and weapons: "But all they did was give us a stick and said that we should pretend that it is a weapon. We never got any training or weapons."[2333]

1034. ARSA did have some capacity to produce some crude IEDs[2334] but that capacity is questionable, both in terms of production and execution.[2335] As one ARSA member elaborated, "The IEDs were made locally by members and are not particularly strong. We use them just to scare the military."[2336] In the attack in which he participated, the explosive was not directed at the checkpoint as intended,[2337] and no military casualties were reported. While the Myanmar Government's list of ARSA attacks mentions the use of IEDs by ARSA, none of the casualties sustained by the Myanmar security forces were reported as having been caused by an IED.[2338]

2323 LI-121, QI-102, BM-049.
2324 CI-137, CI-140, QI-102, XI-008.
2325 CI-141, LI-054, LI-089, LI-121, BM-049, V-075, V-102.
2326 LI-054.
2327 LI-121, LI-122, XI-008; Facebook posts of Commander in Chief, removed, on file with Mission.
2328 LI-121, LI-122, BM-003, Furthermore, according to Government official statements, ARSA looted 65 to 68 firearms and many rounds of ammunitions during the 9 October 2016 attacks, of which 37 were recovered by 16 November 2017; Multiple Facebook Posts of the Commander-In Chief See, removed, on file with Mission.
2329 CI-140, LI-089, QI-099, QI-103, XI-007, BM-025.
2330 CI-137, CI-140, QI-102, QI-103, XI-007, XI-008.
2331 LI-054, See this chapter, section D.2.b: The build-up to 25 August 2017.
2332 LI-054, LI-089, CI-137.
2333 LI-089.
2334 CI-022, CI-137, CI-140, QI-099, XI-007, BM-003.
2335 CI-140, V-102.
2336 CI-140.
2337 CI-140.
2338 See the following posts from the Information Committee: "Breaking News 7: After being declared as terrorist group, extremist terrorists continue making violent attacks" (Facebook Post, 26 August 2017), https://www.facebook.com/InfomationCommittee/posts/786695324836909; "Breaking News 8: Extremist terrorists continue carrying out violent attacks (Facebook Post, 26 August 2017), https://www.facebook.com/InfomationCommittee/posts/786222098217565; "Breaking News 10: Terrorists trying to destroy Maungtaw" (Facebook post, 27 August 2017), https://www.facebook.com/InfomationCommittee/posts/786691611503947; "Breaking News 12:

responsible for acts of terrorism and the attacks conducted by ARSA treated as crimes that qualify as offences under Myanmar's Penal Code or the 2014 Counter-Terrorism Law.[2360]

1043. ARSA stated that the 2017 attacks were in response to what it viewed as increased oppression of the Rohingya over the previous weeks and months, including arbitrary arrests and interrogations, extortion, increasing restrictions on freedom of movement, and disappearances. A "blockade" of Rohingya in Zay Di Pyin, Rathedaung Township, appears to have had a particular impact.[2361] On 15 August 2017, Ata Ullah appeared in a video, with four armed fighters, warning the Myanmar military to stop committing abuses. He spoke about the longstanding suffering and oppression of the Rohingya, and urged the Myanmar Government to stop the Zay Di Pyin "blockade".[2362]

1044. ARSA further stated that the "ramping up" of the military in northern Rakhine State and the increasing oppression by the Tatmadaw and other security forces in early August 2017 were an attempt to "derail" the work and recommendations of the Advisory Commission on Rakhine State, led by former United Nations Secretary-General Kofi Annan.[2363] The final report of the Commission[2364] set out solutions for peace and development in Rakhine State and included a series of recommendations, for example on citizenship for the Rohingya.[2365] The ARSA attacks commenced hours after the release of the Commission's final report in Yangon on 24 August 2017.

1045. ARSA denied that its attacks were linked to the Advisory Commission report. They may have been prompted by an accidental IED explosion on 25 August, raising concerns among ARSA leadership that the Tatmadaw would be alerted to their activities.[2366] It appears that, shortly after this explosion, an order was sent through a messaging application telling ARSA "cell" leaders to mobilise male villagers.[2367] However, this accidental explosion only appears to have brought forward plans by one to two days.

1046. ARSA was able to carry out multiple, coordinated attacks in a highly controlled and militarised environment, but with little military capability. The attacks employed "hit and run" tactics with predominantly untrained civilians, mostly wielding sticks and knives. The ARSA attacks caused minimal Tatmadaw casualties compared to their own losses.

1047. It appears, therefore, that the objectives of the ARSA attacks may not have been military, but aimed at eliciting a response by the Tatmadaw (as in October 2016), with the broader goal of drawing renewed global attention to the Rohingya situation.[2368] As one ARSA member stated:

> *The main aim of the attacks was to get international attention, as we knew the response [of the Tatmadaw] would be brutal. We hoped that, if the world could see their response, they would finally understand our suffering*.[2369]

1048. Some ARSA members noted an instruction not to use weapons against the Tatmadaw in the 2017 attacks, as the purpose of the attack was in fact to draw attention to the Rohingya cause.[2370] While it is not known whether this instruction was followed by all, given that some weapons were used, it adds weight to the conclusion that the operation was aimed at drawing attention, rather than any military success.

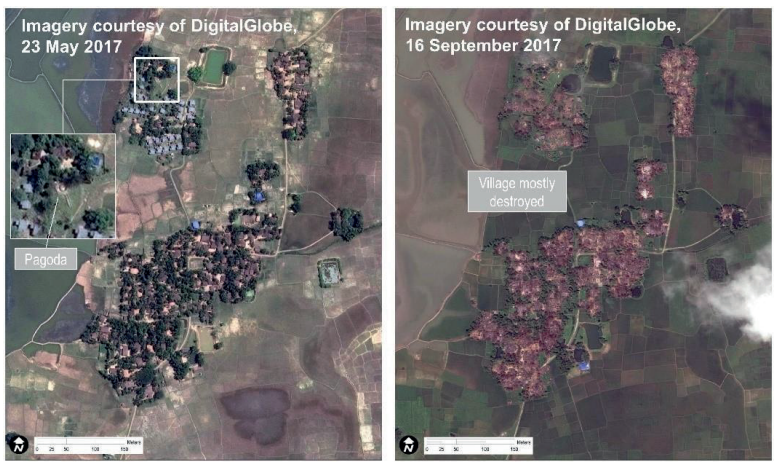
1049. Another ARSA participant in the August 2017 attacks characterized it as follows:

2360 V-120.
2361 See this chapter, section D.2.b: The build-up to 25 August 2017.
2362 XI-007, V-101.
2363 ARSA statement, 25 August 2017 (https://twitter.com/ARSA_Official/status/900904120076435457).
2364 V-119.
2365 BM-025, V-117.
2366 CI-140, LI-121, QI-099, XI-008.
2367 V-068.
2368 CI-137, CI-140, XI-008, XI-009, EM-001.
2369 XI-008.
2370 CI-137, CI-140.

ARSA did not claim responsibility for burning villages, it did claim an attack on a police station in Ah Htet Pyu Ma village tract.[2400]

1063. Satellite imagery analysis confirms the burning of Ah Htet Pyu Ma. The imagery reveals that there are two parts of the village, the northern part, containing structures distributed in a more organized manner and made of higher quality materials, indicative of an area inhabited by ethnic Rakhine, and a more southern part, likely Rohingya. Both parts of the village were burned.[2401] This contrasts with the burning that took place in a large majority of village tracts, where the Rakhine hamlets were left intact.[2402]

Comparative images of Ah Htet Pyu Ma on 23 May and 16 September 2017, showing burning of both Rohingya and ethnic Rakhine settlements



1064. ARSA also reportedly burned the Mro village of Khu Daing (Pa Da Kar Ywar Thit village tract) on 28 August 2017.[2403] Satellite imagery analysis confirms the burning and destruction of Khu Daing by 16 September 2017. The Mission has credible information that Rohingya or ARSA were responsible for the burning of this village.[2404] Other sources also report that ARSA was responsible for violent acts against Mro villagers as part of this attack, with a number of persons injured and others assumed killed,[2405] although the Mission has not been able to verify these allegations.

2400 K-154.2.

2401 Satellite image analysis prepared for the mission by UNITAR-UNOSAT.

2402 See this chapter, section D.1.b. Patterns of serious human rights violations by the Myanmar security forces.

2403 Information Committee, “Breaking News 17: ARSA extremist terrorists continue setting houses on fire” (Facebook post, 30 August 2017), https://www.facebook.com/InfomationCommittee/posts/788328661340242; V-067, Global New Light of Myanmar, “Seven more civilians killed in Rakhine” (31 August 2017).

2404 RI-008, LM-007, LM-017, V-067.

2405 V-067, Global New Light of Myanmar, “Seven more civilians killed in Rakhine” (31 August 2017).

1112. Witnesses gave corroborating accounts of village administrators or other villagers being asked to supply the women to the military, sometimes in groups of up to 10 women in a night, with one being told that this was to "serve the nation".[2492] In Maung Hna Ma village, Maungdaw Township, a witness saw women and girls being taken to the bases of battalions Nos. 564 and 345. He stated that those who came back had been raped.[2493] Another witness recalled an announcement by megaphone in Chin Tha Mar, Buthidaung Township. It told young women to go to the military camp where they would be taught to sew and do handicrafts. Seven girls went and were never seen again. The witness did not know what happened to them.[2494]

Increased restrictions and oppression

1113. Rohingya had long suffered restrictions on their freedom of movement. This became more pronounced after 2012,[2495] but in the post-October 2016 period Rohingya reported facing ever greater difficulties and restrictions in their movements. Even if a travel permit was issued, travelling between villages required passing through an increasing number of checkpoints, where Rohingya were increasingly exposed to threats, extortion and physical violence. For many it became very difficult, or impossible, to visit family, conduct business, or make a living.[2496] Although many of the restrictions were already in place prior to October 2016, the Mission understands that, after this time, they were more strictly and violently enforced.

1114. One witness recounted his experience at a checkpoint in early August 2017 while travelling to another village tract to visit a family member. He was on his motorbike, together with his grandson, when they were stopped by Tatmadaw soldiers and taken to a nearby military camp. The soldiers forced the witness to shave off his beard and confiscated his motorbike keys, demanding 60,000 Kyat to get them back. He could not pay, so the soldiers beat both him and his grandson and took their phones. They were released only after the chairperson of their village identified them. The motorbike was not returned.[2497]

1115. After 9 October 2016, the Tatmadaw declared the whole of the three townships an "operational area".[2498] The timings of the curfew was extended to 7pm to 6am following the 9 October attacks in Buthidaung and Maungdaw. It was shortened to 9pm until 5am in February 2017.[2499] These curfews were strictly enforced, with villagers subject to arrest, physical violence, or more often extortion by local authorities and police.[2500]

1116. One interviewee reported that, on 11 November 2016, the military arrested a large number of men who were praying in three different mosques in Pwint Hpyu Chaung village tract, Maungdaw Township, outside curfew hours.[2501] As part of the imposition of the curfew, people were not allowed to light up their houses after dark.[2502]

1117. Movement restrictions and the curfew meant many could not access markets in neighbouring ethnic Rakhine villages to buy and sell goods[2503] or access paddy fields.[2504] Interviewees described needing permission from the village administrator, which often involved payment.[2505] Many could not buy food or medicine.

[2492] CI-145, LI-059, LI-117.
[2493] LI-117.
[2494] QI-063.
[2495] See this chapter, section B.2: Denial of the right to freedom of movement.
[2496] CI-112, LI-069, QI-051, QI-110, QI-111, YI-005.
[2497] YI-023.
[2498] V-211.
[2499] V-047.
[2500] CI-118, CI-134, CI-140, LI-066, LI-074, LI-104, QI-113, YI-021, YI-028.
[2501] QI-104.
[2502] LI-084, RI-005.
[2503] CI-122, LI-053, LI-066, LI- 072, LI-084, LI-105, QI-067, WI-007, YI-019.
[2504] LI-045, LI-053.
[2505] LI-053, LI-105, QI-058, QI-059, QI-060, QI-067.

notice. One witness said that people had gone to the shops as usual, but had then discovered that the Hindu families had left.[2571]

1141. The Mission notes, that the breakdown of intercommunal relationships, as well as the warnings given by some ethnic Rakhine to their neighbours, and the departure of other groups in advance of the violence, may indicate that some non-Rohingya were informed of or aware of the upcoming plans of the Tatmadaw regarding the impending "clearance operations".

1142. In some locations, ethnic Rakhine village chairpersons, who were particularly aggressive towards the Rohingya, contributed to the further breakdown of relationships. For example, many accounts indicate that the relationship between the Rohingya and their ethnic Rakhine neighbours in Min Gyi (Tula Toli) had initially been amicable. Relations began to deteriorate when a new chairman was elected in 2015, and continued to worsen through 2017, including through severely restricted access to the market in a nearby village.[2572]

1143. During this period, the Myanmar authorities made increasing efforts to recruit ethnic Rakhine as members of the security apparatus. In November 2016, the Chief of the Rakhine State Police reportedly stated that his police force was recruiting a new "Regional Police" from among ethnic Rakhine and other non-Muslim ethnic minorities living in Maungdaw Township to serve in their own villages.[2573] It was reported that they intended to provide the recruits with weapons, other equipment, and compensation.[2574] On 17 November 2016, Myanmar police authorities officially reported that 116 new police members had started "special" four-month security training "to protect local people from various forms of crimes". Recruits would receive training in martial arts, weapon use, and riot control tactics. The announcement continued, "Every Rakhine national wishing to protect their state will have a chance to become part of the local armed police".[2575] This auxiliary police force, which would wear police uniforms, was to fall under the command of the BGP, which ultimately falls under control of the Tatmadaw during military operations.[2576]

1144. Moreover, the recruitment of non-Rohingya to Government-supported militias, known as Pyi Thu Sit ("People's Army"), continued throughout this period in Rakhine State.[2577] The Government appears to have supported the establishment of Pyi Thu Sit after the violence of 2012,[2578] and they were subsequently set up in specific village tracts in northern Rakhine State, armed by the Government and provided with uniforms and training.[2579] Often, Rohingya villagers could identify Pyi Thu Sit participants, either because they knew them, or because they were recognisable from some type of adapted military uniform distinguishing them from the Tatmadaw or police.[2580]

1145. Independent of Pyi Thu Sit, the Myanmar authorities also mobilised and armed other Rakhine militia groups after October 2016.[2581] One interviewee stated that these groups did not have uniforms.[2582] Another villager, a village administrator, stated that he saw weapons being transported by the Tatmadaw and handed out to ethnic Rakhine.[2583] The Government has confirmed the establishment of these "new" militias during a parliamentary debate in

2571 QI-111, QI-112.
2572 QI-058, QI-059, QI-060, QI-066, QI-067.
2573 V-153, V-154.
2574 V-153.
2575 The Republic of the Union of Myanmar Ministry of Information, "Police training aims to raise security in Rakhine State," (17 November 2016), http://www.moi.gov.mm/moi:eng/?q=news/18/11/2016/id-9208
2576 V-165.
2577 Constitution of Myanmar, s. 340, although this would require the approval of the National Defence and Security Council.
2578 V-164.
2579 LI-052, LI-101, LI-103, LI-104, LI-118, YI-009.
2580 LI-052, LI-104, LI-118.
2581 LI-054, LI-101, LI-103, YI-009.
2582 YI-009.
2583 LI-101.

present.[2668] In the Pan Kain IDP Camp, the forces gathered villagers in a paddy field.[2669] The men and women were separated. Both groups were tied up, beaten, and their valuables stolen.[2670] Younger females were taken away,[2671] with one witness believing they were taken to the BGP base in a nearby Rakhine village.[2672] One mother said some months later that soldiers had taken away her daughter and that she was still missing:

> *I have not seen her since then and I fear that she has been raped, and worse may have happened. I am so worried about my daughter. I am tortured thinking about what might have happened to her.*[2673]

1171. Another woman, who also saw girls and young women being taken away, saw some return. They were in tears, with torn clothing,[2674] and they told her that the security forces had "done something bad" to them, but had been told not to talk about it.[2675] Based on established patterns of behaviour of the Tatmadaw, it is likely that some or all of these women and girls were subjected to rape, gang rape, or other forms of sexual violence, and some may have been killed.[2676]

1172. Over these two days, two large groups of more than 50 Rohingya men were beaten, tied up and taken away in military vehicles. When some resisted, the security forces fired shots, killing three Rohingya men.[2677] While some were released the same day, a large group were taken to the Zay Di Pyin BGP base,[2678] where they were tortured and ill-treated. One man was killed in detention.[2679] The village of Ah Thet Nan Yaar and the Pan Gain IDP Camp were subject to "clearance operations" on 28 August 2017, during which both locations were destroyed by fire.[2680]

Conclusion

1173. While purportedly to quash ARSA activity, the post-October 2016 period saw the Tatmadaw turn much of northern Rakhine State into a security zone. Oppression against the Rohingya intensified and daily life became untenable. In parallel, inflammatory reporting of the "Bengali terrorist" threat increased, strengthened by vitriolic State-sponsored hate speech and divisive rhetoric from Rakhine politicians and radical Buddhists. Fear was instilled amongst other ethnic communities, inter-communal relations weakened and local militias were strengthened. The weeks leading up to the 25 August 2017 saw multiple warning signs. There was a significant military build-up, with the deployment of LIDs, and a series of events in northern Rathedaung Township that further escalated tensions. An environment was created which both encouraged and enabled the ARSA attacks and the Tatmadaw "clearance operations". The human rights catastrophe of 2017 was planned, foreseeable and inevitable.

2668 LI-037, LI-038, LI-040, QI-010, LM-012, K-063.34.
2669 CI-199, LI-037, LI-038, LI-040, QI-031.
2670 LI-037, LI-038, LI-040, K-063.34.
2671 LI-037, LI-040, V-218.
2672 LI-037.
2673 LI-040.
2674 LI-037.
2675 LI-037.
2676 See chapter VII, Hallmarks of Tatmadaw operations, section B: Sexual violence.
2677 CI-199, LI-038, LI-040, QI-010, QI-031, LM-012, K-063.34.
2678 CI-199, LI-038, QI-010, QI-031, K-063.34, V-067.
2679 LI-038, V-067.
2680 QI-031.

Annex 2

UN General Assembly, *Letter dated 16 January 2019 from the Secretary-General addressed to the President of the General Assembly,* attaching Independent Investigative Mechanism for Myanmar*, Terms of Reference*, UN Doc. A/73/716 (31 January 2019),

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 16 January 2019 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to Human Rights Council resolution 39/2, adopted on 27 September 2018, with respect to the situation of human rights of Rohingya Muslims and other minorities in Myanmar. In the resolution, the Council decided to establish an ongoing independent mechanism, referred to herein as the Independent Investigative Mechanism for Myanmar, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over those crimes, in accordance with international law.

I note that, in its resolution 73/264, adopted on 22 December 2018, the General Assembly welcomed the creation of the Independent Investigative Mechanism by the Human Rights Council and called for its expeditious entry into operation and steps to secure its effective functioning as soon as possible.

In the light of the foregoing, I have the honour to bring to your attention the terms of reference for the Independent Investigative Mechanism (see annex), as prepared by the Secretariat, drawing upon its experience with comparable past investigative mechanisms.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 74 (c).

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Annex

Independent Investigative Mechanism for Myanmar

Terms of reference

1. On 27 September 2018, by its resolution 39/2 on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the Human Rights Council decided to establish an ongoing independent mechanism for Myanmar. The Council mandated the mechanism, henceforth referred to as the Independent Investigative Mechanism for Myanmar, to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over those crimes, in accordance with international law.

2. In its resolution 73/264, of 22 December 2018, the General Assembly welcomed the creation of the Independent Investigative Mechanism by the Human Rights Council and called for its expeditious entry into operation and steps to secure its effective functioning as soon as possible.

3. The Independent Investigative Mechanism shall act in accordance with the following terms of reference, which have been developed pursuant to paragraph 25 of resolution 39/2 and approved by the Secretary-General.

I. Mandate

4. The Independent Investigative Mechanism shall collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over those crimes, in accordance with international law.

5. The Independent Investigative Mechanism is further mandated to document and verify relevant information, documentation and evidence, including through field engagement and by cooperating with other national, regional and international entities, as appropriate and necessary for the purpose of discharging its mandate.

6. The most serious international crimes and violations of international law are understood to primarily refer to the crime of genocide, crimes against humanity, war crimes and other serious violations of international human rights law and international humanitarian law, as defined in relevant sources of international law.

7. The Independent Investigative Mechanism shall be impartial, independent and credible and shall act in accordance with the present terms of reference, the Charter of the United Nations, relevant international law, including international human rights law, and United Nations rules, regulations and policies. It shall also take into account the good practices of comparable international accountability mechanisms.

A. Collection, documentation, verification, consolidation, preservation and analysis of information, documentation and evidence

1. Collection, consolidation, documentation and verification

8. The Independent Investigative Mechanism shall collect, consolidate, document and verify information, documentation and evidence pertaining to the most serious international crimes and violations of international law committed in Myanmar since 2011. In that regard, the Mechanism:

(a) Shall seek access to and make use of the information, documentation and evidence collected by the independent international fact-finding mission on Myanmar;

(b) Shall collect further information, documentation and evidence by receiving, procuring or obtaining it from such sources as deemed necessary and appropriate, including from relevant national authorities, entities of the United Nations system, international, regional or national organizations or institutions, non-governmental organizations, other non-State, corporate or private sector entities or other groups or individuals, either at its request or upon the initiative of those sources. The Mechanism may provide information and assistance to such sources, as appropriate and resources permitting, to optimize the identification and transfer to the Mechanism of relevant information, documentation and evidence, in line with the required standards;

(c) Shall further collect, as appropriate, additional information, documentation and evidence, including by conducting interviews with or taking statements from victims, witnesses or other individuals likely to provide relevant information, documentation or evidence; by receiving, procuring or obtaining physical evidence, photographic, video or other audiovisual imagery or material, digital or other electronic items and forensic material; and by bringing into its possession such other tangible or intangible material likely to be of assistance in the discharge of its mandate;

(d) Shall document and verify the information, documentation and evidence received, as appropriate and necessary, including through field engagement and by cooperating with other entities, as appropriate.

2. Analysis

9. The Independent Investigative Mechanism shall assess the information, documentation and evidence in its possession, on the basis of on reliability and probative value, whether assessed alone or in conjunction with other material. In doing so, the Mechanism may draw upon, apply and take into account evidentiary and methodological standards and principles recognized in principal legal systems of the world, as relevant for the purposes of the assessment. It shall seek to identify lacunae in the information, documentation and evidence in its possession, assess the need for and practicability of obtaining relevant additional information, documentation and evidence, and take such steps, to the extent possible and as appropriate, to fill such lacunae.

3. Organization, preservation and storage

10. The Independent Investigative Mechanism shall systematically record, organize, preserve and store all information, documentation and evidence in its possession, in accordance with international criminal law standards and the good practices of other comparable international accountability mechanisms. These

functions shall be performed with a view to ensuring the broadest possible accessibility, utility and admissibility in fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over the most serious international crimes and violations of international law committed in Myanmar since 2011.

11. The Independent Investigative Mechanism shall make use of appropriate, specialized and the most up-to-date information technology systems consistent with United Nations standards, including electronic information and case management systems and databases, to systematically record, organize, preserve and store all relevant information, documentation and evidence in its possession. It shall, as appropriate and consistent with its mandate and functions, cooperate with other United Nations bodies for the sharing, common utilization or acquisition, as appropriate, of such information technology, information and case management and database tools and systems, with a view to achieving cost and operational efficiencies in the discharge of its mandate.

12. The Independent Investigative Mechanism shall ensure an uninterrupted chain of custody of the information, documentation and evidence in its possession, as necessary for the implementation of its mandate.

13. The Independent Investigative Mechanism shall be equipped with, acquire or maintain at its disposal the capacity necessary to record, organize, preserve and store all forms of information, documentation and evidence. To that end, it may enter into agreements, on behalf of the United Nations, with Member States, international, regional or national organizations, bodies or entities or appropriate corporations, in order to gain access to or use safe, secure and reputable services and facilities that can assist in that regard, with all due guarantees of information security, strict confidentiality and respect for the privileges and immunities of the United Nations.

14. The Independent Investigative Mechanism shall, from the outset, ensure appropriate organization, possession and archiving of all its material, whether in physical or electronic form, including through the development of appropriate procedures for the long-term storage of, and regulation of access to, its archives following the completion of its mandate.

B. Preparation of files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over those crimes, in accordance with international law

1. Preparation of files

15. On the basis of the information, documentation and evidence pertaining to the most serious crimes and violations of international law that it has collected, consolidated, preserved and analysed, the Independent Investigative Mechanism shall prepare files focusing on the criminal conduct of persons responsible for such crimes in order to facilitate and expedite fair and independent criminal proceedings. The files shall include an analysis of and focus on the persons deemed most responsible for the crimes, without any distinction based on their affiliation or official capacity.

16. These files shall include all relevant information, documentation and evidence in the possession of the Independent Investigative Mechanism, both inculpatory and exculpatory, pertaining to the imputable crimes and to the mode or modes of criminal

liability recognized under international law, including command or superior responsibility.

17. The Independent Investigative Mechanism shall seek to establish the connection between crimes and persons responsible, directly or indirectly, for such alleged crimes, focusing in particular on linkage evidence. It shall focus on evidence pertaining to mens rea and to specific modes of criminal liability, including the principle of command or superior responsibility established under international criminal law.

2. Sharing of information, documentation and evidence

18. The Independent Investigative Mechanism shall share relevant information, documentation and evidence with competent investigative, prosecutorial or judicial authorities in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over those crimes. In that regard, in its resolution 39/2, the Human Rights Council requested the Mechanism to cooperate closely with any future investigations of the International Criminal Court pertaining to human rights violations in Myanmar.

19. Any other use of the information, documentation and evidence collected, preserved and stored by the Independent Investigative Mechanism pursuant to its mandate to facilitate fair and independent criminal proceedings in the future, in accordance with international law standards, may be determined by the Mechanism on a discretionary case-by-case basis, consistent with its established rules and procedures.

20. The Independent Investigative Mechanism shall share information, documentation and evidence it judges appropriate, in accordance with United Nations rules, regulations and policies, relevant international law, including international human rights law, and rules and standards and good practices of other comparable international accountability mechanisms. The Mechanism shall, among other factors, consider the confidentiality of the information, documentation or evidence, the consent expressed by sources and any protection concerns that may arise from the use of such information. Furthermore, information, documentation and evidence may be shared only with authorities, bodies and organizations that credibly ensure that any use of the information, documentation and evidence will be in accordance with international human rights law and standards, including the right to a fair trial before a tribunal with the capacity to ensure appropriate victim and witness protection. The Mechanism shall further comply with the United Nations policy against international accountability mechanisms sharing evidence for use in criminal proceedings in which capital punishment could be imposed or carried out.

21. When sharing evidence with a competent authority, body or organization, the Independent Investigative Mechanism shall, among other procedures, provide, to the extent possible and as appropriate, certified copies of the original documentation or evidence. All original documentation or evidence shared by the Mechanism shall be duly returned, in its original state, to the Mechanism as soon as possible. The Mechanism shall also obtain an assurance from the competent authority, body or organization that the documentation or evidence will not be disclosed to any other authority, body or organization.

II. Structure and composition

22. The Independent Investigative Mechanism shall be headed by a person of high moral character and integrity, possessing the highest level of professional competence and extensive experience in the conduct of investigations and prosecution of serious crimes under international law. The person shall have extensive experience in international and/or national criminal justice and an in-depth knowledge of international criminal law, international human rights law and international humanitarian law. The Head shall have a proven record of independence and impartiality and be committed to upholding justice, accountability and human rights and ensuring gender equality. The Head shall be appointed by the Secretary-General, upon consultation with the United Nations High Commissioner for Human Rights and the Legal Counsel, for an initial period of two years, which shall be renewable, subject to continuation of the mandate and funding.

23. The Head of the Independent Investigative Mechanism shall develop, adopt and periodically review and update a strategy for the implementation of the mandate of the Mechanism, determine a workplan for the Mechanism and put in place procedures relating to the conduct of its work.

24. The Head of the Independent Investigative Mechanism shall be assisted by a deputy who will also have extensive experience in international and/or national criminal justice and an in-depth knowledge of international criminal law, international human rights law and international humanitarian law. The Deputy Head shall be appointed by the Head, upon consultation with the United Nations High Commissioner for Human Rights and the Legal Counsel.

25. The Head shall recruit a secretariat composed of impartial and experienced professional and administrative staff, with expertise in the following areas, inter alia: international criminal law; international human rights law; international humanitarian law; criminal investigation and prosecution; information system management; application development; security, storage and preservation of information, documentation and evidence; military matters; forensics, including, as necessary, digital forensics, forensic pathology and forensic imagery; sexual and gender-based crimes and violence; women's rights; children's rights; crimes against children; victim and witness protection; information technology and security; and physical security and safety of staff members.

26. In appointing members of the secretariat, due consideration shall be given to the representation of different legal traditions, geographic diversity, gender balance, regional expertise, in particular concerning Myanmar, and relevant language skills.

27. The Head, the Deputy Head and the secretariat shall exercise their mandate and discharge their functions in full independence and with the utmost impartiality and shall not seek or accept instructions regarding the performance of their duties from any Government or external source. They shall maintain the highest standards of efficiency, competence and integrity in the discharge of their functions.

III. Standards and procedural requirements

28. The Independent Investigative Mechanism shall adopt procedures and methods of work, in accordance with international criminal law standards, for collecting, consolidating, analysing, preserving and storing information, documentation and evidence, as well as for preparing files to facilitate and expedite fair and independent criminal proceedings. These procedures shall be based on the highest possible standards, consistent with the Charter of the United Nations, United Nations rules,

regulations, policies and good practices, relevant international law and standards, including human rights law, notably the right to a fair trial and other due process provisions, as well as relevant jurisprudence, in order to ensure the broadest possible usability and admissibility of such evidence and material in national, regional or international courts or tribunals. These procedures shall be victim-centred and duly sensitive to considerations of sex, gender, age, religion and ethnicity. In developing its procedures and methods of work, the Mechanism shall draw upon the good practices of other comparable international accountability mechanisms.

29. The Independent Investigative Mechanism shall seek to obtain from victims, witnesses and any other sources their informed consent for it to share relevant information, documentation and evidence with competent investigative, prosecutorial and judicial authorities. The consent, whether whole or partial, or lack thereof, shall be duly recorded by the Mechanism.

30. The Independent Investigative Mechanism shall take appropriate measures to respect and ensure respect for the privacy, interests and personal circumstances of victims, in the light of their age, sex, sexual orientation, gender and health and taking into account the nature of the crime, in particular where it involves sexual and gender-based violence or violence against children. The Mechanism will adopt appropriate procedures and methods of work for the protection of victims and witnesses, taking all feasible steps within its means to protect their safety and security, during the course and as a result of such cooperation.

31. The Independent Investigative Mechanism shall assist in referring vulnerable victims and witnesses who cooperate with the Mechanism, in particular children, women and survivors of sexual and gender-based violence, to relevant bodies so that they are provided with appropriate medical and psychosocial support.

32. The Independent Investigative Mechanism shall determine and record the confidentiality classification of all information, documentation and evidence obtained or produced by it, including its work products and analyses, in line with the United Nations policies on information sensitivity, classification and handling.

33. The Independent Investigative Mechanism shall define appropriate methodologies for the transfer of information, documentation and evidence to external parties, giving due consideration to the requirements of appropriate respect for the scope of the consent expressed by sources of information, documentation and evidence, appropriate protection of confidentiality and security of victims, witnesses and such sources, consistent with the rights of due process and fair trial, as well as the requirements pertaining to the security of the information, documentation and evidence transferred.

34. The Independent Investigative Mechanism shall adopt procedures and methods of work regarding chains of custody issues, data protection, security, information management and case management and archiving, which shall conform to the highest international standards and be drawn upon the good practices of other comparable international accountability mechanisms.

IV. Cooperation

35. In its resolution 39/2, the Human Rights Council called upon all States, including the Government of Myanmar and its independent commission of inquiry, and encouraged civil society, business enterprises and other stakeholders to cooperate fully with the Independent Investigative Mechanism for it to effectively fulfil its mandate and, in particular, to provide it with any information and documentation they

may possess or come to possess, as well as any other forms of assistance pertaining to their respective mandates.

36. The Independent Investigative Mechanism shall have the authority to conclude agreements, on behalf of the United Nations, with any State, organization or entity for the implementation of its mandate. Such authority shall be exercised in accordance with the rules and practices applicable to the conclusion of agreements by the United Nations, including, where applicable, established United Nations procedures and practices with regard to the conclusion of treaties and international agreements.

37. The Independent Investigative Mechanism shall develop, in its procedures and methods of work, modalities for cooperation with States and other organizations and entities.

38. The Independent Investigative Mechanism shall cooperate with States, including through mutual arrangements on legal assistance, where necessary and appropriate, or through ad hoc arrangements concluded for these purposes, in particular to receive from States any relevant information, documentation or evidence that they may possess pertaining to the mandate of the Mechanism, subject to such limitations or conditions that the conveying State may attach, in whole or in part, to the information, documentation or evidence in question.

39. The Independent Investigative Mechanism may, at its discretion, receive funds, equipment and services, including expert personnel, from States or international or regional organizations, in support of the implementation of its mandate.

40. In line with the request of the Human Rights Council that the United Nations system as a whole fully cooperate with the Independent Investigative Mechanism, the United Nations and all its programmes, funds and offices shall, within their respective mandates, fully cooperate with the Mechanism and promptly respond to its requests, including for access to information.

41. The Independent Investigative Mechanism will cooperate with relevant international and regional organizations, as well as non-governmental organizations, as appropriate and necessary for the implementation of its mandate.

V. Location and premises

42. The Secretary-General shall determine the seat of the Independent Investigative Mechanism, taking into account security, efficiency, cooperation with other relevant organizations and entities, cost-effectiveness and any other relevant considerations.

43. The Head of the Independent Investigative Mechanism may consider establishing field presences, as appropriate and necessary, taking into account the location of crime sites and of key information, documentation and evidence, accessibility to victims and witnesses, proximity to national, regional or international courts and tribunals exercising jurisdiction over crimes within the mandate of the Mechanism and any other relevant considerations.

VI. Privileges and immunities

44. The Independent Investigative Mechanism and its personnel, records, archives, property and assets shall enjoy the privileges and immunities, exemptions and facilities provided for in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

VII. Relationship with the independent international fact-finding mission on Myanmar

45. Pursuant to Human Rights Council resolution 39/2, the independent international fact-finding mission on Myanmar is to continue to operate until the Independent Investigative Mechanism is operational, with the final report of the mission to be submitted to the Council at its forty-second session, in September 2019. The Council mandated the independent international fact-finding mission to ensure that the large and continually increasing amount of evidence of human rights violations and abuses it has collected is fully documented, verified, consolidated and preserved in order for the material to be effectively shared, accessed and used by the Mechanism.

46. For any relevant period of parallel activity pursuant to their respective mandates, as the independent international fact-finding mission concludes its operations and the Independent Investigative Mechanism reaches full operability, the Mechanism and the independent international fact-finding mission shall pursue close cooperation and coordination with each other in order to ensure operational continuity, facilitate the appropriate harmonization of activities, effectively share information, documentation and evidence in line with international standards and ensure a seamless transition of all relevant activities from the independent international fact-finding mission to the Mechanism.

VIII. Reporting

47. The Independent Investigative Mechanism shall submit, on an annual basis, a report on its main activities to the Human Rights Council, starting at its forty-second session, and to the General Assembly, starting at its seventy-fourth session. In doing so, it shall preserve the confidential nature of its substantive work.

IX. Funding

48. The Independent Investigative Mechanism shall be funded through assessed contributions. A trust fund to receive complementary voluntary contributions may be established, as appropriate.

X. Commencement of operations

49. The Secretary-General shall determine, in consultation with the Head of the Independent Investigative Mechanism, the date upon which the Mechanism is deemed to be operational.

XI. Completion of mandate

50. Upon completion of its mandate, the information, documentation and evidence collected, consolidated, analysed and preserved by the Independent Investigative Mechanism shall be transferred to the Secretariat. The Secretary-General may, pursuant to United Nations rules, regulations, policies and procedures, decide to share appropriate information, documentation and evidence with external parties, subject to the full respect for the undertakings given by the Mechanism to States, victims, witnesses or other sources of information, as well as other compelling interests requiring ongoing protection.

Annex 3

UN Human Rights Council, *Detailed findings of the Independent International Fact-Finding Mission on Myanmar*, UN Doc. A/HRC/42/ CRP.5 (16 September 2019) (additional excerpts to MG, Vol. III, Annex 49)

A/HRC/42/CRP.5

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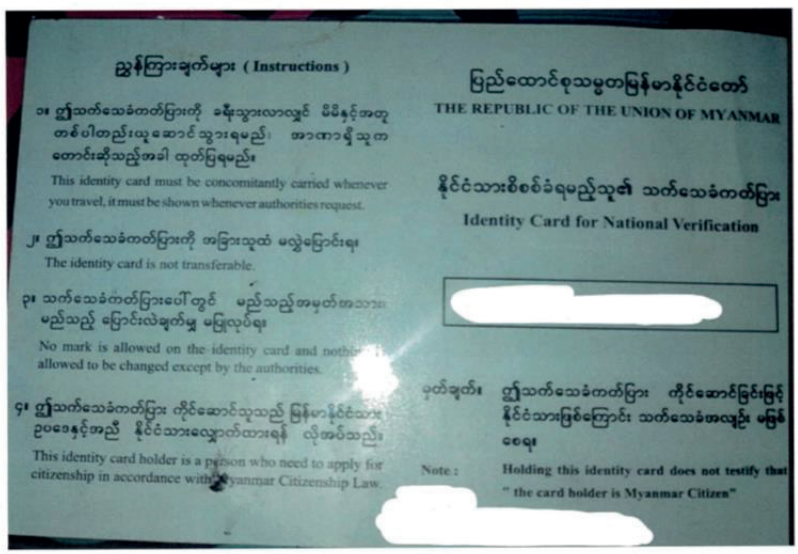
Human rights situation that require the Council's attention

Detailed findings of the Independent International Fact-Finding Mission on Myanmar*

* Information complementary to that contained in the official report (A/HRC/42/50), submitted to the Human Rights Council pursuant to resolution 39/2. Reproduced as received, in the language of submission only.

Please recycle

Part of an image of a NVC[151]



89. Overall, Rohingya the Mission spoke to, did not believe NVCs provide a clear pathway to citizenship.[152] They perceived NVCs as unwarranted because their ancestors were nationals of Myanmar, who actively participated in democratic processes, including elections, and some of whom held senior ministerial positions in the country.[153] They assert a right to be recognised as full citizens and to be treated equally with other ethnic groups.[154] An interviewee told the Mission:

> *We are citizens of Myanmar. Our grandparents were citizens of Myanmar. The Government introduced NVC to deprive us of our nationality. We will never give in to pressure and will never accept NVC. We knew by accepting the NVC, we would run into more sophisticated problems*.[155]

90. These attitudes are well-founded and understandable. Statements by government officials demonstrate that the "clearance operations" beginning on 25 August 2017 were a response to Rohingya villagers collectively refusing to accept NVCs and, that the "clearance operations" were not aimed at crushing the ARSA, as the Government claimed.[156] The Mission has evidence that these statements were made at important village meetings, in front of large audiences of soldiers and Rohingya civilians, immediately preceding the "clearance operations" against the Rohingya.

91. At a 22 August 2017 meeting in the village of Chut Pyin in northern Rathedaung Township, a Tatmadaw commander from the 33rd LID told a group of Rohingya villagers, in the presence of members of the 33rd LID, that he would kill and burn them if they did not accept the NVCs.[157] The commander told the audience,[158] "We came from Yangon, from LID 33. You don't belong to this country. As you are here, we gave you place to stay. You have to live here as how we want, we decide. You have to follow our order. We came from Kachin and Shan. We killed many people. We came here directly from there. We will kill

[151] Copy of NVC received in July 2019 from a card-holder currently in Rakhine State. Copy on file with the Mission.
[152] FI-015, FI-018, FI-019, FI-024, FI-025, FI-027.
[153] FI-018, FI-051, Aljazeera, "Who are the Rohingya", 18 April 2018.
[154] CI-298, CI-301, FI-018.
[155] FI-018.
[156] CI-298, CI-302, CI-303, FI-022, FI-024, FI-038, FI-039, FI-044, FI-051.
[157] CI -185, CI-186, CI-199, RI-001, RI-018, CI-191.
[158] CI-191.

Conclusions and legal findings

139. The Mission concludes on reasonable grounds that the Government undertook a concerted effort to clear and destroy and then confiscate and build on the lands from which it forcibly displaced hundreds of thousands of Rohingya. The consequences are two-fold. This government-led effort subjugates Rohingya to inhumane living conditions as IDPs and refugees by denying them access to their land, keeping them uprooted from their homes, depriving them of their to ability to progress in healthy and safe communities and preventing them from engaging in livelihood activities that sustain them as a people. The second consequence of the Government's four-pronged approach of clearing, destroying, confiscating and building on land is that it is fundamentally altering the demographic landscape of the area by cementing the demographic re-engineering of Rakhine State that resulted from mass displacement. Much of this is being done under the guise of "development", with a clear discourse emerging to this effect in the immediate aftermath of the August 2017 "clearance operations".[254]

140. The Government's four-pronged land approach represents a total onslaught against the rights of the Rohingya, in particular their economic, social and cultural rights. To understand its full consequences, the Mission finds it appropriate to assess this issue in combination with its other findings and conclusions. As explained in greater detail in the report's *Conclusions and legal findings: the impossibility of return*, the Mission concludes on reasonable grounds that land restrictions contribute to the Government's continued persecution of the Rohingya people and result in serious or great inhumane mental or physical suffering, both of which are crimes against humanity. The manner in which the Government deprives Rohingya of land is one of several indicators that the Mission has identified to infer that the Government continues to harbour genocidal intent and that the Rohingya remain under serious risk of genocide. Finally, the Mission concludes on reasonable grounds that the Government's severe land access restrictions contribute to an overall condition that makes it unsafe, inhumane, unsustainable and impossible for Rohingya who remain in Rakhine State and those who might be allowed to return to Myanmar. The current situation of IDPs is a testament to what awaits Rohingya who might return after having fled across the border.

C. Restrictions

1. Restrictions on movement

141. The Mission's 2018 report documented government patterns and practices that severely affected freedom of movement through harassment, vehicle searches, interrogation, extortion, payment of bribes and physical abuse at security checkpoints.[255] These restrictions have continued unabated with an increased degree of severity.[256] The movement restrictions have been imposed more strictly through increased security patrols and increased numbers of security checkpoints across Rakhine State. The consistent requirement of a NVC or other travel documentation has led to arrests, detentions and harassment of the remaining Rohingya. Rohingya face movement restrictions when they want to travel inside their village tracts or to other tracts, Townships, or States.[257]

142. The number of new Rohingya arrivals from Rakhine State to Bangladesh has seen a dramatic drop, especially since March 2019.[258] Only 1,051 individuals have arrived in

[254] BBC, Myanmar's Suu Kyi visits troubled Rakhine, 2 Movember 2017; Keynote speech by State Counsellor at the Rakhine State Investment Fair, February 2019, https://www.investrakhine.com/

[255] A/HRC/39/CRP.2, Para, 500, 508-516.

[256] CI-229, CI-240, CI-246, CI-270, CI-273, CI-287, CI-288, CI-305, CI-308, CI-310, FI-007, FI-010, FI-023, FI-024, FI-025, FI-026, FI-027, FI-028, FI-029, FI-031, FI-035, FI-046, FI-048, FI-052, FI-053.

[257] CI-240, FI-007, FI-010, FI-025, FI-027, FI-028, FI-029, FI-031, FI-046, FI-048.

[258] FM-006, FM-007, RM-006, RM-010.

Annex 4

Francis Wade, “IIMM Rohingya Report” (January 2022)

IIMM Rohingya report

Francis Wade, January 2022

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Author biography

Francis Wade began working on Myanmar in early 2009 as a journalist with the Democratic Voice of Burma, based in northern Thailand. He reported closely on the political opening from November 2010 onwards, and in mid-2012, as a freelance journalist and political risk analyst, began to focus on communal violence in Rakhine State. He holds specialism in the political history of religion and ethnicity in Myanmar, and the psychosocial drivers of communal violence there. He has produced reports and commentary on the Rohingya and broader ethno-religious violence in Myanmar for the Washington Post, The Guardian, London Review of Books, Foreign Affairs and others, and served as a consultant on Myanmar-related affairs for Oxfam, Amnesty International and the International State Crime Initiative. In 2019, an updated second edition of his book, *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'*, was published.

Methodology

This report provides an overview of the historical and present-day circumstances that precipitated large-scale violence against the Rohingya minority in western Myanmar's Rakhine State in 2012, 2016 and 2017. It is largely focused on events leading up to, and including, the 2017 military campaign against Rohingya, and doesn't include analysis of substantial developments beyond that point.

Primary sources consist of references to interview notes I took during interviews with civilians and government officials in Myanmar (September 2015 to March 2016) and Bangladesh (September 2017 and July 2018). The majority of interviews undertaken with civilians took the form of either pre-arranged or intercept interviews, all of which were done through a translator-fixer: in Rakhine State, Myanmar, for interviews with both Rakhine and Rohingya, this tended to involve first engaging a village administrator to ask for (informal) permission before undertaking either semi-structured or unstructured interviews with villagers, as well as occasional intercept interviews; in Bangladesh in September 2017, when I was working on behalf of Amnesty International, I worked with a translator-fixer to intercept Rohingya soon after they had crossed over from Myanmar and undertook semi-structured interviews. In July 2018, I worked with a translator-fixer to carry out semi-structured interviews with Rohingya in Kutupalong camp. Another primary source drawn on in this report is my book, *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'* (2nd edition, June 2019).

Secondary sources used in the report include domestic print media in Myanmar, international media, reports by Myanmar government inquiry commissions, international rights groups and aid and development organisations, as well as academic books and journal articles. There is some historic archival material in the Background section.

1. Background

1.1 Overview of Rohingya history

The earliest recorded use of the ethnonym “Rohingya” (or a variation of) is found in the Scottish botanist Francis Buchanan’s account of his visit to Myanmar in 1799. He wrote that a dialect that was derived from Hindi “…is that spoken by the Mohammedans, who have long been settled in Arakan, and who call themselves Roainga, or natives of Arakan.”[1] Other early versions include “Roainga”, “Rossawn”, “Rovingaw” and “Rosang”.

Mirroring present-day conflict over the origins of the community itself, there is no conclusive proof as to whether these early iterations of “Rohingya” emerged within Bengal or within Myanmar. One theory goes that it emerged in Bengal and was brought to Myanmar by migrants in the 18th century, such that it then became the ethnonym of Rakhine Muslims; another that it emerged among Rakhine Muslims as a religious differentiator from Buddhist Rakhine, and was then adopted by Bengali migrants who interacted with, and later became subsumed within, the Rakhine Muslim community.[2]

Although there is evidence that versions of “Rohingya” existed prior to the start of colonial rule - and even that, several centuries ago, “Rakhine” and “Rohingya” may not have been mutually exclusive - censuses conducted by the British after 1824, when the first wave of colonial rule began, record no mention of “Rohingya”. They instead refer to Rakhine State’s Muslim population either as “Chittagonian Muslims” - likely those who arrived after 1824, when a border between Myanmar and India was demarcated - or “Rakhine Muslims”: Muslims who the British considered to be native to Rakhine State prior to Britain’s arrival.

After a military coup in 1962, launched by General Ne Win, both of these designators disappeared from censuses without explanation, despite Rakhine State still hosting a sizeable Muslim community. General Ne Win considered a huge number of Muslims in Rakhine State to be illegal immigrants. During a visit to East Pakistan in 1965, he had reportedly discussed “the problem of the roughly 250,000 Moslems resident in the Province of Arakan whose nationality is unclarified because the Burmese regime regards them as illegal immigrants from East Pakistan.”[3]

From 1962 onwards the military junta - the Burma Socialist Programme Party (BSPP) - referenced illegal immigration as a threat to national unity. Ne Win began to develop an exclusionary *taingyinthar*, or “national races”, ideology. This distinguished between supposedly “indigenous” communities and “immigrant” communities (for more on *taingyinthar*, see Section 1.5). It was under the *taingyinthar* ideology that ethnicity - not familial lineage - became the principal determinant of citizenship eligibility. It meant, in effect, that for one to be granted citizenship, one needed to belong to an ethnic group considered indigenous. Individual claims to a longstanding lineage in the country had no bearing on citizenship eligibility.

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[1] Buchanan, F. (1799). “A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire”. P55.
[2] Charney, M. (2005). “Theories and Historiography of the Religious Basis of Ethnonyms in Rakhaing (Arakan), Myanmar (Burma)”.
[3] Tonkin, D. (2017). “Exploring The Issue Of Citizenship In Rakhine State”. P12.

The junta also developed a list of supposedly indigenous ethnic groups, based largely on the final British census of 1941, but with several subtractions and additions. By 1989, it had settled on 135 "national races", all of whom supposedly descended from a single "race"[4]. However, the regime never explained how it had come to that number, nor did it make the list public.

After a new Citizenship Act was announced in 1982, which overturned the 1948 Act's ruling that familial lineage determined citizenship, ethnicity began to be printed on National Registration Cards, the principal form of identification in Myanmar that all citizens must carry with them. This flagging of ethnicity was also a new development - when the first National Registration Cards were issued in 1952, neither ethnicity or religion was stated.

The 1982 Act began to formalise the process of excluding Rohingya from Myanmar society. The Act required that people hand in their old ID cards and be given new ones. This process was slow to take root, but it quickened after a change of power to a new military regime, the State Law and Order Restoration Council (SLORC), in 1988. Those who identified as Rohingya, and who had citizenship under the 1948 Act, when ethnicity wasn't a factor in granting citizenship, found that new cards were not awarded to them. The 1982 Act contained no provision that sanctioned authorities to strip people of citizenship if they could not prove their "national races" status, but this began to take place regardless. As one legal scholar has noted, the process of rendering Rohingya stateless was not "achieved by complying with the terms of the 1982 Citizenship Law … but rather, through their breach and selective application.[5]"

People in Rakhine State who were designated in the 1983 census "Bangladeshis" (which encompassed most Muslims in the state, despite Bangladesh having only existed for 12 years[6]) were issued with Temporary Registration Cards, otherwise known as "White Cards". These had once been reserved for people who were enrolled in the citizenship application process but still needed to provide more documentation. As Section 3.7.4 details, holders of White Cards were subjected to arbitrary and changing rules around the political rights they could enjoy.

1.2 Rohingya relations with Rakhine and other ethnic groups

Muslims have inhabited the Rakhine State region since at least the ninth century (see Section 1.7). Relations between Muslims and Buddhists there have, at least since the mid-20th century, been marked by periodic eruptions of violence, as well as long periods of peace.

An early recorded episode of violence in Rakhine State with communal characteristics occurred during the Second World War, when the British colonial power was facing off against the Japanese, which occupied Myanmar between 1942 and 1945. British forces in western Myanmar had mobilised Muslim communities to fight against the Japanese and its proxy forces, who were predominantly Buddhist. This marked the start of the geographical divide in Rakhine State: as

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[4] Duncan, C. R. (2004). "Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities". P154. The earliest mention of the 135 figures is in a 1989 speech by General Saw Maung. See: Transnational Institute. (2014). "Ethnicity without Meaning, Data without Context The 2014 Census, Identity and Citizenship in Burma/Myanmar". P6

[5] Cheesman, N. (2015). "Problems with Facts about Rohingya Statelessness". URL: https://www.e-ir.info/2015/12/08/problems-with-facts-about-rohingya-statelessness/

[6] Galache, C. S. (2018). 'Illegal migration' in Arakan: myths and numbers'. URL: https://www.newmandala.org/illegal-migration-arakan-myths-numbers/

each proxy force attacked villages and inflicted casualties, Buddhists in the north of Rakhine State began fleeing south, and Muslims in the south and centre began fleeing north[7]. This episode is widely considered a key root of present-day tensions.[8]

In 1946, Muslim leaders in Rakhine State made a bid to join Rakhine State with East Pakistan[9]. One group, the North Arakan Muslim League, proposed that Northern Rakhine State become an independent Muslim state[10]. Neither succeeded, but it led the British government to label such groups "Mujahid rebels". Upon independence in 1948, Muslim officials in Rakhine State were replaced by Buddhists, on account of the post-independence government's strongly pro-Buddhist leaning. Buddhists who had been displaced by the conflict between Japanese and British proxy forces were allowed to take back land that had been taken over by Muslims. A small Muslim revolt followed in the 1950s, but never gathered momentum, and in 1961, what was left of the "Mujahid rebels" were largely defeated during a campaign by the Myanmar army[11]. Several Rohingya rebel groups formed in the decades following the 1962 coup, most notably the Rohingya Solidarity Organisation, but they were not able to muster much participation from local Rohingya.

Since the 1940s, violence between Rohingya and Rakhine has been infrequent. Communal riots in Taungoo in Rakhine State in 2001 involved attacks by Rakhine on Muslims, and were preceded by agitation from monks who, drawing on the destruction by the Taliban of the Buddhas of Bamiyan in Afghanistan in March 2001, fanned anti-Muslim sentiment. No major episodes of communal violence occurred again until June 2012, when the rape and murder of a Rakhine woman by three Rohingya men triggered attacks by both communities across the state, and which marked a rupture in relations between the two groups (see Section 3.1).

There is thus no one way to describe historic Rakhine-Rohingya relations. Prior to 2012, the relationship is best characterised as a "tense peace" in which the threat of violence, driven by antagonisms over claims to indigeneity and accompanying access to rights and resources, was present, but rarely materialised. Since 2012, however, relations have been at best strained, and at worst highly volatile, and a seeming majority of Rakhine have supported the confinement and/or expulsion of Rohingya.

However, the nature of relations is still heavily dependent on hyperlocal dynamics, which since 2012 have determined the extent to which the communities have atomised. For instance, after 2012 , in and around the Rakhine State capital of Sittwe, where Buddhist Rakhine are predominant, interaction between the two groups was greatly reduced, and segregation measures enforced. However, in Buthidaung in Northern Rakhine State, where Rohingya are a majority and where Rakhine business owners depend on Rohingya labour, relations were largely maintained up until 2017, albeit it strained. Despite fissuring elsewhere in the state, Rakhine and Rohingya in Buthidaung frequented the same venues and interacted socially[12].

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[7] Pearn, R. B. (1963). "The Mujahid Revolt in Arakan."
[8] See, for example, "Final Report of Inquiry Commission on Sectarian Violence in Rakhine State" (Myanmar Government Report). P61.
[9] Yegar, M. (2002). "Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar". P35.
[10] ibid, P35
[11] Yegar, M. "The Muslims of Burma: A Study of a Minority Group". PP100–101.
[12] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P313.

There have been no reports of instances of organised communal violence between Rohingya and other non-Rakhine ethnic groups, such as the Kaman, Khami, Dainet and Mro. After the 2012 violence, there were anecdotal reports that many Kaman, who are Muslim and who hold citizenship, and are considered indignenous to the state by Rakhine, as well as Dainet and other groups, sought to distance themselves from Rohingya in order to not be considered affiliated to them[13]. However, as this report will explain, Kaman Muslims were targeted in episodes of violence on account of their faith, regardless of their status as citizens of Myanmar.

1.3 Rohingya relations with the central government

The post-independence government of U Nu (1952-1958; 1960-1962) vocally recognised Rohingya as "nationals". U Nu told a radio audience in 1954: "The people living in Maungdaw and Buthidaung regions are our nationals, our brethren. They are called Rohingyas. They are one of the same par in status of nationality with Kachin, Kyah, Karen, Mon, Rakhine and Shan. They are one of the ethnic races of Burma."[14] There were Rohingya government ministers and parliamentary secretaries in the U Nu administration[15], as well as a Rohingya students association at the University of Rangoon, and, in 1961 - the year before the first coup - a Rohingya language radio broadcast on Burma Broadcasting Service's radio station[16].

After 1962, their security and status in the country grew more precarious. In 1978, the military launched Operation Nagamin (King Dragon). Following the operations of a small-scale Rohingya insurgency, the Rohingya Patriotic Front (RPF), Ne Win had ordered immigration officials and soldiers to scrutinise everyone living in the border regions of Myanmar to determine who were citizens - and to register those with clear claims to citizenship - and who were, in Ne Win's words, "foreigners who have filtered into the country illegally"[17], and to expel the latter, including RPF members.[18] But it mainly focused on Rakhine State, where many historic immigrants from the subcontinent were known to have settled. In March 1978, as the operation began and rumours of military violence towards Rohingya spread, some 200,000 Rohingya fled to Bangladesh. It was these who formed the first community of Rohingya refugees in Kutupalong in southeastern Bangladesh.

A second citizenship verification operation in 1991, this time launched by the SLORC regime, and occurring amid border tensions with Bangladesh, triggered the flight of up to 270,000 Rohingya to Bangladesh. It was followed by eye-witness reports of summary execution, sexual violence by soldiers and torture of Rohingya[19].

Thereafter, Rohingya were subjected to a range of restrictions on movement, employment, access to healthcare and more. By 2015, they had been stripped of their voting rights. The process of disenfranchisement of Rohingya is examined in Section 2.

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[13] Ibid. P280
[14] Haque, M. M. (2017). "Rohingya ethnic Muslim minority and the 1982 citizenship law in Burma." Journal of Muslim Minority Affairs, 37(4). P454–469.
[15] Berlie, J.A. (2008). "Burma: The Burmanization of Myanmar's Muslims."
[16] Lee, R. (2019). "Extreme Speech in Myanmar: The Role of State Media in the Rohingya Forced Migration Crisis." P3207.
[17] Smith, M. (1991). "Insurgency and the Politics of Ethnicity", P.37, P241.
[18] Martin, M. F. (2017). "Burma's Brutal Campaign Against the Rohingya." URL: https://docs.house.gov/meetings/FA/FA05/20170927/106434/HHRG-115-FA05-Wstate-MartinM-20170927.pdf
[19] Human Rights Watch. (2000). "Living In Limbo: Burmese Rohingyas in Malaysia: III Background". URL: https://www.hrw.org/legacy/summaries/s.burma969.html

1.4 How Buddhism has become synonymous with Burmese national identity

Buddhism as a *de facto* state religion in Myanmar is widely dated to the 11th century conversion to Theravada Buddhism of King Anawratha (although it was being popularly practised in parts of the present-day Myanmar territory long before that). Anawratha's use of Buddhist teachings is partly credited with unifying the peoples of central Myanmar into a governable kingdom. The country's first empire, the Bagan Empire, which dominated in the lowland Ayerwady delta region, was the result of this unification, and its inhabitants, previously a loose assortment of ethnicities and polities, gradually cohered under the Bamar and Mon ethnicities. The latter is today the majority ethnicity in Myanmar.

The early fusion of religious and ethnic identity provides the basis for a commonplace linking of Buddhism and Myanmar national identity. One factor that has strengthened that linkage is a longstanding fear of the weakening of Buddhism in Myanmar. This became especially pronounced under British rule, when several developments undermined the centrality of Buddhism in Myanmar society: the colonial power's deposing of Myanmar's last "Buddhist king", Thibaw; the spread of Christian missionary schools, along with conversions to Christianity of "hill peoples" in eastern and northern Myanmar; the diminishing status of monks as teachers of the young; and the heavy immigration of Muslims and Hindus from the subcontinent - purposefully engineered by the British to increase the labour pool - which began to reconfigure the country's social and religious demographics. Monks spearheaded early anti-colonial campaigns in the late 19th century. Some have argued that protection of Buddhism was a key driver of early anti-colonial movements in Myanmar[20]. One issue that may have further animated fear around the demise of Buddhism is the belief that Buddhism, according to one scripturally unsupported "prophecy" that is nevertheless commonly recognised, has a lifespan of only 5,000 years, the halfway point of which was 1956, meaning that Buddhism is on an irreversible decline.[21]

U Nu, Myanmar's first post-independence prime minister, in 1961 sought to enshrine Buddhism as the state religion. However, he was ousted before the legislation came into effect. Ne Win, whose BSPP regime was nominally secular, understood that rebellions in the country's periphery would likely worsen if Buddhism became the state religion. The predominantly Christian Kachin group in northern Myanmar had already shown early stirrings of revolt upon U Nu's attempt to pass the legislation[22]. Seeking control of Myanmar's periphery, Ne Win halted its passing.

After the 1962 coup, Buddhism played a side role in state manoeuvring. Ne Win instead drew heavily on ethnic differences and tensions as levers to help consolidate his rule. The BSPP began to push a narrative that saw "national unity" as the intended endpoint of Ne Win's rule. The British had developed a rigid categorisation of ethnic groups for administrative purposes - a process that politicised ethnicity and gave ethnic identity a territorial dimension, and which provided the foundations for a later militarisation of ethnicity. According to Ne Win, this had created discord between groups, who were pitted against one another for political, territorial and

[20] See, for example, Winfield, J.M. (2010). "Buddhism and Insurrection in Burma, 1886–1890." Journal of the Royal Asiatic Society, 3, 20, 3.
[21] Kyaw San Wai. (2014). "Myanmar's Religious Violence: A Buddhist 'Siege Mentality" at Work". URL: https://reliefweb.int/report/myanmar/myanmar-s-religious-violence-buddhist-siege-mentality-work
[22] Jaquet, C. (2015). "Kachin history, perceptions, and beliefs: contextual elements." In "The Kachin Conflict". URL: https://books.openedition.org/irasec/273?lang=en

economic rights. That had disrupted what Ne Win claimed was a gradual process, in motion since the 11th century reign of Anawratha, of harmonisation of group interests and identities[23].

The *taingyinthar* ideology was central to what became a campaign of assimilation-or-exclusion: indigenous non-Bamar groups would be assimilated, or "Burmanised", while "foreign" groups - Rohingya, Indian, and some Chinese - would be excluded. Methods of assimilation included stipulations that teachers in minority regions only teach in the Bamar language, not in minority languages[24], and tight restrictions, if not prohibition, on ethnic minority cultural festivals and "National Days".

In 1980, fearing dissent in the monastic order, Ne Win took steps to exert greater control over it. He established nine official Buddhist sects and enacted a requirement that monks register with the newly created State Sangha Nayaka Council so that politically dissenting monks could be monitored[25]. When the SLORC regime took over in 1988, it took further steps to centralise the Buddhist order under its authority, but also to use Buddhism for Burmanisation purposes. It set up the Department for the Promotion and Propagation of the Sasana (Buddhist practice), whereby regime-aligned monks were placed in monasteries around the country. It also built pagodas in Muslim and Christian areas[26] (in some cases, bulldozing mosques and churches to make way for them[27]), undertook forced conversion of Christian communities to Buddhism[28], and established the "Na Ta La" (shorthand for the Ministry for Development of Border Areas and National Races) project to resettle Buddhists in areas populated by non-Buddhists - mainly in northern Rakhine State, where Muslims predominate (for more on Na Ta La, see Section 2.3.1). Buddhism was used by the SLORC as a transmission line to further Burmanisation efforts and to expand regime control over the country's border regions.

1.5 'Taingyinthar' ideology and ethnic hierarchisation

"Taingyinthar" (or "native-ness" / "national races") builds off of the notion propagated by regimes from the BSPP period onwards (1962-) that all indigenous groups in Myanmar descend from a single group of people who have since become divided and now hold conflicting allegiances, and that it is the job of Myanmar's rulers to reunite them (indeed the switch from Burma to Myanmar after 1988 was partly justified on the grounds that Burma refers to Bamar - a single group - whereas Myanmar would encompass all *taingyintha*).

This ideology, coupled with the fusion of Buddhism and national identity, has provided the basis for a complex, multi-layered hierarchy of "races" in Myanmar. At its apex are Bamar Buddhists; beneath are the seven principal non-Bamar "national races" - the Chin, Rakhine, Karen, Mon,

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[23] Duncan, C. R. (2004). Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities. P154.

[24] See, for example, South, A. & Lall, M. (2016). "Language, Education and the Peace Process in Myanmar." Contemporary Southeast Asia, 38, 1. and Thu Thu Aung (2016). "Lessons learned on minority languages". Myanmar Times. URL: https://www.mmtimes.com/in-depth/18955-lessons-learned-on-minority-languages.html

[25] Hayami, Y. (2011). "Pagodas and Prophets: Contesting Sacred Space and Power among Buddhist Karen in Karen State". The Journal of Asian Studies (2011), 70(04). P.1091

[26] Houtman, G. (1999). "Remaking Myanmar and Human Origins." Anthropology Today Vol. 15, No. 4.

[27] David Thang Moe. (2018). "Burman Domination and Ethnic Discrimination: Toward A Postcolonial Theology of Resistance and Reconciliation in Myanmar." Exchange.

[28] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P.305-309

Karenni, Shan and Kachin, within which are many smaller sub-groups. Beneath that are groups who either have "conditional" belonging[29], such as ethnic Chinese or Indians, or who are altogether excluded (such as the Rohingya). Those in this bottom category are considered either *thewhnaw* (of "mixed blood" or "foreign guests"), or outright intruders (although, as the example of the changing status of Rohingya since independence testifies, this categorisation is mutable).

The hierarchy is not "clean", but is complicated by the issue of religion. The predominantly Buddhist ethnic minority groups - the Mon, the Shan, the Rakhine - are considered closer to the Bamar Buddhist ideal than the predominantly Christian Kachin, Karen, Karenni or Chin. Muslims meanwhile hold a more precarious position (even if they identify as Bamar) on account of the coupling of Islam with "foreignness", a linking that is given extra force by the colonial experience of mass migration from South Asia, and by the historic displacement of Buddhism by Islam in former strongholds of Buddhism (India, Malaysia, etc).

This hierarchy both does and does not map neatly onto real-world experiences, as the experience of Buddhist Rakhine demonstrates (see Section 1.6). Ne Win's assimilation-or-exclusion drive fueled ethnic grievances, and the resulting rebellions by all major ethnic groups (except for, until more recently, Rakhine) positioned all minorities as a threat to Bamar supremacy and to national security and cohesion. This has meant that minority groups - even, for example, Buddhist Mon, who are perhaps the closest non-Bamar group to that apex - have been subjected to security measures that Bamar have not, and have been targeted with military violence in a way that Bamar (outside of mass uprisings) have not.[30] Bamar are also accepted freely into higher education institutions, and they have long populated most civil service positions. At passport and visa offices, where citizens are required to periodically update their national ID cards, there are separate queues for non-Bamar groups[31]. However, when it comes to the punishments resulting from non-violent political opposition to the regime - whether through journalism, activism or otherwise - Bamar have not been treated more leniently as a result of their ethno-religious "proximity" to the regime, but have been subjected to harassment, imprisonment, violence and other forms of punishment. This illustrates that preferential treatment for comparatively privileged groups has been conditional upon subservience to the regime.

This ethno-religious hierarchy is roughly codified in the 1982 Citizenship Act, which distinguishes between "full citizens" (those who can prove a family line going back to at least 1823), "associate citizens" (where one ancestor is/was a citizen of another country) and "naturalized citizens" (people and their offspring who have resided in Myanmar since prior to independence in 1948, who have not yet applied for full citizenship)[32]. The 1982 Citizenship Act today effectively functions to entitle Bamar Buddhists to automatic citizenship (i.e., Bamar *must have* a longstanding lineage in Myanmar), while all others, including minorities widely considered indigenous, still have to prove ancestry in Myanmar prior to the start of colonial rule in 1824 in order to qualify as full citizens. These categories of "full", "associate" and "naturalised" citizens *can* broadly delineate political and other rights. Yet there is inconsistency: there have been

[29] Balcaite, I. (2020). "Race in Myanmar: Rigid Hierarchies, Blurred Boundaries and the Human Cost of Racism." URL: https://teacircleoxford.com/2020/11/12/race-in-myanmar-rigid-hierarchies-blurred-boundaries-and-the-human-cost-of-racism/

[30] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P.81

[31] Than Toe Aung. (2019). "Integration should not be a one-way street." Frontier Myanmar. URL: https://www.frontiermyanmar.net/en/integration-should-not-be-a-one-way-street

[32] Human Rights Watch. (1997). "V: General Principles of the Convention." in "Burma Children's Rights and the Rule of Law."

periods when associate citizens could not enter the medical profession[33], and periods when associate citizens have been made senior government ministers.[34]

Since the violence of 2012 in Rakhine State, which was followed by Buddhist-Muslim violence elsewhere in Myanmar, multiple cases have been reported of Bamar Muslims seeking to renew their passports, only to be told that because they or their parents practice Islam, they would not be considered as solely Bamar. Instead, they would need to be issued with a new passport showing a hybrid identity (for example, "Bamar" and "Indian") - thereby qualifying them as "mixed blood".[35] Some sources state however that this has been going on since 2007.[36]

1.6 Rakhine nationalism and *taingyinthar*

Rakhine nationalism is rooted in three historic events: first was the annexation of the Rakhine Kingdom in 1785, which brought Rakhine people under the authority of the Myanmar monarchy; second was the British occupation of Rakhine (Arakan) State after 1826, which was soon followed by the erasure of the Myanmar-India border and Britain's encouragement of immigrants from India, many of whom settled and worked in rice production in Rakhine State[37]; third is the military's treatment of Buddhist Rakhine people since 1962, its refusal to grant the state any degree of autonomy, its extraction of resources from the state that Rakhine claim as their own, and the extension of Burmanisation processes to Rakhine State.

Compounding these is a belief among Rakhine that corrupt border officials have facilitated illegal immigration of South Asians into Rakhine State since independence in 1948. This claim has been debated: some argue, based on a comparison of the 1931 census and 1983 census, that the Muslim population grew considerably in that period, and that this provides justification for the claim that illegal immigration increased[38]; others argue that the increase in population could have been the result of high *legal* immigration between 1931 and 1948, coupled with higher birth rates among the Muslim population[39].

Whatever the truth, the three historic incidents, coupled with perceptions of a porous border and an influx of "outsiders", has produced within Rakhine what some have termed a "siege mentality"[40] - a sense that they are "caught between Burmanisation and Islamisation".[41] The border between Bangladesh and Myanmar, which begins at the point at which the Muslim majority Northern Rakhine State region begins, is commonly referred to by Buddhist nationalists as the "western gate": a weak point where deeper Muslim penetration of Myanmar can take

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[33] Ibid.
[34] Ibid.
[35] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'", P209. See also: Manch, T. (2018). "For Muslims Across Myanmar, Citizenship Rights A Legal Fiction". URL: https://www.justiceinfo.net/en/36058-for-muslims-across-myanmar-citizenship-rights-a-legal-fiction.html
[36] Nyi Nyi Kyaw. (2015). "Alienation, Discrimination, and Securitization: Legal Personhood and Cultural Personhood of Muslims in Myanmar." The Review of Faith & International Affairs. P52-53.
[37] Tonkin, D. (2019). "Migration from Bengal to Arakan during British Rule 1826–1948." P.13
[38] Network Myanmar. "Illegal migration from Bengal into Arakan after 1948." URL: http://www.networkmyanmar.org/Illegals.html
[39] Galache, C. S. (2020). "Burmese Labyrinth: A History of the Rohingya Tragedy." P194.
[40] Kyaw San Wai. (2014). "Myanmar's Religious Violence: A Buddhist 'Siege Mentality" at Work". URL: https://reliefweb.int/report/myanmar/myanmar-s-religious-violence-buddhist-siege-mentality-work
[41] Kuok, L. (2014). "Myanmar Violence: Roots of Buddhist Nationalism." URL: https://institute.global/policy/myanmar-violence-roots-buddhist-nationalism

place. The fact that Northern Rakhine State has, since at least the middle of the 20th century, been predominantly Muslim animates this fear that the "western gate" is imperilled.[42]

Because Rakhine by and large did not have a sizeable and active representative armed group prior to the Arakan Army (formed in 2009, but largely inactive until 2018), civilian abuses by state security forces associated with armed conflict - minesweeping, forced displacement, sexual violence - have not historically been prevalent there. However, Rakhine, like other minorities, have experienced historic abuse by soldiers stationed in the region, including practices well documented in other ethnic states, such as systematic forced labour[43], land confiscation, a lack of political rights, and economic marginalisation. Despite being rich in gas, timber and other natural resources, Rakhine State has suffered from a lack of revenue sharing by the central government,[44] which has fueled antipathy among Rakhine towards both the central state and towards communities, like the Rohingya, that are viewed as competitors for scarce resources.

Present-day Rakhine grievances, towards both Muslims and the central state, are thus a result largely of the "siege mentality" mentioned above, and the sense that their once independent kingdom has become a feeding ground for predatory state economic interests - and that little in the way of development funding was offered by the regime. Rakhine State is among Myanmar's poorest regions, with (in 2019) 75% of the population living below the poverty line, and their GDP 25% below the country average[45]. Once political parties were allowed to form in 2010, Rakhine-based parties like the Rakhine Nationalities Development Party (later the Arakan National Party) regularly spoke to the potential for their authority to be undermined by politically enfranchised Muslims and their representative parties. Rakhine political candidates have made clear their order of priorities through campaigning slogans such as: "First, Arakan [Rakhine] nationalism. Second, solidarity. Third, development."[46]

1.7 Islam and its place in Myanmar society

Identifying the proportion of Muslims to non-Muslims among the Myanmar population is difficult. Estimates range from 2.3% (in the 2014 census) to 10%, but because of the exclusion of Rohingya from censuses, leaving no official record of their population count, any estimate is necessarily unreliable. Muslims are present to some degree in most ethnic groups in Myanmar. Some groups, such as the Rohingya and Kaman (a minority ethnicity in Rakhine State) are overwhelmingly Muslim. There are practicing Bamar Muslims, as well as ethnic Chinese Muslims (Panthay), while within groups like the Karen and Mon, there are smaller Muslim communities. Religion is thus not neatly demarcated along ethnic lines, and as mentioned in Section 1.5, this complicates the *taingyinthar* hierarchy.

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[42] Mratt Kyaw Thu. (2018). "Forsaken at the 'western gate'". URL: https://www.frontiermyanmar.net/en/forsaken-at-the-western-gate/

[43] Fortify Rights. (2016). "Myanmar: Investigate Forced Labor of Rakhine Buddhists in Western Myanmar." URL: https://www.fortifyrights.org/mya-inv-2016-03-15/

[44] Burma Campaign UK. (2012). "Burma's Resource Curse: The case for revenue transparency in the oil and gas sector." P19

[45] World Bank. (2019). "The World Bank and Myanmar's Rakhine State". URL: https://www.worldbank.org/en/news/statement/2019/06/12/the-world-bank-and-myanmars-rakhine-state

[46] Long, K. (2015). "In Sittwe, an independent candidate in name only tells of a split within his party'. Myanmar Times. URL: https://www.mmtimes.com/national-news/17332-in-sittwe-an-independent-candidate-in-name-only-tells-of-a-split-within-his-party.html

Islam has been present in Myanmar since at least the ninth century, when Muslim seafarers from Persia set up trading posts along the Rakhine coastline[47]. From 1429 to 1785, what is now Rakhine State was the independent Rakhine Kingdom/Kingdom of Mrauk U, and it traded heavily with the Bengal Sultanate. Throughout this period the Kingdom minted coins with both Burmese and Persian inscriptions to facilitate trade with the Sultanate and within mainland Myanmar[48], Muslims held senior positions in the royal court, and Buddhist kings sanctioned the building of mosques.

The period of the Rakhine Kingdom was one in which migration between the Kingdom, the Bengal Sultanate and mainland Myanmar was commonplace[49]. After the start of British rule in 1824, immigration from South Asia to Myanmar rose considerably: by 1931, for instance, there were 212,000 Indians living in Yangon, double that of the number of Bamar[50], and it was often described as an "Indian city"[51]. Indian moneylenders (*chettiars*) and landlords became significant economic players. As a result of high immigration and the sense that Bamar were losing out on jobs to Indian immigrants, growing nationalist sentiment began to fix on Indians, and Muslims in particular (Hindus were considered more assimilable, largely because they didn't practice conversion to their faith of non-Muslim women upon marriage). Two episodes of rioting in 1930 and 1938 targeted Indians, with the 1938 riots - the largest of the two - targeting Muslims in particular. The 1938 riots were triggered by the publication of a pamphlet written by a Muslim man that was considered to have disparaged the Buddha. During the 1938 riots, two monks were killed, allegedly by Muslims. This was used by Buddhist nationalist agitators as evidence that Muslims posed a threat to Buddhists, and Buddhism, which inflamed the rioters further.[52]

Several Muslims have historically played important roles in public and political life: during the campaign for - and following - independence[53], and later during the administration of Aung San Suu Kyi[54]. This fact has prompted some to argue that they have not historically been considered an "other" in Myanmar.[55] Under Ne Win, however, Muslims played no political role - he expelled all Muslims from the army and government and placed a ban on their joining either institution.

1.8 The role of monks in shaping popular perceptions of Islam

Present-day tensions between Buddhists and Muslims have their root in Britain's encouragement of heavy immigration from South Asia and its sidelining of Buddhist practice - and practitioners -

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[47] Yegar, M. (1972). "The Muslims of Burma: A Study of a Minority Group"
[48] Yusuf, I. "The Rohingya, Rising Asian Islamophobia and the Tenuous State of Muslim-Buddhist Relations in Contemporary Southeast Asia." URL: http://www.oxfordislamicstudies.com/Public/focus/essay_focus_on_rohingya.html
[49] Baxter, J. (1941). "Report on Indian Immigration", Government Printing and Stationery, Burma, Rangoon. URL: https://legal-tools.org/doc/cc5cu2.
[50] Tin Maung Maung Than. (1993). "Some aspects of Indians in Rangoon". In "Indian Communities in Southeast Asia". P.586
[51] Ghosh, A. "Exodus from Burma, 1941". URL: http://amitavghosh.com/blog/?p=432
[52] Riot Inquiry Committee. (1939). "Final Report of the Riot Inquiry Committee." Supdt., Govt. Printing and Stationery, Burma. P.6
[53] Lintner, B. (2017). "Review: Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'. URL: https://www.irrawaddy.com/culture/books/myanmars-enemy-within-buddhist-violence-making-muslim.html
[54] Lasseter, T. (2018). "In a Muslim lawyer's murder, Myanmar's shattered dream." URL: https://www.reuters.com/investigates/special-report/myanmar-murder-politics/
[55] Lintner, B. (2017). "Review: Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'. URL: https://www.irrawaddy.com/culture/books/myanmars-enemy-within-buddhist-violence-making-muslim.html

during its rule[56]. This, along with assertions of continued heavy (illegal) immigration from South Asia since independence by the government, civilians and monks, has been drawn upon by nationalists to emphasise the fragility of Buddhism in Myanmar.

Following the 2012 violence in Rakhine State (see Section 3.1), several Buddhist nationalist movements emerged. The most prominent among these was the monk-led 969 movement (later Ma Ba Tha, or the Association for the Protection of Race and Religion). Others include the Patriotic Monks Union, the Myanmar National Network and Myo-chit Thamegga. Ma Ba Tha has regularly been characterised as chiefly concerned with "protecting" Buddhism from the expansion of Islam. It has garnered this reputation largely as a result of prominent monks, such U Wirathu and U Parmoukkha, who have tapped into, and influenced, popular fears of the threat that Islam poses to Buddhism. But it also gained popularity through its provision of social services to populations across the country, which complicated efforts by authorities to constrain it.[57]

Ma Ba Tha/969 and affiliated movements have drawn on longstanding assertions by Rakhine and the military that Rohingya is a fabricated identity. Ma Ba Tha monks were among the most vocal proponents of the claim that Rohingya are immigrants seeking to pass themselves off as an indigenous group in order to gain citizenship, which would in turn empower them politically and allow them to Islamise Rakhine State, if not the rest of Myanmar. They have pointed to the demographic shift that occurred under colonial rule as the beginnings of an attempted Islamisation of Myanmar. One such example is a speech given by a monk in the late 1990s entitled 'Disappearance of the Race is a Thing to Fear', which spoke of the need to "protect our race from extinction". It states that Muslims are "relentlessly working to swallow up Burma's ethnic populations".[58] U Wirathu has repeatedly echoed this claim of Muslim expansionism, and told media in 2013 that "Muslims are like African carp. They breed quickly".[59]

The high status of monks in Myanmar gives their statements a weight that few others in the country enjoy, save for popular political figures such as Aung San Suu Kyi. Social media has extended the reach of nationalist monks: before his Facebook page was taken down in early 2018 on account of the role it played as a platform for encouraging anti-Muslim violence, U Wirathu had several hundred thousand followers. In December 2012, three months before an outbreak of Buddhist-Muslim violence in Meikhtila in central Myanmar, a sermon of U Wirathu's was published on YouTube. In it, he called for a boycott of Muslim-owned businesses in Meikhtila, and said: "If our money goes to enemies' hands, it will destroy our whole nationality and religion."[60] The 969 movement had issued stickers in late 2012 bearing the 969 logo, which, in towns across the country, were used to indicate which stores were Buddhist.

The timing of the June 2012 violence - which began 15 months after parliament sat for the first time - could be a result of several intertwining factors: (1) that emergent ethnocentric nationalist political parties could use the violence as evidence that their constituents were vulnerable and

[56] Smith, D.E. (1965). "Religion and Politics in Burma." P.27.
[57] International Crisis Group. (2017). "Buddhism and State Power in Myanmar." URL: https://www.crisisgroup.org/asia/south-east-asia/myanmar/290-buddhism-and-state-power-myanmar
[58] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P62.
[59] Tin Aung Kyaw. (2013). "Buddhist monk Wirathu leads violent national campaign against Myanmar's Muslims". URL: https://theworld.org/dispatches/globalpost-blogs/groundtruth-burma/buddhist-monk-wirathu-969-muslims-myanmar
[60] YouTube. (2013). "Anti Muslim Monk Wira Thu Talk about Meiktila before Riot." 24 March 2013. URL: www.youtube.com/watch?v=N7irUgGsFYw (video has since been taken down).

therefore needed a party who would champion their security; (2) that the changing political dynamics in the country risked empowering a rival community, in this case, the Rohingya, who therefore needed containing; (3) that the military, if it indeed had played a role, could use the violence as evidence that a democratic state in which actors were freer to do as they pleased created instability, and that the continuation of a strong leadership was therefore required; and (4) that the freeing up of public discourse as a result of the opening led to the freer circulation of speech and ideas that compelled people to violence.

1.9 Overview of how other Muslim communities elsewhere in Myanmar have been affected by tensions and violence since 2012

Following the 2012 violence in Rakhine State, Buddhist and Muslim communities in towns elsewhere in the country with no prior history of communal violence engaged in attacks on one another, often following the goading of nationalist groups like 969/Ma Ba Tha.

The Meikhtila violence was the first episode of Buddhist-Muslim violence to occur after 2012 outside of Rakhine State. It took place over three days between 20 and 22 March 2013, with police not intervening until the third day (according to one police officer, this was because they were outnumbered[61]). It was triggered by an argument between a Buddhist customer and a Muslim shop owner. Several Muslim neighbourhoods in the town were burned, and around 43 people, mostly Muslims - but including a monk - died. Eye-witness reports indicated that many of the attackers had been brought into the town from outside[62], sometimes on minibuses[63], which gave rise to suspicions that actors within the Myanmar state had played an organising role. This suspicion has precedence: regimes have been known to use civilian mobs, such as Swan Arr Shin and 'Duty' mobs, to foment violence during times of political unrest[64], while a US State Department report in 2003, which followed some time after outbreaks of anti-Muslim violence in in 2001[65], noted a "sharp increase in the level of anti-Muslim violence" in Myanmar, "some of which the Government may have tacitly supported, contributed to, or even instigated"[66].

Several outbreaks of communal violence in central and eastern Myanmar followed in the wake of Meikhtila - in Lashio[67], Okkan[68], Kantbalu[69] and elsewhere in 2013, and Mandalay in 2014, where similar reports emerged of "outsider" mobs having carried out violence[70]. The effects of the 2013-14 violence in central Myanmar were not as acute as Rakhine State: in Meikhtila, the town's Muslim population fled to displacement camps outside of the town, but the majority had

[61] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P205.
[62] Ibid. P192.
[63] Justice Trust. (2015). "Hidden Hands Behind Communal Violence in Myanmar: Case Study of the Mandalay Riots." P.16
[64] Swe Win. (2015). "Return of State Thugs Raises Fears over Election Violence." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/return-of-state-thugs-raises-fears-over-election-violence.html
[65] Min Zin. (2001). "Religious Riots Spread Through Central Burma". The Irrawaddy. URL: https://www2.irrawaddy.com/article.php?art_id=3391
[66] US State Department. (2001). "Annual Report on International Religious Freedom, 2001." Page 113. Accessed at www.state.gov/documents/organization/9001.pdf
[67] Ferrie, J. (2013). "Buddhist mobs attack Muslim homes in Myanmar, one dead." URL: https://www.reuters.com/article/us-myanmar-violence-idUSBRE94S0JD20130529
[68] Al Jazeera. (2013). "Anti-Muslim violence hits central Myanmar." URL: https://www.aljazeera.com/news/2013/5/1/anti-muslim-violence-hits-central-myanmar
[69] The Irrawaddy/AP (2013). "Buddhists in Burma Torch Muslim Homes and Shops." URL: https://www.irrawaddy.com/photo-essay/buddhists-in-burma-torch-muslim-homes-and-shops.html
[70] Justice Trust. (2015). "Hidden Hands Behind Communal Violence in Myanmar: Case Study of the Mandalay Riots."

returned to their homes within the year. The 969-led boycott of Muslim-owned businesses appeared to be only temporary - by 2015, 969 stickers on Buddhist properties were less evident.

1.10 Hinduism and its place in Myanmar society

The Hindu population of Myanmar is small - the 2014 census puts it at 0.5% of the total population. They largely comprise ethnic Bengali, Tamil, Telegus and Uttar Pradeshis[71]. Hindus were targeted in the 1930 anti-Indian riots in Rangoon, and the population will have declined significantly in the early 1960s after Ne Win enacted harsh economic rules on foreign-owned businesses that effectively amounted to a purge of some 300,000 Indians[72].

Aside from the 1930s anti-Indian riots, there are few recorded instances of communal violence targeting Hindus along religious grounds. However, there were Hindus among the predominantly Rohingya communities living in camps in Myanmar following the June and October 2012 episodes of violence, when - especially in October 2012 - little distinction appeared to be made between different Muslim communities (i.e., Kaman Muslims were targeted too) or different communities of South Asian descent, such as Hindus. Hindus were allegedly targeted in 2017 by the Arakan Rohingya Salvation Army (ARSA), and up to 100 were reported killed (see Section 3.10). Some 500 Hindus are estimated to be living in the Kutupalong camp in Bangladesh[73].

2. Rohingya persecutory measures and actions

2.1 Timeline of persecutory state measures targeting Rohingya

This timeline begins in 1974, when the first major piece of legislation to affect Rohingya - the Emergency Immigration Act - came into being. It runs through to the denial of a vote in the 2015 elections.

1974 - The Emergency Immigration Act is passed into law. The law contains provisions limiting the rights, especially economic rights, of so-called “foreigners” from Bangladesh, China, and India, prompting an exodus of nationals from these countries. Authorities also begin confiscating Rohingya national registration cards.[74]

1978, February - Operation Naga Min is launched, in which Myanmar soldiers check the IDs (and legal/citizenship status) of Rakhine State inhabitants. As violence spreads, some 200,000 Rohingya flee to Bangladesh.

1982 - Citizenship Act of 1982 is passed.

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[71] York, M. et al. (2008). “Encyclopedia of Hinduism.” URL: https://archive.org/stream/YorkMichaelCushDeniseRobinsonCatherineAEncyclopediaOfHinduism/York%2C%20Michael%3B%20Cush%2C%20Denise%3B%20Robinson%2C%20Catherine%20A%20Encyclopedia%20of%20Hinduism_djvu.txt

[72] Yegar, M. (2002). “Between Integration and Secession: The Muslim Communities of the Southern Philippines, Southern Thailand, and Western Burma/Myanmar”. P52.

[73] Agence France Presse. (2018). “Myanmar's Hindu refugees mark festival in Bangladesh camp.” URL: https://www.france24.com/en/20181020-myanmars-hindu-refugees-mark-festival-bangladesh-camp

[74] Cheung, S. (2011). “Migration Control and the Solutions Impasse in South and Southeast Asia: Implications from the Rohingya Experience”, Journal of Refugee Studies 25(1): 50-70.

1988 - Directive issued by a senior figure in the regime-aligned National Unity Party, Colonel Tha Kyaw, that details strategies for suppressing Rohingya identity, diluting their population density in Northern Rakhine State, and limiting their movement and access to education. This directive contains the first mention of the Na Ta La village project (see Section 2.3.1).[75]

1989 - Everyone in Myanmar is required to apply for new Citizenship Scrutiny Cards. Rohingya hand over their national registration cards but receive no Citizenship Scrutiny Cards in return[76].

1991, December - Military launches Operation Pyi Thaya, or "Clean and Beautiful Nation," in Northern Rakhine State, during which soldiers commit widespread violence. Up to 270,000 Rohingya flee to Bangladesh.[77]

1991-92 - The military forms the "Border Immigration Headquarters", otherwise known as Nasaka, a new border security force operative in Rakhine State and Chin State. It comprised around 1200 immigration, police, intelligence and customs officials, and was formed to secure the border and enforce travel restrictions and other measures targeting Rohingya[78].

1993 - Nasaka issues an order warning of a "population explosion" in Maungdaw Township in Northern Rakhine State. It states that population growth is far exceeding "international standards".[79]

1994 - Birth certificates stop being issued to Rohingya children.[80]

1995 - The government issues temporary registration cards, or "White Cards", to those without national registration cards, the majority of whom are Rohingya (see events of 1989, above). This new form of identification does not serve as proof of citizenship.

1997, June - An order issued by the State Head of the Immigration Office in Sittwe specifies that "temporary travel permits to travel outside of their township" would be issued to Rohingya, who are referred to in other orders released that month as "foreigners and Bengali races residing in Rakhine State"[81]. Failure to show documentation is considered a criminal act.[82]

2005 - Authorities in Maungdaw release 'Regional Order 1/2005' stating that: "Starting the date of this regional order, those who have permission to marry must limit the number of children, in order to control the birth rate so that there is enough food and shelter."[83] (This order, as far as is

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[75] International State Crime Initiative. (2015). "Countdown To Annihilation: Genocide In Myanmar." P36
[76] Hussein, Z. R. A. (2018). "Thousands of Rohingya refugees continue to flee violence." URL: https://www.ohchr.org/FR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23324&LangID=F
[77] Farzana, K. F.. (2018). "Nationalism, Persecution and Repatriation of the Rohingya." URL: https://www.e-ir.info/2018/04/05/nationalism-persecution-and-repatriation-of-the-rohingya/
[78] Della-Giacoma, J. (2013). Myanmar's "Nasaka": Disbanding an Abusive Agency. URL: https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmars-nasaka-disbanding-abusive-agency.
[79] Fortify Rights. (2014). "Policies of Persecution Ending Abusive State Policies Against Rohingya Muslims in Myanmar". P36.
[80] Lewa, C. "North Arakan: an open prison for the Rohingya in Burma." Forced Migration Review. P.12
[81] Such terms are common in government directives, given the refusal to use "Rohingya".
[82] Fortify Rights. (2014). "Policies of Persecution Ending Abusive State Policies Against Rohingya Muslims in Myanmar". P33.
[83] Ibid. P24.

known, doesn't explicitly reference Rohingya. However, it can be inferred from a general narrative of Rohingya expansionism, as well as state efforts to expand the Buddhist presence in Northern Rakhine State via the Na Ta La project, that the measures likely target Rohingya - and because Maungdaw was predominantly Rohingya).

- An addendum to the order states: "If there is suspicion of someone being substituted [in the family registry], children in the household will be compared in age and in appearance. If the child is an infant, the mother will be made to breastfeed the child. Young children will be questioned separately."[84]
- Fortify Rights, who obtained the order, believes that while this didn't receive explicit backing in national legislation, "central government officials have been involved in the formulation and implementation of the policy".[85] It has been discussed on various occasions in parliament, sometimes with explicit reference to 'Regional Order 1/2005'.[86]

2005 - A separate regional order for Rakhine State issued in 2005 but not circulated until 2008, titled "Population Control Activities" and directed to security forces (Nasaka), contained an addendum that read: "Making people use pills, injections, and condoms for birth control at every regional clinic, township hospitals, and their own regional hospitals." Fortify Rights, who obtained the addendum, does not know whether it was enforced[87]; nor is it clear who "people" refers to.

2005 - Another regional order is circulated stipulating that Rohingya have to satisfy 10 requirements in order to marry. Fortify Rights, who obtained the order, states the following, based on interviews with Rohingya:

- "Both the written policy and well-documented practice require Rohingya couples to present themselves to law enforcement officials multiple times, alongside their parents and other witnesses"
- "The official government order notes the application for marriage requires a photograph of the couple, in which men are required to appear cleanly shaven."
- "In practice, women are required to appear in the photo without a hijab or headscarf."
- "The unofficial costs for permission to marry are prohibitively expensive to most Rohingya, in some cases as high as 100,000 kyat (US $100). Moreover, if a Rohingya wants to marry someone from another township, further approval is required and can cost an additional 100,000 kyat (US $100)."
- "An undated addendum to the regional orders produced in 2008 outlines guidelines for "spot checking"—a practice whereby law enforcement officials visit Rohingya homes unannounced to scrutinize the residents against official home registries. A vaguely-worded guideline for "spot checking" states: "Action must be taken against those who are married unofficially and live together"."
- "It is unclear at the time of writing [2014] the extent to which these requirements remain enforced."[88]

2005, May - A Regional Order dated 1 May 2005, but not circulated until 2008, details restrictions on movement for Rohingya. According to Fortify Rights, it "includes six discriminatory requirements for Rohingya married couples to obtain "permission" from the authorities for

[84] Fortify Rights. (2014). "Policies of Persecution Ending Abusive State Policies Against Rohingya Muslims in Myanmar". P25.
[85] Ibid. P24.
[86] Ibid. P24-28.
[87] Ibid. P29
[88] Ibid. P30-31

"moving in the same territory," seven requirements for "moving to a different territory," and five requirements for "moving out."[89]

2009 - "Regional Order 1/2009" is circulated. It outlaws: "illicit relationships, unauthorized marriages, underage marriages, divorce without permission, re-marriage by widows, widowers, divorcees without observing the specified order, and marrying two wives."[90]

- Fortify Rights says that in practice, marriage restrictions are "not currently enforced as strictly and applicants are required to clear fewer administrative hurdles than previously".

2009 - "Regional Order 1/2009" also "requires that Rohingya inform authorities within seven days of all movements "from one place to another.""[91] These aren't applied to any other group in Rakhine State. "Violation of these orders restricting travel is punishable by Section 188 of the Penal Code, which brings prison time, a fine, or both", says Fortify Rights.

2013 - Enforcement of two-child policy on Rohingya reportedly ends after Nasaka is disbanded in July 2013.[92]

2013, July - Government issues a report, based on recommendations of a government-formed Inquiry Commission on Sectarian Violence in Rakhine State, that states: "In the current situation, the Rakhine and the Bengali communities will need to be kept separate in the short term."[93] It also states: "Most Rakhine see the rapid population growth of the Bengalis as an extremely serious threat… The Rakhine communities and other Taing-Yin-Tha [*taingyinthar*] groups expressed the wish for the Government to promote family planning and birth spacing programmes amongst the Bengalis… However, the Commission notes that such family planning and child spacing initiatives should be voluntary and should not be forced on any group."[94]

2014 - Government introduces a pilot scheme in an IDP camp in Myebon township to verify the status of Rohingya and Kaman Muslims. However, in order to qualify for a National Verification Card, which was promoted as the first step in the process of applying for citizenship, applicants needed to list their ethnicity and religion. Rohingya were told that they would have to register as "Bengali". Most refused.[95]

2014, April - The government undertakes a census. In March 2014, prior to the census, protests take place in nine townships in Rakhine State against the right for Rohingya to self-identify.[96] Despite earlier government assertions that inhabitants of Myanmar can identify as they wish, the decision is reversed and Rohingya are forbidden from registering as Rohingya. Government minister Ye Htut said hours before the census began that if they wanted to be registered, they would have to identify as 'Bengali'[97]. They are therefore excluded.

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[89] Ibid. P33.
[90] Ibid. P31. Fortify Rights states that it has only seen translated passages from this order, not the full order itself.
[91] Fortify Rights. (2014). "Policies of Persecution Ending Abusive State Policies Against Rohingya Muslims in Myanmar". P33.
[92] International Crisis Group. (2014). "Myanmar: The Politics of Rakhine State." P19
[93] Republic of the Union of Myanmar. (2013). "Final Report of Inquiry Commission on Sectarian Violence in Rakhine State". P65
[94] Ibid. P66
[95] Advisory Commission on Rakhine State. (2017). "Towards A Peaceful, Fair And Prosperous Future For The People Of Rakhine." P26.
[96] International Crisis Group. (2014). "Counting the Costs: Myanmar's Problematic Census." P12.
[97] Khin Maung Win. (2014). "UN concerned Rohingya excluded from Myanmar census." URL:

2015, March - The government invalidates temporary registration cards, or "White Cards" - Rohingyas only form of identification. The Rohingya are required to obtain National Verification Cards (NVC), with the government stating that any requests for the "Rohingya" ethnonym to be printed on the NVC will not be granted (for more on the NVC, see Section 3.9.1). Instead they will have "Bengali" printed on the cards, thereby codifying their foreign status. Most Rohingya reject the new cards.

2015, August - The so-called "Protection of Race and Religion Laws" are passed. These include new laws around marriage, reproduction and religious conversion that many consider discriminatory towards Muslims, and Rohingya in particular, as well as undermining women's rights (see Section 2.2).

2015, November - National elections take place. Without any proof of legal status, following invalidation of "White Cards", Rohingya are denied the right to vote or to run for political office. Two Rohingya MPs are excluded from parliament, and according to Rohingya activists, voter registration lists released in June 2015 showed that more than 500,000 Rohingya had disappeared from the voter rolls.[98]

2.2 2015 Race and Religion Laws

Four so-called "Protection of Race and Religion" laws were submitted to Myanmar parliament in December 2014 and signed by President Thein Sein in August 2015. They drew criticism on account of their apparent targeting of Muslims, and due to the fact that lawmakers seemingly capitulated to ultra-nationalist Buddhist groups in passing them.

The four laws - (a) the Religious Conversion Bill, (b) the Buddhist Women's Special Marriage Bill, (c) the Population Control Healthcare Bill and (d) the Monogamy Bill - are outlined below, following which is an examination of the context in which they arose and the forces that brought them into existence.

2.2.1 The Religious Conversion Bill

This obliges a Myanmar citizen to obtain approval from a township-level Registration Board for religious conversion, created around the time of the law's passing, before changing their religion. They must be over 18 to make the application, and they must be interviewed by between 5 and 10 members of the Registration Board in their township before a decision is made. They must also convince the Board that they are not converting due to external pressure. The law also prescribes punishments - prison and/or a fine - for false information or for coerced conversions[99].

2.2.2 The Buddhist Women's Special Marriage Bill

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https://apnews.com/article/32a2f50504ae4039aae313d5e52fac4f

[98] Fuller, T. (2015). "Myanmar Striking Rohingya From Voter Rolls, Activists Say". New York Times. URL: https://www.nytimes.com/2015/08/24/world/asia/myanmar-lawmaker-u-shwe-maung-barred-from-re-election-on-citizenship-grounds.html

[99] Republic of the Union of Myanmar. (2014). "Religious Conversion Bill (Unofficial Translation). URL: https://www.burmalibrary.org/docs21/2015-Religious_Conversion_Bill_2nd_Public_Draft-en.pdf

This law, passed by a vote of 524 to 44, stipulates that a Buddhist woman who wishes to marry a non-Buddhist man must be at least 20 years old, or otherwise require that they obtain parental consent. It requires township administrative officers, otherwise known as registrars, to post marriage applications on public message boards for 14 days and to field any objections. If even one objection is given, the matter of permitting the marriage will be taken through the courts.[100] International Crisis Group states that these objections must relate to issues around age, being sound of mind or having been coerced, although this is not clear in the wording of the bill.[101]

2.2.3 The Population Control Healthcare Bill

This bill, as it is written, is intended "(a) To improve living standards while alleviating poverty in the country; (b) To ensure sufficient quality healthcare; and (c) To develop maternal and child health."[102] It requires authorities at either/or the Union, Region or State level to determine "whether the high population density, increasing population growth rate, high birthrate, high maternal and child mortality rate, and high migration rate cause or risk the cause of imbalance between population and resources, declining socio-economic indicators, and food insufficiency in their respective regions."[103] One clause stipulates that relevant authorities should partake in "Educating and organizing married couples to practice birth spacing for improving maternal and child health"[104]. The final bill stipulated that women in areas considered of high population density should space births apart by 36 months.[105]

2.2.4 The Monogamy Bill

This bill makes it a criminal offence for a married person to have more than one spouse or to enter into an "illegal" extramarital affair with another person while married. It can result in a prison sentence of up to seven years.

2.2.5 Analysis

The precise genesis of the four laws is unclear. According to the lawyer that drafted them, the idea for the four laws came about following a meeting of senior monks in May 2013. The lawyer was then approached by a monk, the Venerable U Pinnya Wara - a senior member of the State Sangha Maha Nayaka Committee - to draft them. Monks therefore evidently played a steering role in their creation, while throughout 2014, Ma Ba Tha heavily promoted their adoption.

Some of the laws draw on pre-existing laws or directives. The Buddhist Women's Special Marriage Bill has content highly similar to the 1939 Buddhist Women's Special Marriage and

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[100] Republic of the Union of Myanmar. (2014) "The Myanmar Buddhist Women's Special Marriage Law (draft; Unofficial Translation)." URL: https://www.burmalibrary.org/docs21/2015-Myanmar_Buddhist_Women_Special_Marriage_Bill.pdf
[101] International Crisis Group. (2017). "Buddhism and State Power in Myanmar." URL: https://www.crisisgroup.org/asia/south-east-asia/myanmar/290-buddhism-and-state-power-myanmar#39225
[102] Republic of the Union of Myanmar. (2015). "Population Control Healthcare Law (draft)." URL: https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs21/2015-Population_Balancing_Law_as_adopted_by_both_houses.pdf
[103] Ibid
[104] Ibid. P8.
[105] Human Rights Watch. (2015). "Burma: Reject Discriminatory Population Bill." URL: https://www.hrw.org/news/2015/05/16/burma-reject-discriminatory-population-bill

Succession Act (updated again in 1954), which was only ever applied sparingly.[106] The Population Control Healthcare Bill meanwhile echoes several of the "Regional Orders" issued in Rakhine State between 2005 and 2009 (see Timeline in Section 2.1).

Supporters of the laws have said that they are Buddhist-focused, rather than anti-Muslim; that they are intended to guard against any threat of declining Buddhist practice as a result of conversions, are aimed at reducing pressure on resources as a result of over-population, and are intended to protect women from coercive male behaviour with regards to religious practices and conversions. The laws however drew concern over their apparent targeting of Muslims, despite there being no mention of Muslims in the laws themselves. The principal reason - aside from their having been promoted by a nationalist monastic movement, much of whose work has focused on framing Islam as a threat to Buddhism - is that the laws appear to dovetail with core elements of nationalist messaging around Islam, and around the Rohingya in particular.

An example is the Population Health Control Bill: Ma Ba Tha monks have regularly spoken of high birth rates among Rohingya[107], while the limits on childbirth and encouragement of birth control in Maungdaw Township in 2005, where Rohingya made up some 90% of the pre-2017 population, indicates that the government has long shared this sentiment. The Population Health Control Bill then appears to be the legal expression of this sentiment.

The Monogamy Bill meanwhile appears to have grown out of perceptions that polygamy is likely in Buddhist-Muslim marriages, and, with regards to the Religious Conversion Bill, that forced conversions are also likely, if not inevitable, in such marriages[108]. U Wirathu said of the Monogamy Law in 2015 that it is intended to "preserve the sanctity of marriage, to safeguard from the danger of Jihadi Muslims who are marrying many women in an effort to establish a Muslim nation, and for women to avoid the problem of polygamy."[109]

In the first three months of the passing of the Monogamy Bill, the vast majority of complaints were directed towards unfaithful Buddhist husbands[110]. However, the first charge was laid against a Muslim man who was married but was found to have stayed in a house with another Buddhist woman (who was separated from her husband) for three days without notifying the ward administrator. The complaint was allegedly filed by local Ma Ba Tha supporters to a group known as Patriotic Association, which is/was affiliated with Ma Ba Tha[111].

2.3 How the targeting by the central government of Rohingya differed from that of other minorities, including the non-Rohingya Muslims

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[106] International Crisis Group. (2017). "Buddhism and State Power in Myanmar." URL: https://www.crisisgroup.org/asia/south-east-asia/myanmar/290-buddhism-and-state-power-myanmar

[107] Tin Aung Kyaw. (2013). "Buddhist monk Wirathu leads violent national campaign against Myanmar's Muslims." The World. URL: https://theworld.org/dispatches/globalpost-blogs/groundtruth-burma/buddhist-monk-wirathu-969-muslims-myanmar

[108] International Crisis Group. (2017). "Buddhism and State Power in Myanmar." URL: https://www.crisisgroup.org/asia/south-east-asia/myanmar/290-buddhism-and-state-power-myanmar#39225

[109] Thin Lei Win. (2015). "Law Aimed at Muslims in Burma Strikes Buddhist Targets." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/102646.html

[110] Thin Lei Win. (2015). "Law Aimed at Muslims in Burma Strikes Buddhist Targets." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/102646.html

[111] Aung Kyaw Min. (2015). "First Monogamy Law charge hits Muslim masonry worker." (Myanmar Times. URL: https://www.mmtimes.com/national-news/16546-first-monogamy-law-charge-hits-muslim-masonry-worker.html

Various measures targeted at Rohingya since 1962 - in particular, the denial of citizenship and the orders affecting marriage, birth rights and movement in 2005, 2009 and 2015 - appear to have been aimed at limiting their population growth and their ability to carry out basic functions, such as local travel. However, there have also been a number of demographic and security measures in Rakhine State - especially in the north - which appear to be attempts at both diluting the concentration of Rohingya and making their day-to-day existence in Myanmar extremely difficult. These are specific to Rohingya, rather than being general measures for all communities in Northern Rakhine State.

2.3.1 Na Ta La village project

In the early 1990s the SLORC regime began a project to resettle Buddhists in Northern Rakhine State, where Rohingya were a majority. The project was run by the Ministry of Progress for Border Areas, National Races and Development (established in 1988), whose acronym is Na Ta La, and was mainly executed by the Nasaka security force.[112] However, the so-called "Na Ta La project" appears to have been first mooted in 1988 by a senior figure, Colonel Tha Kyaw, in the regime-aligned National Unity Party. He issued an 11-point directive that included: "To strive for the increase in Buddhist population to be more than the number of Muslim people by way of establishing Natala [sic] villages in Arakan [Rakhine] with Buddhist settlers from different townships and from out of the country."[113]

Starting in the early 1990s, Buddhist settlers began to move to Northern Rakhine State, where Na Ta La model villages were being built, principally in Maungdaw township. In many cases they were built on land confiscated from Rohingya[114] and with the use of Rohingya forced labour[115]. The new settlers were largely poor Rakhine or Bamar, as well as other smaller Buddhist minorities in the region - Daignet and Thet[116] - although they included homeless families from central Myanmar and prisoners who were given early release in exchange for agreeing to relocate there for at least three years.[117] The current total number of settlers is not known: a Nasaka report from 2007 put the number at 8,777 people, 1777 households and 24 villages,[118] while a 2004 report by Amnesty International had put the number of villages at the time at 26[119]. However, Na Ta La villages continued to be built until at least 2015.[120] People were incentivised with offers of free housing, basic monthly food rations, livestock and a small stipend.[121] Smaller Na Ta La schools projects were also developed in Chin State, where the majority are Christian, to convert children from Christianity to Buddhism.[122]

Aside from Colonel Tha Kyaw's directive, there is little in the way of documented explanation of their purpose. One man in a village of resettled prisoners relayed what he was told by prison

[112] Amnesty International. "Myanmar: The Rohingya Minority: Fundamental rights denied." P22.
[113] International State Crime Initiative. (2015). "Countdown To Annihilation: Genocide In Myanmar." P36.
[114] Amnesty International. "Myanmar: The Rohingya Minority: Fundamental rights denied." P22.
[115] Ibid. P23.
[116] Amnesty International. "Myanmar: The Rohingya Minority: Fundamental rights denied." P23.
[117] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P113-145.
[118] Ye Htut. (2017). "A Background to the Security Crisis in Northern Rakhine." ISEAS Perspective. P6.
[119] Amnesty International. "Myanmar: The Rohingya Minority: Fundamental rights denied." P23.
[120] Wade, F. (2015). "West Bank of the East: Burma's Social Engineering Project." LA Review of Books. URL: https://lareviewofbooks.org/article/west-bank-of-the-east-burmas-social-engineering-project/
[121] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P115
[122] Ibid. P134

wardens upon being offered the resettlement scheme in 2013: “I was told that in Rakhine there are so many Muslims so we want to balance that out by sending Buddhists here.”[123] A former deputy minister for border affairs in Rakhine State said: “The government established the Na Ta La villages to make sure all the Rakhine people are spread all over Rakhine and to make it look like Rakhine people are living densely in their state, otherwise there will be no Rakhine. Instead, Bengali will be everywhere and they will demand their own territory.”[124]

The scheme appears therefore to have been an attempt to reengineer the demographic make-up of Northern Rakhine State to balance out the Buddhist-Muslim population. As noted in Section 1.4, Buddhism was considered by the SLORC regime to be a transmission line for state power to reach into areas where Buddhists were a minority - what some have called a process of “Buddhification” that runs parallel to “Burmanisation”.[125]

2.3.2 Security measures

The Rohingya face a range of security measures that do not apply to Rakhine or other Buddhist minorities. Since 2012, these have informally applied to Kaman Muslims too.

Beginning in 1997, Rohingya in Sittwe, the state capital, were required to obtain temporary travel permits if they wanted to travel outside of their township, as well as other documentation for travel beyond Rakhine State,[126] which they could do for a maximum period of 45 days.[127] Failure to show permits to security forces was considered a criminal charge. This policy was later extended to Northern Rakhine State.

Central to its enforcement has been the setting up of checkpoints. Physicians for Human Rights (PHR) has counted 86 checkpoints in Northern Rakhine State at which Rohingya must show proof of documentation allowing them to travel, proof that they have permission to stay overnight outside of their village or township (if applicable), and they often have to pay a fee of between 500 and 5,000 kyat to pass.[128] This does not apply to other ethnic groups (although following the intensification of conflict between the military and the Arakan Army in 2018, Rakhine have been frequently stopped at checkpoints). Some Rohingya have reported that the checkpoint vetting process involves their vehicle being pulled over and security forces saying: “All kalar out of the car” [“kalar” is used as a slur for people of South Asia appearance] while those from other ethnic groups stay within the vehicle.[129] PHR reported Rohingya interviewees as stating that security forces also “set up road blocks [distinct from checkpoints] at random, without justification, and use these ad hoc checkpoints to demand bribes of traveling Rohingya”.[130]

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[123] Ibid. P122
[124] Ibid. P125
[125] Houtman, G. (1999). “Mental Culture in Burmese Crisis Politics: Aung San Suu Kyi and the National League for Democracy, P137. See also: Soe Lin Post. (1997). “Unity in Diversity: an Approach for the Unification of Burma Through Eliminating Government's "Buddhification" Policies.”
[126] Fortify Rights. (2014). “Policies of Persecution Ending Abusive State Policies Against Rohingya Muslims in Myanmar”. P33
[127] Moe Myint. (2018). “Despite Govt Efforts, Divide Persists Over Rohingya Freedom of Movement.” The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/despite-govt-efforts-divide-persists-rohingya-freedom-movement.html
[128] Physicians for Human Rights. (2016). “Where There is Police, There is Persecution Government Security Forces and Human Rights Abuses in Myanmar’s Northern Rakhine State.” P9.
[129] Ibid. P9.
[130] Ibid. P9.

Since 2012, Rohingya have been prevented from travelling between Northern Rakhine State and the state capital of Sittwe, except in cases where they require emergency hospital treatment that they are unable to receive in Northern Rakhine State (Sittwe General Hospital is the best equipped hospital in the state). Rohingya in camps in and around Sittwe are also prevented from leaving their camps, except in cases where they require emergency hospital treatment that they are unable to receive at camp clinics. This also applies to Rohingya in the only remaining Rohingya neighbourhood of Sittwe, Aung Mingalar. Armed police are stationed at the entry/exit points to camps and Aung Mingalar to prevent their exit.

2.3.3 Access to healthcare

The security measures have had serious consequences for the ability of Rohingya to access state provided healthcare, as has generally poor provision of state healthcare to Rohingya-majority communities. To illustrate the latter point, Buthidaung and Maungdaw, where Rohingya are/were predominant, have two doctors per 158,000 people (as per a 2016 study); in Sittwe, where Rakhine are predominant, there are two doctors for every 681 people. The rate of infant mortality in Buthidaung is 224 per 1000; in Sittwe it is 77 per 1000,[131] equating to a three-fold disparity in infant mortality between two regions only 85 kilometers from one another.

Since June 2012, Sittwe General Hospital has been segregated along religious lines, with Muslim and Buddhist patients treated on different floors of the hospital under constant surveillance by security guards.[132] This has been justified by medical officials in Sittwe on the grounds that staff had been threatened by Rakhine hardliners for treating Muslims.[133] Even so, except for smaller station hospitals, it remains the only hospital that accepts Muslim patients, on account of the fact that other towns in the state, such as Mrauk U and Kyauktaw, have informal blanket bans on Muslims entering the town.[134]

For Rohingya and Kaman Muslims, permission must be given to make the travel arrangements necessary to access Sittwe General Hospital, given that all Rohingya and Kaman either live outside of Sittwe town, or are interned in camps nearby Sittwe, or are otherwise barricaded inside Aung Mingalar quarter. This process can entail a call by the patient to the village administrator, who then relays the request to healthcare workers who visit the household to assess the patients claims, and who then do or do not request an ambulance to drive to Sittwe, which the patient is often required to pay for.[135] If an INGO requests transport to hospital for a Muslim, they must first obtain permission from a Township Medical Officer as well as Sittwe General Hospital, and then arrange for the travel.[136] This process is additionally complicated - and slowed - by curfews and the potential for ambulances to be stopped at checkpoints.

Muslims in Rakhine State have consequently reported not seeking medical help for urgent health issues. Part of the reason is that the delays to accessing healthcare mean that by the time Muslims reach hospitals, it is too late for treatment and they die in hospital. This has led to the

[131] Mahmood, S. S. et al. (2017). “The Rohingya people of Myanmar: health, human rights, and identity.” The Lancet. P5.
[132] Debarre, A. (2019). “The Provision of Healthcare in Myanmar” in “Delivering Healthcare amid Crisis: The Humanitarian Response in Myanmar”. International Peace Institute. P16.
[133] Amnesty International. (2017). “Caged Without A Roof” Apartheid In Myanmar’s Rakhine State.” P63.
[134] Independent Rakhine Initiative. (2020). “Freedom of Movement in Rakhine State”. P19.
[135] Wade, F. (2019). “Myanmar’s Enemy Within: Buddhist Violence and the Making of a Muslim ‘Other’”. P263-267.
[136] Amnesty International. (2017). “Caged Without A Roof” Apartheid In Myanmar’s Rakhine State.” P63.

circulation of rumours that doctors are killing Muslims, which acts as a deterrent to them seeking treatment.[137] They are thus discouraged from relying on the healthcare system, even in cases where their condition is potentially serious.[138]

2.3.4 Access to education

Rakhine State has among the poorest educational indicators in Myanmar, with a teacher-student ratio of 1:130 compared to a national average of 1:33[139], making access to adequate education difficult for all communities there.

Prior to 2012, Rohingya had faced indirect restrictions on accessing education. General restrictions on movement limited which educational institutions they could feasibly attend, given the requirement that documents be shown when travelling between townships - and the potential for their arbitrary refusal of travel. This however did not equate to a full ban on access to schools and universities. Rohingya and Rakhine studied in mixed schools[140], and Rohingya from outside of Sittwe township could still attend Sittwe University - the only university in Rakhine State.

After restrictions on movement were tightened in 2012, Rohingya were effectively denied access to Sittwe University. This was the case firstly because Rohingya could not travel into Sittwe from outside townships - they were barred from boarding boats to travel south from northern townships, or otherwise stopped at checkpoints along roads - and second because an informal ban on Rohingya studying alongside Rakhine was implemented. Rohingya thereafter had no access to higher education.

Young children face a more multifaceted array of barriers to education: for those in camps, education is provided largely by NGOs in either "temporary learning centres" or informal primary schools, both of which are under-resourced.[141] For teenagers in camps, there is only one high school accessible to camp residents.[142] Outside of camps, Rohingya cannot access government-run primary schools on account of the potential for mixing with Rakhine. Government teachers, who are invariably Rakhine, are reluctant to visit Rohingya villages to teach, given fear of reprisal from their community, or due to communal prejudices of their own.[143] Many Rohingya children therefore rely on teaching by Rohingya elders, who often lack training. The situation is further compounded for Rohingya girls. Due to cultural norms that consider female duties to be confined largely to the home, their education is often deprioritised by Rohingya parents in favour of educating their sons.[144]

2.4 Solidarity with Rohingya

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[137] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P289-291
[138] Ibid. P290
[139] Save the Children. (2021). "No Safe Haven: The plight of Rohingya children across Asia." P10.
[140] BROUK. (2018). "Rohingya Denied Access To Education In Myanmar And Bangladesh." URL: https://burmacampaign.org.uk/rohingya-denied-access-to-education-in-myanmar-and-bangladesh/. See also: Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P404
[141] Save the Children. (2021). "No Safe Haven: The plight of Rohingya children across Asia." P10.
[142] Ibid. P11.
[143] Ibid. P11.
[144] Save the Children. (2021). "No Safe Haven: The plight of Rohingya children across Asia." P11.

Prior to 2012, Rohingya were targets of infrequent protests, both within Rakhine State and Myanmar more generally. For example, in November 2011, protests were held outside of the British consulate in Yangon after a map was circulated online, published by the BBC in 2010, that identified Rakhine State as home to Rohingya.[145] Such events were, however, rare. But following the June 2012 violence, explored in detail in Section 3.1, protests became more frequent, and were often led by monastic groups. Public shows of solidarity with Rohingya became risky, given the intensifying narrative of Rohingya as "terrorists" as well as public declarations that any Rakhine found to be assisting Rohingya would be branded "traitors" (see Section 3.3.2). In some cases, Rakhine caught doing so were subjected to public humiliation: for example, a photo dated August 2012 shows a man being led along a street with a cardboard placard around his neck that reads: "I am a traitor and slave of kalar."[146] The photo is reportedly from Myebon in Rakhine State. Additionally, some reports have stated that the trigger for the October 2012 violence was an act of cross-communal exchange: the selling of rice by a Rakhine man to a Rohingya customer.[147]

This targeting of so-called "traitors" after June 2012 fits a pattern of wider persecution of Buddhists who were considered to be siding with Muslims in the wake of episodes of violence across Myanmar after 2012. Ma Ba Tha monks, through their various print and social media platforms, played a key role in pressuring courts to convict activists who had shown solidarity with Muslims (see, for example, the court case of Zaw Zaw Latt and Pwint Phyu Latt[148] or sustained threats towards interfaith activist "Myo"[149]). Even high-profile National League for Democracy figures were targeted, with party official Htin Lin Oo evicted from the NLD and later jailed for two years on charges of "outrag[ing] religious feelings" after stating in a speech that discrimination on racial and religious grounds was incompatible with Buddhist tenets.[150]

The space in which journalists, activists and otherwise could safely and critically examine the deteriorating conditions for Rohingya also narrowed after 2012, and especially following the August 2017 campaign. The most notable example is the jailing of two Reuters reporters who uncovered evidence of a massacre by soldiers of Rohingya in the village of Inn Din in September 2017.[151] According to testimony given by one of the reporters, his police interrogator made clear that part of the reason for his arrest was his apparent siding with Rohingya. He quoted the interrogator as saying: "You are both Buddhists. Why are you writing about kalars at a time like this? They aren't citizens.'" Another reporter was forced into exile in late 2017 after the Myanmar Broadcasters Association claimed she had misquoted a speech from Aung San Suu Kyi on immigration and terrorism, after which she received death threats. In July 2017 she had received

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[145] Sai Latt. (2011). "BBC under fire on Rohingyas." New Mandala. URL: https://www.newmandala.org/bbc-under-fire-on-rohingyas/

[146] Wade, F. (2012). "Photos emerge of anti-Muslim witch hunt in Burma." M-Media. URL: http://www.m-mediagroup.com/en/archives/7337

[147] Physicians for Human Rights. (2013). "Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention." P12.

[148] Freedom Now. "Zaw Zaw & Pwint Phyu Latt". URL: https://www.freedom-now.org/cases/zaw-zaw-latt-and-pwint-phyu-latt/

[149] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P240-243

[150] Zarni Mann. (2015). "2 Years Hard Labor for Htin Lin Oo in Religious Offense Case." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/2-years-hard-labor-for-htin-lin-oo-in-religious-offense-case.html

[151] Chalmers, J. (2018). "Special Report - How Myanmar punished two reporters for uncovering an atrocity." Reuters. URL: https://www.reuters.com/article/uk-myanmar-journalists-trial-specialrepo-idINKCN1LJ165

threats that she would be raped after saying in a press conference: “We can’t know that the military didn’t do anything wrong in Rakhine because we can’t get in to check.”[152]

3. Anti-Rohingya violence

3.1 Background to June 2012 violence

The June 2012 violence occurred 15 months after parliament sat for the first time, in March 2011, and amid the opening up of Myanmar’s political space and the formation of political parties, many of which represented discrete ethnic groups. The Rakhine Nationalities Development Party (later known as the Arakan National Party), which had formed to contest the November 2010 elections, was instrumental in pushing a narrative in Rakhine State that framed Rohingya as intruders who posed a security threat. This messaging aligned with key narratives around the Rohingya that were circulated since the rule of Ne Win.

The RNDP had begun holding seminars in October 2011 on the subject of Rohingya/Muslims. Seminars were held in Sittwe, Buthidaung and Maungdaw. One media report on the seminars described their purpose as “denouncing those who they claim have made up a fallacious history of Arakan, misusing the terminology of "Arakan and Arakanese" in order to make human rights claims before international communities.”[153] A RNDP MP said after one seminar in Sittwe: "Some groups of Bengali Muslims living in foreign countries have widely insulted the glory of the land and peoples of Arakan by misusing the term "Arakan" when they are making up their histories of land, peoples, culture, religion and literature.”[154]

The circulation of the BBC map depicting Rakhine State as home to Rohingya occurred the following month, in November 2011. The subsequent protests in Yangon indicated a sharpening tension around the presence of Rohingya in the country, which was further fueled by media. A magazine, Pacimma Yatwun - which included on its editorial board Rakhine monks, politicians and a Rakhine police chief - was published in early 2012 (exact date unknown). In it, several articles sought to frame Rohingya as violent and deceitful. An article titled “What the Rohingya is” said: "The Bengalis are very deceptive—if necessary, they'd even cut their own body and flesh with knives to exaggerate their stories". One article in the magazine was titled “Black tsunami in disguise”, while another referred to “an influx of Bengalis from east Bangladesh”.[155]

Tension had also grown on account of the fact that in the 2010 elections that launched Myanmar’s political opening, Rohingya had been given the vote - a move that the military-backed Election Commission hoped would supply votes for the military’s Union Solidarity and Development Party, who were eventual victors in the elections.

The rape and murder of a Rakhine woman, Ma Thida Htwe, on 28 May 2012 in Ramree Island, south of Sittwe, by three Rohingya men - as well as media coverage of the attack - is widely

[152] Human Rights Watch. (2019). “Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar.” URL: https://www.hrw.org/report/2019/02/01/dashed-hopes/criminalization-peaceful-expression-myanmar
[153] Takaloo. (2011). “Mass Protest Around Misuse of the Term ‘Arakan’ Arises in Arakan State.” BNI Online. URL: https://www.bnionline.net/en/narinjara-news/item/11994-mass-protest-around-misuse-of-the-term-arakan-arises-in-arakan-state.html
[154] Ibid.
[155] While circulation is unknown, Paccima Yatwun focuses solely on Rakhine State and is staffed by Rakhine.

seen as an early trigger for the June and October 2012 violence. The three men were subsequently identified in media as "Bengali Muslims" or "Islam followers".[156] On 3 June, a bus carrying Muslims through the town of Taunggup, east of Ramree Island, was set upon by a large group of Rakhine. Ten passengers were dragged off the bus and beaten to death, many of them believed to be non-Rohingya Muslims from elsewhere in Myanmar. A 4 June report in the state-run New Light of Myanmar, detailing the events that precipitated the bus attack, said that a group, presumably Rakhine, had handed out leaflets to the public "bearing a photo Ma Thida Htwe and describing a 'Notice' making the people in Taunggup to take notice the intentionally assault of Muslims to Rakhinese women."[157]

On 8 June, Rohingya gathered at a mosque in Maungdaw for Friday prayers, during which the 10 Muslims killed on 3 June were honoured. Stones were reportedly thrown at the mosque from a nearby monastery during prayers.[158] Protests by Rohingya then took place in Maungdaw township and soon turned violent, with security forces opening fire on Rohingya and both Rohingya and Rakhine attacking properties across the town and in outlying villages.[159] By the evening of 8 June, communal violence began in Sittwe.

3.2 June 2012 violence and the actors involved (their position, their role, their cooperation/conflict)

The violence in June 2012, which lasted from 8-12 June, involved both civilians and security forces, while political parties appear to have played a role in mobilising civilians. Each entity is explored below.

3.2.1 Civilians

Once the June 2012 violence had spread from Maungdaw to other locations in Rakhine State, evidence of organised mobilisation emerged. In Sittwe, groups of Rakhine were bussed in from villages outside of the town to participate in attacks on Rohingya neighbourhoods. This often followed encouragement by village administrators,[160] and according to some participants, by members of the RNDP, working through village administrators.[161] In other cases, village administrators phoned their counterparts in neighbouring villages and requested men to take part in attacks, upon which village administrators would organise groups of men to participate.[162]

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[156] New Light of Myanmar. (2012). "Three murderers who raped, stabbed a woman to death to be brought to trial soonest". P10. URL: http://www.burmalibrary.org/docs13/NLM2012-06-05.pdf
[157] Ibid.
[158] OHCHR. (2018). "Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar." P148.
[159] UN Human Rights Council. (2018). "Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar." P48-49. URL: https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf. See also: Human Rights Watch. (2012). "The Government Could Have Stopped This: Sectarian Violence and Ensuing Abuses in Burma's Arakan State." URL: https://www.hrw.org/report/2012/07/31/government-could-have-stopped/sectarian-violence-and-ensuing-abuses-burmas-arakan
[160] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P40-41
[161] From interviews I undertook in Patalek village in October 2015.
[162] From interviews I undertook in Kye Daw Pai Sit village in October 2015 with a villager who had witnessed mobilisation processes.

3.2.2 Security forces

The involvement of security forces in attacks on Rohingya communities in June 2012 was reported by Rohingya. In Maungdaw, Rohingya eye-witnesses reported seeing armed Rakhine travelling in military trucks along with soldiers.[163] Police, riot police and Nasaka personnel were also involved in sweeps of Rohingya communities for two weeks after the violence in the township, which according to Rohingya involved shootings, looting of property and disappearance of Rohingya men and boys.[164]

In an attack on the Narzi quarter in Sittwe, which was a predominantly Rohingya neighbourhood, regular police as well as specially trained riot police (sometimes referred to as "Lon Thein") reportedly beat and shot Rohingya at close range as they tried to stop the burning of their homes.[165] In Aung Mingalar quarter in Sittwe, which was attacked by groups of Rakhine in June 2012, with many buildings destroyed, armed police led groups of Rakhine into the quarter, in some instances opening fire, and Rohingya reported that bulldozers were later sent in to flatten areas where buildings had been destroyed[166]. According to Rohingya in Aung Mingalar, police, who were armed, served as a form of protection for Rakhine, as well as proactively engaging in violence.[167] There were also multiple instances of Rohingya having asked police to intervene to stop the violence after it had begun, and police responding that they had not received orders to intervene.[168]

3.2.3 Community leaders and political figures

The role of community leaders, monks and political figures appears to have been instrumental in the mobilisation of Rakhine to attack Rohingya. This is best illustrated through examples of testimony given by Rakhine that reference the above three entities.

A witness to mobilisation processes in Kye Daw Pai Sit, close to Sittwe, in June 2012, from where villagers were set to engage nearby Rohingya villagers, said: "Village administrator from nearby Thandawli asked for more manpower and so contacted this village and people joined [attacks on Rohingya]. The village administrator [in Kye Daw Pai Sit] phoned individual households and asked [them] to join."[169]

A man from Par Da Lek village close to Sittwe who participated in the attack on Narzi quarter in Sittwe on 12 June said: "I went there [Sittwe] because somebody from ANP [RNDP] organised us to attack. I heard a monastery in Sittwe was offering food to participants from outside villages."[170]

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[163] Human Rights Watch. (2012). "The Government Could Have Stopped This: Sectarian Violence and Ensuing Abuses in Burma's Arakan State." P25.
[164] Human Rights Watch. (2012). "The Government Could Have Stopped This: Sectarian Violence and Ensuing Abuses in Burma's Arakan State." P3
[165] Ibid. P26
[166] Wade, F. (2014). "Being Burmese": Anti-Muslim Violence and Burma's Modern-Day Frontiers." LA Review of Books. URL:
https://lareviewofbooks.org/article/burmese-anti-muslim-violence-burmas-modern-day-frontiers/
[167] Recollections from interviews with Rohingya in Aung Mingalar quarter, Sittwe, October 2012.
[168] Human Rights Watch. (2012). "The Government Could Have Stopped This": Sectarian Violence and Ensuing Abuses in Burma's Arakan State." P24
[169] Quote taken from interview testimony gathered in Kye Daw Pai Sit village in October 2015.
[170] Quote taken from interview testimony gathered in Pa Dar Lek village in October 2015.

An organiser from Sadyo village, close to Sittwe, from where Rakhine men joined attacks on a nearby Rohingya village, said: "We split people [participants] into groups - [we] have four monasteries and each group organised in monasteries."[171]

Participants tended to justify their involvement as an act of protection of the community and the wider Rakhine culture. However, another driver of participation in June 2012 appeared to be fear of community backlash were people not to participate. For example, the man from Par Da Lek village said: "Because everyone participates so if I stay in my house there will be problems."[172] Another man from Kye Daw Pai Sit village said: "We had a meeting and we plan for attack. I didn't have intention [to participate] but people asked me to participate and if I didn't join I will be awkward."[173] This suggests there was pressure from the community for people to participate.

3.2.4 Analysis of relations between actors

The violence of June 2012 was accompanied by the beginnings of a temporary collaborative relationship between members of the Rakhine community and security forces, albeit one limited to mutual interests regarding the Rohingya. This marked a break with a longstanding antipathy towards, and avoidance of, security forces among Rakhine (this realignment became more explicit in the 2017 violence, as explored in Section 3.10.3 and Section 3.10.5). As noted, multiple eye-witnesses to the violence reported seeing Rakhine working in concert with police and military. Additionally, the presence of, for instance, barricades permanently manned by police at the entrance to Aung Mingalar quarter in Sittwe - where Rohingya have remained since June 2012 - appeared to receive no resistance from Rakhine, despite it entailing Rakhine living in close proximity to a 24/7 armed police presence. Police were stationed at these entry/exit points (both at Aung Mingalar and at the camps) in order to stop Rohingya from exiting[174] (although some justified their presence to foreign media on the grounds of defending Rohingya quarters/camps against possible attacks by Rakhine[175]).

From participating in attacks, security forces in several locations took on the role of stabilising the situation once a state of emergency was announced on 10 June 2012. The resident of Sadyo village, near Sittwe, where participants were involved in clashes with Rohingya from nearby villages, said: "Later, 20 soldiers arrived after attack and made security between villages."[176] Soldiers began patrols of towns and villages after 12 June, marking a cessation in the violence, and government ministries began to distribute aid to groups of displaced from both communities.[177] However, reports of their active involvement in attacks after the 10 June state of emergency suggest not all undertook that shift to enforcers of stability (for example, the 12 June attack on Narzi quarter, in which police and riot police "opened fire on [Rohingya] with live ammunition", according to Human Rights Watch).

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[171] Quote taken from interview testimony gathered in Sadyo village in October 2015.
[172] Quote taken from interview testimony gathered in Pa Dar Lek village in October 2015.
[173] Quote taken from interview testimony gathered in Kye Daw Pai Sit village in October 2015.
[174] Wade, F. (2014). "Being Burmese": Anti-Muslim Violence and Burma's Modern-Day Frontiers." LA Review of Books. URL:
https://lareviewofbooks.org/article/burmese-anti-muslim-violence-burmas-modern-day-frontiers/
[175] Recollections of interview with policeman stationed at the entrance to Bhumi neighbourhood
[176] Quote taken from interview testimony gathered in Sadyo village in October 2015.
[177] Reuters. (2012). "Riot-hit Myanmar town calmer as troops restore order". URL:
https://www.reuters.com/article/us-myanmar-violence-idUSBRE85B17E20120613

3.3 Aftermath of June 2012 violence

3.3.1 Displacement

Following the violence, displacement camps formed around Sittwe and Maungdaw, inhabited by some 80,000 people.[178] Rohingya comprised the majority of those displaced, while Rakhine and smaller numbers of Kaman Muslims who were targeted in the violence also moved to camps.

The targeting of Kaman, who are citizens and are widely recognised (even by Rakhine) as indigenous,[179] can be understood as a result of perceptions among some Rakhine that the threat Rakhine faced stemmed not only from a non-indigenous ethnic group in the state (i.e., Rohingya), but the presence of Islam more generally. In other words, religion was another axis along which lines were drawn. Much of the language circulated following the rape and murder of Ma Thida Htwe linked the violent act to the assailants' religion (see Section 3.4.2), and may have prompted this folding of disparate Muslim communities into one target of attack. The targeting of Kaman became more explicit during the October 2012 violence (see Section 3.5), likely in part as a result of the negative framing of Islam following the June 2012 episode.

The June 2012 violence also resulted in a near purification of Rohingya from Sittwe. Prior to June 2012, some 75,000 Rohingya were estimated to have lived in the town; after the violence, 4,000 remained, largely in Aung Mingalar quarter[180] from which they were unable to leave. In some cases, Rohingya were transported to camps by the military.[181] This happened in other towns, such as Mrauk U and Kyauktaw, which Rohingya were unable to access after 2012 through fear of attack or arrest. This cleansing process did not occur in Maungdaw, where Rohingya comprise some 90% of the population (in Sittwe, they were a minority). Soon after the deployment of troops in Maungdaw, many were able to return to their homes, and their lives more generally. Conversely, in Sittwe, shops in the town centre once owned by Rohingya were taken over[182], while whole quarters in which Rohingya lived, such as Narzi, were destroyed.

3.3.2 Segregation

Following the June 2012 violence, tens of thousands of Rohingya moved to camps in and around Sittwe, after which calls increased for total segregation of Rohingya from Rakhine. On 5 July 2012, a group of Rakhine monks in the town of Rathedaung, north of Sittwe, circulated a public statement calling for Rakhine to block Rohingya from working as day labourers in a range of industries, including NGOs and government services, as well as to block them from taking public transport, to not sell them goods or buy their goods, and to evict NGOs from Rathedaung

[178] UN News. (2012). 'Myanmar: UN official concerned over rights violations in Rakhine state." URL: https://news.un.org/en/story/2012/07/416532-myanmar-un-official-concerned-over-rights-violations-rakhine-state
[179] See, for example: Republic of the Union of Myanmar. (2013). "Final Report of Inquiry Commission on Sectarian Violence in Rakhine State". P61 https://www.burmalibrary.org/docs15/Rakhine_Commission_Report-en-red.pdf
[180] Human Rights Watch. (2020). "An Open Prison without End: Myanmar's Mass Detention of Rohingya in Rakhine State." URL: https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state
[181] Reuters. (2012). "Riot-hit Myanmar town calmer as troops restore order". URL: https://www.reuters.com/article/us-myanmar-violence-idUSBRE85B17E20120613
[182]Wade, F. (2014). "Being Burmese": Anti-Muslim Violence and Burma's Modern-Day Frontiers." LA Review of Books. URL: https://lareviewofbooks.org/article/burmese-anti-muslim-violence-burmas-modern-day-frontiers/

who were supplying aid to Rohingya.[183] A statement by an anonymous 'Group of Wunthanu Ethnic Peoples' - assumed to comprise Rakhine - said: "Not only Rakhine but also all the people know that Kulars [kalars] have grown up thanks to UN and NGOs that have watered poisonous plants… We recognize all of those, who are directly or indirectly working for the development of Kulars, as traitors and thereby our enemy."[184] A meeting of some 2-3,000 people in Rathedaung on 26 September 2012 ended with a statement that called for birth control on Rohingya, removal of a number of Rohingya villages near Sittwe university and close to major roads, the continued segregation of Buddhists and Muslims, and permission to form village-level Rakhine militias.[185] On 18 October, a statement released by the All-Arakanese Monks' Solidarity Conference in Sittwe included the recommendation: "To expose sympathisers of Bangali Kalars as national traitors along with photos and spread the information to every township."[186]

3.4 Language used around Rohingya

The above statements are indicative of the type of language that circulated after June 2012. Language that sought to disparage and dehumanise Rohingya increased in frequency, in the media, via monk sermons, and on pamphlets circulated in Rakhine State. It is notable that those who used this kind of language were not locked to a particular political orientation - indeed it was voiced loudly by self-declared pro-democracy individuals, indicating that an exclusionary nationalist stance was pervasive across all political communities in the country (see Section 3.4.3).

A sample of the language, below, shows that Rohingya were bracketed into four broad character types, the combined effect of which was to frame the community as threatening and as legitimate targets of violence. The bulk of the language samples below come from the aftermath of June 2012, although several notable examples from prior to 2012 are included. In it, both Rohingya and Islam are set up as threats. It is possible that narratives such as these provided fuel for the October 2012 violence (explored in Section 3.5). It is also noteworthy that such language received little censoring from the government (albeit partly on account of the fact that the censor board established by the SPDC was dissolved in August 2012 amid a general loosening of restrictions on free expression).

The four language categories are: (1) Rohingya as subordinate to Rakhine; (2) Islam/Rohingya as innately nefarious and violent; (3) Rohingya as colonisers; (4) Rohingya as deceitful. Indicative examples from media, speeches and otherwise are given below.

3.4.1 Rohingya as subhuman and subordinate to Rakhine:

After June 2012, a number of national and local media outlets in Rakhine State repeatedly used the term "kalar" to refer to Rohingya. "Kalar" has its origins as a term for foreigners, usually of South Asian descent, but it historically had no overtly disparaging undertone to it[187]. It is now used widely in Myanmar as a derogatory slur for people of South Asian - or dark skinned -

[183] See P29 of "Timeline of events in Rakhine State from June 2012", in IIMM's possession.
[184] See P37 of "Timeline of events in Rakhine State from June 2012", in IIMM's possession.
[185] See P11 of "Timeline of events in Rakhine State from June 2012", in IIMM's possession.
[186] See P27 of "Timeline of events in Rakhine State from June 2012", in IIMM's possession.
[187] Wong, K. "The unexpected origins of the controversial Myanmar word 'kalar'." Coconuts. URL: (https://coconuts.co/yangon/features/kenneth-wong-the-origins-of-the-controversial-myanmar-word-kalar/

appearance, and it associates people of that appearance with a subordinated and alien status. An article in the Rakhine State-based Narinjara newspaper on the arrest of suspects in the 28 May 2012 rape and murder case referred to them as "Kyaukhtayan kalar village's residents" (Narinjara, 2012)[188]. In a stage performance in June 2012, popular comedian Min Maw Kun referred to Rohingya as "black-skinned, big-belly, and hairy Kalar who marry many Burmese women".[189] Meanwhile, a headline in the popular national Weekly Eleven news journal on the third day of violence in June 2012 read: "Bengali Rohingyas prowl around outside Rakhine city"[190], thereby depicting them as threatening and animal-like.

3.4.2 Rohingya/Islam as inherently nefarious and violent

Following the 28 May 2012 rape and murder case, a report in Narinjara included a graphic photograph of the victim's body and contained the sentence, "All three of them [suspects in the case] are Islam followers".[191] An article in the state-run New Light of Myanmar newspaper on the rape suspects placed "Bengali/Islam" in brackets after each suspect's name.[192] In that same month, a Rakhine nationalist group circulated leaflets that detailed "Muslim kalar's deliberate nefarious and cruel acts on Rakhine women" (Myanmar Ahlin, 2012). Numerous texts also referred to Rohingya as "terrorists" or associated them with terrorist groups. One poster was circulated online after June 2012 that outlined a three-stage plan for "Jihad on Burma", explaining that the first two stages—"Flood with Muslims population" and "Build Muslims network"—were complete.[193] Prominent newspapers, particularly Weekly Eleven, regularly referred to attacks by Rohingya on Rakhine property as "terrorism"[194], but didn't employ the same phraseology when reporting on Rakhine attacks against Rohingya. (This phrase has also never, to my knowledge, been used by independent media against other ethnic minorities or their representative armed groups, although state media has in the past referred to armed groups as "terrorists").

3.4.3 Rohingya as colonisers

Since the 1962 coup, Rohingya have been the focus of repeat accusations that they are foreign. A well-known report published in 2005 by a Rakhine scholar, Dr Aye Maung, was titled "Influx Viruses: The Illegal Muslims in Arakan".[195] One poster circulated online in June 2012 stated: "True Story – Fake Arakans: Passing the Bay of Bengal, Climbing Mountain Trying to Swallow

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[188] Narinjara newspaper. (2012). "Three Ramee rape and murder suspects detained overnight". Republished in AIB Newsletter. P8. URL: https://www.mediafire.com/view/?hnul1cw4h0lql3k.
[189] Latt, S. (2012). "Intolerance, Islam and the Internet in Burma". *New Mandala*. URL: http://asiapacific.anu.edu.au/newmandala/2012/06/10/intolerance-islam-and-the-internet-in-burma-today/.
[190] Weekly Eleven. (2012). "Bengali Rohingyas prowl around outside Rakhine city". URL: https://bdcburma.wordpress.com/2012/06/11/bengali-rohingyas-prowl-around-outside-rakhine-city-to-massacre-peaceful-buddhist-burmese-arakenese-people/.
[191] Narinjara newspaper. (2012). "Three Ramee rape and murder suspects detained overnight". Author unknown. Republished in AIB Newsletter, P8. URL:https://www.mediafire.com/view/?hnul1cw4h0lql3k.
[192] New Light of Myanmar. (2012). "Three murderers who raped, stabbed a woman to death to be brought to trial soonest". P10. URL: http://www.burmalibrary.org/docs13/NLM2012-06-05.pdf.
[193] Anti-Rohingya blogspot (2012). "Jihad on Burma". URL: http://anti-rohingya.blogspot.co.uk/2012/04/innocent-rakhine-arakan-people-were.html.
[194] Weekly Eleven. (2012). "Dozens killed, hundreds of buildings burnt down by Bengali Rohingya mobs in border town of Maungdaw." URL: https://www.taunggyitimes.com/2012/06/dozens-killed-hundreds-of-buildings.html
[195] Dr U Shw Zan and Dr Aye Maung. (2005). "Influx Viruses The Illegal Muslims in Arakan." URL: https://www.burmalibrary.org/docs21/Aye-Chan-2015-08-Influx_Viruses-The_Illegal_Muslims_in_Arakan-en-red.pdf

Entire Burma"[196]. After the June 2012 violence began, these accusations were echoed by prominent pro-democracy figureheads. The celebrated pro-democracy activist Ko Ko Gyi told reporters in June 2012 that "Rohingyas are not a Myanmar ethnic race … [They are] infringing on our sovereignty".[197] He added that his followers were "willing to take up arms alongside the military in order to fight back against 'foreign invaders'".[198] Mya Aye, another celebrated pro-democracy activist, said in reference to Rohingya: "Illegal migrants have negative impacts on the local citizens, and these infiltrations may fuel problems among the citizens".[199] The frequent use of "kalar" in newspapers further reinforced the "foreignness" of Rohingya.

3.4.4 Rohingya as deceitful

The article in Paccima Yatwun magazine, mentioned earlier, titled "What the Rohingya is" exemplifies the depiction increasingly given to Rohingya as deceitful: "The Bengalis are very deceptive—if necessary, they'd even cut their own body and flesh with knives to exaggerate their stories".

3.4.5 Analysis of language and its effect on violence

The way the assailants' ethnicity and religion was repeatedly referenced in reports of the 28 May 2012 rape and murder helped to link the act to a broader ethnic or religious "project". That linkage framed the rape and murder not as the isolated actions of three individuals, but as an expression of core characteristics of the community they belonged to. Through that construal, Ma Thida Htwe's death became an example of what might happen were Rakhine and Rohingya to continue to maintain relations, and were Rohingya to be allowed to live freely in the state.

The image portrayed in certain media, such as *Paccima Yatwun* magazine, of Rohingya as a deceitful and conniving force mirrored accusations by security forces and politicians after June 2012 that Rohingya had burned their own homes in order to frame Rakhine and elicit international sympathy[200]. It also aligned with popular claims that Rohingya had "made up" their history in order to claim rights to citizenship. It is noteworthy that following the military's August 2017 campaign (examined in Section 3.10), similar accusations of deceit were echoed by Bamar, including senior members of the National League for Democracy party, by then in government, who claimed Rohingya women had fabricated stories of rape by soliders.[201]

3.5 October 2012 violence

On 21 October 2012, attacks on Muslim communities - both Rohingya and Kaman - began in villages in the Rakhine State township of Minbya. The trigger for the violence is unclear - some

[196] Latt, Sai. (2012). "Intolerance, Islam and the Internet in Burma". New Mandala. URL: http://asiapacific.anu.edu.au/newmandala/2012/06/10/intolerance-islam-and-the-internet-in-burma-today/.
[197] Petty, M. (2012). "Four killed as Rohingya Muslims riot in Myanmar: government". Reuters. URL: http://mobile.reuters.com/article/idUSBRE85714E20120608?irpc=932.
[198] Weng, Lawi. (2012). "'Trauma Will Last Long Time': Ko Ko Gyi". The Irrawaddy Magazine. URL: http://www.irrawaddy.org/human-rights/trauma-will-last-long-time-ko-ko-gyi.html.
[199] Thu, A. Z. T. (2012). "Curfew imposed in Rakhine township amidst Rohingya terrorist attacks." Weekly Eleven. URL: http://aboutarakaneng.blogspot.co.uk/2012/06/curfew-imposed-in-rakhine-township.html.
[200] Szep, J. & Marshall, A. R. C. (2012). "Special Report: Witnesses tell of organized killings of Myanmar Muslims." Reuters. URL: http://uk.reuters.com/article/2012/11/11/us-myanmar-fighting-idUSBRE8AA0EO20121111
[201] Fisher, J. (2017). "Hounded and ridiculed for complaining of rape." BBC. URL: https://www.bbc.co.uk/news/magazine-39204086

reports claim it began after a Muslim man (ethnicity unknown) assaulted his wife in a village outside of Minbya town, with the subsequent commotion drawing in neighbouring Rakhine[202]; others that it began after a Rakhine vendor was caught selling rice to a Muslim.[203]

The violence quickly spread to other townships. By 24 October, nine townships had been affected. This included a massacre of between 52[204] and 56[205] inhabitants of the village of Yan Thei (Yin Thei/Yathein) near Mrauk U, the vast majority of them Rohingya, as well as several Rakhine. Eye-witnesses reported that riot police had disarmed Rohingya villagers in Yan Thei prior to the attack.[206] A government spokesperson on 24 October said that "There have been incidents of whole villages and parts of the towns being burned down in Arakan state."[207] Satellite imagery showed the destruction of the entire Muslim quarter of Kyaukphyu town, comprising 811 buildings, the vast majority Kaman Muslim, which was attacked on 24 October.[208]

Of a total official count of 1,121 people arrested in connection with the June and October violence combined, 849 were Rohingya (although other reports put the figure higher). According to Physicians for Human Rights: "The detained Rohingyas were more likely to face charges carrying sentences of up to 13 years, while detained Rakhines allegedly faced charges that carry sentences of 6 months to a year."[209]

3.6 October 2012 violence and the actors involved

As per the June 2012 episode, there was heavy civilian involvement in the violence in October 2012. There are numerous reports of Rakhine civilians setting fire to Rohingya and Kaman homes using torches and molotov cocktails, and of Rohingya attacking Rakhine. The October 2012 episode does however throw more light on the role of Rakhine political parties in participating in violence, as well as mobilising participants.

3.6.1 Political parties

Sources within the military told media that members of the RNDP were among the "instigators" of the violence, while the RNDP secretary-general at the time, Oo Hla Saw, said that "lower elements of our party may have been involved in this fighting".[210]

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[202] Szep, J. & Marshall, A. R. C. (2012). "Special Report: Witnesses tell of organized killings of Myanmar Muslims." Reuters. URL: http://uk.reuters.com/article/2012/11/11/us-myanmar-fighting-idUSBRE8AA0EO20121111

[203] Physicians for Human Rights. (2013). "Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention." P12. See also: The Economist. (2012). War Among the Pagodas. URL: https://www.economist.com/banyan/2012/10/24/war-among-the-pagodas

[204] Human Rights Watch. (2013). "All You Can Do is Pray: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State." P53.

[205] This is the government figure. See also: Szep, J. & Marshall, A. R. C. (2012). "Special Report: Witnesses tell of organized killings of Myanmar Muslims." Reuters. URL: http://uk.reuters.com/article/2012/11/11/us-myanmar-fighting-idUSBRE8AA0EO20121111

[206] Human Rights Watch. (2013). "All You Can Do is Pray: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State." P49

[207] Beaumont, P. (2012). "Burma's leader admits deadly attacks on Muslims." The Guardian. URL: https://www.theguardian.com/world/2012/oct/27/burma-wave-anti-muslim-violence

[208] Human Rights Watch. (2012). "Damage Assessment Summary for Kyaukpyu." URL: https://www.hrw.org/sites/default/files/related_material/2012_Burma_Satimage.pdf

[209] Physicians for Human Rights. (2013). "Patterns of Anti-Muslim Violence in Burma: A Call for Accountability and Prevention." P12.

[210] Szep, J & Marshall, A.R.C. (2012). "In Myanmar, ethnic party taps dangerous nationalist fervor." Reuters. URL: https://www.reuters.com/article/us-myanmar-rndp-idUSBRE8AA0FK20121111

President Thein Sein said in a statement on 26 October 2012 that "it is learnt that there are persons and organizations who are conducting manipulation in the incidents in Rakhine State behind the scene."[211] Lt-Gen Hla Min, who in 2012 was the senior most military official for Rakhine State, said: "There might be manipulations on both sides and might be political aims behind the riots."[212] The government declined to name any entities, although the posturing of the RNDP around this time suggests it may have supported attacks on Muslims, as demonstrated by an article in its journal, *The Progress*, published in November 2012, which included the comment: "Hitler and Eichmann were the enemy of the Jews, but they were probably heroes to the Germans... In order for a country's survival, the survival of a race, or in defense of national sovereignty, crimes against humanity or in-human acts may justifiably be committed... So, if that survival principle or justification is applied or permitted equally (in our Myanmar case) our endeavours to protect our Rakhine race and defend the sovereignty and longevity of the Union of Myanmar cannot be labelled as "crimes against humanity," or "inhuman" or "in-humane" [sic]... We will go down in history as cowards if we pass on these [Rohingya] issues to the next generation without getting it over and done with."[213]

There is also known to be a close alliance between the RNDP and civil society groups in Rakhine State. One member of the RNDP in Mrauk U said in 2015 (once the RNDP had become the Arakan National Party): "There are different organisations in Mrauk U, but they are all the same. If we do a movement, we do it all together.'[214] The clearest indication of Rakhine political party involvement in anti-Muslim violence came the following year, after attacks on Muslims in Thandwe in Rakhine State in October 2013. The local RNDP chairman, Maung Pu, was arrested for his role in the violence, and later said: "We were residents actively working in the interest of the town."[215]. After the 2013 episode, President Thein Sein said: "Participation of [everyone] is needed to expose and arrest...those instigating the conflict behind the scene."[216]

There have also been suggestions that the October 2012 violence targeted constituencies where RNDP interests were most threatened by a heavy Muslim presence, given that displacement of Muslims by violence would likely affect their ability to vote in the future. This is supported by the fact that RNDP votes would mainly have come from central Rakhine State, where the October attacks were concentrated, given the hold of the NLD in southern Rakhine State and the fact that the state's north was so dominated by Muslims that it is unlikely the RNDP would have drawn much support from there anyway.[217] (The RNDP/ANP went onto win the largest vote share in Rakhine State in 2015, and became Myanmar's second largest party after the NLD and USDP).

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[211] President Office, Republic of the Union of Myanmar. "President Office issues statement with regard to conflict in Rakhine State." URL: https://reliefweb.int/report/myanmar/president-office-issues-statement-regard-conflict-rakhine-state

[212] New Light of Myanmar. (2012). "Authority, resident representatives of UN agencies look into situation in Yanbye, Kyaukpyu." P2. URL: https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs14/NLM2012-10-29.pdf p2

[213] RNDP. (2012). "The Progress" journal. P3.

[214] International State Crime Initiative. (2015). "Countdown To Annihilation: Genocide In Myanmar." P31

[215] Human Rights in ASEAN. (2013). "Myanmar: RNDP Chairman, 10 others released on bail." URL: https://humanrightsinasean.info/news/myanmar-rndp-chairman-10-others-released-on-bail/

[216] Hindstrom, H. (2013). "President Thein Sein blames 'outsiders' for Sandoway riots." Democratic Voice of Burma (via The Free Library). URL: https://www.thefreelibrary.com/President+Thein+Sein+blames+%27outsiders%27+for+Sandoway+riots.-a0344663441

[217] Burke, A. (2016). "New Political Space, Old Tensions: History, Identity and Violence in Rakhine State, Myanmar". Contemporary Southeast Asia Vol. 38, No. 2. P270.

The RNDP's possible motivation for participation results from of a combination of factors: it may have been the acting out of nationalist-driven violent antipathy among party members towards Muslims; it may have been a way to pitch the party as protectors of Rakhine identity amid an apparent empowering of Muslims during the transition; or, the party's wider fomenting of anti-Muslim sentiment may have been a way to ensure that popular national parties like the USDP or NLD would lose general Buddhist support if they were seen to be enfranchising Muslims (especially if they were to extend voting rights to Rohingya in 2015, as the USDP had in 2010).

3.6.2 Security forces

Like June 2012, there are reports of the involvement of security forces in the violence in October 2012. In Kyaukphyu, which was the worst-hit town in October 2012, Kaman reported security forces - both police and military - as having shot Muslims (Kyaukphyu's Muslim quarter was predominantly a Kaman neighbourhood, not Rohingya).[218] However, doctors treating victims in Kyaukphyu saw no sign of bullet wounds; instead, wounds were the result only of blades, darts and burns.[219] Some Muslim residents of Kyaukphyu reported that soldiers protected Muslims from attack by Rakhine.[220]

3.7 Post-October 2012 violence

Several events in the years following the October 2012 violence, and before the October 2016 military campaign against the Rohingya, were central to a continued increase in tensions in Rakhine State. These are: (1) the alleged Du Chee Yar Tan incident; (2) the March 2014 attacks on NGO offices in Sittwe; (3) the April 2014 census; and (4) the 2015 elections.

3.7.1 Du Chee Yar Tan incident

In January 2014, the UN, along with Medecins sans frontieres (MSF), reported that more than 40 Rohingya had been killed in the village of Du Chee Yar Tan in Northern Rakhine State during an attack by police and Rakhine civilians from neighbouring villages. The OHCHR released a statement encouraging the government to investigate "credible" reports of the killings,[221] which allegedly took place on the evening of 13 January 2014 in retaliation for the disappearance of a police officer who visited the village that morning. MSF said it had treated 22 people apparently targeted in the attack.[222]

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[218] Human Rights Watch. (2013). "All You Can Do is Pray: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State." P53 and 54. See also: Schaerf, Daniel. (2012). "Violence Forces Burmese Muslims Out of Kyaukphyu." Voice of America. URL: https://reliefweb.int/report/myanmar/violence-forces-burmese-muslims-out-kyaukphyu

[219] Szep, J. & Marshall, A. R. C. (2012). "Special Report: Witnesses tell of organized killings of Myanmar Muslims." Reuters. URL: http://uk.reuters.com/article/2012/11/11/us-myanmar-fighting-idUSBRE8AA0EO20121111

[220] Schaerf, D. (2012). "Violence Forces Burmese Muslims Out of Kyaukphyu." Voice of America. URL: https://reliefweb.int/report/myanmar/violence-forces-burmese-muslims-out-kyaukphyu

[221] UNOHCHR. (2014). "Pillay calls for killings in northern Rakhine State to be investigated." URL: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14194

[222] Ferrie, J. (2014). "Medical charity in Myanmar says treated wounded near alleged massacre site." Reuters. URL: https://news.trust.org/item/20140124094257-qx9xz/

The government formed an investigation committee to probe the allegations, and announced that it had unearthed no indications of any killings of Rohingya.[223] The following month, MSF was forced to stop its operations in Rakhine State, and although the government justified the move on the grounds that it hadn't fulfilled its MOU and was biased in favour of Rohingya/Muslims,[224] the decision was most likely connected to the Du Chee Yar Tan incident.[225] It is likely, on the basis of MSF's treatment of victims, that something did happen in Du Chee Yar Tan, but the exact details remain unclear. One foreign diplomat based in Myanmar at the time said that photos sent by villagers purporting to show victims of the massacre were from previous violent incidents.[226]

In February, there was an attack on Border Guard Police in northern Maungdaw, which the government blamed on domestic Muslim insurgents, notably the Rohingya Solidarity Organisation (RSO).[227] An RSO leader said in July 2014 that efforts were underway to regroup following 2012 violence.[228]

3.7.2 Attacks on NGO offices in Sittwe

The Du Chee Yar Tan incident heightened Rakhine hostility towards international NGOs, who as previously discussed, were perceived by Rakhine as biased in favour of Rohingya. There was a perception both that aid to Rohingya meant less aid to Rakhine, despite them having experienced decades of neglect by the central state, but also that aid to Rohingya was physically strengthening the Rohingya. An ANP spokesperson said: "When the international community gives them [Rohingya] a lot of food and donations they will grow fat and become stronger, they will become more violent."[229]

On 26 March 2014, groups of Rakhine attacked offices and houses in Sittwe used by international aid groups, as well as boats used to deliver aid and other aid infrastructure in the town. The attacks followed reports that a European staff member from one aid group had removed a Buddhist flag from outside the group's office, thereby antagonising local Rakhine. Staff working for international agencies there however reported that the attacks were "clearly planned and orchestrated"[230] and that mobs had gathered very quickly and evidently knew the locations of offices and other infrastructure in advance. The military and police were sent in to secure the town following the violence, thereby prompting a heavy, albeit temporary, military presence in Sittwe. The vast majority of INGOs temporarily relocated to Yangon.

3.7.3 Nationwide census (March-April 2014)

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[223] McLaughlin, T. (2014). "Official findings at odds with UN report on Du Chee Yar Tan." Myanmar Times. URL: https://www.mmtimes.com/national-news/9840-official-findings-at-odds-with-un-report-on-du-chee-yar-tan.html
[224] BBC. (2014). "Medecins Sans Frontieres' shock at Myanmar suspension." URL: https://www.bbc.co.uk/news/world-asia-26379804
[225] Weng, Lawi. (2014). "Burma Suspends All Aid Operations of MSF." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/burma-suspends-aid-operations-msf.html
[226] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P343
[227] International Crisis Group. (2014). "Myanmar: The Politics of Rakhine State". P24
[228] International Crisis Group. (2014). "Myanmar: The Politics of Rakhine State". P25
[229] International State Crime Initiative. (2015). "Countdown To Annihilation: Genocide In Myanmar." P62
[230] Wade, F. (2014). "Full extent of anti-NGO attacks in western Burma emerging." Myanmar Informations. URL: https://myanmarinformations.blogspot.com/2014/03/full-extent-of-anti-ngo-attacks-in.html

A day before the start of the 30 March 2014 nationwide census data collection process - in which sensitive data on ethnicity, religion and citizenship status was to be gathered - presidential spokesperson Ye Htut said: "If a household wants to identify themselves as 'Rohingya,' we will not register it."[231] This was despite prior assurances from the government that participants in the census could self-identify. It followed a threatened boycott of the census by Rakhine nationalists amid concerns that if Rohingya were included as 'Rohingya' and not 'Bengali', it would essentially confirm the group as indigenous to Myanmar, and thereby boost their claims to voting and other political rights, and ultimately citizenship. There were reports that in Rohingya areas, the first question enumerators asked households was that they identify their ethnicity, and immediately left when inhabitants responded with "Rohingya", thereby seriously compromising the census data on Rakhine State as a whole and leaving a sizable population uncounted.[232]

3.7.4 2015 elections

The 2015 elections, the second since the start of the transition, were held in November 2015. In February that year, President Thein Sein announced that the "White Cards" would expire by the end of March 2015, and would need to be returned to authorities. This overturned a precedent set in 2010, when the government allowed White Card holders to vote, and it followed a request by a group of Rakhine parliamentarians to Myanmar's Constitutional Tribunal to deliberate on the matter of whether White Card holders had voting rights. The Rakhine parliamentarians had argued that the decision to grant them rights in 2010 had been political - a means to generate support among Rohingya for the military-backed USDP - and the Constitutional Tribunal decided in their favour.

The move meant that Rohingya, as well as members of other minority groups who held the White Card - an estimated 1.5 million people in total[233] - were not able to vote in the 2015 elections (it also forced the removal from parliament of a Rohingya MP for the USDP, U Shwe Maung). This effectively ended the means by which Rohingya could formally influence the political process.

The most probable reason for the move is that, unlike in 2010, the National League for Democracy was competing in 2015, and Rohingya would likely vote for them and not the USDP. A higher vote share for the NLD would also weaken the standing of Rakhine parties, who had campaigned for the revocation of White Cards. Therefore, although there was antagonism between Rakhine parties and military-backed political forces, they found alignment on the need to deny Rohingya the vote. Additionally, while campaigning for the elections, the NLD did not oppose the revocation of White Cards, likely reasoning that to do so would anger its Buddhist national support base and risk losing it votes.

The mass disenfranchisement of Rohingya in 2015 did not impact on the NLD, which won a landslide victory, and it likely played a part making the RNDP/ANP the dominant party in Rakhine State.

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[231] Associated Press. (2014). "Religious Tensions Cloud Myanmar Census." New York Times. URL: https://www.nytimes.com/2014/03/31/world/asia/religious-tensions-cloud-myanmar-census.html?_r=0
[232] International State Crime Initiative. (2014). "Counting the Costs: Myanmar's Problematic Census". P13.
[233] Weng, Lawi. (2015). "Winners and Losers of the White Card's Demise." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/winners-and-losers-of-the-white-cards-demise.html

3.8 October 2016 violence and the actors involved (their position, their role, their cooperation/conflict)

On the morning of 9 October 2016, attacks on the Border Guard Police (BGP) headquarters and two other BGP posts in Maungdaw township in northern Rakhine State left nine policemen dead. The attacks were subsequently claimed by the Harakah al-Yaqin group, later the Arakan Rohingya Salvation Army (ARSA), who made off with weapons and ammunition. It was the first major attack by a Rohingya armed group since May 2001, when the armed wing of the Arakan Rohingya National Organisation - a merger of the RSO and the Arakan Rohingya Islamic Front - raided an army camp in northern Maungdaw (although a series of smaller attacks on police posts in northern Maungdaw in February and May 2014 were attributed by the government to the RSO). The 9 October attacks were followed by more attacks by ARSA on 10-12 October and 3 and 12 November.

An 11-member commission was set up by the government in late October 2016 to investigate the attacks. It was composed of six members of the ANP, two members of the USDP, as well as a military appointee[234]. One of the two USDP members stated that the purpose of the commission was "to help indigenous people [i.e., Rakhine] who fled the clashes."

3.8.1 Background to ARSA

ARSA is believed to be led by a committee of diasporic Rohingya based in Mecca in Saudi Arabia, with connections in Bangladesh and Pakistan.[235] At the time of the October attacks, ARSA was being led on the ground by Ata Ullah, as well as some 20 Rohingya from Saudi Arabia who are believed to have received training and/or conflict experience in Pakistan and Afghanistan, and who received fatwas from Islamic clerics. Ata Ullah is the son of a Muslim man who grew up in Rakhine State before relocating to Saudi Arabia. He apparently left Saudi Arabia soon after the 2012 violence in Rakhine State, with various reports also claiming he spent time in Pakistan training in guerilla warfare.[236] Numbers of Rohingya from the camps in Bangladesh, which housed Rohingya who had fled military campaigns in 1978 and 1991, crossed into Rakhine State and joined the October 2016 operation.[237]

The mobilisation of what would eventually become ARSA began following the 2012 Rakhine State violence, while active recruitment of members, often via WhatsApp and other encrypted messaging platforms, gathered pace in 2013. Training in weaponry and tactics followed.[238] ARSA recruited mainly from Rohingya villages in Northern Rakhine State, and while its level of

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[234] The Irrawaddy. (2016). "Arakan State Parliament Forms Commission to Investigate Maungdaw Attacks." URL: https://www.irrawaddy.com/news/arakan-state-parliament-forms-commission-to-investigate-maungdaw-attacks.html

[235] International Crisis Group. (2016). "Myanmar: A New Muslim Insurgency in Rakhine State." P12.

[236] Kalita, J. (2021). "Rohingya Terrorist Group Linked to Pakistan and Militant Islamic Organizations." The Irrawaddy. URL: https://www.irrawaddy.com/opinion/rohingya-terrorist-group-linked-to-pakistan-and-militant-islamic-organizations.html. See also: Global New Light of Myanmar. (2016). "Press release regarding the attacks on the Border Guard Police posts in Maungtaw Township—14th October 2016." P3. URL: https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2016-10-15-red.pdf

[237] International Crisis Group. (2016). "Myanmar: A New Muslim Insurgency in Rakhine State." P13

[238] Ibid, P15

support among the general Rohingya population is unknown, some 300[239] to 400[240] personnel are believed to have taken part in the 9 October 2016 attacks.

ARSA appears not to be motivated by religious ideology, but rather by a desire to control territory in Northern Rakhine State - specifically, the territory bordering Bangladesh, and therefore the Myanmar-Bangladesh border itself. In videos released following the attacks, it declared its mission to be an end to Rohingya persecution, rather than the expansion of Islam and undermining of other religions[241]. In that sense, with a focus on territorial control and forcing a shift in the governmental-military approach towards its representative ethnic group, the Rohingya, it is more akin to other insurgent groups in Myanmar than Islamist armed groups elsewhere in the world.

3.8.2 The military's response

After the 9 October attacks, the military, in concert with the BGP, launched a sweeping operation across Maungdaw township to locate and arrest participants and recover the looted weaponry. It's stated objectives were "to apprehend the attackers on police outposts of security personnel and to recover arms lost during the recent attacks on police outposts."[242] Its so-called "area clearance operations" involved strategies used in other parts of the country where armed groups are active: sealing off territory through roadblocks and other checks, forcibly relocating civilians through the destruction of villages, cutting off food and aid supplies that could be re-routed to armed groups, as well as mass arrests of suspected participants or those with knowledge of ARSA's operations (eye-witness reports suggest that in some cases, police rounded all able-bodied men and boys in Rohingya villages, rather than arresting only suspects[243]).

According to the World Food Programme, three weeks after the ARSA attacks, the military continued to block food aid to some 70,000 people in the "clearance zone".[244] Around 1,500 buildings in Rohingya villages in Maungdaw township were destroyed between October and November 23, when military operations were still ongoing.[245] The first village destroyed lay adjacent to the BGP headquarters that was attacked on 9 October, while according to Human Rights Watch's analysis of satellite imagery, many of the village burnings occurred shortly after attacks by ARSA and took place in the area in which the attacks happened, while the pattern of burnings was consistent with the movement of military units at the time[246], suggesting military responsibility for the burnings. The military denied any role in the destruction of Rohingya villages and instead blamed Rohingya villagers themselves[247]. By January 2017, around 69,000

[239] Nay Yi. (2016). "Operation Backdoor." Myanmar Review Journal. URL: http://yehtunblog.blogspot.com/2016/10/operation-backdoor.html

[240] International Crisis Group. (2016). "Myanmar: A New Muslim Insurgency in Rakhine State." P6

[241] See, for example: Youtube. (2017). "EXCLUSIVE - Arakan Rohingya Salvation Army leader interview: "We are not terrorists!"". URL: https://www.youtube.com/watch?v=uu2KWk2JLt8

[242] Fortify Rights. (2017). "They Tried To Kill Us All: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar." P8.

[243] Ibid. P11

[244] MacGregor, F. (2016). "Rations return, but delivery denied." Myanmar Times. URL: https://www.mmtimes.com/national-news/23175-rations-return-but-delivery-denied.html

[245] Human Rights Watch. (2016). "Arson Attacks on Villages in Rakhine State, Burma." URL: https://www.hrw.org/video-photos/interactive/2016/12/12/arson-attacks-villages-rakhine-state-burma

[246] Human Rights Watch. (2016). "Burma: Military Burned Villages in Rakhine State." URL: https://www.hrw.org/node/297502/printable/print

[247] Kyaw Phyo Tha. (2016). "Burma Army Chief Persists in Denying Rights Abuses." The Irrawaddy. URL:

Rohingya had fled to Bangladesh, while a further 23,000 were displaced within Rakhine State.[248] Rakhine were also displaced by the operations. Rohingya interviewees in Bangladesh reported rape and other forms of sexual abuses by soldiers, enforced disappearances, executions and other forms of violence.[249]

3.8.3 The role of civilians

The October to December "area clearance operations" were largely the work of the military and BGP. Rohingya did however report witnessing Rakhine villagers in civilian clothing participating in attacks alongside soldiers,[250] as well as Rakhine villagers dressed in security uniforms participating.[251] Rohingya women also reported instances of rape and other sexual violence by police and Rakhine villagers.[252]

The reports of Rakhine in security uniforms can be understood in light of a programme sanctioned by the government and military in November 2016 to create a "local police" force, comprising Rakhine, that was distinct from the regular police force and the BGP, but which would operate under the BGP.[253] It followed requests by the ANP for heavier security presence in and around Rakhine villages, out of fear of future ARSA attacks.[254]

The Rakhine State police chief at the time, Brig-Gen Thura San Lwin, who heads a BGP unit, told the state-run Global New Light of Myanmar on 17 November 2016 that (paraphrased) "every Rakhine national wishing to protect their state will have a chance to become part of the local armed police"[255], indicating that civilians were being given weapons training and would be armed. While training began only in mid-November 2016, the clearance operations continued into December 2016, meaning that the eye-witness reports from Rohingya of Rakhine in security uniforms could be referencing the latter phase of the operation.

The longevity of the "local police" training programme is unclear. In August 2017, prior to the second wave of "clearance operations", the President's Office denied that Rakhine were being given further police training.[256]

3.9 Buildup to 25 August 2017 violence

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https://www.irrawaddy.com/news/burma/burma-army-chief-persists-in-denying-rights-abuses.html

[248] UNOCHA. (2017). "Myanmar: Humanitarian Bulletin, Issue 4 | October 2016 - January 2017." URL: https://reliefweb.int/report/myanmar/myanmar-humanitarian-bulletin-issue-4-october-2016-january-2017-enmy

[249] UNOHCHR. (2017). "Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016." URL: https://www.refworld.org/docid/5899cc374.html

[250] Ibid. P12.

[251] UNOHCHR. (2017). "Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016." P12. URL: https://www.refworld.org/docid/5899cc374.html

[252] Ibid. P20.

[253] Wa Lone & Yimou Lee. (2016). "Myanmar's training for non-Muslim police stokes fear in Rakhine." Reuters. URL: https://www.reuters.com/article/us-myanmar-rohingya-police-idUSKBN13D1O5

[254] Radio Free Asia. (2016). "Myanmar says it will handle Rakhine attacks 'fairly' once culprits are found." URL: https://www.refworld.org/docid/5811ff1e10.html

[255] Global New Light of Myanmar. (2016). "Police training aims to raise security in Rakhine State." URL: http://moigovnews.blogspot.com/2016/11/police-training-aims-to-raise-security.html

[256] Radio Free Asia. (2017). "Myanmar Denies Plan to Establish Buddhist Militias in Troubled Rakhine State." URL: https://reliefweb.int/report/myanmar/myanmar-denies-plan-establish-buddhist-militias-troubled-rakhine-state

Several developments in the period leading up to August 2017 are notable as precursors to the military campaign in Northern Rakhine State, which was launched following attacks by ARSA on the morning of 25 August 2017. Together they indicate a changing dynamic in Rakhine State prior to the launch of the campaign.

3.9.1 National Verification Card scheme

In June 2015, soon after the expiration of White Cards, the Myanmar government had begun enrolling Rohingya in a National Verification Card (NVC) scheme. This followed a pilot scheme in an IDP camp in Myebon (see Timeline). It was explained as the beginnings of a process whereby Rohingya could apply for citizenship - only once they had secured the NVC, which would determine and codify their status and origin, would they be able to submit their citizenship application.

Applications for the NVC required specification of "ethnicity" and "religion". Other questions included "[d]ate and place of arrival in Myanmar" and "[t]ype of vehicles and route taken (to Myanmar)", suggesting that even prior to the obtaining of applicants' details, applicants were considered foreigners.[257] Rohingya who wrote "Rohingya" on the form were told to change the name to "Bengali" or other foreign ethnonyms, or otherwise have their application rejected.[258]

However, in the weeks leading up to the 25 August 2017 campaign, Rohingya communities had been visited by state officials of one kind or another - police, military or immigration - with apparently greater frequency and pressured to accept the NVC on explicit threat of confinement within their village,[259] if not violence[260] or death.[261] These visits, and the threats, continued at least up until 22 August, three days before the ARSA attacks and the military's response. (NB: According to government figures, up to August 2017 around 10,000 Rohingya had accepted the NVC, and 4,000 were granted citizenship[262]; the vast majority of Rohingya rejected the scheme.)

3.9.2 ARSA killing of informants and establishment of authority

In the aftermath of the October 2016 violence, ARSA appears to have carried out systematic killings of Rohingya suspected to have passed information on the group's activities to Myanmar authorities. The number of people, all men, killed is unclear - state media in June 2017 put the figure at 38 killed and 22 abducted between 10 October 2016 and 6 June 2017.[263] According to Amnesty International, an additional 13 were killed in July and August 2017.[264] In many cases, the attackers wore masks, making their identity unclear. There is no firm evidence to suggest it

[257] Fortify Rights. (2019). "Tools of Genocide: National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar." P45.
[258] UN Human Rights Council. (2018). Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar." P118, Paragraph 484.
[259] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P21
[260] Fortify Rights. (2019). "Tools of Genocide: National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar." P49
[261] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P15
[262] Advisory Commission on Rakhine State. (2017). "Towards A Peaceful, Fair And Prosperous Future For The People Of Rakhine Final Report of the Advisory Commission on Rakhine State." P26.
[263] Global New Light of Myanmar. (2017). List of civilian missing /abducted in Maungtaw district (2016 October to 2017 June 27). P7. URL: https://www.burmalibrary.org/docs23/GNLM2017-06-28-red.pdf
[264] Amnesty International. (2018). "Myanmar: "We will destroy everything" : Military responsibility for crimes against humanity in Rakhine State." P42.

was ARSA, but the killings all targeted people who were understood to be collaborating with authorities, making it conceivable that ARSA did carry them out. The targeting of informants by ARSA may have been a bid to establish ARSA's authority in the Rohingya community, as well as demonstrating to Rohingya that collaboration with Myanmar state entities would be punished.

3.9.3 Military buildup prior to 25 Aug 2017

There are indications that the military was planning an operation in Northern Rakhine State well before the 25 August 2017 ARSA attack, thereby refuting the military's narrative that its operation was in response to the ARSA attacks. The National League for Democracy chairperson in Sittwe township had told reporters on 15 August, 10 days before the ARSA attack, that: "The Union Government is launching a military operation soon in big scale to fight against this menace" (with "menace" likely a reference to ARSA).[265] Rohingya escapees of the August 2017 campaign who were later interviewed in Bangladesh reported that soldiers went to Rohingya households in the months prior to 25 August confiscating sharp implements that could be used as weapons, with one person reporting that this took place as early as December 2016.[266] Although this could be a means to render Rohingya defenceless in the event of an attack, it may also have been a strategy to cut supplies of weaponry to ARSA.

Reports indicate that the number of military personnel in Northern Rakhine State had increased since October 2016. Soldiers were conducting more "area clearance operations" in their search for ARSA camps, with a raid having taken place on a camp on 7 May where a Pakistani militant trainer had been working,[267] and another raid on a camp on 21 June that left three ARSA members dead.[268] According to reports seen by an official with the Border Guards Bangladesh, "the [Myanmar] military was bringing in more and more trucks of soldiers before August 25" to Northern Rakhine State, close to the Bangladesh border.[269]

On 3 August, six villagers belonging to the ethnic Mro Buddhist minority were either killed or disappeared after attacks by masked militants near the village of Kai Gyee in southern Maungdaw township. The government blamed the attacks on ARSA,[270] and the ANP called for the establishment of "No Bengali Zones" in Maungdaw township[271] and an increased security

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[265] Mizzima. (2017). "Myanmar: People's Militias to be established with ethnic Rakhine for Maungdaw area defence." URL: https://reliefweb.int/report/myanmar/myanmar-people-s-militias-be-established-ethnic-rakhine-maungdaw-area-defence

[266] Fortify Rights. (2018). "They Gave Them Long Swords": Preparation for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar." P41-42.

[267] International Crisis Group. (2017). "Myanmar's Rohingya Crisis Enters a Dangerous New Phase." P3.

[268] Global New Light of Myanamr. (2017). "Terrorist training camps, guns uncovered in Mayu Mountains". P1. URL: https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-06-22-red.pdf

[269] Fortify Rights. (2018). "They Gave Them Long Swords": Preparation for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar." P50-51.

[270] Moe Myint. (2017). "Arson and bloodshed in Rakhine's Maungdaw." The Irrawaddy. URL: https://reliefweb.int/report/myanmar/arson-and-bloodshed-rakhine-s-maungdaw

[271] Htet Naing Zaw. (2017). "ANP Asks Army Chief to Segregate Ethnic Communities in Maungdaw." The Irrawaddy. URL: https://www.irrawaddy.com/news/burma/anp-asks-army-chief-segregate-ethnic-communities-maungdaw.html

presence.[272] The UN issued an alert on 11 August that an army battalion had been flown into Rakhine State the previous day to "boost security".[273]

3.10 August 2017 violence

The violence that began on 25 August 2017 echoed that of October 2016 in that it began following attacks on security infrastructure by ARSA, and was quickly followed by a military "clearance operation" across a large swathe of Northern Rakhine State. In this case, however, collaboration between security forces and Rakhine civilians was more pronounced.

The 25 August 2017 military campaign was launched after an early morning series of attacks by ARSA on 25 to 30 BGP posts, as well as an army base. Attackers were made up of armed ARSA members, with ARSA, according to the International Crisis Group, also "using cells of villagers who have been given some basic training but most of whom do not have access to firearms, only bladed weapons and some improvised explosive devices (IEDs)."[274] ARSA leaders had sent WhatsApp messages to cell leaders in villages the previous evening, who then rounded up all able-bodied males over the age of 15 and brought them to designated locations armed with sharp implements, such as spears and farming tools.[275] The total number of people involved in the attacks is unknown, although several of the 25-30 attacks involved several hundred people.[276]

Also on the morning of 25 August, ARSA is alleged to have carried out a massacre of 69 Hindus, all male, including 23 children, in a group of villages in northern Maungdaw township's Kha Maung Seik village tract. Forty-six Hindu men, women and children from nearby Ye Bauk Kyar were disappeared on the same day. Eight women out of the villagers taken from Kha Maung Seik to a place on the outskirts witnessed the killings but were spared, along with their children, and were forcibly taken, allegedly by ARSA militants, to Bangladesh.[277] Once there, they were required to record a statement stating that Rakhine villagers had carried out the massacre.[278]

The rationale behind the attacks on Hindus is unclear. The recorded video statement suggests an attempt to frame Rakhine civilians as responsible. The fact that the attackers wore masks makes identification difficult. Some of the women survivors said that the masked men spoke the Rohingya dialect, while others said that they spoke Burmese.[279] One survivor said that masked men had been coming to their village for two or three months prior to the attack stating that they

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[272] Choudhury, A. (2017). "Myanmar: Contextualising the Violence In Northern Rakhine." IPCS. URL: https://reliefweb.int/report/myanmar/myanmar-contextualising-violence-northern-rakhine

[273] UNOHCHR. (2017). "Myanmar: UN rights expert urges restraint in security operation in Rakhine State." URL: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21968&LangID=E

[274] International Crisis Group. (2017). "Myanmar's Rohingya Crisis Enters a Dangerous New Phase." P1; P6..

[275] International Crisis Group. (2017). "Myanmar's Rohingya Crisis Enters a Dangerous New Phase." P6

[276] Ibid. P6

[277] Amnesty International. (2018). "Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State." URL: https://www.amnesty.org/en/latest/news/2018/05/myanmar-new-evidence-reveals-rohingya-armed-group-massacred-scores-in-rakhine-state/

[278] Video available here - https://www.facebook.com/noman.alhossain.9/videos/1405458619572008/

[279] From interviews I conducted with Hindu survivors in Kutupalong on behalf of Amnesty International, September 2017.

were seeking to secure support for a takeover of Rakhine State.[280] Another said that when one of the villages was surrounded on the morning of 25 August 2017, there were maskless "Muslims" among the masked armed men.[281]

There is also evidence that ARSA instructed its personnel to burn down Rakhine villages on the morning of 28 August, which appears to contradict prior statements that it would target only security infrastructure and not civilians.[282] The reasons are unclear, although it might be that evidence of Rakhine civilian assistance in military attacks will have turned Rakhine into legitimate targets in the eyes of ARSA.[283]

3.10.1 The military's response

The military began operations within hours of the ARSA attacks on 25 August. Rather than seeking out ARSA members responsible, the military's first wave of attacks tended to target Rohingya villages close to where military units were based in the three Northern Rakhine State townships of Maungdaw, Buthidaung and Rathedaung.[284] In subsequent days the attacks widened. By December 2017, 354 Rohingya villages had been attacked. Within the year following 25 August, an estimated 85% of the Rohingya population of the three townships that survived the military's campaign had fled to Bangladesh.[285]

The attacks in a number of cases began in the days or weeks after authorities had visited Rohingya villages to demand they accept the NVC.[286] The attacks included organised large-scale massacres of villagers involving summary executions, examples of which include Chut Pyin village in Rathedaung township, Min Gyi village in Maungdaw township, and Maung Nu village in Buthidaung township. In all cases, sexual violence towards Rohingya was carried out (this is dealt with in more detail in Section 3.11). There is evidence that in some cases, such as Maung Nu, soldiers spared young children[287], while in others, such as Inn Din, young children were killed[288].

They also involved indiscriminate shooting of Rohingya villagers followed by burning of houses, often with the aid of Rakhine civilians. Indiscriminate shooting often targeted people who were either under the security forces' control or were running from security forces.[289]

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[280] Ibid
[281] Ibid
[282] International Crisis Group. (2017). "Myanmar's Rohingya Crisis Enters a Dangerous New Phase." P6
[283] Ibid. P6
[284] Amnesty International. (2018). "Myanmar: "We will destroy everything" : Military responsibility for crimes against humanity in Rakhine State." P59
[285] International Crisis Group. (2017). "Myanmar's Rohingya Crisis Enters a Dangerous New Phase." P8
[286] Amnesty International. (2018). "Myanmar: "We will destroy everything" : Military responsibility for crimes against humanity in Rakhine State." P106.
[287] Ibid. P71
[288] From my interviews with villagers of Inn Din, and my viewing of video clips of deceased young children washed up next to a river after the massacre. Note that I couldn't confirm whether young children were targeted by security forces or were killed during attempts by parents to escape.
[289] Amnesty International. (2018). "Myanmar: "We will destroy everything" : Military responsibility for crimes against humanity in Rakhine State." P59.

In some villages, warnings were given by soldiers to Rohingya to flee their village prior to any violence taking place[290]. It is not clear what prompted security forces to do this during a wider operation characterised on the whole by lethal violence and an absence of any warnings. One possible reason - albeit unevidenced - is that soldiers were sometimes stationed in barracks close to Rohingya villages, and prior relations may have dissuaded them from inflicting violence on villagers. There is no evidence that the sparing of certain Rohingya communities was a result of top-down orders.

3.10.2 Chut Pyin village: massacre by security forces

An emblematic case of a massacre in which Rakhine civilians participated alongside security forces is Chut Pyin.[291] This is focused on here (a) because I've researched the episode closely and (b) because it shows a clear arc in terms of a post-2012 souring of Rohingya-Rakhine relations to eventual collaboration between Rakhine and soldiers. Chut Pyin, which the military attacked on 27 August 2017, lay close to a village, Auk Nan Yar, where a confrontation between police and Rohingya had taken place on 4 August, following the disappearance of a Rakhine man on 3 August (mentioned above). Rohingya had tried to resist arrest, and police fired into the air.[292] Soldiers began to station themselves in the village school from 18 August 2017 onwards. Then, on 22 August, Chut Pyin had been visited by a senior military chief who headed Light Infantry Division 33, as well as senior police officers and members of the local BGP unit, who demanded villagers sign up for the NVC. According to eye-witnesses, the LID 33 chief said that those who didn't would be killed and the village burned.[293] Rohingya villagers subsequently rejected the demand. On 26 August, the government alleged that Rohingya had "attacked Chopyin [Chut Pyin] outpost… with homemade bombs where they were repulsed by security personnel"[294] - a claim that hasn't been corroborated. A unit of soldiers - possibly the same that had been based in the primary school - arrived on either side of the Rohingya quarter of the village on 27 August and, according to some eye-witnesses, began opening fire at the houses from outside the village perimeter, while others stated that they moved in first before opening fire. They then went from house to house either shooting people on site, as they fled, or otherwise taking them to the primary school in the northeast corner of the village, where an unknown number were shot dead.[295] One person among those I interviewed reported seeing soldiers throwing young children into a fire.[296]

3.10.3 Role of civilians in Chut Pyin

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[290] Amnesty International. (2018). "Myanmar: "We will destroy everything" : Military responsibility for crimes against humanity in Rakhine State." P120.

[291] For additional reading on Chut Pyin, see Physicians for Human Rights (2018). "Please Tell the World What They Have Done to Us". See also Amnesty International. (2018). "Myanmar: "We will destroy everything" : Military responsibility for crimes against humanity in Rakhine State."

[292]Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P62.

[293] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P15. See also: Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P63.

[294] Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P63.

[295] From interviews with Rohingya villagers of Chut Pyin. See also Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P62.

[296] From interviews I undertook with a Rohingya villager of Chut Pyin.

Rakhine civilians, including the Rakhine village administrator of Chut Pyin, assisted the soldiers in various ways. The Rakhine village administrator had called the Rohingya village administrator on 22 August and told him to gather Rohingya elders to attend the meeting with the senior police chief, suggesting that he had been acting as a middleman between security forces and Rohingya - evidence of a collaborative relationship that is dealt with in more detail in Section 3.10.5. Following the meeting, the Rohingya village administrator spoke with his Rakhine counterpart again over the phone to report that the Rohingya would reject the NVC. During this call the Rakhine administrator warned him that if they didn't accept the NVC they would be forced out of the country or killed.[297] When soldiers were attacking the village on 27 August, the Rohingya administrator saw the Rakhine administrator directing soldiers within the village, and saw other Rakhine civilians from the Rakhine quarter of the village aiding the soldiers, as did other eye-witnesses.[298] This corresponds with other eye-witness testimony that points to Rakhine villagers having played a supporting role in the Chut Pyin massacre: several people described how Rakhine approached Rohingya who had been shot by soldiers and were lying wounded on the ground and wounded or killed them with cuts to the neck.[299] This also appears to have occurred in other villages, including Min Gyi[300], while other witnesses point to the involvement of unfamiliar Rakhine who security forces may have brought in from elsewhere to join attacks.[301] This suggests active recruitment of Rakhine civilians, either by security forces or other Rakhine leaders. One eye-witness to the Chut Pyin attack recalled seeing Rakhine "wearing uniform".[302]

3.10.4 Historic communal relations in Chut Pyin

A number of people from Chut Pyin reported that relations with Rakhine villagers were amicable before 2012. They traded in the market alongside one another and worked on neighbouring patches of farmland. After 2012, restrictions were introduced, including curfews and limits on movement of Rohingya. Even though there was no violence in Chut Pyin, after 2012 they could only go to the Rakhine quarter in an emergency, and feared attack by Rakhine when they did. There were reports from Rohingya villagers that meetings of Rakhine were held in which Rakhine villagers were instructed not to interact with Rohingya. There was evidently a strong peer influence on relations, such that Rakhine who maintained good-natured relations with Rohingya in the village feared being attacked by fellow Rakhine if they were seen interacting with them. Others told Rohingya in 2012 that it would be better if they went to Bangladesh because they had heard that more attacks might happen. There was thus a marked shift both in relations between Rakhine and Rohingya, and in how more hardline Rakhine viewed moderate Rakhine still willing to interact with Rohingya.[303]

After October 2016, movement for Rohingya in Chut Pyin was tightened further, both due to the curfew and due to threats of violence by Rakhine. This meant Rohingya children stopped going to the mixed school, given that all the teachers were Rakhine and were refusing to teach Rohingya, and they stopped going to the market altogether (Amnesty International has cited

[297] From interviews with the Rohingya administrator. See: Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P15
[298] From interviews I undertook with Rohingya villagers of Chut Pyin.
[299] Fortify Rights. (2018). "They Gave Them Long Swords": Preparation for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar." P55-56.
[300] Ibid. P56.
[301] Ibid. P57
[302] From interviews I undertook with a Rohingya villager of Chut Pyin.
[303] All detail in this paragraph taken from interviews I undertook with Rohingya villagers of Chut Pyin

blockades on Rohingya access to markets as demonstrative of an attempt to forcibly starve Rohingya.[304] Another explanation is that Rakhine simply did not want to interact with Rohingya). Thereafter Rakhine rarely came inside the Rohingya quarter. In the month prior to the August 2017 violence, groups of Rakhine reportedly visited the Rohingya quarter of Chut Pyin at nighttime and amassed outside the village perimeter armed with long knives. The purpose of these visits isn't clear. One Rohingya interviewee said they were "inspecting property" (following the October 2016 ARSA attacks, Rohingya in villages across Northern Rakhine State had been required to remove all fencing outside of their properties, thereby giving a clear view to their house). It might also have been an intimidation tactic.[305]

3.10.5 Shifting dynamics between Rakhine civilians and security forces

The Chut Pyin violence is one of a number of examples of civilians and security forces working in concert during attacks on Rohingya in 2017. Another example comes from Min Gyi, where one Rohingya eye-witness to the massacre reported having seen Rakhine villagers and soldiers celebrating together after the massacre[306]. The rapid and severe breakdown in relations between Rohingya and Rakhine neighbours in the wake of the episodes of violence in 2012 resulted in a shift in mindset among Rakhine towards one of hostility towards, and fear of, Rohingya. This shift appears to have begun an eventual collaboration between Rakhine and security forces: although Rakhine have long had a troubled relationship with the military, they may have seen the need to contain or eliminate Rohingya as grounds for working alongside security forces.

3.10.6 Zay Di Pyin village: abuse of Rohingya by Rakhine civilians

Another example of Rakhine collaboration with security forces in August 2017 comes from the village of Zay Di Pyin, also in Rathedaung township. On 27 July 2017 a Rakhine man from Zay Di Pyin went missing while foraging for food close to nearby Chut Pyin village. During a search soldiers found what they claimed was an ARSA camp, and blamed the disappearance of the Rakhine man on ARSA. In response, Rakhine residents in Zay Di Pyin erected a fence around the entire Rohingya quarter, penning some 700 Rohingya inside and barring their exit. Rakhine villagers set up makeshift checkpoints at intervals around the fence, and military and BGP paid occasional visits, evidently sanctioning the confinement.[307] Rohingya remained inside the fenced-in area for five weeks; a small group was allowed to leave once, about three weeks in, to buy groceries for the community. The siege ended on 25 August 2017, when soldiers and BGP, joined by Rakhine villagers, broke through the fence and attacked Rohingya, killing at least two children.[308]

According to Rohingya who had been trapped inside, soldiers were seen socialising with Rakhine civilians during the siege, sometimes drinking beer with them in the evening at the "checkpoints". This level of social interaction is likely rare between Rakhine and soldiers, and it demonstrates a shift towards collaboration on the matter of containing Rohingya. The case of Zay Di Pyin is notable therefore for the extremity of the hostility Rakhine developed towards

[304] Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P104
[305] All detail in this paragraph taken from interviews I undertook with Rohingya villagers of Chut Pyin.
[306] Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P75.
[307] Wade, F. (2019). "Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'". P22
[308] Ibid. P26

Rohingya - as in the case of Chut Pyin, relations between the two communities had generally been warm prior to 2012, but within five years they had effectively imprisoned their neighbours. But it is also notable that the hostility towards Rohingya among Rakhine was such that Rakhine began to accommodate soldiers and interact with them beyond what was practically necessary.

The shift in Rakhine-military relations indicated by Chut Pyin and Zay Di Pyin does not however indicate anything other than a temporary change driven by the need to contain or eliminate Rohingya. It did not augur wider long term realignment of the civilian-soldier dynamic. Indeed, relations soured soon after 2017 as the Arakan Army began operations against military targets and restrictions were imposed on Rakhine civilians themselves.

3.10.7 Criminalisation of Rohingya

There are cases in which Rohingya healthcare workers who provided assistance to Rohingya have faced intimidation and/or arrest. One medic in Chut Pyin relayed how from 2015 onwards, he came under close scrutiny by soldiers based near the village on account of his treatment of Rohingya. At one point he was arrested and taken to a nearby military base and warned not to provide Rohingya with healthcare until they had accepted the NVC, and was beaten and forced to sign a declaration that he would cease his practice.[309]

After the Chut Pyin massacre, Rohingya medics were warned to report to the security forces whenever Rohingya arrived for treatment, while soldiers also searched for medics in order to locate the wounded.[310] Rohingya medics thus became targets of intimidation and arrest on account of their knowledge of where injured Rohingya might be, perhaps due to security forces considering injured people as aggressors or potential witnesses to crimes. Doctors who treated Rohingya in the aftermath of Chut Pyin reported doing so discreetly to avoid detection.[311]

The targeting of doctors might be the result of a number of factors: (1) that they sought to keep Rohingya alive and healthy prior to, and amid, a military campaign that aimed to do the opposite, and so became a strategic target; (2) that, at least prior to August 2017, denial of medical treatment to Rohingya could be used as a tactic to force them to sign the NVC; or (3) as part of a broader targeting of community and religious elders, largely through arrest,[312] that occurred in the months prior to August 2017.

3.11 Sexual violence against Rohingya (2012-2017)

Sexual violence has been a common feature of military-on-civilian violence during ethnic conflict in Myanmar, including of Rakhine women.[313] Analyses of its utility tend to view it as a conflict strategy aimed at spreading fear and asserting domination[314] and not just the acting out of a

[309] Wade, F. (2019). “Myanmar’s Enemy Within: Buddhist Violence and the Making of a Muslim ‘Other’”. P287-288.
[310] Physicians for Human Rights (2018). “Please Tell the World What They Have Done to Us”. P28.
[311] Wade, F. (2019). “Myanmar’s Enemy Within: Buddhist Violence and the Making of a Muslim ‘Other’”. P7.
[312] Amnesty International. (2018). “Myanmar: “We will destroy everything”: Military responsibility for crimes against humanity in Rakhine State.” P25.
[313] OHCHR. (2018). “Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar.” P107.
[314] See, for example: Shan Human Rights Foundation. (2002). “License to Rape: The Burmese Military Regime's Use of Sexual Violence in the Ongoing War in Shan State”; Women’s League of Burma (2014). ‘If they had hope, they

violent impulse among soldiers. In the case of Rohingya women, mass sexual violence has occurred alongside efforts to control their reproductive and marriage rights, as seen with the passing of the Race and Religion Laws in 2015, thereby adding weight to the rape-as-military strategy argument.

Various reports have documented sexual violence committed against Rohingya in the 2012 to 2017 period.[315] In the majority of reported cases, sexual violence was carried out by soliders and police against Rohingya women and girls. There are also cases of sexual violence being carried out by Rakhine civilians, and of sexual violence that has targeted males and transgender.

3.11.1 Sexual violence in 2012

Sexual violence appears to have been used infrequently in the June and October 2012 violent episodes, likely due to these being primarily civilian-on-civilian mobilisations. There were reports of the abduction into sexual slavery of 20 Rohingya girls from Narzi quater in Sittwe by soldiers in June 2012, as well as several other instances of rape.[316]

The symbolic force of rape and other forms of sexual violence in Rakhine State in 2012 and after is worth exploring. It is noteworthy that, according to some reports, the rape of Ma Thida Htwe on 28 May 2012 was foregrounded on leaflets circulated in Rakhine State over and above the fact of her murder.[317] The wider impact of Ma Thida Htwe attack, which took place in a context of preexisting inter-ethnic tension, and at a time when Rakhine elites were raising the spectre of an empowered Rohingya, becomes clearer if interpreted - commensurate with wider theory on the salience of rape amid inter-ethnic tension[318] - as an act of conquest by one group of another. In such a context, the act is not understood as an individual assault, but one that is done in the service of a group's bid for dominance over another group. This in turn fuels the development of a "protection" mindset, with Rakhine participants in the 2012 violence often referencing the need to "protect my race".[319]

The extent to which the emphasis placed on Ma Thida Htwe's rape was a deliberate means to build support for violence is unclear, and different individuals will have had different motivations. However, the linking, even in state media, of the rape/murder to the assailants' ethnic and religious identity suggests an effort to demonise the broader group, rather than the individuals responsible, in a way that would set the tone for group-based violence, if not explicitly call for it.

3.11.2 Sexual violence in 2016 and 2017

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would speak': The ongoing use of state-sponsored sexual violence in Burma's ethnic communities'; OHCHR. (2019). 'Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts - A/HRC/42/CRP.4'.

[315] See, for example: US State Department. (2018). "Documentation of Atrocities in Northern Rakhine State." P14. See also: Amnesty International. (2018). "Myanmar: "We will destroy everything": Military responsibility for crimes against humanity in Rakhine State." P88.

[316] OHCHR. (2019). "Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts." P23. See also: Human Rights Watch. (2012). "The Government Could Have Stopped This" Sectarian Violence and Ensuing Abuses in Burma's Arakan State." P30.

[317] OHCHR. (2018). "Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar." P147. See also Global New Light of Myanmar. (2012). "Three murderers who raped, stabbed a woman to death to be brought to trial soonest." P10. URL: https://www.burmalibrary.org/docs13/NLM2012-06-05.pdf

[318] Reid-Cunningham, A. R. (2008). "Rape as a Weapon of Genocide." Genocide Studies and Prevention: An International Journal. Vol 3, Issue 3.

[319] From my interviews with Rakhine participants in the June 2012 violence.

In the October 2016 and August 2017 campaigns, sexual violence appears to have been used frequently, and in areas in which there was no recorded ARSA activity. This indicates that it fell outside of stated counter-insurgency operations, and was instead part of a wider strategy of punishment and intimidation of the Rohingya population.[320] One study of 101 Rohingya women who fled the 2017 campaign found that 52% had been subjected to rape or other forms of sexual violence. Most of the acts were carried out by soldiers, with additional acts perpetrated by police and Rakhine civilians.[321]

In cases of transgender Rohingya, sexual violence was used both as punishment for being Rohingya and for being transgender. During the August 2017 campaigns, acts of sexual violence against transgender Rohingya, including gang rape and threatened sexual mutilation, were carried out by police, military and Rakhine civilians.[322] This is consistent with reports of harassment of, and violence towards, transgender Rohingya by police and military, outside of conflict periods, that had a clear gender dimension.[323]

3.12 Assessing the 2012-2017 period

The two episodes of violence in 2012 had a lasting and profoundly damaging impact on relations between Rakhine and Rohingya, as well as on perceptions of Rohingya, not just among Rakhine, but also among other communities in Myanmar. The June 2012 episode in particular can be viewed as a major turning point in the security of Rohingya and their access to rights. It triggered a rapid deterioration in their general condition that, coupled with a resultant shift in public perceptions of Rohingya, had as its endpoint popular support for, and civilian participation in, the military-led campaign against Rohingya in 2017.

Whether the military will have undertaken the 2017 campaign in the manner it did if it hadn't been confident of the public reaction is difficult to say - the two campaigns against the Rohingya in 1978 and 1991 occurred during a period of comparative calm between communities in Rakhine State, while it has freely attacked other minority groups in Myanmar, like the Kachin and Shan, despite longstanding popular cross-community solidarity with these groups among Bamar and other ethnicities.

What is clear, however, is that even before June 2012, there were efforts by newly empowered Rakhine political and religious elites to marginalise the Rohingya, depict them as a threat to Rakhine, and prescribe "solutions" to the problem in the form of segregation, violence and forcible removal, and that after June 2012, these solutions gained increasingly widespread support. There was little effort by the government to combat the intensifying communal hostility, whether by ending segregation, prohibiting inflammatory language or addressing the points of tension among Rakhine over claims to land, resources and political rights. The mobilisation of ARSA provided evidence that the post-June 2012 security and segregation measures, and the

[320] OHCHR. (2019). "Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts." P22.
[321] OHCHR. (2017). "Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016." P20.
[322] OHCHR. (2019). "Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts." P44.
[323] Ibid. P43-44.

campaigns of intimidation against Rohingya, hadn't achieved the goal of rendering the wider Rohingya community powerless, and served to validate the narratives of a "violent" Rohingya that took on extra force following the rape and murder of Ma Thida Htwe in May 2012.

3.12.1 Test runs

Several analyses of key events between 2012 and 2017 that marked a deterioration in conditions for Rohingya have questioned whether these events may have been strategically engineered by the military to test domestic and international responses to a worsening of conditions for Rohingya. This "test run" theory has been applied to the alleged Du Chee Yar Tan massacre in January 2013, which one group of investigators described as a possible "trial massacre", and the subsequent cover-up a "precursor" to a later policy of denial with regards to other atrocities in Rakhine State.[324] The expulsion of MSF in February 2014 was believed by some within MSF itself to have been a "test" carried out by the military to gauge the response of foreign embassies in Myanmar to a shift in military decision-making around the presence of international actors, and their response to a possible military coup[325], while one analyst has questioned whether the October 2016 campaign was a "test run" for the 2017 campaign.[326]

There is no evidence to support the theory that in each case, the military's main goal was to gauge domestic or international responses to a change in strategy or approach. However, it may be that its decision-making in the aftermath of each incident was influenced by the public response to that incident. The case of Du Chee Yar Tan became a monitory example for Rakhine of a perceived tendency among Rohingya to fabricate atrocities - charges of which were levelled at Rohingya in 2012, 2016 and 2017, especially around allegations of rape by security forces and of burning of homes by security forces. The MSF expulsion meanwhile prompted a shift to a policy of "quiet diplomacy" within the UN's Myanmar Country Team, which may have been interpreted by the military as a shift to a more permissible diplomatic approach. Meanwhile the October 2016 campaign prompted international debate over the question of military intervention, but no substantive action beyond sanctions and travel bans. The generally positive reaction to October 2016 among Rakhine - and the broader Myanmar population - may have been received by the military as an indication of the probable public response should a larger campaign take place, although again, there is no evidence to suggest this was part of its intent when executing the October 2016 campaign.

[324] International State Crime Initiative. (2018). "Genocide Achieved, Genocide Continues: Myanmar's Annihilation Of The Rohingya." P28-29.
[325] Binet, L. "MSF and THE ROHINGYA 1992-2014." P230.
[326] Sumon, S. (2018). "One year after their 'journey of pain,' a repatriation deal has left Rohingya refugees with more questions than answers." URL: https://www.arabnews.com/node/1361991/world

Annex 5

United Nations Independent Investigative Mechanism for Myanmar,
Anti-Rohingya Hate Speech on Facebook: Content and Network Analysis
(2023)

United Nations Nations Unies

INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR • MÉCANISME D'ENQUÊTE INDÉPENDANT POUR LE MYANMAR

CONFIDENTIAL

ANTI-ROHINGYA HATE SPEECH ON FACEBOOK: CONTENT AND NETWORK ANALYSIS

Executive Summary

1. The United Nations Independent Investigative Mechanism for Myanmar ("IIMM" or "Mechanism") was established by the UN Human Rights Council resolution 39/2 with the mandate to collect and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files to share with national, regional or international courts that may have jurisdiction to prosecute such cases.

2. In furtherance of its mandate, the Mechanism has collected large quantities of evidence concerning hate speech against the Rohingya population. After studying that material, the Mechanism has prepared the present Analytical Report. The report presents the findings of a large-scale project carried out by the Mechanism analysing the role of the Myanmar military in the spread of hate speech directed against the Rohingya.[1]

3. The project examined material posted on 43 Facebook Pages between July and December 2017 – encompassing the period of the military's clearance operations and the 55 days that immediately preceded the ARSA attacks of 25 August 2017. Meta, the parent company of Facebook, had removed each of these Pages in August 2018. Six of the Pages had been removed because they were considered to have engaged in human rights violations and the remaining 37 Pages had been removed for misrepresenting who they were and engaging in what Meta terms "coordinated inauthentic behaviour".

[1] This Analytical Report has been shared with competent authorities pursuant to United Nations Human Rights Council Resolution 39/2 and subject to the Terms of Reference of the Mechanism for the purpose of facilitating judicial proceeding in national, regional or international courts or tribunals with jurisdiction over crimes within the Mechanism's mandate. This report and the information and material contained therein shall be used solely for the purpose of judicial proceedings for which it is provided as indicated in the cover letter attached to this Report and shall not be published or electronically posted in any form or medium other than as part of the indicated judicial proceedings. The Mechanism's express written consent is required for the use of this Report and the information and material contained therein for any other purposes. Nothing in the disclosure of this report or the information contained therein will be treated as a waiver, express or implied, of any of the privileges, immunities, exemptions, and facilities enjoyed by the United Nations, including the Mechanism.

4. The Mechanism's review found thousands of posts on these Pages during the period reviewed that fell within its definition of hate speech. The posts promoted various narratives that the Rohingya were a threat to Myanmar's other ethnic groups and to Buddhism.

5. The Mechanism's analysis further found that these 43 Pages were part of a single network with clear ties to the Myanmar military. Often, the Pages share creators, administrators and/or editors. The report explains how the Mechanism found clear indications that the various Pages were often posting material using the same IP addresses and the same shared devices. The same material was often posted on multiple Pages in this network, sometimes within minutes. The Mechanism's review of these Pages establishes that the Myanmar military was actively promoting hate speech against the Rohingya at the time of the 2017 clearance operations.

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I. Introduction

1. This Analytical Report details the methodology and results of a project carried out by the Mechanism concerning hate speech against the Rohingya population. The project examined the questions of whether there was an organised campaign to spread hate speech against the Rohingya and if so, what role, if any, the Myanmar military – known as the Tatmadaw – played in any such campaign. To answer these questions, the Mechanism examined a discrete set of material that appeared on the internet, namely material that appeared on one social media platform – Facebook – over a six-month period, on 43 Pages that were subsequently taken down by the platform. According to Facebook, these Pages accumulated a mass audience reaching "millions of users."[2]

2. Many observers have reported that hate speech directed at the Rohingya was a contributing factor that helped fuel the mass violence during the Tatmadaw's 2017 clearance operations in Rakhine State. In this regard, many reports particularly focused on material that appeared on Facebook which was considered the most influential social media platform in Myanmar at the time and was reportedly often used to promote hate speech against the group.[3]

3. In April 2018, the Guardian newspaper reported:

> "[a]mong Myanmar's 53 million residents, less than 1% had internet access in 2014. But by 2016, the country appeared to have more Facebook users than any other south Asian country. [In April 2018], more than 14 million of its citizens use Facebook. A 2016 report by GSMA, the global body representing mobile operators, found that in Myanmar many people considered Facebook the only internet entry point for information, and that many regarded postings as news."[4]

A cyber security analyst in Yangon reportedly told the Guardian that "Facebook is arguably the only source of information online for the majority in Myanmar."[5] Similarly, Reuters reported in August 2018 that "[f]or many people in this emerging economy, Facebook is the internet: It's so dominant, it's the only site they use online."[6]

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[2] *See* **IIMM0027995255** Meta, "Removing Myanmar Military Officials from Facebook", 28 August 2018, also available at https://about.fb.com/news/2018/08/removing-myanmar-officials. When it announced the removal that included the 43 Pages reviewed in this analysis, Facebook said, "we are […] removing a total of 18 Facebook accounts, one Instagram account and 52 Facebook Pages, followed by almost 12 million people."

[3] *See, e.g.*, **IIMM0027993041** Steve Stecklow, "Hatebook: Why Facebook is losing the war on hate speech in Myanmar", *Reuters*, 15 August 2018: "the poisonous posts call the Rohingya or other Muslims dogs, maggots, and rapists, suggest they be fed to pigs, and urge they be shot or exterminated. The material also includes crudely pornographic anti-Muslim images." *See also* **IIMM0027995093** Amnesty International, "Myanmar: Facebook's Systems Promoted Violence Against Rohingya; Meta Owes Reparations" 29 September 2022, also available at https://www.amnesty.org/en/latest/news/2022/09/myanmar-facebooks-systems-promoted-violence-against-rohingya-meta-owes-reparations-new-report/.

[4] **IIMM0027993042** Libby Hogan and Michael Safi, "Revealed: Facebook hate speech exploded in Myanmar during Rohingya crisis," *The Guardian*, 3 April 2018.

[5] Ibid.

[6] Supra fn. 3.

4. Given the importance of Facebook in Myanmar at the relevant time, the Mechanism sought to understand whether the Myanmar military promoted hate speech on Facebook preceding, during and immediately after the 2017 clearance operations.

5. In its public communication entitled "Removing Myanmar Military Officials from Facebook", the platform announced that it had removed and preserved a total of 52 Pages in August 2018.[7] Meta, the new name adopted in 2021 for the parent company of Facebook,[8] subsequently voluntarily shared the content and metadata from these Pages with the Mechanism. For this analytical project, the Mechanism reviewed public content[9] from 1 July 2017 to 31 December 2017 that appeared on 43 out of these 52 removed Pages. The remaining nine Pages had no public content during the time period under review.[10] As explained below, through its analysis, the Mechanism found structural indicia of connections among all 43 Pages showing that they form a coordinated network with clear ties to the Myanmar military.[11]

6. Six of the 43 Pages included in the analytical project were removed by Meta for their connection to 20 individuals and organizations that Meta banned from Facebook for having "committed or enabled serious human rights abuses in [Myanmar]," as Meta wanted to "prevent them from using [its] service to further inflame ethnic and religious tensions."[12] All but one[13] of the banned individuals and organisations are overtly associated with the Myanmar military.[14] The other 37 Pages were removed by Meta for "engaging in coordinated inauthentic behaviour on Facebook." As explained in its public communications, Meta has defined "coordinated inauthentic behavior" (or "CIB") as occurring "when groups of Pages or people work together to mislead others about who they are or what they are doing."[15] Meta has further stated that these CIB Pages used "seemingly independent news and opinion Pages to covertly push the messages of the Myanmar military," and that "[t]his type of behavior is

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[7] Supra fn. 2.

[8] In 2021 Facebook announced that it was changing its name. Meta Platforms Incorporated ("Meta") is now the parent company that runs the Facebook platform and/or application, amongst others. For ease of reference, this report will refer to "Meta" instead of "Facebook", other than when referring to the Facebook platform or application.

[9] The analytical project undertaken by the Mechanism does not take into accounts all instances of problematic content on Facebook in Myanmar, nor does it consider the various compounding factors such as monetization, algorithms, and the role of financially motivated actors operating on the platform.

[10] Supra fn. 2. As noted above, only 37 of the 46 Pages removed for CIB in August 2018 were included in the Mechanism's analytical project as the others did not have public content in the time period reviewed (July-December 2017). Of the nine Pages removed for CIB that had no public content during the July-December 2017 period, three were not created until 2018 and thus have no content in 2017. The other six Pages were created in 2014-2016 and were not active from July to December 2017. All nine Pages have content outside the July-December 2017 period.

[11] For a complete list of the 43 Pages analysed in this report, *see* Annex 4. For the analysis of the Pages' connection to the Myanmar military, *see* Section II.B, "Network Analysis".

[12] Supra fn. 2.

[13] One of the 20 individuals and organizations included in the banned list is "Phay Sit Gyi", which approximately translates to "Father of Great War". It is not known to be the name of any individuals or organizations within the Myanmar military.

[14] For a full list of 20 banned individuals and organisations as reported in the media, *see* **IIMM0027995337** Myanmar NOW, "Removing Commander from Facebook is a permanent removal, the company said", 29 August 2018.

[15] *See* **IIMM0027995245** Meta, "Coordinated Inauthentic Behavior Explained", 6 December 2018, also available at https://about.fb.com/news/2018/12/inside-feed-coordinated-inauthentic-behavior.

banned under [Meta's] misrepresentation policy because [Meta] wants people to be able to trust the connections they make."[16]

7. Thus, in total, the Mechanism's analytical project reviewed 43 Pages – six linked to persons or entities that Meta removed from its Facebook platform for human rights abuses (hereinafter, "HR designation takedown Pages") and 37 that were part of the CIB network that Meta indicated was covertly pushing the messages of the Myanmar military (hereinafter, "CIB Pages").

8. The names and identification numbers of the six HR designation takedown Pages are:

1) Senior General Min Aung Hlaing Page (698627660171725),

2) တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ရုံး (CINCDS or Office of the Commander-in-Chief of Defence Services Page) (526503167470553),

3) မြဝတီ (Myawady Page) (246194712164341),

4) မြဝတီ (Myawady Page) (573453879358666),

5) Myawady Daily Page (301875129924077), and

6) Phay Sit Gyi Page (1620931448152789).

9. The first four Pages above were "blue badge verified" by Facebook, meaning that "Facebook has confirmed that the Page […] is the authentic presence of the public figure or global brand it represents."[17]

10. Two of the six HR designation takedown Pages were connected to Senior General Min Aung Hlaing, the Commander-in-Chief of the Myanmar armed forces – one bears his name and the other is that of his office. Three other Pages were connected to Myawady, the military's media company. The sixth Page, Phay Sit Gyi, is not overtly connected to the military and Meta has not provided the Mechanism with the underlying reasoning for why it identified this Page as being connected with individuals or entities that committed or enabled serious human rights abuses. As explained later in this Analytical Report, however, there are clear connections between the Phay Sit Gyi Page, the other five HR designation takedown Pages, and the remaining 37 CIB Pages that Meta removed in August 2018.[18]

11. The Mechanism restricted its review to material posted on these 43 Pages during the six-month period between 1 July 2017 and 31 December 2017. Primarily, the Mechanism decided to restrict its review in this manner to cope with the vast quantity of material that appeared on all of these Pages across their respective lifespans. During this six-month period

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[16] Supra fn. 2.

[17] *See* **IIMM0027995200** Facebook's online Help Center, also available athttps://www.facebook.com/help/196050490547892. The Mechanism is not in receipt of the underlying information used by Facebook to verify these Pages.

[18] *See e.g.*, entry no. 6 of Annex 8.4.

alone, the material posted on these 43 Pages totalled over eight hundred thousand items.[19] The period of July 2017 through December 2017 was also identified as the most relevant as it captures the weeks preceding the commencement of the clearance operations on 25 August 2017, the period during which the operations peaked in intensity, and the months immediately afterwards.[20]

12. The majority of the material posted during this timeframe was in the Myanmar language ("Burmese") and was therefore initially reviewed by a team of Mechanism personnel fluent in the Myanmar language and aware of cultural contexts. As the quantity of material was prohibitively large to attempt reviewing it in its entirety, the Mechanism selected material for review by conducting keyword searches in the Mechanism's evidence repository database. The keywords used for the searches are listed in Annex 3.

13. There is no universal definition of "hate speech".[21] Various international and domestic jurisdictions apply different standards for what constitutes "free" or "protected" speech vis-à-vis speech that can incur criminal responsibility. For the purposes of this analytical project, the Mechanism considered content to amount to "hate speech" if, in the view of the Mechanism, it appeared that the content was intended or likely to influence its Facebook audience to fear the target group, hate the target group and/or to encourage, support or excuse discriminatory measures or violence directed against the target group, with the target group in this case being persons of Rohingya ethnicity or Muslims in general.[22] This definition is not intended as a legal test of when speech constitutes incitement to crimes, and no attempt was made in this analytical project to link specific examples of speech to specific crimes. Nor does the definition purport to delineate between speech that a government must censure and speech that must be tolerated in order to conform to free speech guarantees. This analytical project was not examining issues of what public speech a government tolerated, but rather, the project seeks to answer the question of whether a network of accounts connected to a state entity, the military, was actively promoting a narrative intended to vilify a vulnerable community.

14. The assessment as to whether particular content meets the definition of hate speech applied by the Mechanism is necessarily subjective and often context specific. Numerous

[19] According to the Mechanism's records, there are 817,238 information items across the 43 Pages from 1 July 2017 to 31 December 2017. For the purposes of this review, an "item" is defined as a text of any length, a video, or a photograph.

[20] *See* Section II.A.3, "Content Analysis of HR Designation Takedown Pages", for a description of the time periods before, during and after the clearance operations as considered in this Analytical Report.

[21] *See e.g.*, the United Nations Strategy and Plan of Action on Hate Speech, available at https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech. This United Nations initiative notes that "to date there is no universal definition of hate speech under international human rights law" and itself defines hate speech as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor."

[22] For purposes of this analytical project, the Mechanism was not concerned with whether or not the material could or should have been prohibited, or whether it was "protected speech" in a legal sense. Rather, the analytical project's sole focus was on whether the material was intended or likely to influence its audience so as to promote fear or hatred against the target group, or to incite or excuse violence or discrimination against the group.

examples found on the relevant Pages are included in Annex 1 and Annex 2 of this report. These annexes contain the entire text of the posts in both the original Myanmar language and an English translation prepared by the Mechanism, in order to provide examples of messaging promoted on these Pages and to allow readers to make their own evaluation of the content.[23] Where necessary, some cultural or historical context is also provided to explain the implications and effects of the content on the target audience.

15. In addition to preserving the content of these Pages and sharing them with the Mechanism, Meta provided the Mechanism with basic subscriber information ("BSI") and metadata associated with the Pages and the accounts that operated these Pages. Meta also provided metadata for each specific item of content (text, photograph or video) posted. The metadata associated with the Pages included the Page names and identification numbers assigned by Facebook (Page IDs), the names of administrators authorised to post material to the Pages, and the email addresses of the administrators.[24] Also, for each post, the Mechanism received data from Meta on the exact date and time when the post was published, the name of the Page on which it appeared, the name of the author of the content (namely the person or Facebook account with administrative rights to publish content on that Page), and in some cases, the Internet Protocol (IP) addresses[25] of the sources of the content. Independently of material provided by Meta, the Mechanism also obtained a database of historical IP address data to assess whether this provided any further insights into the origins of the content.

16. The results of the analytical project are described below in this Analytical Report. First, Section II.A of this report, entitled "Content Analysis", discusses the hate speech content identified by the Mechanism, resulting from the keyword searches. Some examples are provided in Annex 1 of hate speech content that fits into various "hate speech narratives", namely the commonly deployed discriminatory or derogatory themes that unify the individual examples of hate speech into thematic categories.

17. Secondly, while the 43 Pages examined in this Analytical Report were chosen because Meta had linked them either to individuals or entities that committed or enabled serious human rights abuses, or to a CIB network that was "covertly pushing the messages of the Myanmar military", the Mechanism additionally looked at the associated data, particularly the BSI and metadata provided by Meta, to undertake its own independent assessment of whether any correlation existed between these Pages and the Myanmar military. The results of the Mechanism's analysis are provided in Section II.B of this report, entitled "Network Analysis", wherein the Mechanism identified linkages between these Pages, which are indicative of an inter-connected network associated with the Myanmar military.

18. Finally, the Mechanism also sought to determine whether these Pages and the actors behind them were acting in concert to promulgate hate speech content. Section II.C of this

[23] Annex 1 provides examples that highlight the different narratives of hate speech discussed in Section II.A.2. Annex 2 provides emblematic examples that appeared multiple times across different Pages within the network, to show the coordinated effort to spread the message.
[24] *See* Annex 6 for a list of the Basic Subscriber Information requested by the Mechanism.
[25] *See* Section II.B.3.d., "IP Addresses", for further explanation of IP addresses.

report, entitled "Coordination Pattern Analysis", provides examples of how content containing hate speech was disseminated across the Pages examined in a systematic and coordinated manner.

II. Assessment of Available Information

A. Content Analysis

1) Overview

a. Results from Keyword Searches

19. Using keywords listed in Annex 3, the Mechanism searched the entire content of the 43 Pages under analysis consisting of 817,238 items[26] posted from 1 July 2017 to 31 December 2017. The keyword search identified any text or photograph or video captions which contained one or more of the keyword terms. A single post could consist of text and any number of photograph or video attachments. The keyword search identified 10,851 posts which contained keyword terms one or more times. The Mechanism read through the text included in each of these items to determine if the contents fit within the definition of hate speech used for this project as explained in paragraph 13 above. From this review, the Mechanism identified 10,485 items, which in the judgment of the Mechanism, fell within the project's definition of hate speech. The remaining keyword search results were deemed not to contain hate speech.[27]

20. Many of the posts that contained hate speech appeared multiple times during the six-month period reviewed in this project. Of the 10,485 items identified as hate speech, 4,232 were unique items[28] and these items were duplicated in 6,253 additional items. While some were exact copies, others contained the same text with different headings or with minor differences in details. Thus, a total of 10,485 items were identified that contained hate speech (4,232 unique items plus 6,253 duplicates).[29]

21. Since the Mechanism relied on keyword searches rather than individually reviewing each of the 817,238 items posted to the 43 Pages during the relevant six-month time frame, it is highly unlikely that the project identified all instances of hate speech. The keyword searches

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[26] *See* supra fn. 19, for an explanation of the term "item" as used in this Analytical Report. The keyword search was conducted at the item level, whether text of the post or caption of photograph or video.

[27] For example, one of the keywords searched was the slur, "Kalar" (Burmese: ကုလား) which has the same characters as the first part of the word "chair" (Burmese: ကုလားထိုင်), and posts advertising handmade chairs were included among the initial results of the keyword search, but thereafter excluded from further analysis.

[28] From the review, 4232 items were found to be unique. These 4232 unique items contain attachments, such as photographs and videos under the text of the post, or more photographs attached to a photograph, which amounted to a total of 8361 items. It is possible that some of the attachments are the same, because, for example, there are posts with different texts with the same photograph attachments.

[29] The Mechanism has listed all unique items, including text, photographs and videos that it identified as hate speech, and some duplicates in an index, **IIMM0027992866** which contains a short summary in English explaining why the item was deemed to fall within the hate speech definition. A second index, **IIMM0027997066**, lists 476 items which are two particular posts and selected comments in response to the posts, as discussed in paras. 46, 64 and 65. Due to their length, these Indexes are not included in this report.

likely missed some posts that were intended as hate speech. Hate speech often involves using language with multiple meanings or cultural subtleties. It can rely on references to fables, allegories or historical events, which are difficult to anticipate when selecting keywords to conduct the searches. It is possible, therefore, that further content that the Mechanism would consider as amounting to hate speech was posted during the relevant period but was not identified through the keywords searched.

22. Furthermore, the Mechanism's review is based on historical data produced by Meta, namely content that Meta preserved in August 2018 when it removed the Pages. Content that had been removed prior to August 2018, either by the Page administrators themselves or by Meta because of violation of its "Community Standards",[30] is likely not included in the historical data Meta produced for the Mechanism. It is possible, for instance, that additional items containing hate speech may have been posted on the platform at the time of the 2017 clearance operations but were removed before Meta preserved the 43 Pages and are thus unavailable for this review.

23. Hate speech content was identified across 36 out of 43 Pages reviewed in this analytical project, encompassing each of the six HR designation takedown Pages, and 30 out of 37 CIB Pages. Seven CIB Pages, namely ကျိုက်ကော် (Kyeik Kaw) (1219574294735802), မနောမြေ မီဒီယာ (Manawmyay Media) (857869040910688), ခွန်တန် (Khon Tan) (1427914403931113), GO & SEE (126275177952091), ပညာခေတ် ("Education Era") (521260894620659), မြန်မာ ပန်းဧရာ (Myanmar Pann Aye Yar) (182039631890567), and Just 4 FUN (694334354001551), did not return any results from the hate speech keyword searched. However, as noted in paragraphs 21-22 above, it is possible that there was content on these Pages that would fit the definition of hate speech but did not contain any of the keywords the Mechanism has used to search, as the Mechanism did not review all posts but only those that had hits on the keywords searched.

b. Results from Images and Videos

24. Images and videos, particularly those without text or captions, presented an additional challenge as they cannot be searched using keywords. The Mechanism was able to identify some photographs[31] with no captions that appeared to be aimed at promoting one of the hate speech narratives. This review was not thorough, however, and the Mechanism was only able

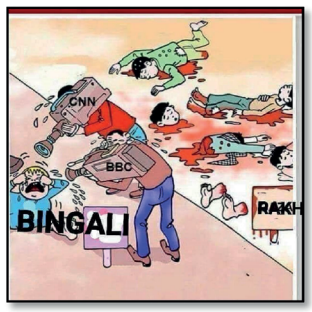
[30] *See e.g.*, **IIMM0027995207** Meta, Facebook Community Standards, also available at https://www.facebook.com/business/good-questions/community-standards.

[31] Because of the technical limitations in running searches against non-textual content, photographs could not be systematically reviewed. In the process of running focused searches on certain dates, the Mechanism identified images of interest in the context and was able to assess these images.

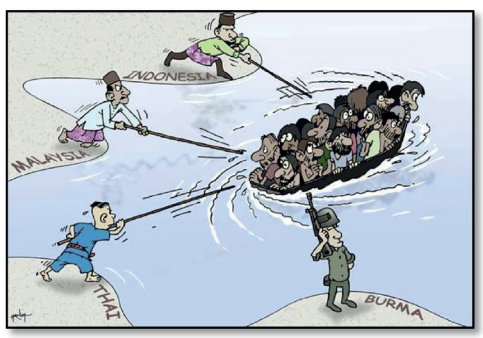
to note limited instances of images that have no titles or descriptions. Below are some examples.[32]



Cartoon 1



Cartoon 2



Cartoon 3

2) <u>Hate Speech Narratives</u>

25. The Mechanism's review and analysis noted that a high proportion of the hate speech examples identified fall into one of the following narrative categories:

a. denial of the Rohingya identity as a distinct ethnicity and/or as natives of Myanmar;

b. portrayal of the Rohingya as an existential threat to Myanmar;

c. portrayal of the Rohingya as a threat to racial purity of the recognised Myanmar ethnic people;

d. portrayal of Islam as a threat to Buddhist religious sanctity;

e. justification of violence against the Rohingya; and/or

[32] *See* **IIMM0000365598**; **IIMM0000382240**; and **IIMM0000510095** for Cartoon 1; **IIMM0000583913**; **IIMM0000356841**; **IIMM0000359412**; **IIMM0000909392**; **IIMM0000918053**; and **IIMM0000941786** for Cartoon 2; and **IIMM0000355580** for Cartoon 3.

f. denigration of the suffering of the Rohingya and portrayal of crimes against them as fabrications.

26. These narratives are discussed and summarised immediately below.

a. Denial of the Rohingya Identity as a Distinct Ethnicity and/or as Natives of Myanmar

27. Much of the hate speech content found on the removed Pages invokes the narrative that no Rohingya ethnic group exists, that the people who call themselves Rohingya are actually all *Bengali* and do not belong in Myanmar but rather should live in Bangladesh.

28. Central to this narrative is the concept of "national races", which is also known as "ethnic people" or "*Taing-Yin-Thar*" (တိုင်းရင်းသား) in Burmese. Notably, under military rule, the concept of "national races" has gradually become the key criterion for membership in the country's political community, creating a common "other".[33] The military regime constructed eight major ethnic groups (Kachin, Kayah, Karen, Chin, Bamar, Mon, Rakhine and Shan), broken down further into 135 "national races". There are no authorities or rational explanation offered for this division. It appears arbitrary with some groups excluded and others listed twice. But these arbitrary ethnic categories are used to define those who "belong" in Myanmar and the consequences are momentous for the civil, political, and economic rights of individuals and groups concerned. Those excluded from the list, regardless of where they were born and for how many generations their ancestors have lived in Myanmar, are considered outsiders or immigrants. This is particularly the case for the Rohingya.[34] According to the Tatmadaw, "[d]espite living among peacocks, crows cannot become peacocks".[35] Many examples of hate speech identified by the Mechanism highlighted the fact that the Rohingya name is not included in the 135 national races and stated that the Rohingya have a plan to take away Myanmar's land by making themselves become the "136th group".[36]

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[33] *See e.g.,* N. Cheesman, "How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya", Journal of Contemporary Asia (2017), 47:3, pp. 461-483. *See also* UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 85.

[34] UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 85.

[35] Ibid. *See also* **IIMM0000003389**: Tatmadaw, Directorate of the Public Relations and Psychological Warfare, "Myanmar Politics and the Tatmadaw" (2018), p. 115. This document is an excerpt taken from a larger booklet that was provided to the Mechanism by the FFM in six parts. The Mechanism is not in receipt of information from the FFM as to the precise source or provenance of this booklet, but, prima facie, it is issued by the Tatmadaw, Directorate of the Public Relations and Psychological Warfare, and sets out the Tatmadaw's position on various issues relating to the Rohingya and the situation in Rakhine State. The fact that the booklet is written predominantly in English suggests the information is intended for foreign / international audiences. *See* **IIMM0000004380**; **IIMM0000004749**; **IIMM0000003396**; **IIMM0000004386**; **IIMM0000004756** and **IIMM0000003389** for the complete booklet of "Myanmar Politics and the Tatmadaw".

[36] For one such example, *see* **IIMM0000223014**. *See also* Annex 2. Entry no. 22.

29. As found during the Mechanism's review, the authors of claims such as "there is no Rohingya in Myanmar,"[37] "they are Bengali,"[38] "Rohingya is not recognized by the State",[39] "Call Bengali Bengali",[40] "Rohingya is not the name of an ethnic group"[41] and "these animals are not from our country"[42] range from individuals who are the highest officials in the military, including the commander-in-chief, Senior General Min Aung Hlaing,[43] and his deputy, Vice-Senior General Soe Win,[44] to ministers,[45] politicians,[46] political analysts,[47] academic researchers,[48] and soldiers[49] operating on the ground during the clearance operations in Rakhine State in August 2017.

b. Portrayal of the Rohingya as an Existential Threat to Myanmar

30. Another narrative frequently seen across the hate speech content found on the removed Pages is the claim that the Rohingya are an existential threat to Myanmar. The Rohingya are portrayed as a violent group, who illegally immigrated to Myanmar, are associated with terrorism, and are inflicting violence upon the recognised Myanmar ethnic people, with the aim of confiscating land, starting in northern Rakhine State.

31. This narrative underlies most of the hate speech posts identified in the Mechanism's review. The post that is the first example in Annex 1 demonstrates how this narrative was used to try to convince the audience of ties between the Rohingya and foreign terrorist groups such as ISIS (Islamic State of Iraq and Syria), by using pro-Rohingya statements made by the terrorist groups.

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[37] *See e.g.*, the following Facebook posts: **IIMM0000345895; IIMM0000223481**; **IIMM0000201465** and **IIMM0000237136**, all of which quoted Senior General Min Aung Hlaing as saying, "So we openly declare that absolutely, our country has no Rohingya race."

[38] *See e.g.*, **IIMM0000415340** for the post reporting on the event "Discussion of National Security and Future of Union" by U Wunna Maung Lwin (former Foreign Minister), U Ko Ko Hlaing (former adviser to the President), Dr. Yin Yin Nwe (another former adviser to the President), and Dr. Aye Chan (historian). The post used derogatory terms such as "Ro-lein-nyar" (Ro-liars) and stated that "Bengali is Bengali".

[39] *See* Annex 2. Entry no. 23.

[40] **IIMM0001077521**.

[41] **IIMM0000369056**.

[42] *See* Annex 2, entry no. 10, including, "That's why, these animals, who are not from our country, infiltrating into our country, wanting the region where our ethnic people are staying […]"

[43] *See* **IIMM0000223481**; **IIMM0000201465**; **IIMM0000237136** and **IIMM0000345895**.

[44] *E.g.*, "with regard to the incidents of the region, the Vice-Senior General explained the citizenship law of Myanmar similar to those of every country, needs of Bengalis to accept necessary scrutiny in line with the 1982 Myanmar's Citizenship Law and to accept the NVC cards, attempts being made by Bengalis to have direct citizenship chance without accepting the above-mentioned facts by creating Rohingya as the 136th ethnic which never includes on the list of 135 Myanmar ethnics, and no situation to allow direct citizenship with their wish to enjoy full rights of citizenship." *See* **IIMM0000223014**; **IIMM0000235175**; **IIMM0000199500**; **IIMM0000181555**; **IIMM0000223012**; **IIMM0000199498** and **IIMM0000235173**.

[45] *E.g.*, in the Facebook post at **IIMM0001099660**, the Mon State's minister, Dr. Aye Zan, was quoted as saying "I will say it clearly – there is no Rohingya in our country. They are Bengali".

[46] **IIMM0000415340**; **IIMM0000551034**.

[47] **IIMM0000917806**.

[48] **IIMM0000416948**; **IIMM0000223362**.

[49] *E.g.*, "That's why, these animals, who are not from our country, infiltrating into our country, wanting the region where our ethnic people are staying…" *See* Annex 2, entry no. 10.

32. This narrative is also used in conjunction with the first narrative claiming that there is no ethnic group known as Rohingya in Myanmar. When combined, the narratives contest the use of the Rohingya name, while associating the name with the threat of terrorism and illegal immigration.[50]

33. Facebook posts with this combined narrative suggest that only terrorists and their accomplices, and "bad *Kalar* Bengali that are sneaking in",[51] call themselves Rohingya, intending to gain the international community's attention and sympathy. The word "*Kalar*" is used by some in Myanmar to refer to those of South Asian descent but is considered a slur.[52] The Facebook posts adopting this narrative also highlight the threat of the Rohingya to Myanmar's sovereignty by stating that the Rohingya, supported by the United Nations, have a plan to seize Myanmar's land, the first step of which involves foreign troops entering the country under the guise of the doctrine of the Responsibility to Protect (commonly referred as "R2P"). R2P is often referred to in the Facebook posts as an imminent and alarming threat to the security and sovereignty of Myanmar.[53] This is also illustrated in many photograph attachments to posts, which depict the map of Myanmar with Rakhine State or the whole western and southern parts detached from the country and established as a separate "Islamic country".[54]

34. The second example in Annex 1 also serves as a relevant instance of this narrative regarding the Rohingya as a terrorist threat. Using graphic images of dead bodies, the post warns against the purported threat of the "bad guests" (referring to the Arakan Rohingya Salvation Army,[55] known as ARSA, but which can also be understood to mean the whole Rohingya population) who were committing "jihad" against the Myanmar ethnic people. The

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[50] The FFM also stated that "Myanmar authorities actively associated Rohingya identity with terrorism. Rohingya are typically only referred to as terrorists or suspected terrorists, often in sweeping phrases implying that the entire group is terrorist or violent in nature. This narrative preceded the emergence of ARSA." *See* UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 1333.

[51] *See e.g.,* **IIMM0000357344**; **IIMM0000486656** and **IIMM0000359515**.

[52] *See e.g.,* **IIMM0027995333** Myanmar Mix, "How the word 'Kalar' is a depressing indictment of Myanmar society," Myanmar Mix (22 April 2020), also available at https://myanmarmix.com/en/articles/how-the-word-kalar-is-a-depressing-indictment-of-myanmar-society; and **IIMM0027995282** Frontier Myanmar "The 'Kalar' controversy shows many in Myanmar aren't listening," (19 June 2020), also available at https://www.frontiermyanmar.net/en/the-Kalar-controversy-shows-many-in-myanmar-arent-listening/. *See also* Annex 3 for explanation of derogatory terms.

[53] *See* **IIMM0000358107**; **IIMM0000798391**; **IIMM0001075688**; **IIMM0000389698**; **IIMM0000415028**; **IIMM0000571436**; **IIMM0000184645**. *See also* Annex 2, entry no. 3, especially, "Bengali lobby groups painted the 'genocide' picture, giving a pretext for R2P and the UN troops to enter, to create another Kosovo"; and Annex 2, entry no. 28, "the R2P group, which has newly been established by the UN, has threatened to deploy UN troops to Rakhine state if the Myanmar military shoots and arrests the so-called Rohingya-Bengali-Muslim terrorists."

[54] *See e.g.*, Annex 2, entry no. 4.

[55] Arakan Rohingya Salvation Army (ARSA) has been previously described by the FFM as a group that "emerged following the violence in 2012. The 2012 events, including the participation of the authorities in the violence and widespread human rights violations against the Rohingya, combined with increasing oppression affecting all aspects of Rohingya life, served as a trigger for many of the founding and early members. It first came to public attention in October 2016, when it launched three coordinated attacks on security posts in Rakhine State. It became more visible following its subsequent attacks of August 2017." *See* UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 1009. ARSA's official Twitter channel is: https://twitter.com/ARSA_Official.

post refers to a group of Mro ethnic people who were allegedly killed by ARSA on 3 August 2017.[56] Many posts used this incident to portray northern Rakhine State as a region caught in the midst of active terror attacks.[57]

35. From August to December 2017, the alleged killing of members of the Mro ethnic group was cited in several different posts as a basis to legitimise the continuing threat and invoking a fear of "terrorism" that was violently affecting the recognised Myanmar ethnic people.[58]

c. Portrayal of the Rohingya as a Threat to Racial Purity of the Recognised Myanmar Ethnic People

36. The third narrative identified portrayed the mere existence of the Rohingya in the country as a threat to the racial purity of the recognised Myanmar ethnic people. This includes posts that focused on the birth rate and population growth among Rohingya, the practice of polygamy and allegations that Muslim men were marrying Buddhist women as part of a strategy to change the demographic balance. The narratives often linked these intermarriages to allegations of forcible conversion to Islam and physical abuse of Buddhist women.

37. Some examples identified by the Mechanism make only passing references to this theme, with statements such as "uphold the 'population control law' and the 'monogamy law'",[59] "make sure there are only families that uphold the 'monogamy law'",[60] while others are more explicit, making such claims as "[the Rohingya] would breed with machines if they could";[61] "[w]e must control this multitude of Kalar whose numbers are exploding exponentially";[62] "Bangladesh, a small territory with exploding population, is eyeing the Rakhine State of Myanmar";[63] "due to exploding population, there is an exponential increase

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[56] UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 1057, stated that the Mission was unable to verify the incident or perpetrators but added that "[c]redible information indicates, however, that the killings may have been related to the illegal narcotics trade."

[57] **IIMM0000220125**; **IIMM0000185849**; **IIMM0000185669**; and **IIMM0000909819**.

[58] *See* **IIMM0000185925**; **IIMM0000220125**; **IIMM0000185849**; **IIMM0000185830**; **IIMM0000885738**; **IIMM0000752946**; **IIMM0000185613**; **IIMM0000223809**; **IIMM0000544936**; **IIMM0000885579**; **IIMM0000185510**; **IIMM0000185463**; **IIMM0000170694**; **IIMM0000185445**; **IIMM0000585529**. This incident was repeatedly referred to in the posts included on the CIB Pages until 28 December 2017, *see e.g.* **IIMM0000909819**.

[59] These references refer to a series of laws passed in 2015 that had a discriminatory impact on the Rohingya. The FFM described the laws as follows: "these four bills became law between May and August 2015. The laws make reference to 'non-Buddhists', not explicitly naming Rohingya or Muslims. However, given rhetoric in the lead-up to their adoption, the laws clearly had a discriminatory intent against the Rohingya. They were built on a number of prevailing stereotypes, including that Rohingya are polygamous and have a high birth rate, and that Buddhist women need protection from conversion to Islam and marriage to Muslims." *See* UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 600. For more examples with this narrative, *see* **IIMM0000725415**; **IIMM0000584272**; **IIMM0000582231**; **IIMM0000484417**; **IIMM0001041016**.

[60] This is included in the statement made by the Deputy Commander-in-Chief of Defence Services Commander-in-Chief (Army) Vice-Senior General Soe Win on 29 July 2017. *See* **IIMM0000223947**; **IIMM0000204064**; **IIMM0000239484**; **IIMM0000487185**; **IIMM0000682847**; **IIMM0000203988**; **IIMM0000239408**.

[61] *See* Annex 2, entry no. 24.

[62] Ibid.

[63] *See* Annex 2, entry no. 3.

in the Bengali population which is ready to overwhelm the Maungdaw region";[64] "Bengali Kalar, aka extremist terrorists (members of Islamic religion), 90% of whom are Muslims are, in fact, (illegal) intruders who have been (sneaking gradually) into Myanmar from Bangladesh, which is a small territory experiencing population explosion"[65]; "these non-citizens (Bengali), aka Muslim, who make up the 90% of the population, are living in [...] northern Rakhine state [...] to spread their Islam religion in Myanmar and to spread the Islamic generation of Bengali Muslim blood mixed with the blood of Myanmar and Myanmar ethnics"; [66] and "[the] Bengali issue is a continuing problem because of the exploding population of Bangladesh, disproportionate population compared to land mass."[67]

38. Two examples of this narrative are provided in examples 3 and 4 of Annex 1.

d. Portrayal of Islam as a Threat to Buddhist Religious Sanctity

39. The Mechanism also identified posts that expressed negative views of Islam. Implicit in these posts is the emphasis that the values espoused by Islam are diametrically opposed to Buddhist beliefs, and therefore offend, the sanctity of Buddhism.

40. Some examples identified by the Mechanism highlighted the destruction of Buddhist statues in Islamic countries,[68] including allegations that ARSA had destroyed Buddhist statutes in Rakhine State.[69] There are also posts that associated violence and terrorism with gatherings and/or teachings in mosques,[70] and called for bans on such gatherings or closure of the mosques.[71] Other posts directly attacked Islam as a religion[72] and claimed that it is an ideology to control its followers and that Islam was spreading like "cancer cells", which needed to be "surgically removed".[73]

41. One example showcasing this narrative is provided in example 13 of Annex 1.

e. Justification of Violence against the Rohingya

42. Through its review, the Mechanism identified that in late 2017, there were also posts describing and/or commending how other countries have dealt with minorities committing "terror acts" or alleged violence towards other ethnic groups. Notable examples include posts justifying Hitler's treatment of the Jewish people,[74] posts stating that Myanmar should imitate Israel's treatment of the Palestinians,[75] as well as posts about India's purported 'shoot-to-kill'

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[64] *See e.g.,* **IIMM0000359429**; **IIMM0000417441**; **IIMM0000544847**, referring to the Maungdaw region in northern Rakhine State.
[65] *See* example 4 of Annex 1.
[66] Ibid.
[67] *See* **IIMM0000914844**; **IIMM0000720926**; **IIMM0000679579**; **IIMM0000416443**; **IIMM0000579620**; **IIMM0000447746**; **IIMM0000882094**.
[68] *See* **IIMM0000753383**; **IIMM0000185837**.
[69] **IIMM0000359205**.
[70] **IIMM0000184637**; **IIMM0000722019**.
[71] Ibid.
[72] *See* **IIMM0000184012** and **IIMM0000917174**. *See also* example 13 of Annex 1.
[73] **IIMM0000184012**; **IIMM0000917174.**
[74] *See* **IIMM0000861303**; **IIMM0000552204**; **IIMM0000961221**. *See also* example 5 of Annex 1.
[75] *See* **IIMM0000389864**; **IIMM0000803791**; **IIMM0000183446**; **IIMM0000182537**. *See also* **IIMM0001078323**; **IIMM0000807094**.

policy against the Rohingya[76] and China's treatment of the Uyghur.[77] In parallel, other posts highlighted what happened to the countries that did not take "decisive" or "extreme" measures to counter the spread of Islam, such as Indonesia, Malaysia and Afghanistan which, these posts claimed, used to have a Buddhist majority but now have majority Islamic populations, with much violence and unrest.[78]

43. The Mechanism has also identified posts that explicitly encouraged violence against the Rohingya. The post in example 7 of Annex 1 encourages readers to join the effort to "drive out the Bengali back to Bangladesh."[79] One post addressing the Rohingya in Myanmar states "if you say you love the Myanmar land so much, you can get a six-foot pit" [meaning they can be buried in the land]".[80] The post translated in example 8 of Annex 1 states "I won't hesitate to eat dog meat", and "let's eat dog meat together".[81] In this context, the Rohingya are frequently referred to as "Dog Kalar".[82]

f. Denigration of the Suffering of the Rohingya and Portrayal of Crimes against them as Fabrications

44. After reports started to emerge in late August 2017 of violence and abuses against the Rohingya during the clearance operations, many posts on the Pages reviewed promoted a narrative of denying the accuracy of such reports and questioning the motives of the authors.

45. The Mechanism identified: posts suggesting that the number of Rohingya that had fled Myanmar to Bangladesh was exaggerated;[83] posts arguing that reports of violence and abuses against the Rohingya were fabricated by western countries and the international media;[84] posts implying that those who fled were lured by stories of better food and services in Bangladesh;[85] posts stating that some Rohingya left because they were threatened by

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[76] *See* example 6 of Annex 1. *See also* **IIMM0000914844**; **IIMM0000720926**; **IIMM0000679579**; **IIMM0000416443**; **IIMM0000579620**; **IIMM0000447746; IIMM0000882094**.
[77] *See* Annex 2, entry no. 12.
[78] *See e.g.*, the post with the title "Buddhism disappeared from Afghanistan" at **IIMM0000185837** and **IIMM0000662710**. *See also* **IIMM0000753383**.
[79] *See* example 7 of Annex 1.
[80] **IIMM0000579242**. *See also* example 12 of Annex 1. Clarifications in square brackets are provided by the Mechanism.
[81] *See* example 8 of Annex 1.
[82] *See e.g.*, UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 1312; and **IIMM0027993041**. *See also* Annex 2, entry no. 11.
[83] For example, Senior General Min Aung Hlaing stated in his meeting with then US Secretary of State, Rex Tillerson, "The number of Bengalis fleeing to Bangladesh from 25 August to 5 September was very small, and more had fled there only since then." *See* **IIMM0000222506**.
[84] *See* **IIMM0000235267**; **IIMM0000681037**; **IIMM0000222506**: "Western countries including the US have used words alleging that the Bengalis fled to Bangladesh due to the use of force from the Myanmar Tatmadaw. So, they need to know the real situation."
[85] *See e.g.*, **IIMM0000345833**, stating that "According to some quarters, the exodus was the result of food shortage, local threats and torching of homes". *See also* **IIMM0000222526**, stating that ARSA or "terrorists" "were also reported to have persuaded villagers through various ways saying: "You'll be able to lead a life of ease with international aid when you get into Bangladesh", "You'll be able to go to a third country, and get good jobs, better incomes and get rich", "Every villager come out, and leave your belongings behind because when you get into Bangladesh, we, who have phoned you, will give the money equivalent to your belongings if only five of your peer villagers who are the members of terrorist organization back you up."

terrorists,[86] or that the Rohingya had left to join their families.[87] Posts from the Pages reviewed also claimed that the Muslims duped the international community into sympathising with the Rohingya's plight by crying about suffering, which in actuality they had caused.[88] Posts also claimed that the Rohingya burned their own houses,[89] and that they gave up cheap houses to get land.[90] Posts from the Pages reviewed encouraged Myanmar people not to feel sorry for the Rohingya,[91] and not to show any mercy for the emotion-inducing crying.[92]

46. A rare example where posts reported on the suffering of the Rohingya can be seen in six duplicates of a post paraphrasing in the Myanmar language an AFP (Agence France-Presse) report, which stated that gang rape is one of the reasons the Rohingya left for Bangladesh in large numbers.[93] Although comments in response to Facebook posts were generally outside of the scope of this analytical project, the Mechanism reviewed the comments in response to one instance of this post, and found several comments accusing the Rohingya of lying.[94] One such comment stated:

> *"No bathing, no cleaning with rainwater, covered with dirt that is four finger thick, when you look at them, they are just bones, smelly, dirty, these kinds get raped by the military, really? No one would believe it even if you swear your life on it."*[95]

47. It is not apparent why these CIB Pages – which otherwise routinely disseminated content denying or discrediting the suffering of the Rohingya – published posts referencing the AFP article. It is apparent from the comments however that even these seemingly balanced

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[86] *See e.g.*, **IIMM0000222526**, which quoted "[r]un away or be attacked by the government troops with launchers, the village will be torched, they will be shot with machine guns and will be dropped bombs by helicopters", "Come out or we'll label you as traitors of Islam and slit your throat", "We'll kill you for the cooperation with the government", "Again, terrorists propagated at refugee camps in Bangladesh, saying 'We'll label Bengali villagers who chose not to flee as traitors having converted to Buddhism, and cooperating with the government.' So, Bengalis fled for fear that they would be killed when terrorist came into their villages again."

[87] *See* **IIMM0000222526,** "Meanwhile, some are the relatives of those who had participated in terrorist attacks and fled for fear that they would be punished under the law for hiding the secret." *See* **IIMM0000222506**, "Conspirators of terrorist attacks and families flee to Bangladesh."

[88] *See* Annex 2, entry no. 21.

[89] *See e.g.*, **IIMM0000219467**; **IIMM0000722129**; **IIMM0000369126**; **IIMM0000917162**; **IIMM0000219569**; **IIMM0000941567**; **IIMM0000582819**; **IIMM0000751642**; **IIMM0000840404**; **IIMM0000661573 IIMM0000550745**; **IIMM0000859620**; **IIMM0000681624**. Also see example 10 of Annex 1, and Annex 2, entry no. 18.

[90] *See* example 9 of Annex 1.

[91] *See* Annex 2, entry no. 10, particularly "If we see them fleeing, we have to be happy".

[92] *See* Annex 2, entry no. 21.

[93] *See* **IIMM0000444625**; **IIMM0001036954**; **IIMM0000718163**; **IIMM0000912014**; **IIMM0001020666**; and **IIMM0000799210**. There is no immediately apparent reason why this translation of an AFP article was posted on the removed Facebook Pages. There are a few other such examples from the Pages under analysis in the report. These examples cited media articles and reported on the Rohingya issue without any apparent hate speech. *See e.g.*, **IIMM0000480986**.

[94] *See* **IIMM0008660474** for one instance of the post, and **IIMM0008660479**; **IIMM0008660480**; **IIMM0008660481**; **IIMM0008660482**; **IIMM0008660483**; **IIMM0008660484**; and **IIMM0008660485** for seven comments under the said post. The Mechanism is not able to verify the authors or the source(s) of the comments, based on the information provided by Meta.

[95] *See* **IIMM0008660481**. The last sentence in the Myanmar language literally translates as "No one would believe it even if you say it while doing a somersault," using a figure of speech to signify the willingness to swear to the truth.

or objective posts acknowledging reports of crimes against the Rohingya provided a foundation for hateful and discriminatory comments in response, thereby still having the effect of promulgating anti-Rohingya sentiment to the Facebook audience.

48. It is further worth noting that these posts coincided in time with a post from the verified Office of the Commander-in-Chief of Defence Services Page, publicising the findings of the "Tatmadaw True News Information Team" that was "assigned with the task of conducting ground inspection to know the true situation in connection with terrorist attacks of the ARSA Bengali terrorists on 30 police outposts and an army battalion headquarters in Buthidaung, Maungtaw and Yathedaung townships in Rakhine State on 25 August 2017 and to ascertain whether security troops conducted the military operations in accord with their duty assignments during the time the Tatmadaw was trying to restore regional peace and stability."[96] As set out in this post, the Tatmadaw True News Information Team found, inter alia, "[t]he findings of the investigation have proved 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" and "[a]ccording to the answers of 2,817 villagers from 54 Bengali villages in interviews and confessions of 362 villagers from 105 Bengali villages, security forces did not commit [shooting at innocent villagers and sexual violence and rape cases against women.]"[97]

49. Thus, at the same time that the CIB Pages were referencing the AFP article about rape of Rohingya women, the Office of the Commander-in-Chief of Defence Services Page was specifically disavowing such allegations. Although the motivations for this are unknown, the juxtaposition of the official post on the Office of the Commander-in-Chief of Defence Services Page against the references to the AFP article on the various CIB Pages, gives the effect of the AFP report coming across as "fake news" in light of the investigation carried out by the Tatmadaw True News Information Team.

50. Most of the posts that deny the suffering of the Rohingya also repeatedly state that the Rohingya had burned their own houses before leaving for Bangladesh. Two such examples, both of which were posted on 13 September 2017, are noted in example 9 and example 10 of Annex 1, respectively.

51. A common stratagem used to discredit the media reports of mass killings, arson and sexual violence directed against the Rohingya was to associate the Rohingya name with different phrases in Burmese that sound similar to the word Rohingya but that mean "liars".[98] Two common terms that the Mechanism identified during the content analysis of the Pages

[96] *See* **IIMM0000222526**.
[97] Ibid.
[98] Commonly, these phrases replace the last syllable of Rohingya with "nyar", which in the Myanmar language means "lying, liar, or lies". *See e.g.,* **IIMM0000359061** and **IIMM0000368052**, which include the term "Rohin-nyar".

removed by Meta are "Ro-Lein-Nyar" (ရိုလိမ်ညာ) (Ro-liar) [99] and "Ro-gein-nyar" (ရိုဂိန်ညာ),[100] which are translated as "Ro-liars are dogs that need to be hit."[101]

52. One such example is provided in example 11 of Annex 1.

3) Content Analysis of HR Designation Takedown Pages

53. The Mechanism examined how the type of messages being published on the six HR designation takedown Pages changed over time from July to December 2017 as the clearance operations against the Rohingya progressed. These Pages were chosen for this analysis as two were official Pages of the Commander-in-Chief and three were Pages belonging to Myawady, the military's media company, and all were removed by Meta for their connection to the individuals and organizations that had "committed or enabled serious human rights abuses in [Myanmar]".[102]

54. In particular, the Mechanism analysed the content from these six Pages within the following three time periods:

1) the period before the clearance operations, namely from 1 July 2017 to 24 August 2017;

2) the period during the peak of the clearance operations, from 25 August 2017 to 5 September 201;[103] and

3) the period following the peak of the clearance operations, from 6 September 2017 to 31 December 2017.

55. This analysis was not meant to exhaustively encompass all of the hate speech posts that appeared on the HR designation takedown Pages. Rather, the temporal scope of the analysis aimed to identify general patterns of content on the six Pages before, during and following the 2017 clearance operations. Through this analysis, the Mechanism also observed

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[99] *E.g.*, posts, photographs and videos from the 43 Facebook Pages that include the term "Ro-lein-nyar", *see* **IIMM0000917329**; **IIMM0000366450**; **IIMM0000414136**; **IIMM0000477697**; **IIMM0000388748**; **IIMM0001077814**; **IIMM0000914327**; **IIMM0001077582**; **IIMM0000720450**; **IIMM0000719523**; **IIMM0000365913**; **IIMM0000367183**; **IIMM0000415340**; **IIMM0000673114**; **IIMM0000676215**; **IIMM0000546984**; **IIMM0000961240**; **IIMM0000353546**; **IIMM0000358050**; **IIMM0000693384**; **IIMM0000675520**; **IIMM0000717285**; **IIMM0000910802**; and **IIMM0001018946**. *See also* Annex 3 for an explanation of this term.

[100] *See* example 11 of Annex 1.

[101] For more explanation of these two terms, *see* Annex 3, "Ro-lein-nyar" and "Ro-gein-nyar".

[102] Supra fn. 2.

[103] This is the "official" end date of the clearance operations as stated in the speech of then-State Counsellor Aung San Suu Kyi. *See* **IIMM0027995356** Network Myanmar, "Speech delivered by Her Excellency Daw Aung San Suu Kyi, State Counsellor of the Republic of the Union of Myanmar on Government's efforts with regard to National Reconciliation and Peace" (19 September 2017), also available at https://www.networkmyanmar.org/ESW/Files/SC-speech-transcription-Final-_19-9-2017__2.pdf, last accessed February 2023. The FFM noted that "[the clearance operations] continued for more than two months, and for a considerable period after the Government claimed their completion on 5 September 2017.": UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 751.

that duplicative content was published across both the HR designation takedown Pages and CIB Pages.

a. Before the Clearance Operations (1 July to 24 August 2017)

56. At the beginning of July 2017, the HR designation takedown Pages posted content that discussed acts of Islamic terrorism in the South and Southeast Asian regions. These included posts reporting on the beheadings carried out by Islamic State (IS) militants in the north of Afghanistan;[104] posts about an order enacted by the President of Indonesia to abolish extremist organisations, suggesting that the pronouncement was intended for an Islamist group, Hizbut Tahrir Indonesia (HTI) that aims to build an Islamic nation out of Indonesia;[105] as well as posts reporting on preparations made to combat terrorists, such as the Islamic militants in Marawi city, by the former President of the Philippines.[106] Within this period, the HR designation takedown Pages published these kinds of posts in a coordinated fashion. For example, the same content was published on different Pages at the same time. Their content portrayed violent attempts at Islamisation in the region as real, while also describing the actions being anticipated and/or taken by fellow ASEAN[107] countries in combating terrorist organisations as examples that Myanmar should imitate.

57. Starting from 3 August 2017, the incident of the alleged killing of the Mro ethnic people[108] by the "Bengali terrorists" was widely and repeatedly circulated across the HR designation takedown Pages. Posts reporting or commenting on this incident called the Rohingya "bad guests";[109] described the incident as a "violent killing of the minority host population by the majority 'Ae-Soe' (literally 'bad guest')";[110] used the term "Kalar" when describing the perpetrators of the killings;[111] and described the situation as between "local indigenous minority versus the Bengali villagers".[112] These posts depict the Rohingya as a violent threat and suggest that they do not belong in Myanmar. Posts referencing this incident remained in circulation – on both the HR designation takedown Pages and the CIB Pages – at least until the end of December 2017[113] and were sometimes used to criticize the NLD Government for not taking sufficient measures to protect the local ethnic people residing in northern Rakhine State.[114]

58. The initial reports concerning the alleged killing of the Mro ethnic people were then followed by extensive content posted across the HR designation takedown Pages and the CIB

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[104] **IIMM0000186743**. Reporting on such incidents continued on the CIB Pages until later in the year. *See e.g.*, **IIMM0000481406** for a post from 21 October 2017, on a CIB Page, (100006634817059), which reported on the bombing in Afghanistan between Shia and Sunni Muslim groups.
[105] **IIMM0000204964**.
[106] **IIMM0000204144**. *See also* **IIMM0000186547**.
[107] Association of Southeast Asian Nations.
[108] Supra paras. 34-35.
[109] *See* Annex 3 for an explanation of the derogatory term "bad guest".
[110] **IIMM0000220125**.
[111] **IIMM0000185925**.
[112] *See e.g.,* **IIMM0000185849**.
[113] *See e.g.*, **IIMM0000909819**: post of 28 December 2017 reporting on the alleged killing of the Mro in August 2017.
[114] *See e.g.*, **IIMM0000185669**.

Pages concerning a meeting held on 9 August 2017 between Rakhine politicians and the highest officials from the Myanmar military, including the Commander-in-Chief, Senior General Min Aung Hlaing, the Deputy Commander-in-Chief of Defence Services Commander-in-Chief (Army), Vice-Senior General Soe Win, the Chief of the General Staff (Army, Navy and Air Force), General Mya Tun Oo and senior military officers from the Office of the Commander-in-Chief (Army), concerning the need for peace and stability in Rakhine State.[115] One of the posts from a CIB Page also reported on Rakhine politicians asking for a "No-Bengali" zone in northern Rakhine State and advocating arming ethnic Rakhine people for self-defence against the "Bengali".[116]

59. The Myawady Daily Page also published a post that used derogatory terms such as "Ro-Lein-Nyar"[117], implying that all the Rohingya are liars. The emotive language used in the post depicted the existence of the Rohingya people as a security threat to Myanmar, while stating that military action against the Rohingya in Rakhine State was necessary to protect Myanmar from foreign invasion.[118] Posts with similar narratives continued to appear on the Myanmar military's verified Facebook Pages within this period preceding the clearance operations.[119]

60. From 24 to 25 August 2017, the same six Pages repeatedly posted content about Kofi Annan, then Chairman of the Advisory Commission on Rakhine State ("Advisory Commission"), presenting the Advisory Commission's final report, and meeting with various Myanmar national interlocutors, including then President Htin Kyaw, the Commander-in-Chief, Senior General Min Aung Hlaing, the Deputy Commander-in-Chief of Defence Services Commander-in-Chief (Army), Vice-Senior General Soe Win, the Chief of the General Staff (Army, Navy and Air Force), General Mya Tun Oo and senior military officers.[120]

61. Posts reporting on the meeting between Kofi Annan and Senior General Min Aung Hlaing did not focus on the substance of the Advisory Commission's findings but focused, rather, on the purported security threat in Rakhine State, stating:

> "[a]s to the deployment of many security forces [in Rakhine State], security affairs have to go step by step together with the rule of law, security and defence. Regarding the rule [of] law, the situation of Buthidaung-Maungtaw could not be controlled by

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[115] *See e.g.*, **IIMM0000223798**; **IIMM0000203297**; **IIMM0000238722**; **IIMM0000345930**; **IIMM0000343482**; **IIMM0000585781**; **IIMM0000486536**; **IIMM0000682595**; **IIMM0000752871**; **IIMM0000841498**; **IIMM0000806427**; **IIMM0000170692**; **IIMM0000223797**; **IIMM0000203295**; **IIMM0000238720**; **IIMM0000345929**; **IIMM0000585760**; **IIMM0000585748**; **IIMM0000682584**; **IIMM0000392114**; **IIMM0000544936**; **IIMM0000885579**; **IIMM0000185510**; **IIMM0000170694**; **IIMM0000585529**; **IIMM0000806226**.

[116] **IIMM0000585760**.

[117] Supra paras. 51-52. *See e.g.*, **IIMM0000184864**.

[118] *See e.g.*, **IIMM0000184864**.

[119] *See e.g.*, **IIMM0000223625**; **IIMM0000201984**; **IIMM0000237469**.

[120] *See e.g.*, **IIMM0000223627**; **IIMM0000345914**; **IIMM0000202034**; **IIMM0000237490**; **IIMM0000237489**; **IIMM0000202033**; **IIMM0000219888**; **IIMM0000219885**; **IIMM0000343485**; **IIMM0000223623**; **IIMM0000201982**; **IIMM0000237467**; **IIMM0000335663**; **IIMM0000345912**.

> administrative bodies and ordinary police forces. That is why border guard police forces have been assigned security duties. Currently, Section 144 [which authorises certain emergency powers] is imposed in that region. Tatmadaw troops had to get involved as the situation worsened in the aftermath of terrorist acts in October 2016" and that "[t]he operations on Mayu Mountain have not finished."[121]

62. Objections to the report itself and the actual findings of the Advisory Commission continued well into the period at the height of the clearance operations. The military-backed political party, the Union Solidarity and Development Party, issued a joint statement made by 28 political parties, in which it declared its disagreement with the recommendations of Kofi Annan's Advisory Commission and called upon the government to take more decisive action to govern the entire Rakhine State.[122] This joint statement was widely circulated on the CIB Pages.[123]

63. Similarly, one of the verified Myawady Pages posted about an event to "object to the Kofi Annan report and to oppose and condemn the terrorist acts of the ARSA extremist Bengali terrorists", which was subsequently held on 30 August 2017 in front of the Yangon city hall. The post again used derogatory terms such as "Khoe-Win Bengali" (ခိုးဝင်ဘင်္ဂလီ) (Bengali that are sneaking in).[124]

64. On 24 August 2017, one day before the ARSA attacks and the commencement of the clearance operations, the verified Page of the Office of the Commander-in-Chief of Defence Services (CINCDS), with ID 526503167470553, published a post stating that at 6:00 am on that day, the Myanmar Police Force, Border Guard Police and the Immigration Department, accompanied by a Tatmadaw column, were investigating those who had attended "terrorist training" at Ah Htet Nan Yar in northern Rakhine State, a village tract neighbouring Chut Pyin, when 200 "Bengali carrying sticks, swords, and spears" blocked the investigative group.[125] The post said that the Tatmadaw column provided security and that the investigative group entered the village and "did clearance."[126] The post stated that at 9:00 am, the "Bengali terrorists" at the southern end of the village carrying sticks and swords attempted to attack back, causing the security forces to shoot one terrorist leader dead, while another who tried to run away was found dead "from suffocation from exhaustion" and 27 "Bengali" suspected of links to the "terrorist training" were arrested.[127]

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[121] **IIMM0000343485**; **IIMM0000223623**; **IIMM0000201982**; **IIMM0000237467**; **IIMM0000335663**; **IIMM0000345912**.
[122] **IIMM0000184461**.
[123] *See* **IIMM0000917843**; **IIMM0000583655**; **IIMM0000417360**; **IIMM0000517942**; **IIMM0000359290**; **IIMM0000884530** for the same content posted on six CIB Pages.
[124] **IIMM0000201531**.
[125] **IIMM0005712685**.
[126] Ibid.
[127] Ibid.

65. The Mechanism identified 685 comments in response to this particular post.[128] Over 200 comments explicitly called for the Rohingya villagers, as well as Rohingya and/or Muslims in general, to be shot, killed, exterminated or permanently removed from Myanmar. Some examples include language such as: "Kill all Kalar";[129] "Shoot all insolent Kalar";[130] "Shoot and kill all Kalar";[131] "Shoot and kill them all";[132] "Clear the whole village";[133] "Don't leave any one of these 'Muslim dogs' alive";[134] "Drive away the 'Dog Kalar' invader Bengali from Myanmar land, don't leave a single one behind";[135] and "Kill all dogs. Make them extinct".[136] Some comments used dehumanising language, comparing the Rohingya or Muslims to dogs, pigs and animals,[137] while others called for the Rohingya to be killed with bullets soaked in pork fat,[138] pork blood,[139] or with other anti-Islamic references.[140] Another comment called for "arrest[ing] them all and inject[ing] them with the AIDS [HIV] virus, so that when they mate with each other they all die."[141] In response to this comment referencing the AIDS virus, some other comments suggested the use of the H1N1 virus for a similar purpose.[142] Some comments used the derogatory term "son of a dog, grandson of a sow" to refer to the Rohingya or Muslims, referencing a well-known anti-Islamic story circulating on Facebook at the time.[143] The Mechanism is not in possession of sufficient information to identify the actors behind these comments or to assess whether their authors have any connection with the "Military Network"[144] identified in this report. This example,

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[128] Of these 685 comments, the Mechanism noted 463 comments that contained hate speech. These are provided in **IIMM0027997066**, which lists the text of the comments as appeared on Facebook, along with the Mechanism's translation of the text, where necessary. This assessment by the Mechanism did not include "stickers" and/or pictures posted as comments, as these were not included in Meta's production to the Mechanism.

[129] **IIMM0005713308**; **IIMM0005713247**.

[130] **IIMM0005713076**.

[131] **IIMM0005712742**; **IIMM0005713027**.

[132] **IIMM0005713142**; **IIMM0005712893**; **IIMM0005712978**.

[133] **IIMM0005712826**; **IIMM0005712895**; **IIMM0005712716**; **IIMM0005712692**; **IIMM0005713121**; **IIMM0005713265**; **IIMM0005712939**.

[134] **IIMM0005713223**.

[135] **IIMM0005713089**.

[136] **IIMM0005712867**; **IIMM0005713140**.

[137] *See, e.g.,* **IIMM0005712965**; **IIMM0005713322**; **IIMM0005713308**; **IIMM0005712956**; **IIMM0005712808**; **IIMM0005713222**; **IIMM0005712848**; **IIMM0005712810**; **IIMM0005713223**; **IIMM0005713089**; **IIMM0005713099**; **IIMM0005713215**; **IIMM0005713182**; **IIMM0005712867**; **IIMM0005713034**; **IIMM0005712877**; **IIMM0005713140**; **IIMM0005712822**; **IIMM0005712948**; **IIMM0005713353**; **IIMM0005713330**; **IIMM0005713141**; **IIMM0005712833**; **IIMM0005712853**; **IIMM0005712967**.

[138] **IIMM0005712697**; **IIMM0005712703**.

[139] **IIMM0005712987**.

[140] **IIMM0005713041**; **IIMM0005712938**; **IIMM0005712923**; **IIMM0005712974**; **IIMM0005713108**; **IIMM0005713330**; **IIMM0005713088**; **IIMM0005712808**.

[141] **IIMM0005712804**.

[142] **IIMM0005713191**; **IIMM0005713081**.

[143] **IIMM0005713228**; **IIMM0005712833**; **IIMM0005712967**. *Also see* example 13 of Annex 1. The same story was still found on the Facebook platform in June 2023. *See* **IIMM0028034626,** www.facebook.com/539979392826632/posts/854132878077947, last accessed June 2023.

[144] For the meaning of "Military Network" as used in this report, see para. 93.

nonetheless, demonstrates how one post on a verified Page unleashed a torrent of public vitriol, on the eve of the clearance operations.

b. During the Clearance Operations (25 August to 5 September 2017)

66. The HR designation takedown Pages posted about the attacks on police outposts in Maungdaw township, in northern Rakhine State in the early hours of 25 August 2017, as an attack by the "extremist Bengali terrorists", referring to ARSA. All of the posts alleged that ARSA's attacks on police outposts were timed to coincide with the release of the Kofi Annan Commission's final report on Rakhine State and the upcoming United Nations General Assembly in September 2017 and intended to attract international attention.[145]

67. The government of Myanmar declared ARSA as a terrorist organisation as of 25 August 2017[146] and widely disseminated a statement warning the public regarding the extremist Bengali terrorists.[147] Quoting the Information Committee[148] as its source, the relevant passages of the statement urge the public not to support "extremist Bengali terrorists" and ARSA.[149]

68. On 26 to 27 August 2017, a post published on the Office of the Commander-in-Chief of Defence Services Page and written in English[150] reported that the military and security forces in Rakhine State had been reinforced in response to an increase in the number of attacks by ARSA on non-Rohingya civilians and the latter's properties as well as the killings by ARSA of government personnel "from the same religious background" (as ARSA).[151] The same post alleged that the "Bengali residents" had set houses on fire and destroyed the villages themselves.[152] This particular post, which also quoted the Information Committee, is one of the examples of coordinated postings across both HR designation takedown Pages and CIB Pages. Myint Myat, the author who published the English language post on the three verified Pages,[153] also published the same content in Myanmar language on fifteen of the CIB Pages on 26 August 2017 between 12:16 pm and 12:22 pm.[154]

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[145] **IIMM0000223614; IIMM0000201945; IIMM0000237449; IIMM0000184627**.
[146] **IIMM0000237423**; **IIMM0000201903**.
[147] **IIMM0000219774**.
[148] A branch of the then State Counsellor Aung San Suu Kyi's office, the Information Committee, was established after the October 2016 ARSA attacks on police outposts, ostensibly to provide information on alleged attacks in northern Rakhine State. The FFM also reported that "[a]fter October 2016, the State Counsellor's Information Committee, State media, and other national media increased the focus on ARSA activities, with increased monitoring and reporting." UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 1134.
[149] Ibid.
[150] On occasion, particularly when reporting on official events, statements and communications, the verified Pages published content in English language alongside the Myanmar language content.
[151] **IIMM0000223592**.
[152] Ibid.
[153] **IIMM0000223592**; **IIMM0000201840**; **IIMM0000237360**.
[154] **IIMM0000884633**; **IIMM0000551201**; **IIMM0000918070**; **IIMM0000450320**; **IIMM0001027203**; **IIMM0000662075**; **IIMM0000485478**; **IIMM0000723559**; **IIMM0000518113**; **IIMM0000840835**; **IIMM0000860158**; **IIMM0000544827**; **IIMM0000390997**; **IIMM0000583915**; **IIMM0000752169.**

69. Some posts from the two non-verified HR designation takedown Pages claimed that the Rohingya were gathering in the mosques on Fridays to plan further attacks in the region, and urged the authorities to ban gatherings on Fridays.[155] Other posts emphasised the relative population sizes, frequently mentioning that it is "98% Bengali versus 2% '*Taing-Yin-Thar*' [recognised ethnic people]" in Maungdaw, hence suggesting that the Rakhine ethnic people were facing a disproportionate threat.[156] The HR designation takedown Pages also published posts which claimed that 300 foreign fighters had entered northern Rakhine and that the security threat to the local ethnic people would be "unfathomable", if these fighters were to join forces with the 800,000 "Bengali".[157]

70. On 5 September 2017, a message warning against imminent, planned, and coordinated explosions in the big cities across Myanmar by the "ARSA extremist Bengali terrorists" was posted on the official Page of the Office of the Commander-in-Chief of Defence Services Page. The post urged the public from all villages and townships across Myanmar to report any suspicious activities to the nearest military or police station, including the collection of fertilisers that could be used to make explosives.[158] This warning coincided with a series of posts on "9/11 Myanmar" that were posted on the CIB Pages.[159] According to civil society organisations in a subsequent open letter to Facebook, the 9/11 Myanmar messages that spread on Facebook resulted in "at least three violent incidents".[160]

71. During this period, there was widespread reporting across the HR designation takedown Pages and CIB Pages about an article in local media on an interview with Mr. Andrew Kyle Riley, a foreign employee of an international Non-Governmental Organisation (INGO) operating in Rakhine State, Action Contre la Faim. The article: 1) asserted that local people from the recognised ethnic groups are in danger of ARSA's "terrorist attacks", yet international organisations remain in favour of the Rohingya; 2) accused Mr. Riley of justifying the extent of damage caused by ARSA by saying "only 30 police outposts were attacked, whereas there are many outposts in northern Rakhine"; 3) accused the United Nations of receiving funding from the Organisation of Islamic Cooperation (OIC), and being biased against the Myanmar ethnic groups in the ongoing terrorist attacks; and 4) disparaged

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[155] **IIMM0000184637**.
[156] Ibid.
[157] **IIMM0000219697**.
[158] **IIMM0000223416**.
[159] *See* examples discussed in Annex 2, such as entries no. 14, no. 15, no. 16, and no. 17.
[160] A series of posts and messages circulated on Facebook from 1 September 2017 to 11 September 2017, spreading misinformation to Myanmar Buddhists that on 11 September (9/11), Muslims were planning to attack Buddhists nationwide and to be vigilant, while similar messages circulated among the Muslims stating that the Buddhists were about to attack the Muslims. A group of Myanmar civil society organisations (CSOs) escalated this chain of messages to Facebook, and its Chief Executive Officer, Mark Zuckerberg, mentioned this incident in an interview on 2 April 2018 with Vox.com saying this is a clear example of "people trying to use our tools in order to incite real harm." *See* **IIMM0027995583** Ezra Klein, "Mark Zuckerberg on Facebook's hardest year, and what comes next", Vox Media, 2 April 2018, also available at https://www.vox.com/2018/4/2/17185052/mark-zuckerberg-facebook-interview-fake-news-bots-cambridge. In a follow-up open letter to Mark Zuckerberg on 5 April 2018, Myanmar CSOs wrote that "far from being stopped, [the messages] spread in an unprecedented way, reaching country-wide and causing widespread fear and at least three violent incidents in the process." *See* **IIMM0027993043** for the open letter by Myanmar civil society to Mark Zuckerberg, CEO of Meta.

Mr. Riley's claim that the incidents in northern Rakhine State were not terrorist attacks as this contradicted what the government had already officially announced and suggested that Mr. Riley was blatantly lying to protect the Rohingya.[161]

72. Next, the posts stated that the interviewer inquired about Mr. Riley's opinion on the widespread allegation of the Rohingya's high population growth rate and reported that Mr. Riley replied that it is within each person's rights and freedom to give birth to his/her preference. When asked if he was aware of the newcomers from Bangladesh entering Myanmar, Mr. Riley is reported as replying that no Bangladeshi were coming into Myanmar. "Why would any Bangladeshi enter [Myanmar]? Why would they come to a place where there are ongoing killings? The Bangladeshi would never come". These remarks were portrayed on the removed Facebook Pages as representing the extremely biased views of Mr. Riley that were paid by funds from the OIC, leading these posts to call for the authorities to prosecute Mr. Riley according to the "Anti-Terrorism Law".[162] Identical or near identical content of this interview with Mr. Riley was published across several CIB Pages, with the same post appearing multiple times on some Pages.[163] The tone and wording used in these posts suggest an attempt to mobilise the local (non-Rohingya) ethnic population to action against the INGO and NGO workers in the region.

73. The Mechanism has subsequently interviewed Mr. Riley and obtained a signed statement from him. He indicated that at the time of the reported interview in Rakhine State, he was working for Action Contre la Faim as a Mental Health and Psychosocial Support Trainer and Supervisor. Mr. Riley confirmed that he was interviewed by a person in the presence of a small group of protestors holding the banner that said "No Human Rights for Terrorists" in Myaynigone Township of Yangon, Myanmar.[164] Mr. Riley said that he saw the day after the interview that this interview was widely circulated on Facebook, along with his photograph taken at the Buthidaung jetty and a photocopy of his passport.[165] In his witness statement to the Mechanism, he described that this Facebook post was shared over a thousand times, with comments accusing him of helping the "terrorists" – referring to ARSA – and warning that he should leave the country. These threats subsequently led Mr. Riley to leave Myanmar.[166] He further stated that he was made aware of "how the Myanmar military used Facebook to coordinate its propaganda against the Rohingya population" through reading international news,[167] and that he recalled the accusations faced by the United Nations of

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[161] *See,* **IIMM0000219704**; **IIMM0000184458**; **IIMM0000184310**.
[162] Ibid.
[163] *See* **IIMM0000390593**; **IIMM0000583257**; **IIMM0000804532**; **IIMM0000485095**; **IIMM0000356557**; **IIMM0000359286**; **IIMM0000884527**; **IIMM0000917780**; **IIMM0000917778**; **IIMM0000369213**; **IIMM0000917728**. Three duplicates (**IIMM0000917780**; **IIMM0000917778** and **IIMM0000917728**) were posted on the CIB Page, Shwe Myanmar Media (452793661418174), and two duplicates (**IIMM0000356557** and **IIMM0000359286**) were posted on the CIB Page Oppositeyes (262770877158690).
[164] **IIMM0001557475** P0111 Witness Statement (IIMM), 10 February 2022.
[165] Ibid, at para. 115. *See also* **IIMM0001477824**; **IIMM0001477800**; **IIMM0001477762**; **IIMM0001477769**; **IIMM0001477815**; **IIMM0001477846**.
[166] **IIMM0001557475** P0111 Witness Statement (IIMM), 10 February 2022, para. 115.
[167] Ibid, at para. 30.

supporting the terrorists after the announcement from the government that World Food Programme (WFP) biscuits were found in an ARSA camp.[168]

74. When reporting on the military operations against the Rohingya, posts from the HR designation takedown Pages used derogatory and offensive terms to refer to the Rohingya, such as "Kalarsoe", "Bengali Kalarsoe", and "Kalar".[169] As noted above, the word "Kalar" is often used in Myanmar as a slur to insult and highlight someone's dark skin and foreign ancestry.[170]

75. The HR designation takedown Pages also claimed that the Rohingya burned their own houses,[171] spreading the fire to the homes of the Myanmar ethnic people.[172] These posts were often published together with reports on the alleged killings of the Daingnet ethnic people by the "extremist Bengali terrorists".[173]

76. Some content posted during this period – at the peak of the clearance operations – propounded in detail the narrative of the non-existence of Rohingya in Myanmar. For instance, the Office of the Commander-in-Chief of Defence Services Page discussed how and why the Rohingya have no soil or blood relationship with Myanmar, claiming to prove that the Rohingya originated from Bangladesh and entered Rakhine State under the rule of the British Empire. It further referenced the conflicts between the Rohingya and ethnic Rakhine in 1942, and indicated that within that period, Buthidaung and Maungdaw were home to a majority Rakhine population. The post claimed that the Rohingya had become the majority in the area ever since the conflict of 1942, and that the local ethnic groups were now the minority and had become the victims of ongoing violence by the Rohingya. The post also suggested that the outbreak of violence in 2012 was intentionally created by the Rohingya. It further highlighted that ARSA was being funded by foreign countries and was locally trained to conduct terrorist attacks. The post then drew the conclusion that the threat of the situation had escalated so much that northern Rakhine State was impossible to control with just the local authorities and security forces, including the Border Guard Police (BGP), thereby justifying the involvement of the military as necessary.[174] Similarly, the Phay Sit Gyi Page also published a post stating how the Rohingya have no relation with Myanmar as they are from "Bengal", speak the dialect that is part of the Chittagongnian dialect, and have come into Myanmar during the British Empire.[175]

77. On 30 August 2017, in a post quoting the Bullet Journal,[176] the Myawady Daily Page reiterated the non-existence of the Rohingya ethnicity in Myanmar, citing the 1982 citizenship

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[168] Ibid, at para. 93.
[169] **IIMM0000184616**. For explanation of these derogatory terms, *see* Annex 3.
[170] Ibid. at Annex 3.
[171] **IIMM0000223414**.
[172] **IIMM0000219808**.
[173] *See e.g.,* **IIMM0000219712**.
[174] **IIMM0000223504**. For a post that justified reinforcement of military on the basis that the BGP were not capable, *see* **IIMM0000223530**.
[175] **IIMM0000219634**.
[176] A well-known publication in Myanmar.

law as an authoritative reference for rejecting the term Rohingya.[177] The post also accused the Rohingya people of being unmotivated and being incapable of acting like Bamar people and, therefore, not being worthy to be eligible as citizens. The author further interpreted the recommendations made by the Kofi Annan Advisory Commission on Rakhine State, particularly the point on the granting the Rohingya citizenship, as a threat to turn Myanmar into an Islamic State. The post further portrays how the United Nations favoured the Rohingya and cited a lack of motivation by the Government of Myanmar to solve the sovereignty issue that the country was facing.[178]

78. In discussing the suffering of non-Rohingya in Rakhine State, a post on the Myawady Daily Page on 31 August 2017 stated that although Myanmar ethnic people were being killed, the situation was misinterpreted by the international community, and that photographs were being misused by the Rohingya living abroad to twist the narratives of what was happening on the ground. The post stated that the situation was akin to a Burmese person saying "Mi-Aye-Hna-Kha-Na" (မိအေးနှစ်ခါနာ), literally "Ms. Aye gets hurt twice," implying that the Myanmar ethnic people have to suffer twice, first from the violence, and then from the denial of their suffering.[179] One day later, on 1 September 2017, the Office of the Commander-in-Chief of Defence Services Page also published the same post.[180]

79. On 1-2 September 2017, in a post entitled "Entire government institutions and people must defend the country with strong patriotism", the Commander-in-Chief, Senior General Min Aung Hlaing, was quoted as denying the Rohingya identity as follows:

> "[a]s regards the term Bengali, the Senior General said as the Bengalis in Rakhine State came from Bengal region during Myanmar was under British colonial rule, they have been termed Bengalis throughout the successive eras. It is known that in India people living in Bengal are also called Bengalis. The Bengalis calling themselves Rohingya has become a national cause. So, we openly declare that 'absolutely, our country has no Rohingya race.'"[181]

The post also reported the Senior General as saying that:

> "[t]here were Muslims [in Myanmar] but there was no problem. But the situation in Buthidaung and Maungtaw regions is different. Bengalis from those regions were taken into the country as manpower from Bengal region during the colonial era. Their population increased through various means, and later they attacked the local ethnics. During the Alethankyaw crisis in 1942, over 20,000 ethnic Rakhine people were

[177] **IIMM0000184402**.
[178] Ibid.
[179] **IIMM0000184324**.
[180] **IIMM0000223486.**
[181] *See* **IIMM0000223481**; **IIMM0000201465**; **IIMM0000237136**; **IIMM0000345895** for the duplicate English-language posts across HR designation takedown Pages. *See* **IIMM0000345896** for the post in Burmese. The same content of this post was published on CIB Pages. *See e.g.*, **IIMM0000184185**; **IIMM0000485047**; **IIMM0000681822**.

slaughtered. Bengalis after murdering ethnic Rakhine people seized their land and villages and lived there."[182]

A video reporting on the same event was also posted on Senior General Min Aung Hlaing's Facebook Page.[183]

80. Additionally, on 4 September 2017, the Myawady Daily Page published a post stating that relevant authorities should understand that "there is no human rights for terrorists" in the context of northern Rakhine State and accused the United Nations of raising human rights related reasons to interfere with Myanmar's internal issues.[184]

c. After the Peak of the Clearance Operations (6 September to 31 December 2017)

81. Following the Myanmar government's reported end date of the clearance operations on 5 September 2017, some posts from the HR designation takedown Pages published warning letters from ISIS to Myanmar diplomatic missions abroad concerning the ongoing killings of Rohingya in Myanmar. These posts warned the public to be on high alert as ISIS groups may launch terrorist attacks inside Myanmar to retaliate against the alleged attacks against the Rohingya.[185]

82. On 6 September 2017, the Myawady Daily Page also published content containing anti-Muslim sentiments. For instance, one post from this Page stated that Islam is not a religion, but a political ideology meant to restrict and to control its followers. The post compared Islam to cancer cells, suggesting that the spread of Islamic ideology is threatening the lives of people and therefore, the "cancer cells" need to be "surgically removed".[186] The same content was also posted on a CIB Page a few hours prior on the same day.[187]

83. Another post from the Myawady Daily Page decried that the number of mosques in Yangon were increasing at an alarming rate and that the "Kalar" have each other's backs and would "swallow" the city if no action was taken.[188]

84. A verified Page, also with the name Myawady, published interviews with non-Rohingya ethnic people, with the headline "Heartfelt Voices of Local Ethnics who Left their Homes due to Inhumans Assaults of ARSA Extremist Bengali Terrorists". The text indicates that it was unsafe for the non-Rohingya ethnic people to cohabitate with the Rohingya, and that only the Myanmar military could provide protection and security for the ethnic villagers. The post also includes certain offensive terms, such as "dirty Bengali".[189]

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[182] *See* **IIMM0000223481**; **IIMM0000201465**; **IIMM0000237136**; **IIMM0000345895**; **IIMM0000345896**; **IIMM0000184185**; **IIMM0000485047**; **IIMM0000681822**.
[183] *See* **IIMM0000343491**. At the 04:10 minute mark, it was reported that the Senior-General Min Aung Hlaing said he stated clearly that there are no Rohingya in Myanmar.
[184] **IIMM0000184158**.
[185] **IIMM0000184021**.
[186] **IIMM0000184012**.
[187] **IIMM0000917174**.
[188] **IIMM0000183991**.
[189] For two duplicative instances of the post, *see* **IIMM0000059710**; **IIMM0000059712**.

85. The Phay Sit Gyi and Myawady Pages also reported on pro-military protests, which sought to expunge the Rohingya from Myanmar and to publicly reject the existence of the Rohingya people in Myanmar. For instance, in reports of these events, the protesters were seen holding banners such as "NO ROHINGYA IN MYANMAR",[190] "REJECT TO REACCEPT BENGALI IN MYANMAR",[191] and "PROTECT THE RAKHINE",[192] and urging the government "to protect the 1982 citizenship law".[193] The six Pages reported on the pro-military and pro-government protests that took place in Pathein, in Ayeyarwaddy Region,[194] Meikhtila, in Mandalay Region[195] and Sittwe and other towns in Rakhine State.[196]

86. A series of events entitled "Talk on Rakhine Issue: Discussion on Finding Solutions"[197] was held on 7 and 8 September 2017, in Yangon and Nay Pyi Taw respectively. These were extensively reported on the HR designation takedown Pages. The talks consisted of panels of local and international experts, aiming to discuss the origin of the Rohingya name, Rohingya immigration and eligibility for citizenship, and the role of the international community on Rakhine issues.[198] U Ko Ko Hlaing, the former Chief Political Advisor to President Thein Sein Government, was one of the key speakers of the talk, alongside Dr. Jacques P. Leider, Head of the French Institute of Asian Studies. U Ko Ko Hlaing stated that media agencies were intentionally spreading the tarnished image of the Myanmar military in the past, despite the fact that the military aims to protect the nation.[199] U Ko Ko Hlaing also suggested that the 1982 citizenship law was the standard to adhere to in determining citizenship eligibilities.[200] He further commented that India had enacted a "shoot to kill policy" against the "Bengali" and had reportedly killed one thousand "Bengali" illegally entering the Indian territories, implying that Myanmar had not taken such harsh measures.[201]

87. In the last quarter of 2017, the Office of the Commander-in-Chief of Defence Services Page and Myawady Pages reported on the formation of an investigation team led by the Inspector-General of the Defence Service, Lieutenant General Aye Win, to investigate any misconduct during the clearance operations.[202] Subsequently, the post that informed about the findings of the Tatmadaw investigation team stated that the "the security forces abided by laws related to the wars in conducting area clearance operations," suggesting that the clearance operations were conducted out of necessity, and cited the involvement of Rohingya

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[190] **IIMM0000078648**; **IIMM0000078651**.
[191] **IIMM0000078651**.
[192] **IIMM0000182017**.
[193] **IIMM0000235466**.
[194] **IIMM0000219513**.
[195] **IIMM0000182017**; **IIMM0000235466**.
[196] **IIMM0000218659**.
[197] Public invitation to attend the event was widely circulated online from 05 September 2017. The talk series was held in Yangon on 07 September 2017 (**IIMM0000201252**) and in Nay Pyi Taw on 08 September 2017 (**IIMM0000201158**). The events were reported to be organised by Myawady Media Group.
[198] **IIMM0000223375**; **IIMM0000201149**; **IIMM0000236837**.
[199] **IIMM0000223325**; **IIMM0000201042**; **IIMM0000236733**; **IIMM0000183661**.
[200] Ibid.
[201] Also *see* example 6 of Annex 1.
[202] **IIMM0000222905**; **IIMM0000234592**; **IIMM0000198915**.

villagers and children in the "synchronised terrorist attacks" and in "setting their own homes on fire".[203]

B. Network Analysis

88. In addition to the public content from the removed Facebook Pages, Meta also provided the Mechanism with basic subscriber information (BSI) and metadata from the Pages reviewed in this project. BSI and metadata provide certain information about the individuals or entities managing a Facebook Page. This information cannot be accessed by the public when visiting a Facebook Page. Examining the BSI and metadata is useful in assessing whether there are connections between different Facebook Pages, which may not, on their face, otherwise appear to be connected. Thus, the Mechanism compared the BSI and metadata from the HR designation takedown Pages with the BSI and metadata from the CIB Pages to determine whether there were any connections between these two groups of Pages.

89. The analysis of metadata showed conclusively that all 43 Pages reviewed by the Mechanism in this project formed part of a network on Facebook that was connected to the Myanmar military. The evidence of ties to the Myanmar military begins with the four verified Pages among the six HR designation takedowns removed by the company in August 2018. Four of these Pages were "blue badge"[204] verified by Facebook as being controlled by the entity it purported to represent – Pages belonging to Senior General Min Aung Hlaing, the office of the Commander-in-Chief of Defence Services, two Pages representing Myawady, the Myanmar military's media company.[205] As set out further below, there are also numerous connections between all six of these Pages, linking even the non-verified Pages to the Myanmar military.

90. In its analysis, the Mechanism also compared the creators, editors and administrators of the six HR designation takedown Pages with the sources behind the 37 CIB Pages removed by Meta in August 2018. The Mechanism found that all 37 CIB Pages shared administrators and/or creators with the HR designation takedown Pages.[206] As noted in Annex 5, Meta defines a "Facebook Page Administrator" as "a Facebook user(s) that can change how the Page looks and publish as the Page or who has been given permission to manage the Page" and a "Facebook Page Creator" as "the person who registered the domain name and set up the Facebook Page."[207]

91. Furthermore, many of the accounts behind the CIB Pages shared the same or very similar email addresses and account names with the accounts behind the HR designation takedown Pages.

92. Lastly, the Mechanism examined additional metadata details also provided by Meta to the Mechanism, such as Unique Device IDs, Mobile Advertiser IDs, machine cookies and

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[203] **IIMM0000222526**; **IIMM0000197305**; **IIMM0000232983**; **IIMM0000180563**.
[204] Supra fn. 17.
[205] *See* **IIMM0027995255** Meta, "Removing Myanmar Military Officials from Facebook", 28 August 2018, also available at https://about.fb.com/news/2018/08/removing-myanmar-officials.
[206] Annex 7 lists all the administrators and creators of all these Pages.
[207] **IIMM0019915199**. *See also* Annex 5.

IP addresses, all of which indicate that the accounts behind the HR designation takedown Pages and the CIB Pages were often sharing devices and locations, and thus formed an interconnected and coordinated network.

93. In this Analytical Report, this group of interconnected Pages and their associated user accounts, including administrators, creators and editors,[208] are together referred to as the "Military Network", in recognition of their discernible links to the verified official Pages of the Myanmar military removed by Meta in August 2018. It may be inferred from these connections that the individuals or entities behind the official, verified HR designation takedown Pages deliberately used the seemingly unaffiliated CIB Pages, which posted popular lifestyle content, to also post hate speech content. The content served the interests of the Myanmar military while not being directly attributable to official military sources.

94. The Mechanism's analysis was limited to the 43 Pages that were the subject of this project. It is possible that additional accounts and/or Pages were also part of this same Military Network, and this would be apparent if one examined the metadata from these accounts and/or Pages, but this project was limited to the 43 Pages that posted public content between July and December 2017 and were removed from the platform by the company in August 2018. Based on the material that the Mechanism has received from Meta to date, it is not possible for the Mechanism to determine if additional Pages were also part of the Military Network.

1) Connection via Creators, Administrators and/or Editors

a. Connections within the HR designation takedown Pages

95. To create and publish content on a Facebook Page, a Facebook account is required. Several accounts can create and administer a Page together.[209] Annex 7 lists the Facebook accounts that served as the creators and administrators of the Pages removed by Meta in August 2018. Entries no. 1 to no. 6 in Annex 7 list the administrators of the six HR designation takedown Pages. These administrators form the basis of the Mechanism's analysis which identified linkages between the 37 CIB Pages and the six HR designation takedown Pages.

96. Entries no. 1 to no. 6 in Annex 7 show that many of the same creators and administrators appear on the different HR designation takedown Pages. This is indicative of connections among these Pages. For example, the accounts Myint Myat with Facebook account ID 100002042350279, and Nanda Aung with ID 100000206858040, appear as creators and administrators on five of the six HR designation takedown Pages, namely all except for the Senior General Min Aung Hlaing Page. Further, as explained in detail in the below section, several administrators of the six Pages were registered with the same email addresses or have connections between each other via account names and email addresses.[210]

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[208] *See* para. 97 for the more discussion on editors.

[209] *See* **IIMM0027995183** Facebook's online Help Center, also available at https://www.facebook.com/help/289207354498410, especially "[k]eep in mind that multiple people can have roles on a Page, but each person needs their own personal Facebook account."

[210] For details, *see* the Section **Error! Reference source not found.**, infra, paras. **Error! Reference source not found.** – 133.

Editors

97. The BSI provided by Meta to the Mechanism included information on the "editor" of Facebook Pages. As noted in the definitions provided in Annex 5, a "Facebook Page Editor" means "a Facebook user(s) that has all of the access of an [administrator] except for adding and assigning Page roles." The editors of a Facebook Page, therefore, have authorised credentials to publish content on a Facebook Page, but do not have the full privileges of an administrator to assign accounts which can manage the Page.[211] Editors are sometimes known as "authors" of an individual post, photograph or video on a Facebook Page.[212] To further map out the network of Facebook accounts connected with the HR designation takedown Pages, the Mechanism first identified the respective "editors" of those six Pages. Meta did not provide the Mechanism with a list of the authorised editors of the 43 Pages, however, the material Meta provided for each post did indicate who had published the post, indirectly indicating the account was an authorised editor for that Page.

98. Annex 8.2 lists 56 editor accounts that published at least 15 items on the six HR designation takedown Pages from 1 January 2016 to 28 August 2018. The Mechanism selected the cut-off measure of 15 items for this analysis to focus on editors who had regular interactions with the six HR designation takedown Pages.

99. For example, between 2016 and 2018, the Facebook user Myint Myat (100002042350279), identified as entry no. 1 in Annex 8.2, published a total of 67,678 items across five HR designation takedown Pages.[213] Myint Myat's status as an editor on five out of six HR designation takedown Pages and regular activity further demonstrates the connection between these Pages.

b. Connections between accounts from the HR designation takedown Pages and those from CIB Pages

100. Annex 8.1 lists all of the 65 accounts of the creators, administrators and editors of the HR designation takedown Pages. Meta explains "multiple people can have roles on a Page, but each person needs their own personal Facebook account."[214]

101. The Mechanism next looked at the connections between the six HR designation takedown Pages and the 37 CIB Pages by comparing the administrators and creators of the CIB Pages with the 65 creators, administrators and editors of the HR designation takedown Pages, mentioned in the preceding paragraph. For example, the Page named Pyi Myanmar listed the following creators and administrators.

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[211] *See also* **IIMM0027995183** Facebook's online Help Center, also available at https://www.facebook.com/help/289207354498410, for Meta's explanation of the roles of administrators, editors and creators.

[212] In its correspondence with the Mechanism, Meta has noted "Authors" as "Username and/or User ID who posted [on the Page]."

[213] Myint Myat is an editor on all five HR Pages except for the Senior General Min Aung Hlaing's Page.

214 See **IIMM0027995183** Facebook's online Help Center, also available at https://www.facebook.com/help/289207354498410.

Table 1. Creators and Administrators of CIB Page, Pyi Myanmar[215]

Facebook Page Name (ID)	Facebook Account Name (ID)	Role of Account on Page
ပြည်မြန်မာ (Pyi Myanmar) (544353522262317)	Ko Ko Lay (100004449217506)	Page Creator
	Myint Myat (100002042350279)	Page Creator and Page Administrator
	Myo Min Oo (100024388628280)	Page Administrator
	Nanda Aung (100000206858040)	Page Creator and Page Administrator
	Okar Ko (100006164342450)	Page Creator and Page Administrator

102. Comparing the creators and administrators of the Pyi Myanmar Page with the creators, administrators and editors of the six HR designation takedown Pages shows that three creators, administrators and editors have a role on the HR designation takedown Pages, as follows:

- Myint Myat (100002042350279) is a Page creator and administrator of the office of the Commander-in-Chief of Defence Services Page (526503167470553), three Pages with the name Myawady (246194712164341), (573453879358666) and (301875129924077), and the Phay Sit Gyi Page (1620931448152789). In addition, as an editor, Myint Myat published 67,678 items across six HR designation takedown Pages from 1 January 2016 to 28 August 2018.[216]

- Nanda Aung (100000206858040) is a Page creator and administrator of the Office of the Commander-in-Chief of Defence Services Page (526503167470553), three Pages with the name Myawady (246194712164341), (573453879358666) and (301875129924077), and the Phay Sit Gyi Page (1620931448152789). In addition, as an editor, Nanda Aung published 34,187 items across six HR designation takedown Pages from 1 January 2016 to 28 August 2018.[217]

- Okar Ko (100006164342450) is a Page creator and administrator of the Myawady Daily Page (301875129924077) and the Phay Sit Gyi Page

[215] *See* entry no. 33, Annex 7.
[216] Myint Myat's connection to the HR designation takedown Pages is also summarised as entry no. 7 on Annex 8.1.
[217] Nanda Aung's connection to the HR designation takedown Pages is also summarised as entry no. 9 on Annex 8.1.

(1620931448152789). In addition, as an editor, Okar Ko published 37,522 items across six HR designation takedown Pages from 1 January 2016 to 28 August 2018.[218]

103. As three out of its five creators and administrators are creators, administrators and editors of one or more HR designation takedown Pages, the Pyi Myanmar Page (544353522262317) is clearly connected to the Myanmar Military Network, despite having no overt relation to the Tatmadaw.

104. Annex 8.3 contains a similar administrator analysis, using seven additional CIB Pages as examples, and further demonstrates the interconnection among those seven Pages and their connection to the military. In addition, Annex 8.4 summarises the results of this network analysis for all of the Pages reviewed by the Mechanism.

2) Connection via Usernames and Email Addresses

105. The Mechanism found additional linkages among the 43 Pages reviewed by examining the account names and email addresses used to register the accounts. These names and email addresses demonstrate the interconnection between the accounts that managed the various CIB Pages, between the accounts that managed the various HR designation takedown Pages, and the connections in accounts *across* these two groups of Pages.

a. Account names and user IDs

106. Some of the accounts that act as administrators, creators and/or editors of the 43 Pages reviewed share the same account names, even though they have different user IDs. User IDs are generated by Facebook and each registered user, also known as an account, has a unique ID, although several accounts can share the same name. The fact that accounts share the same name may be an indication that they are connected to the same individual, but this is not conclusive. It is possible that multiple Facebook users may share the same name, particularly in Myanmar where it is not uncommon for unconnected individuals to share a name. In the case of the accounts under analysis, however, there are additional linkages that establish that these accounts are part of a network.

107. For example, some accounts with the same names posted the same example of hate speech on the same CIB Page, on different days. Two accounts with the name "Htet Naing Minn" have IDs 100004631406630 (entry no. 35 on Annex 8.1) and 100003310872816 (entry no. 52 on Annex 8.1). With both IDs, Htet Naing Minn has editor status, having published 3,484 items with the first ID, and 206 items with the second ID, across HR designation takedown Pages. Annex 2, entry no. 6 shows an additional connection between the two accounts, as both accounts posted the exact same text – an example identified as hate speech by the Mechanism's review – on the same CIB Page. This suggests that it is not a coincidence that these two Facebook accounts have the same name, since both accounts had credentials to

[218] Okar Ko's connection to the HR designation takedown Pages is also summarised as entry no. 17 on Annex 8.1.

publish on the same CIB Page and used those credentials to post the same hate speech content in this instance.[219]

108. Other accounts that share the same names also co-managed the same CIB Pages together as administrators and creators, demonstrating an additional connection and linkage between the two accounts. For example, two accounts with the name "Kyaw Zaya" have IDs 100007828867816 (entry no. 3 on Annex 8.5) and 100005894015247 (entry no. 23 on Annex 8.1), respectively. Both of these accounts are administrators on the following CIB Pages:

1) Burmese Treasure (515854785138996);[220]
2) Today Myanmar (503838583065718);[221]
3) We Are Myanmar (1672193766337112);[222]
4) Yangon Media (560439514014305);[223]
5) စံတော်ချိန် သတင်းများ ("Standard Time News") (1653248821582840); [224]
6) သတင်းများစုစည်းရာ (News Compilation) (491322144368081); [225] and
7) ဒေါက်တာဒီမိုချက်ကြီး (Dr. Demochatgyi) (116784942063195).[226]

109. With the ID 100005894015247, Kyaw Zaya is the administrator of the HR designation takedown Page Phay Sit Gyi Page (1620931448152789). With the other ID (100007828867816), Kyaw Zaya administered nine CIB Pages. On seven out of these nine CIB Pages, this Kyaw Zaya account is an administrator together with the former Kyaw Zaya account (see para. 108), and on two additional CIB Pages, namely Myanmar Forward (525889830763129) and လမ်းပြကြယ် ("Guiding Star") (470464142996468), this latter Kyaw Zaya account is an administrator without the former Kyaw Zaya account. As set out in Annex 8.4 (which shows the CIB Pages that share administrators and creators with the HR designation takedown Pages), these nine CIB Pages are connected to the HR designation takedown Pages through their administrators.[227] Having Kyaw Zaya's first account as an editor on the Phay Sit Gyi Page provides an additional linkage through which these nine CIB Pages are connected to the six HR designation takedown Pages.

110. Annex 8.1 sets out the Facebook accounts affiliated with the HR designation takedown Pages, including the account names and user IDs. As noted in Annex 8.1, the name "Moe Win" appears twice on the list, with ID 100026863844101 (entry no. 25 on Annex 8.1) and

[219] For an example of hate speech that the two accounts posted, *see* Annex 2, entry no. 6.
[220] *See* entry no. 7 on Annex 7 for the administrators of this Page.
[221] *See* entry no. 18 on Annex 7 for the administrators of this Page.
[222] *See* entry no. 22 on Annex 7 for the administrators of this Page.
[223] *See* entry no. 24 on Annex 7 for the administrators of this Page.
[224] *See* entry no. 29 on Annex 7 for the administrators of this Page.
[225] *See* entry no. 39 on Annex 7 for the administrators of this Page.
[226] *See* entry no. 43 on Annex 7 for the administrators of this Page.
[227] For more on this, *see* Section II.B.2). "Connection via Creators, Administrators".

with ID 100013672264603 (entry no. 56 on Annex 8.1), respectively. One account is the Page administrator of the HR designation takedown Page Phay Sit Gyi (1620931448152789), whereas the other is an editor account that published 132 items on the six Pages during the period from 1 January 2016 to 28 August 2018. Although these two accounts do not manage any of the removed Facebook Pages together, the same account name suggests a possible connection.

111. Similarly, usernames "Kyaw Thu Htun" [228] and "Aga Ngwesetthaung" [229] each appeared as the names for two Facebook accounts that ran various CIB Pages.

112. "Kyaw Thu Htun", with account ID 100000489612398, published 360 items on the six HR designation takedown Pages between 2016 and 2018. This demonstrates that this user has direct access to the HR designation takedown Pages. There is also a second user ID for the name Kyaw Thu Htun, user ID 100027384366811. Under this user ID, Kyaw Thu Htun is the administrator of three CIB Pages. These Pages, namely MM Daily Star (1540803296219384), We Are Myanmar (1672193766337112) and သတင်းများစုစည်းရာ (News Compilation) (491322144368081), are connected to the HR designation takedown Pages as they share administrators, the details of which are listed on Annex 8.4.[230]

113. Two accounts named "Aga Ngwesetthaung" have IDs 100002945205685 (no. 32 on Annex 8.5) and 100005820311462 (no. 33 on Annex 8.5), respectively. Both accounts jointly ran the CIB Page မြန်မာ ပန်းဧရာ (Myanmar Pann Aye Yar) (182039631890567), along with the administrator Myint Myat (100002042350279), which is also affiliated with five of the six HR designation takedown Pages.[231]

114. Finally, the names of some accounts, while appearing very different, are in fact the same or very similar names with one written in the Latin alphabets and the other in Burmese script. For example, Akar Soe (100013057933001) and အကာစိုးလင်း (Akar Soe Lin) (100002909427425) share the first three syllables of the name. The Burmese script "အကာစိုးလင်း" transliterates to "Akar Soe Lin". Both of these accounts are administrators of the CIB Page လမ်းပြကြယ် ("Guiding Star") (470464142996468), further showing their connection.

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[228] *See* entries no. 45 on Annex 8.1. and no. 6 on Annex 8.5 for the two accounts of Kyaw Thu Htun.
[229] *See* entries no. 32 and no. 33 on Annex 8.5 for the two accounts of Aga Ngwesetthaung, both of which are administrators of the CIB Page, မြန်မာပန်းဧရာ (Myanmar Pann Aye Yar) (182039631890567).

[230] *See* entries no. 18, no. 24 and no. 28 on Annex 8.4 for the three Pages.
[231] *See* paras. 68, 96 and entry no. 7 on Annex 8.1 for more information on Myint Myat.

b. Email Addresses

115. A review of the email addresses connected with the 43 Pages reveals further interconnections between the network of accounts, and in several cases, demonstrates an explicit association between the accounts and the Myanmar military. Annex 9 lists the email addresses used to register the accounts that ran the 43 Pages under analysis.

116. Sometimes, two accounts with very different usernames share similar email addresses. Such is the case with the accounts of Naing Win (100011397205246) and Ko Yarzar (100005361097659). The former has the registered email naingwin0649@gmail.com,[232] and the latter, nwin49@gmail.com.[233] "Nwin" could be an abbreviation for "naingwin", and the number 49 appears in both addresses. Both accounts are administrators of the verified Page of Senior General Min Aung Hlaing (698627660171725).

117. At other times, two accounts with the same username are found to have similar email addresses, providing further reason to conclude that they are connected. The accounts, Kyaw Thu Htun (100000489612398)[234] and Kyaw Thu Htun (100027384366811) have registered email addresses "kyawthuhtun49@gmail.com",[235] for the former, and "kyawthuhtunn499@gmail.com",[236] for the latter.

118. In some instances, the same email address is used to register more than one account, providing very strong evidence of a connection between the accounts. Annex 9 lists the email addresses used to register more than one account in bold text, to highlight their repeated appearances across the Annex. One of the email addresses in bold text on Annex 9 – "nandaaung.mai@gmail.com" – is used to register the accounts Nanda Aung (100000206858040) and Ko Nanda (100004540208842).[237]

119. Likewise, the accounts Khun Aung Naing Soe (100010612032534)[238] and Myo Chit Lay (100015379895373)[239] share the registered email address, "myochitlay858@gmail.com". Both accounts are administrators of a CIB Page, ကျိုက်ကော် (Kyeik Kaw) (1219574294735802).[240]

120. Finally, the accounts Myat Shwe Aung (100017663299092)[241] and Myo Min Oo (100024388628280)[242] share the same email, "minnaungshwe51@gmail.com". Myat Shwe Aung (100017663299092) is an editor that published 1,477 items across three verified HR designation takedown Pages from 1 January 2016 to 28 August 2018,[243] whereas Myo Min

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[232] *See* entry no. 58 on Annex 9.
[233] *See* entry no. 30 on Annex 9.
[234] For a discussion of these two accounts, *see,* supra, para. 112.
[235] *See* entry no. 2 on Annex 9.
[236] *See* entry no. 75 on Annex 9.
[237] *See* entries no. 1 and no. 26 on Annex 9.
[238] *See* entry no. 52 on Annex 9.
[239] *See* entry no. 68 on Annex 9.
[240] *See* entry no. 27 on Annex 7.
[241] *See* entry no. 69 on Annex 9.
[242] *See* entry no. 72 on Annex 9.
[243] *See* entry no. 20 on Annex 8.2.

Oo (100024388628280) is an administrator on five CIB Pages: New Myanmar News (297712177033636), Unofficial: ကြေးမုံသတင်းစာ (Unofficial: "The Mirror Newspaper") (612462675461875), ဗိုလ်တထောင် သတင်းစဉ် (Bo Tha Htaung News) (237723043084383), ပြည်မြန်မာ (Pyi Myanmar) (544353522262317), and ရသစုံသတင်းများ ("News of Every Taste") (213014425568213).[244] This shows that these five CIB Pages have a clear connection to the three verified HR designation takedown Pages, as one of their administrators is registered with the same email address.

c. Email Addresses that include reference to the Defence Services Information Technology Department (DSITD)

121. Of particular note in reviewing email addresses associated with the 43 Pages are email addresses that include the letters "dsitd". The abbreviation "DSITD" is commonly used by the Defence Services Information Technology Department, the Myanmar military's information technology department. For example, entry no. 73 in Annex 9 is an account with username Moe Win (100026863844101), who registered on Facebook with an email address "**dsitd**common@gmail.com". It should be noted that the email addresses associated with an account are not visible on the account's public view.

122. The acronym DSITD appears in many of the open-source addresses used by the official military websites and/or products from the Myanmar military. For example, the mobile applications of the Myanmar military, such as those of the CINCDS (Office of the Commander-in-Chief of Defence Services), the Myawady military newspaper and the Ministry of Defense, include "dsitd" in their links on the Google Playstore.[245] Additionally, the footers of the official Myanmar Military Recruitment website (http://www.mmrecruitment.gov.mm) and Information Sheet website [246] (https://infosheet.org/mm/) include copyrights attributed to the DSITD.[247]

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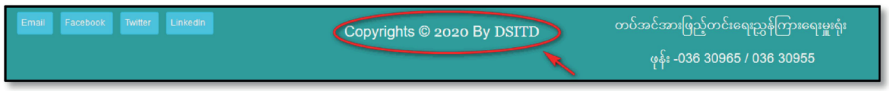
[244] *See* entry no. 13 on Annex 8.5.

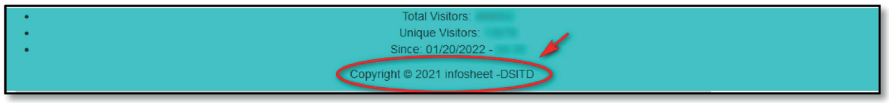
[245] Before their removal from Google Playstore, the mobile applications of the Myanmar military were available for download from the following links, (the letters "DSITD" in the links are italicized and underlined by the Mechanism to highlight the reference to DSITD):
https://play.google.com/store/apps/details?id=com.*dsitd*.cincdsapp;
https://play.google.com/store/apps/details?id=com.*dsitd*.mwdapp; and
https://play.google.com/store/apps/details?id=com.*dsitd*.modflutterapp.
By July 2023, these applications have been removed from the Google Playstore, rendering the links invalid. The Mechanism searched the Internet Archive website (https://archive.org/web/) for previous iterations of these links saved by the Internet Archive. *See* **IIMM0028034829** and **IIMM0028034836** for screenshots preserved by the Mechanism, from the Internet Archive website, showing the first two links as seen on 17 February 2021.

[246] The website called "Information Sheet" regularly updates the Myanmar government's official activities and official announcements, which the website makes available in Myanmar, English, Russian and Chinese languages. The first entry on the website was published on 14 February 2021, following the coup d'état on 1 February 2021. *See,* **IIMM0028034821** Information Sheet, also available at https://infosheet.org/mm, and **IIMM0028034821** for the screenshot preserved by the Mechanism of the website.

[247] Screenshots were taken from the respective websites, accessed in March 2023. *See* **IIMM0019928191** and **IIMM0027993045** for the screenshots preserved by the Mechanism.

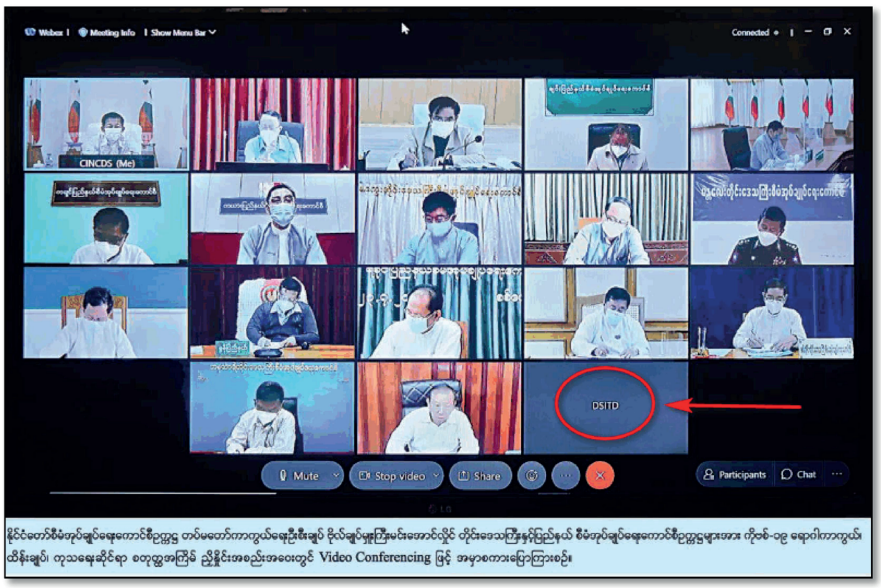


Myanmar Military Recruitment website (http://www.mmrecruitment.gov.mm) with added emphasis to show reference to DSITD



Information Sheet website (https://infosheet.org/mm/) with added emphasis to show reference to DSITD

123. Further, the 24 July 2021 issue of the Myawady Daily newspaper reported on a video conference between the Commander-in-Chief, Senior General Min Aung Hlaing, and other military officials. On the screenshot of the video conference, as reported in the Myawady newspaper, Senior General Min Aung Hlaing appears as "CINCDS" and "DSITD" is another user present at the same meeting without the video camera on.[248]



Screenshot of video conference with Min Aung Hlaing, as reported in the Myawady Daily newspaper with added emphasis to show reference to DSITD

[248] *See* **IIMM0001502572**, top right corner of pages 16-17.

124. As with Moe Win, entry no. 70 on Annex 9 lists the account user စိုးထက်နိုင် (Soe Htet Naing) (100022233066329) as having the email address "socialmedia**dsitd**@gmail.com". Logically, "socialmedia**dsitd**" likely stands for the social media unit of the DSITD. Both Moe Win and စိုးထက်နိုင် (Soe Htet Naing) (100022233066329) are the administrators of the Pages MM Daily Star (1540803296219384)[249] and New Myanmar News (297712177033636).[250] Thus, these two CIB Pages are run by administrators whose email addresses reference the DSITD.

d. Account Names and Email Addresses

125. In some cases, the name of one account is seen in the email address of another. For example, Myint Soe (100001637836196) is the administrator and creator of five CIB Pages. The account ShweYee Hay Mun HninWai (100002786016567) has as its registered email soemyint527488@gmail.com, the first part reflecting the name of Myint Soe reversed. Both accounts are affiliated as administrators or creators with the two Pages စံတော်ချိန် သတင်းများ ("Standard Time News") (1653248821582840) [251] and ဒေါက်တာဒီမိုချက်ကြီး (Dr. Demochatgyi) (116784942063195).[252] Further, the account USoe (100013772585096) has as its registered email "soemyintswe@outlook.com". One of the emails used to register the account Myint Soe (100001637836196) is "ewstniymeos@gmail.com", which is "soemyintswe" backwards. Therefore, these three accounts appear to be connected.

126. Email addresses and account names sharing the same names can be seen again in the account U Myo Min Aung (100004473277226),[253] which is an editor account that published 21 items across six HR designation takedown Pages from 1 January 2016 to 28 August 2018. [254] This name is found in the registered emails of the account, Aye Chan (100011371815262), as "myominaungmyanmar1989@gmail.com" and "myominaung.myanmar.5@facebook.com".[255] Aye Chan is also an editor, having published a total of 16,237 items across six HR designation takedown Pages from 1 January 2016 to 28 August 2018.[256]

127. The accounts Kyaw Lin Aung (100006567814612) and Kyawlin Aung (100009598507764) have the same username, spelled with and without a space between the first two syllables, Kyaw and Lin. The former account, Kyaw Lin Aung (100006567814612), has a registered email address of "kyawlinag92@gmail.com".[257] The latter account, Kyawlin

[249] *See* entry no. 12 of Annex 7.
[250] *See* entry no. 15 of Annex 7.
[251] *See* entry no. 29 on Annex 7.
[252] *See* entry no. 43 on Annex 7.
[253] The email address used to register this account was not provided by Meta to the Mechanism.
[254] *See* entry no. 64 on Annex 8.1.
[255] *See* entry no. 56 on Annex 9.
[256] *See* entry no. 30 on Annex 8.1.
[257] *See* entry no. 36 on Annex 9.

Aung (100009598507764), [258] has a very similar registered email of "kyawlinaung1992@facebook.com".[259] Further, one of the email addresses for Kyaw Lin Aung (100006567814612) is "scobby.lin@facebook.com".[260] The name "Scobby Linn" corresponds to another editor account with ID (100011377113319), which has published a total of 6,071 items across six HR designation takedown Pages from 1 January 2016 to 28 August 2018.[261] Therefore, even though the account Kyaw Lin Aung (100006567814612) is itself not an administrator, creator or editor of any of the HR designation takedown Pages, it is connected to two other editor accounts of the HR designation takedown Pages, via account names and email addresses.

128. As explained in paragraphs 108-109 above, the two accounts with the name Kyaw Zaya with IDs 100007828867816 and 100005894015247, are connected as they administered seven CIB Pages together, in addition to having the same account name. The Kyaw Zaya account, with the latter ID 100005894015247, is an administrator of a HR designation takedown Page, Phay Sit Gyi, and the Kyaw Zaya account, with the former ID 100007828867816, administered nine CIB Pages.[262] Additionally, the name Kyaw Zaya is also seen in the registered email address of another account, Sitt Naung (100007879969051), which is "kyawzaya532017@gmail.com".[263] Sitt Naung (100007879969051) is one of the editors, having published a total of 131 items across the six the HR designation takedown Pages between 1 January 2016 to 28 August 2018.[264] Therefore, the Mechanism's review of the account names and registered email addresses revealed numerous interconnections between HR designation takedown Pages and nine CIB Pages,[265] through Kyaw Zaya (100005894015247), an administrator of the HR designation takedown Pages, and Sitt Naung (100007879969051), an editor of the HR designation takedown Pages.

e. "Nanda Aung"

129. As outlined in paragraph 118118, the accounts Nanda Aung (100000206858040) and Ko Nanda (100004540208842) have one registered email address in common, namely "nandaaung.mai@gmail.com", pointing to a connection between the two accounts. The account Ko Nanda (100004540208842) is affiliated with another email address: "tayote.gyi.37@facebook.com". The phrase, "Tayote Gyi" is seen in the username for another

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[258] This is an editor account that published a total of 8,054 items across six HR designation takedown Pages between 1 January 2016 to 28 August 2018.
[259] *See* entry no. 46 on Annex 9.
[260] *See,* supra, fn. 257.
[261] *See* entry no. 33 on Annex 8.1.
[262] The nine CIB Pages are Burmese Treasure (515854785138996), Myanmar Forward (525889830763129), Today Myanmar (503838583065718), We Are Myanmar (1672193766337112), Yangon Media (560439514014305), ("Standard Time News") (1653248821582840), ("Guiding Star") (470464142996468), ("News Compilation") (491322144368081) and (Dr. Demochatgyi) (116784942063195). See entry no. 3 on Annex 8.5.
[263] *See* entry no. 40 on Annex 9.
[264] *See* entry no. 57 on Annex 8.1.
[265] *See*, supra, para. 109.

account with ID 100004531599816, "ကိုတရုတ်ကြီး", which can be transliterated into "Ko Tayote Gyi" (literally "Mr. Chinese").

130. Nanda Aung (100000206858040) and ကိုတရုတ်ကြီး (Ko Tayote Gyi) (100004531599816) are the administrators and/or creators of three verified Pages: Office of the Commander-in-Chief of Defence Services Page (526503167470553), Myawady (246194712164341), and Myawady (573453879358666).

131. Furthermore, Nanda Aung (100000206858040) is the administrator of all HR designation takedown Pages, except the Senior General Min Aung Hlaing Page. As Ko Nanda (100004540208842) shares the same email address with Nanda Aung, there is a clear connection between Ko Nanda and five HR designation takedown Pages.

132. Additionally, Nanda Aung and Ko Nanda are administrators of six CIB Pages in total. These six CIB Pages are tabulated below for ease of reference.

Table 2. CIB Pages with Administrators affiliated with Nanda Aung

No.	CIB Page Name (ID)	Two Administrators of the CIB Page
1.	Mother land Media (855249537845956)	Ko Nanda (100004540208842), Nanda Aung (100000206858040)
2.	Unofficial Myanmaalinn (544574995611911)	Ko Nanda (100004540208842), Nanda Aung (100000206858040)
3.	ပညာခေတ် ("Education Era") (521260894620659)	Ko Nanda (100004540208842), Nanda Aung (100000206858040)
4.	ရတနာပုံ သတင်းစာ (Yatanarpon Newspaper) (1002822433102830)	Ko Nanda (100004540208842), Nanda Aung (100000206858040)
5.	ဦးဦးဖျားဖျားထူးထူးခြားခြား ("First and Special") (1811012045782141)	Ko Nanda (100004540208842), Nanda Aung (100000206858040)
6.	ငွေတာရီ (Ngway Thar Yee) (276648355848687)	Ko Nanda (100004540208842), Nanda Aung (100000206858040)

133. The fact that these CIB Pages have an administrator, Ko Nanda (100004540208842), with the same registered email address as Nanda Aung (100000206858040) which, as discussed, is an administrator account on five HR designation takedown Pages, demonstrates an additional layer of interconnections between the two sets of Pages and the accounts that managed them.

3) Connection via Additional Metadata

134. A study of additional metadata associated with the accounts identified above provides further confirmation that the sources behind the 43 Pages analysed by the Mechanism were coordinating and belonged to a single network. The additional metadata reviewed by the Mechanism includes:

a. Unique Device IDs,

b. Mobile Advertiser IDs,

c. Machine cookies, and

d. IP addresses.

135. These metadata are explained below, along with some key findings. The underlying information is provided in Annex 10.

a. Unique Device IDs

136. A Unique Device ID, or UDID, is a permanent, unique and anonymous identifier assigned by the manufacturer to a mobile device, such as a mobile phone or tablet.[266] Websites such as Facebook keep track of the UDIDs of users when they log on to their websites or applications. These websites use the UDID, along with the Advertiser ID,[267] to track subscriber behaviour for the purposes of targeting advertising based on users' demonstrated preferences.

137. The data shared by Meta with the Mechanism included the UDID that was recorded when users – creators, administrators and/or editors of the 43 Pages under analysis – published posts or made other changes on the Facebook platform. Meta has provided the Mechanism with UDID information from these users/accounts during their "lifetime" on Facebook, from the time they were created to the time they were removed or closed. The data analysed by the Mechanism shows that often multiple UDIDs were recorded for the same account. This means that multiple devices were used to log into a single account, as shown in Annex 10a. For example, the table in Annex 10a shows that the account USoe (100013772585096) is associated with 184 UDIDs, meaning that there were 184 mobile devices that had the credentials to log into this account. A reasonable inference from the data is that the credentials of these accounts were shared among numerous persons to log in from different mobile devices, indicating an extensive coordinated network. One limitation of this analysis, however, is that the UDID data available from Meta and analysed by the Mechanism encompasses data from a broader timeframe than the six-month period analysed in the hate speech review and include activities from these accounts on any Page, not just limited to the 43 Pages analysed in this report.

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[266] While UDIDs are generated for various types of devices, Meta only provided the Mechanism with UDID information for Android and iOS based handheld devices (mobile phones and tablets), excluding laptops and computers.

[267] *See* the section "Mobile Advertiser IDs", infra, paras. 138 – 140.

b. Mobile Advertiser IDs

138. A Mobile Advertiser ID (MAID) is a temporary identifier, given by the mobile device's operating system or app store account. There are two main types of MAIDs – Apple's IDFA, used in iOS devices, and the Google Advertiser ID (GAID), used in Android devices. MAID helps service providers like Facebook to gather information about the user, such as language preferences, location and frequently used services, allowing the service provider to target services and advertising to fit the user's behaviour and preferences. Application users (such as users of the Facebook app) using the same mobile device or app store account share the same MAID. Similar to the UDIDs, the MAID information that Meta provided to the Mechanism is from cumulative data of these accounts during their "lifetime" on Facebook and therefore, was likely recorded by Meta from the accounts' activities during the time periods beyond the timeframe and on Pages additional to the 43 Pages analysed in this report.

139. The table in Annex 10b lists several instances where the same MAID was used by different accounts – the creators, administrators and/or editors of the 43 Pages under review. This indicates either that the different administrator or editor accounts were using the same mobile device (or app store account), or that the same individual was operating from the same mobile device when accessing Facebook using different account names.

140. As noted in paragraph 137, a possible inference from the UDID analysis is that many mobile devices had access to the credentials of a single account. The MAID analysis demonstrates that it is also the case that many accounts were using the same mobile device. Both inferences can be mutually inclusive. For example, the table in Annex 10a shows that 26 mobile devices were used to log into the account Myint Myat (100002042350279).[268] MAID shows that four mobile devices used by Myint Myat were also used to access the account မူးမူး (Mhu Mhu) (100003230464281),[269] and one device used by Myint Myat was also used to access the account Kyaw Lin Aung (100006567814612). This points to the many layers of interconnections between the accounts in the Military Network and the mobile devices they used to access Facebook.

c. Machine Cookies

141. A machine cookie is a file stored by a website or an online service provider on a user's computer device.[270] Machine cookies are unique to the device used. The machine cookie placed on each device has a unique code and there is one machine cookie file per computer device. Machine cookies can enhance the user's experience by remembering the user's preferred language and other preferences, and can also auto-fill some information, enabling websites to deliver customised content or targeted advertising to the user. When two or more

[268] *See* entry no. 2 on Annex 10a.
[269] *See* entries no. 5, 7, 8 and 19 on Annex 10b.
[270] Machine cookies are not stored on mobile devices unless the user was accessing Facebook through a web browser, instead of through the mobile application.

users visit the same website or the same online service provider from a common device, such cookie files are shared by the users.

142. The data shared by Meta with the Mechanism included machine cookie files, where available, associated with users or Facebook accounts connected to the 43 Pages analysed in this report.[271] The Mechanism's examination of the data revealed that, in numerous instances, the same machine cookie file appeared for several different accounts, indicating that several creators, administrators and/or editors of the 43 Pages used the same computer device(s). Annex 10c shows how several accounts that managed the 43 Pages are associated through the same unique codes of machine cookies.[272] This data demonstrates additional linkages between these Pages in particular that different Pages were either administered by different persons using the same computer device or that a single person was using multiple accounts from a single computer device to act as many different administrators on these Pages. This is consistent with the findings from the Mechanism's MAID analysis that different accounts were using the same devices.

143. Further, the same account is also seen to be associated with several machine cookies. This is consistent with the findings from the Mechanism's UDID analysis that some accounts were logged in from different devices. For example, the account Moe Win (100013672264603) appeared with at least 13 different machine cookies, as shown in entries no. 1, 5, 6, 8, 10, 12, 18, 19, 21, 23, 26, 31 and 35 on the table in Annex 10c. This shows not only that Moe Win was logged in from 13 different computer devices, but also that the same computer devices that the Moe Win account used were also utilised to log in to 33 other Facebook accounts,[273] all of which have been assessed by the Mechanism as being part of the Military Network. It is of course possible that multiple individuals have access to an account.

144. The data also revealed that some accounts with separate IDs but sharing account names are also connected as they shared the same machine cookies, indicating that they were using the same device. For example, two accounts with IDs 100009677111562 and 100024388628280 share the name "Myo Min Oo". The first account is the editor across HR designation takedown Pages,[274] whereas the second is an administrator on five CIB Pages.[275] Both Myo Min Oo accounts share three machine cookies,[276] showing that both accounts had used the same three machines to log onto the Facebook platform, demonstrating a further connection between the two accounts, and between the HR designation takedown Pages and the CIB Pages within the Military Network. Of course, it is possible for more than one individual to have access to an account or even many individuals to have access to a single

[271] The metadata that Meta provided to the Mechanism includes machine cookies only for some accounts and not for others.
[272] Annex 10c lists 35 machine cookies, each of which was shared by four or more accounts assessed as being part of the Military Network. *See* **IIMM0027994161** for a list of 287 machine cookies associated with two or more accounts that are assessed as being part of the Military Network in this report.
[273] This is the total number of different accounts associated with the 13 machine cookies, excluding Moe Win.
[274] *See* entry no. 49 on Annex 8.1.
[275] *See* entries no. 15, no. 21, no. 31, no. 33 and no. 37 on Annex 7.
[276] *See* entries no. 3, no. 9 and no. 17 on Table 3 of Annex 10c.

account. This would explain how one account could be accessed from a large number of different devices.

d. IP Addresses

145. An Internet Protocol address ("IP address") is a unique numerical identifier for every device or network that connects to the internet. An IP address usually consists of four decimal numbers, each ranging from 0 to 255, separated by dots (for example, "203.81.85.11"). Devices such as computers, servers, tablets and mobile phones all use IP addresses to identify each other and communicate. When one joins a network to connect to the internet through a router or other gateway, it is typically the IP address of the connection device (modem, router or other gateway) that is transmitted to the website or application. Websites (or applications) therefore, often receive and store, IP address data associated with the devices that have accessed their site.

146. An "IP block" (also sometimes known as an "IP range") is a continuous segment of IP addresses. IP blocks can serve as logical subdivisions of an IP network (subnetwork). Several individual IP addresses in a range can belong to a subnetwork. For example, addresses in the range *203.81.85.0* to *203.81.85.255* belong to the same network and can be said to be in the IP block of *203.81.85.*,* with the asterisk signifying the possible numbers from 0 to 255.

147. Meta provided to the Mechanism the IP address data associated with certain user activities such as posts of photographs and videos, user-based activities such as log-in, log-out, password updates, mobile number removal and change of usernames. However, the material provided by Meta did not include IP addresses when a post contained only text.

148. Typically, a user's IP address can be used to narrow down the user's physical location to a city and sometimes to a more exact location. Even though users may be using different computers or devices, they may still be connecting to the same internet connection and thus would share the same IP address. For example, users connecting to the internet from the same office or those sharing the same house are more likely to have the same IP address, which is usually the IP address of the modem or gateway that connects the users to the internet from that location.

149. It should be noted that a Virtual Private Network (VPN) can be used to mask the actual location and internet connection of the VPN user. VPN is a sophisticated service that protects the online privacy of a user while connected to and using services on the internet. VPNs create an encrypted tunnel for the user's data, preventing it from being altered, filtered, or intercepted during transmission. It also protects the online identity by concealing from the websites visited, the user's actual IP address of the connection device being used and replacing it with a bogus IP address. This allows the VPN user to access websites and services "anonymously" and hides the actual geo-location of the user. However, the use of a VPN will not affect the transmission of machine cookie data or MAID data from the device.

150. The Mechanism reviewed the IP address data produced by Meta, where available,[277] to determine the IP addresses of the devices used to post the hate speech content identified by the Mechanism. This data is provided in Annex 10d.

151. As shown in the first table in Annex 10d, the IP address from which the greatest number of identified hate speech content, namely 684 items, originated is "203.81.85.2".

152. The Mechanism noted that the same IP block range, "203.81.85.*", was used to update the Wikipedia pages associated with the Myanmar military as follows:

https://en.wikipedia.org/w/index.php?title=Myanmar_Army&diff=711870302[278]
https://en.wikipedia.org/w/index.php?title=Myanmar_Army&diff=711870010[279]
https://en.wikipedia.org/w/index.php?title=Myanmar_Police_Force&diff=789907579[280]
https://en.wikipedia.org/w/index.php?title=Myanmar_Navy&diff=694142261[281]
https://en.wikipedia.org/w/index.php?title=Myanmar_Navy&diff=694141996[282]
https://en.wikipedia.org/w/index.php?title=Myanmar_Navy&diff=694142116[283]
https://en.wikipedia.org/w/index.php?title=Myanmar_Air_Force&diff=808980726[284]
https://en.wikipedia.org/w/index.php?title=Myanmar_Air_Force&diff=765620463[285]
https://en.wikipedia.org/w/index.php?title=Defence_Services_Technological_Academy&diff=738038246[286]

153. Publicly available open-source information lists the website of the "owner" of the IP block 203.81.85.* as "mail.mod.gov.mm" – the website of the Myanmar Ministry of Defence. [287] Similarly, in May 2017, open-source information linked the website "myawady.net.mm", which is the website of the Tatmadaw's media company Myawady, with the IP address "203.81.85.231" – an IP from the same IP block 203.81.85.*.[288]

154. The data that the Mechanism received from Meta shows that, during the period from July to December 2017, 33,439 items were posted to the 43 Pages from IP address 203.81.85.2 – see the third table in Annex 10d, entitled "Facebook Pages (from among the 43 Pages analysed in this report) that posted items from the IP address 203.81.85.2 during the period 1 July to 31 December 2017". Out of these items, 2,378 items were posted to the Office of the

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[277] As explained in para. 147, Meta provided the Mechanism with IP address information only alongside photographs and videos posted on the 43 Pages (not text), and therefore, from the content reviewed by the Mechanism, only these instances where photos or videos were posted contain IP addresses of the source(s).
[278] *See* **IIMM0028034242** for a screenshot of the website preserved by the Mechanism.
[279] *See* **IIMM0028034239** for a screenshot of the website preserved by the Mechanism.
[280] *See* **IIMM0028034254** for a screenshot of the website preserved by the Mechanism.
[281] *See* **IIMM0028034251** for a screenshot of the website preserved by the Mechanism.
[282] *See* **IIMM0028034245** for a screenshot of the website preserved by the Mechanism.
[283] *See* **IIMM0028034248** for a screenshot of the website preserved by the Mechanism.
[284] *See* **IIMM0028034236** for a screenshot of the website preserved by the Mechanism.
[285] *See* **IIMM0028034233** for a screenshot of the website preserved by the Mechanism.
[286] *See* **IIMM0028034230** for a screenshot of the website preserved by the Mechanism.
[287] *See* **IIMM0027995341** My IP, also available at https://myip.ms/view/ip_addresses/3411105024/203.81.85.0_203.81.85.255#p_owner, last accessed May 2023.
[288] *See* **IIMM0027995341** My IP, also available at https://myip.ms/browse/sites_history/1/ipID/203.81.85.0/ipIDii/203.81.85.255, no. 3 on the table, accessed May 2023.

Commander-in-Chief of Defence Services Page (526503167470553), 1,876 items to Phay Sit Gyi Page (1620931448152789), 1,850 items to the Senior General Min Aung Hlaing Page (698627660171725), 155 items to Myawady Daily Page (301875129924077), and 66 and 61 items to the two Myawady Pages with the IDs 246194712164341 and 573453879358666, respectively.[289] Therefore, all six HR designation takedown Pages used IP 203.81.85.2 to publish content.

155. The same IP address 203.81.85.2 was also used by 34 out of 37 CIB Pages analysed in this report.[290] This demonstrates an additional linkage between the CIB Pages and the HR designation takedown Pages. For example, the third table in Annex 10d, entitled "Facebook Pages (from among the 43 Pages analysed in this report) that posted items from the IP address 203.81.85.2 during the period 1 July to 31 December 2017" shows that 4,461 items were also posted to the CIB Page Oppositeyes (262770877158690)[291] from IP address 203.81.85.2.

e. Geolocating IP Addresses

156. As noted above, IP addresses may be indicative of a physical location. Various websites and commercial internet service providers can provide information about the approximate physical location of IP addresses. As part of its analysis, the Mechanism sought to identify any such sources that could help determine the geolocation of the IP addresses associated with the Pages and accounts under consideration. As the location of an IP address can change over time, the Mechanism also made efforts to check databases that hold data from the specific period of interest. In 2022, the Mechanism obtained information on the location of IP addresses in Myanmar in 2017 from Digital Element,[292] a commercial company that maintains a database of IP address locations for up to five years.

157. Digital Element's data consists of IP addresses, associated geo-locations and other relevant technical details. The data contains IP address information as chunks of IP blocks and is updated by the company every two weeks. The information contained within this data includes the Global Positioning System (GPS) coordinates, ranges of IP allocated for a region and the number of IP addressed included in each IP block.

158. After examining the data provided by Digital Element, the Mechanism found that in August 2017 the IP address of "203.81.85.2", from which 684 items identified as hate speech by the Mechanism were posted,[293] was geolocated to Yangon, Myanmar. The Digital Element data further indicated that the connection was broadband Wi-Fi and the company indicated that the IP address was located at the GPS coordinates of Latitude 16.7802, Longitude 96.1529. From open-source Google Maps data, the Mechanism noted that these coordinates are located in downtown Yangon. An open-source website that provides geolocation and registration information for IP addresses also associates this IP address with the location of

[289] *See* entries no. 4, 6, 8, 24, 30 and 32 on Table 6 of Annex 10d.
[290] *See* Table 6 of Annex 10d.
[291] *See* the below section on "Opposite Eyes" Page.
[292] *See* https://www.digitalelement.com/
[293] *See* entry no. 2 on Table 4 of Annex 10d.

Myanmar Post & Telecommunication in Yangon, Myanmar.[294] Digital Element, however, has cautioned that it has less confidence in the suitability of its data from 2017 to correctly geolocate exact locations within a city. It has indicated that it obtained more reliable device-derived data starting from 2018-2020 onwards, which gives it much more confidence in the exact geolocation it has provided since then.

159. The data provided by Digital Element also indicated that in August 2022, the same IP address, "203.81.85.2", was geolocated to a different set of GPS coordinates at Latitude 19.85, Longitude 96.3. From open-source Google Maps data, the Mechanism noted that these coordinates are located in Nay Pyi Taw, Myanmar, in a "military zone".[295] The Mechanism is not in possession of additional information regarding the geolocation of the same IP address to different locations in 2017 and in 2022, but notes that there are several technically possible explanations for changing geolocations for IP addresses, including the Internet Service Provider (ISP) re-assigning the IP address to a new region.

4) Notable Pages

a. Senior General Min Aung Hlaing Page

160. The verified Facebook Page of Senior General Min Aung Hlaing, the Commander-in-Chief of the Myanmar military, had over 1.4 million followers,[296] until 28 August 2018 when it was removed by Meta. It is the only Page analysed in this report that does not share any administrators or creators with any of the other Pages analysed, but it does share an editor account, Wirecast (1684078671830257), which published content on both the Commander-in-Chief's Page and other verified Pages, as shown in the Table below.

Table 3. No. of items Wirecast account published on the verified Pages

No.	Facebook Page Name (ID)	Total number of items the Editor account, Wirecast (1684078671830257) published on Pages from 1 January 2016 to 28 August 2018
1.	Senior General Min Aung Hlaing (698627660171725)	320
2.	မြဝတီ (Myawady) (246194712164341)	27

[294] *See* **IIMM0027995177**, DBIP, also available at https://db-ip.com/203.81.85.2. This site was last accessed by the Mechanism on 24 May 2023 and is understood to provide contemporary (not historical) IP address information.

[295] *See* **IIMM0027995323** Google Maps, also available at https://www.google.com/maps/place/19%C2%B051'00.0%22N+96%C2%B018'00.0%22E/, accessed in May 2023. Notably Google Maps data indicates that the road leading to the area is called "Military Base Road" and a number of military-affiliated structures appear within this "military zone" including "Defence Services General Hospital", "Military Parade Ground" and "National Defence College". An open-source article also refers to this zone in reference to the military. *See*: https://www2.irrawaddy.com/article.php?art_id=21095, last accessed 31 May 2023.

[296] UN Fact-Finding Mission, Report of the Detailed Findings (2018), A/HRC/39/CRP.2, para. 1329.

3.	တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ရုံး (CINCDS or Office of the Commander-in-Chief of Defence Services) (526503167470553)	9
4.	မြဝတီ (Myawady) (573453879358666)	3

161. As can be seen in Table 3, the account Wirecast (1684078671830257) mostly published on the Senior General Min Aung Hlaing (698627660171725) Page, namely 320 items in the period from 1 January 2016 to 28 August 2018, but it also posted on the Office of the Commander-in-Chief Page, တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ရုံး (CINCDS or Office of the Commander-in-Chief) (526503167470553) and on the two Myawady Pages, all of which were also verified Pages. From the data provided by Meta, there is no visible connection between the Wirecast account and any of the CIB Pages.

b. "Opposite Eyes" Page and "#Oppositeyes"

162. The account Moe Win (100026863844101), which almost certainly has a connection to the Defence Services IT Department (DSITD) based on the email address used to register the account (**dsitd**common@gmail.com),[297] is the administrator of the two CIB Pages with the same name, "Oppositeyes". These Pages have the IDs 262770877158690 (entry no. 16 on Annex 7) and 452931138503854.[298] As noted in paragraph 110 above, the username "Moe Win" is associated with two Facebook account IDs.[299]

163. In October 2018, the New York Times reported that, according to two sources, the military was behind "the Facebook page called Opposite Eyes, which began as a blog about a decade ago and then leapt to the social network."[300] The article quoted researchers and activists who have been following the "Opposite Eyes" closely for years, who stated that it "provided a mix of military news, like hype about the purchase of new Russian fighter jets, and posts attacking ethnic minority groups like the Rohingya" and that it operated in a systematic way. The New York Times further noted that "although Facebook has taken the page down, the hashtag #Oppositeyes still brings up anti-Rohingya posts".[301]

164. In its review of the public content from 1 July to 31 December 2017 on one of the Oppositeyes Pages, namely the page with ID 262770877158690, the Mechanism found posts attacking ethnic minorities, including the Rohingya.[302] In February 2023, the Mechanism also

[297] *See* Section II.B.2c "**Error! Reference source not found.**" and supra para 121.
[298] The Oppositeyes Page with ID 452931138503854 is one of the Pages removed by Meta in August 2018 that had no public content during the period from July to December 2017, and therefore, was not included in the Mechanism's present analysis.
[299] For discussion on an email address used to register the account Moe Win (100026863844101), *see*, supra paras. 121-124.
[300] **IIMM0027995360** Paul Mozur, "A Genocide Incited on Facebook, With Posts From Myanmar's Military", New York Times (15 October 2018) also available at https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html.
[301] Ibid.
[302] For specific examples, *see* Annex 2.

searched the hashtag "#Oppositeyes" on Facebook and identified a post from 17 June 2018,[303] attacking Kofi Annan for his report of the Advisory Commission on Rakhine State, particularly for comments by Kofi Annan concerning the Myanmar citizenship law. The Mechanism found three duplicates of this post on the Oppositeyes (262770877158690) Page among the material Meta provided to the Mechanism.

C. Coordination Pattern Analysis

165. The third phase of the Mechanism's analysis was aimed at reviewing the material falling within the hate speech definition that appeared on the material reviewed to discern any patterns indicating coordination between those operating the Military Network in an attempt to spread hate speech against Rohingya.

166. The military's efforts to conduct an organised and coordinated campaign on Facebook was reported in the New York Times article from October 2018, as follows:

> "[w]hile Facebook took down the official accounts of senior Myanmar military leaders in August, the breadth and details of the propaganda campaign – which was hidden behind fake names and sham accounts – went undetected. The campaign, described by five people who asked for anonymity because they feared for their safety, included hundreds of military personnel who created troll accounts and news and celebrity pages on Facebook and then flooded them with incendiary comments and posts timed for peak viewership. Working in shifts out of bases clustered in foothills near the capital, Naypyidaw, officers were also tasked with collecting intelligence on popular accounts and criticizing posts unfavorable to the military, the people said. So secretive were the operations that all but top leaders had to check their phones at the door."[304]

167. Section II.A.3 of this report, supra, entitled "Content Analysis of HR Designation Takedown Pages", demonstrated that the authors frequently posted the exact same text, or the same substantive content with some minor cosmetic changes, across multiple Pages, including both the HR designation takedown Pages and CIB Pages, either simultaneously or within minutes of each other. Annex 2 further examines coordination between the Pages in this military network by examining 29 emblematic examples of hate speech and by looking at the timing of the material being posted on various accounts and the identity of the authors. The examples in Annex 2 are cited chronologically. A few notable examples are discussed below.

168. The post in Example 26 of Annex 2 states that "Sweden, Norway, Germany, England, Russian, China, India, Czech, Angola, Australia and Scotland are not only trying to expel the Muslims from their countries but also opposing Islam now" and ends by asking, "what is the Myanmar government's plan for the shit-bags of the world that are stirring up such troubles?" This post appeared 13 times on 10 of the CIB Pages in just over 24 hours between 26 and 27 October 2017. The last to post was the author, Moe Win, who registered on Facebook with an

[303] *See* **IIMM0027993044** for a screenshot preserved by the Mechanism.
[304] Supra, fn. 300.

email address that included the abbreviation for the Defence Services Information Technology Department, "dsitd".

169. Example 2 of Annex 2 is a post that first appeared on 10 August 2017. It includes a photograph of a disembowelled cow with the text below warning that thousands of extremists Muslims in Bangladesh were demanding that their government train and arm "the Bengali Muslims who fled Rakhine state" and complains that the nothing is being done in Myanmar to prepare against a potential attack. This post appeared 15 times on the Pages reviewed in this project. All were posted on the same day, 10 August 2017 – two weeks before the ARSA attacks and the start of the clearance operations – the date on which troops from No. 33 and 99 Light Infantry Divisions (LID-33 and LID-99) were sent to Rakhine State following a closed-door meeting between the Commander-in-Chief and Rakhine politicians.[305]

170. The post in Example 4 of Annex 2 purports to be from a monk and complains of Muslim refugees, who are referred to with a derogatory term that means "trash floated along a river and reached the shore, but no one knows its origins", reaching the shores of Myanmar, and is accompanied by a map showing Rakhine State and other areas in Myanmar and surrounding countries as a black band where Islam is said to be attempting to spread. With some variations in the text and illustration, this post appeared 38 times on 24 of the 43 Pages reviewed in this project. The post appeared twice on 22 August, 22 times on 28 August, and 14 times on 16 November 2017.

171. The post in Example 6 of Annex 2 alleges that 13 May 1942 was the day that the "Bengali Kalar attempted a genocide of the Rakhine people". The post appeared eight times on seven different Pages in the Military Network.

172. Example 18 of Annex 2 is a post that appeared with photographs that purport to show the Rohingya burning their own homes. The photographs were taken during a guided visit of foreign journalists to Rakhine State. Journalists recognised some of those setting houses on fire as Hindu people that they had met earlier on the trip. When interviewed by the Associated Press, one woman in the group setting fires, who appeared to be wearing a tablecloth as a headscarf, confirmed that she was a Hindu and claimed that the Rohingya had attacked her village. The post appeared on eleven of the 43 pages in the Military Network. Ten were posted within two hours, between 1:05pm and 3:02pm on 6 September 2017 and the last was posted on the following morning.

173. The post in Example 22 of Annex 2 concerns an event held in Bangkok in 2016 entitled "No. 136: A Rohingya Photo Exhibition." The number 136 referred to the Rohingya's goal to join the other 135 recognised ethnic groups and be recognized as an ethnic group indigenous to Myanmar with equal rights to others. The post refers to those behind the exhibit as

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[305] *See* **IIMM0000001428,** The Irrawaddy, "ANALYSIS: Myanmar Army Deployed in Maungdaw", (11 August 2017) also available at https://www.irrawaddy.com/news/burma/analysis-myanmar-army-deployed-maungdaw.html. *See also* the following posts from the removed Facebook Pages, announcing the arrival of soldiers on 10 August 2017 with photos: **IIMM0000220021**; **IIMM0000369370**; **IIMM0000220018**; **IIMM0001041618**; **IIMM0000359566**; **IIMM0000417854**; **IIMM0000486131**; **IIMM0000662545**; **IIMM0000885210** and **IIMM0000185143**.

"maggots in the flesh." This post appeared on 12 of the 43 Pages in the Military Network, all posted between 16 and 18 September 2017.

174. Lastly, example 24 of Annex 2 is a post that states that 260,000 children were among those who fled Myanmar for Bangladesh and complains that the Rohingya are "unscrupulously breeding like rabbits." It first appeared on the Myawady Daily Page, the namesake of the Myanmar military's media company, when posted by Moe Thout Kyal at 6:33am on 17 September 2017. A minute later, the same author posted the identical content on one of the CIB Pages. In total, the Mechanism identified this post on eight of the 43 pages in the Military Network, on the same day, 17 September 2017. The post also appeared for a second time on one of these Pages the next day, 18 September 2017.

III. Findings / Conclusions

175. The Mechanism's project examined 43 Pages that posted content on Facebook between July and December 2017 and found that 36 of these Pages posted hate speech against the Rohingya during this time period. In total, the Mechanism identified 10,485 items with hate speech on these Pages that Meta removed from the Facebook platform in August 2018.[306] The Mechanism's analysis found that hate speech content often played upon prevalent discriminatory and derogatory narratives concerning the Rohingya, ranging from the narrative that the Rohingya pose an existential threat to Myanmar through violence, terrorism or "Islamisation", to the narrative that they pose a threat to Burmese racial purity through their alleged rampant breeding.

176. The Mechanism identified hate speech content in all six of the Pages removed for being connected to the persons or entities banned by Meta for human rights violations (HR designation takedown Pages) as well as the 30 out of 37 Pages that Meta had taken down for coordinated inauthentic behaviour (CIB Pages). Notably, the Mechanism identified numerous examples of hate speech on the "verified" Pages, which *de facto* served as the official presence of the Tatmadaw on Facebook.

177. The Mechanism also identified numerous connections between the HR designation takedown Pages and the CIB pages, the latter Pages having no outward affiliation to the military.[307] The Mechanism determined that these two groups of Pages together formed an interconnected network – the Military Network – on Facebook. The connections within this Military Network are evidenced in numerous ways, ranging from the overlapping administrators and creators behind these Pages, the overlapping accounts posting to these Pages (the editors), the shared usernames and email addresses associated with the underlying accounts, and the appearance of the abbreviation DSITD (for the Defence Services Information Technology Department) in email addresses used to register the accounts. The connections are also evidenced through overlapping additional metadata, such as the Unique Device IDs, Mobile Advertiser IDs, machine cookies and IP addresses. Notably, the website

[306] *See* Section II. A of this report, entitled "Content Analysis".
[307] *See* Section II.B of this report, entitled "Network Analysis".

of the Myanmar Ministry of Defence is associated with the IP address block that the 43 Pages used to access Facebook.

178. The Mechanism analysed some examples of hate speech in detail with regards to the authors that published the content, as well as the times and dates that the posts appeared on the relevant Pages.[308] These examples demonstrate the systematic and coordinated nature of the hate speech content, which was often posted to numerous Pages in close succession or sometimes nearly simultaneously, indicating that the Military Network undertook organised efforts to promulgate and disseminate hate speech content.

179. Overall, the Mechanism's analysis demonstrates that the Myanmar military spread material designed to instil fear and hatred of the Rohingya minority. It accomplished this by creating a clandestine network of Pages on a social media site with the potential to reach an audience of millions. This campaign of hatred was ongoing at the very time that many Rohingya villages were burned and while thousands of Rohingya men, women and children were beaten, sexually assaulted and/or killed, and continued as hundreds of thousands of Rohingya were forced to flee from their homes. The evidence from this analytical project conclusively shows that rather than taking all steps to prevent the violence and protect its people, the Myanmar military conducted a social media campaign that excused and promoted violence against the Rohingya minority.

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[308] *See* Section II.C of this report, entitled "Coordination Pattern Analysis".

IV. Annexes

Annex 1: Examples of Hate Speech Narratives

Warning: Some examples contain graphic images.

1. "Terror Threat to Myanmar": Post of 24 September 2017


THE CURRENT TERROR THREAT TO MYANMAR IS DANGEROUSLY INCREASING
Coming From Terrorists Magazines, Groups, and Authorities
by Rick Holzman

THREATS FROM TERRORIST MAGAZINES
In the last few years, ISIS, al-Qaeda and other Islamic terrorist groups, have started and are issuing English language Magazines online, with slick graphics and presentation, extolling their violent jihad activities around the world. These magazines have articles with photos and diagrams on how to make various kinds of bombs, how to make chemical weapons, how to kill with knives, how to ambush, etc. And, these magazines are more and more mentioning Burma/Myanmar, Arakan, and Buddhists, and calling for total jihad against the Buddhist people of Arakan as well as all of Burma, and even all Buddhists in Bangladesh, Thailand, Indonesia, etc. And, disturbingly, this is what the Qur'an instructs Muslims to do.
The main magazines are "Rumiyah", and 'Dabiq' both from ISIS, 'Inspire' from al-Qaeda in the Arabian peninsula and 'Resurgence' from al-Qaeda in the Indian Subcontinent.

(words in red are highlighted by myself, words in parenthesis are explanations of terms)

From DABIQ, Issue 14, April 2016, Dabiq magazine interviews Shaykh Abū Ibrāhīm al-Hanīf, the Amīr of the Khilāfah's soldiers in Bengal.

DĀBIQ: How are you planning to aid the weak and oppressed Muslims in the region, especially those of Burma?

SH. ABŪ IBRĀHĪM: "The Muslims in Burma have been oppressed by the mushrik Buddhists for a long period of time (mushrik is a derogatory term for 'idol worshippers'). Our hearts are with them and we believe it is a duty upon us to help them and support them in every possible way. And we will begin launching operations within Burma once we've reached the capability to do so. However, we believe it will be more effective to strengthen the jihād front in Bengal first before fully moving into Burma, as fighting the nearer murtadd/n (another derogatory and irreverent term used to denigrate more tolerant Muslims) takes precedence over fighting the farther enemy.

1


Allah said,

"O you who have believed, fight those adjacent to you of the kuffār
(some meaning as infidel, but even more hateful and intolerant)
and let them find in you harshness.
And know that Allah is with the righteous."

The kafir (derogatory, intolerant term for non-muslim) regime in Burma can only be fought effectively after we bring an end to the apostate Bengali regime. And Allah knows best."

(This photo is used in this article, and labeled: a Burmese Buddhist. It may very well be photo-shopped, or it is a child monk holding a toy gun that belongs to a kid in the village. Burmese people, including monks, do not have access to guns at all. It is obvious to the non-muslim world that this photo is the polar opposite of the kind of photo that would represent a Burmese Buddhist. But, it is common to see Muslim kids in any Muslim country, with real weaponry, posing, training, shooting, or threatening.)

DĀBIQ: Can you explain the importance of Bengal to the Khilāfah (Caliphate) and its jihād globally?

SH. ABŪ IBRĀHĪM: "Bengal is an important region for the Khilāfah and the global jihād due to its strategic geographic position. Bengal is located on the eastern side of India, whereas Wilāyat Khurāsān (Afghanistan and Pakistan areas) is located on its western side. Thus, having a strong jihād base in Bengal will facilitate performing guerilla attacks inside India simultaneously from both sides and facilitate creating a condition of tawahhush (Management of Savagery – carrying out a campaign of constant violent attacks to exhaust the ability and will to maintain authority, allowing chaos - or 'savagery' - to ensue. Extreme violence is emphasized.) in India along with the help of the existing local mujāhidīn there, until the soldiers of the Khilāfah are able to enter with a conventional army and completely liberate the region from the murtadd/n, after first getting rid of the Pakistani and Afghani regimes. Also, Jihad in Bengal is a stepping-stone for jihad in Burma as already mentioned."

From RESURGENCE, issue 1, Fall 2014
A Step Towards Unity of Ranks by Hassaan Yusuf

Yusuf outlines the objectives of the 'blessed call of jihad [that] has spread from West Africa to East Asia." One objective is: Striving for the freedom of all occupied Muslim lands and liberating the oppressed Muslims of the [Indian] Subcontinent from Kashmir to Arakan. It is our belief that the revival of Jihad is the ultimate hope of the oppressed Muslims of Kashmir and Arakan....

2


From RUMIYAH, issue 2, Sept 2016
Operations in Bengal
In a fanciful 'map of achievements' in 2016, the following are noted and praised:
- Buddhist monk targeted in Bandarban
- Buddhist party leader killed by knife
- Hindu monk killed by knife
- Christian eliminated in Barapara Village
- Hindu temple curator critically wounded
- Ingi-mast operation by 5 Mujahideen leaves 22 crusaders killed and more than 50 injured (with the tactic known as nighimast the mujahideen deliberately aim to stay alive and kill as many infidels as they can before detonating their suicide vests.)
- Crusader-ally citizen (Japanese) eliminated by gun
- Italian crusader eliminated with a silenced pistol
- Director of Dishq (a peaceful and tolerant non-Islamic religion founded and now banned from Iran) critically wounded in Rangpur
- Atheist propagandist killed by knife attack
- Rafidi (derogatory term used by Sunni muslims referring to Shiite Muslims) temple targeted bringing down multiple dead and wounded
- Explosion at the Balan Rafidi Temple kills and injures 100 Rafidah
- Italian missionary critically wounded
- Istishhadi (suicide bomber) operation with explosive belt targets a worship place of Qadiani (derogatory term for Ahmadiya Muslim minority)

From Dabiq, Issue 12, Nov 2015
The Revival of Jihad in Bengal by Abu Abdir-Rahman Al-Banghali
May Allah bless the mujāhidīn in Bengal, support them, and grant them continuous success so that they may become a source of strength and support for the oppressed Muslims in both Bengal and Burma. May Allah unite the ranks of the Muslims in every region under the shade of the Khilāfah.

From Resurgence, issue 1, Fall 2014
Bangladesh at the Crossroads by Sulaiman Ahmed
"Today as we witness a new dawn for the Ummah heralded by the blood of thousands of martyrs – from the farthest corners of West Africa to Bangladesh and Burma - let us rise once more with complete faith in Allah's promise that His will perfect his light, no matter how much the disbelievers of the East and the West may dislike it."

3


THREATS FROM TERRORISTS GROUPS

As tensions between the indigenous Rakhine Buddhists and the Bengali Muslims have escalated over the past several years, calls for jihad from numerous Islamic terrorist groups have increased.

A new violent militant group, Harakah al-Yaqin (HAY), - an Arabic name meaning the 'Faith Movement',or the 'Movement of Certainty' - in Rakhine - is a dangerous 'Rohingya' nationalistic Islamic terrorist group which claimed responsibility for a number deadly attacks in October and November 2016. This group has called for and engaged in separate jihads, titled, 'HARAKAH AL YAQIN – the MOST POTENT and DANGEROUS TERRORIST THREAT in ARAKAN.'

From Tehreeke-Taliban Pakistan (TTP) February 2, 2013 by spokesman Ehsanullah Ehsan, in a radio broadcast to the Bengali Muslims (Rohingya) in Arakan.

- "I address Myanmar's youth: take up the sword and kill in the path of God. No doubt, God is with us. Our centers, our resources, our training, our people, everything is available to provide to you."

Two 'Rohingya' leaders travelled to Indonesia, in June 2013, to meet extremist militant Islamic groups in the hope of enlisting their support and assistance. They were Arif Ali, a Rohingya Ulama (high Islamic cleric and scholar) and mujahid commander Abu Shafiyah, linked to the Islamic Rohingya Solidarity Organization (RSO) - known then as the most extreme, radical and fanatic of the various Rohingya Mujahideen militias. Arif and Shafiyah were in the market for more guns, explosives, jihadi fighters, cash and importantly - bomb-making instructors. On June 19, 2013, Abu Arif, 'the high Islamic cleric and scholar' spoke at a forum in Petaburkan, Central Jakarta, and expressed that Muslims, anywhere in the world, should support the Rohingya cause as jihad. It sacrifice' (mandatory Holy War requested by and fought for Allah). He made it clear,

- "There should be no diplomacy whatsoever, we Muslims must fight. We the Muslimeen of Rohingya have hope in the Muslim brothers in Indonesia. If there are those who could help, train help in the form of Mujahideen warriors, firearms, funds and medical teams."

Mujahid Commander Abu Shafiyah, explained that the Rohingya Mujahideen need bomb instructors who can train the Mujahideen how to assemble and use bombs. Shafiyah pleaded:

- "We need the Mujahideen from Indonesia to train and supply the Mujahideen in their training camps in Rohingya, especially in bomb making."

Abu Shafiyah, also said that the Rohingya Mujahideen are in need of Mujahideen fighters from Indonesia:

- "Concerning the incidents of the massacres of the Rohingya Muslims, currently the Rohingya Mujahideen need the help of the Mujahideen from various Muslim countries including Indonesia, besides arms and financial assistance."
- Abu Arif affirmed: "The Mujahideen of the RSO are ready to wage jihad in the land of Arakan to establish the religion of Allah."

4


Harakat-ul-Jihad-al-Islami, a Pakistani terror group closely tied to both al Qaeda and the Taliban, has a branch that is active in Burma, and is known as Harakat-ul-Jihad-al-Islami Arakan. This branch was founded by Maulana Abdul Quddus, a Burmese Muslim who fled to Pakistan sometime in the early 1980s, according to Amir Rana, the author of A to Z of Jehadi Organizations in Pakistan. Quddus joined Harakat-ul-Jihad-al-Islami in Karachi, and fought the Russians in Afghanistan during the 1980s. He formed Harakat-ul-Jihad-al-Islami Arakan in 1988. The stated goal was to liberate the Muslim-dominated Burmese state of Rakhine, which was formerly known as Arakan. (In reality Muslims are not the dominant people in Rakhine State by far. However, they have become dominant in the two large towns of Maungdaw and Buthidaung in the far Northern Rakhine State, near the border of Bangladesh – by slaughtering the Rakhine Buddhists and by forcing the Rakhine Buddhists to flee because of village burning, rape, thievery, violence, and killing). Quddus and his Harakat-ul-Jihad-al-Islami Arakan group are based in Korangi Town in Karachi, Pakistan. The group has an extensive network of madrassas and charities.

Harakat-ul-Jihad-al-Islami Arakan is reported to have trained Rohingya Muslims, such as Ata Ullah, the leadership of 'Rohingya' leaders Abu Sufian and Abu Arif (described above) they are in the Burma Bangladesh border areas, according to a statement released from Kerkaz Center, a propaganda arm of the al Qaeda linked Islamic Caucasus Emirate. The statement was accompanied by photographs of members of the brigade. The jihadists are dressed in military fatigues and most are wearing green headscarves. The men are armed with AK-47 assault rifles and PKM machine guns. They are seen marching in formation, training with their weapons, and praying. Scores of fighters appear together in some of the photos. The photographs were originally published in March 2013. Harakat-ul-Jihad-al-Islami has sent their glorified jihad to Afghanistan, Pakistan, Syria, Indonesia, and in other theaters. The group boasts that it killed 17 Burmese soldiers in its first ambush of a military convoy, and beheaded three Burmese army road building crewmen (photo below) whom it had kidnapped, among other violent terrorist acts.

5


From the Turkestan Islamic Party (TIP), a violent Islamic extremist separatist organization founded by Uyghur jihadists in western China. The Uyghur were formerly Buddhists of various Eastern Kingdoms whom were then brutally slaughtered or converted at the hands of invading Tarkic Muslims during the Islamization and Turkification of Xinjiang.

After being converted to Islam, the Uyghur Muslims have failed to retain memory of their ancestral Buddhist legacy (or more likely have intentionally erased their heritage from their own history) and do not believe that they were the ones who built the many significant Buddhist ruins and monuments in their area.

The stated goals of the TIP include establishing an independent Islamic Sharia state called "East Turkestan" in Xinjiang. One of their chief grievances against China is that China implemented birth control and more equality. TIP is allied with the Islamic Party of Turkestan, formerly called the Pakistani Taliban (Tehreek-i-Taliban Pakistan) and Al-Qaeda.

On February 24, 2014, the Turkestan Islamic Party released a video-recorded message titled "We Are Coming O Buddhism." The message is presented by Sheikh Abu Dhar 'Azzam, who extols the acts of jihadis coming from Xinjiang, China (Eastern Turkestan) and calls upon Muslims to support them with money and men. Addressing the "Chinese and Buddhists," he warns them of dire punishment for their crimes against Muslims and Islam, and says that killing them and shedding their blood is "good."

- "Oh! Turkey Republic of Muslim people,
We are a country connected by the Islamic solidarity.
I tell you, those Chinese Buddhists, their small eyes, flat noses ...
Judgment day will not come, until we attack them.
Judgment day will not come, until we slaughter them.
Judgment day will not come, until our war with them.
In the name of Allah we will do what is good for you –
in fact, this is a good thing for you and a good thing
We are Muslims, and you are the enemy. Oh!
To Kill you, to spill your blood, to cut off your heads, these are good things.
We will kill and slaughter you with a vengeance.
We will cut you apart, piece by piece.
May Allah curse you, and all like you.
We are people who love death as you love wine and women of the country.
We want to kill the Buddhists of the East and the West.
Killing and slaughtering you is a good thing.

6


Abu Dhar Azzam (aka Abu Zarr Azzam), also known as Abu Dhar al-Burmi (aka Abu Zarr al-Burmi), is a Pakistani educated Islamic cleric and Pakistani Taliban and Islamic Movement of Uzbekistan (IMU). He has also been a prominent member of the Turkistan Islamic Party, and the Pakistani Taliban. Al-Burmi is very sympathetic and supportive to the Rohingya cause.

Al-Burmi is keen on establishing a Sharia State not only in Pakistan, but worldwide. In a German-language video release by IMU for example he talks about the Islamic region of al-Hind. He claims:

- "All the time of the Prophet Muhammad, nine societies were part of Al-Hind, Sri Lanka, Maldivies, Pakistan, Nepal, Kashmir, Bhutan, Bahrein, Burma and Bangladesh."

From Al-Burmi's understanding these countries must be islamized again and must join to form a islamic caliphate ruled by the Shariah.

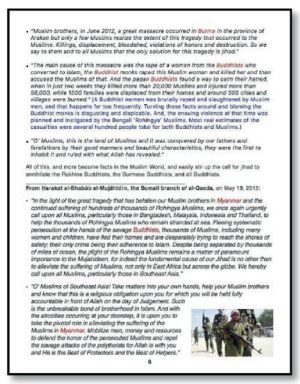
On Nov. 28, 2012, Abu Dhar al Burmi, issued one of the most blatant calls for Muslims to wage jihad in Burma.

- "Rise O servants of Allah to help your brothers and sisters!," Azzam proclaimed. "Rise to save your sons and daughters! Go your best in jihad, O guardians of creed and monotheism, against the enemies of Allah the hideous Buddhists, and target the most important installations of Burma, China and Germany, and their interests and the interests of the United Nations, which supports these massacres and this genocide in Arakan."

Al-Burmi has contrived ridiculously convoluted claims, histories, and 'facts'. From a speech of his titled, 'A Lost Nation':

- "Burma is an 'Indian' state and Islam entered Burma through the Arab traders during the first half of the seventh century after Hijra (the migration or journey of Muhammad and his followers from Mecca to Medina, in the year 622). The Muslims in Burma are from Iraq, Afghanistan, Iran and Turkistan (at large)... The Muslims of Arakan (so called 'Rohingya'." (They never called themselves 'Rohingya', nor did anyone else) "The first Islamic kingdom in Arakan was established by Suleiman Shah in 784 A.H./1440; they continued to rule Arakan for four centuries before the Buddhist Burmese occupied the kingdom in 1784." (Arakan was never ruled by Muslims, in any manner).

7

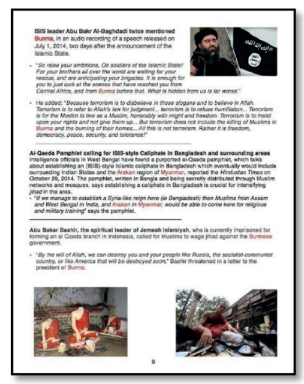

- "Muslim brothers, in June 2012, a great massacre occurred in Burma in the province of Arakan but only a few Muslims realize the extent of this tragedy that occurred to the Muslims. Killings, displacement, bloodshed, violations of honors and destruction. So we say to them and to all Muslims that the only solution for this tragedy is jihad."
- "The main cause of this massacre was the rape of a woman from the Buddhists who converted to islam, the Buddhist monks raped this Muslim woman and killed her and then accused the Muslims of that. And the pagan Buddhists found a way to calm their hatred, when in just two weeks they killed more than 20,000 Muslims and injured more than 58,000, while 1500 families were displaced from their homes and around 500 cities and villages were burned." (A Buddhist women was brutally raped and slaughtered by Muslim men, and that happens far too frequently. Turning those facts around and blaming the Buddhist monks is disgusting and duplicitous. And, the leaving violence at those who were planned and instigated by the Bengali 'Rohingya' Muslims. Most real estimates of the casualties were several hundred people killed far both Buddhists and Muslims.)
- "O' Muslims, this is the land of Muslims and it was conquered by our fathers and forefathers by their good manners and beautiful characteristics, they were the first to inhabit it and ruled with what Allah has revealed."

All of this, and more become facts in the Muslim World, and easily stir up the call for jihad to annihilate the Rakhine Buddhists, the Burmese Buddhists, and all Buddhists.

From Harakat-al-Shabāb al-Mujāhidīn, the Somali branch of al-Qaeda, on May 19, 2015:

- "In the light of the great tragedy that has befallen our Muslim brothers in Myanmar and the continued suffering of hundreds of thousands of Rohingya Muslims, we once again urgently call upon all Muslims, particularly those in Bangladesh, Malaysia, Indonesia and Thailand, to help the thousands of Rohingya Muslims who remain stranded at sea. Fleeing systematic persecution at the hands of the savage Buddhists, thousands of Muslims, including many women and children, have fled their homes and are desperately trying to reach the shores of safety; their only crime being their adherence to Islam. Despite being separated by thousands of miles of ocean, the plight of the Rohingya Muslims remains a matter of paramount importance to the Muslimideen, for indeed the fundamental cause of our Jihad is no other than to alleviate the suffering of Muslims, not only in East Africa but across the globe. We hereby call upon all Muslims, particularly those in Southeast Asia."
- "O' Muslims in Southeast Asia! Take matters into your own hands, help your Muslim brothers and know that this is a religious obligation upon you for which you will be held fully accountable in front of Allah on the day of Judgement. Such is the unbreakable bond of brotherhood in Islam. And with the atrocities occurring at your doorstep, it is upon you to take the pivotal role in alleviating the suffering of the Muslims in Myanmar. Mobilize men, money and resources to defend the honor of the persecuted Muslims and repel the savage attacks of the polytheists for Allah is with you and He is the Best of Protectors and the Best of Helpers."

8


ISIS leader Abu Bakr Al-Baghdadi twice mentioned Burma, in an audio recording of a speech released on July 1, 2014, two days after the announcement of the Islamic State.

- "So raise your ambitions, Oo soldiers of the Islamic State! For your brothers all over the world are waiting for your release, and are anticipating your brigades. For enough for you is what you have witnessed of the massacres by the Crusaders in Africa, and from Burma before that. What is hidden from us is far worse."
- He added: "Because terrorism is to displeasure in those slogans and to believe in Allah, Terrorism is to refer to Allah's law for judgment... terrorism is to refuse humiliation... Terrorism is for the Muslim to live as a Muslim, honorably with might and freedom. Terrorism is to hold upon your rights and not give them up... But terrorism does not include the killing of Muslims in Burma and the burning of their homes... All this is not terrorism. Rather it is freedom, democracy, peace, security, and tolerance!"

Al-Qaeda Pamphlet calling for ISIS-style Caliphate in Bangladesh and surrounding areas
Intelligence officials in West Bengal have found a purported al-Qaeda pamphlet, which talks about establishing an (ISIS)-style Islamic caliphate in Bangladesh which eventually would include surrounding Indian States and the Arakan region of Myanmar, reported the Hindustan Times on October 26, 2014. The pamphlet, written in Bangla and being secretly distributed through Muslim networks and mosques, says establishing a caliphate in Bangladesh is crucial for intensifying jihad in the area.

- "If we manage to establish a Syria-like reign here (ie Bangladesh) then Muslims from Assam and West Bengal in India, and Arakan in Myanmar, would be able to come here for religious and military training" says the pamphlet.

Abu Bakar Baashi, the spiritual leader of Jemaah Islamiyah, who is currently imprisoned for forming an al Qaeda branch in Indonesia, called for Muslims to wage jihad against the Burmese government.

- "By the will of Allah, we can destroy you and your people like Russia, the socialist-communist country, or like America that will be destroyed soon," Baashir threatened in a letter to the president of Burma.

9



On November 30, 2015 the Taliban released a "*Statement of the Islamic Emirate of Afghanistan Concerning Genocide Against the Weak Muslims of Burma*," which was circulated in English on the Taliban's Telegram channel Alemarah. The statement criticizes Western organizations, such as the UN, for their failure to acknowledge this crisis, and calls upon the Muslim community at large to come together to ameliorate the conditions of the Rohingya. From the statement:

- *"For years the minority Muslims of Burma have been facing oppression at the hands of the enemies of God and callous rulers. These weak Muslims are facing oppression and genocide for the past several decades merely due to being Muslim, believing that there is no God except Allah and following the seal of the Prophets (peace and blessings be upon him)".*
- *"The Islamic Emirate of Afghanistan condemns these cruel barbaric actions of the Burmese rulers and calls upon all the entire Muslim Ummah (the world-wide community of Islamic peoples) to utilize every means at their disposal to safeguard and protect the oppressed Muslims of Burma".*

THE BASIC REALITY OF THIS SITUATION

The basic reality is that the Bengali Muslims ('Rohingya') are preparing more and more to seize the land of the majority and the indigenous Rakhine Buddhist culture, and to kill, eliminate and cleanse the Buddhists and other non-Muslims from the land. The Bengalis, as well as the greater Muslim world, are NOT advocating living harmoniously with others, and they are NOT training and preparing for peaceful co-existence. But, they ARE preparing to kill and destroy everything non-Muslim – the people, the culture, the historic ruins, the Buddhist faith, and even the history of the land of Arakan.

A VERY BRIEF HISTORY and CONTEXT - VERY IMPORTANT TO KNOW

The Bangladesh / Burma (Myanmar) border area has been volatile, porous, and problematic since the British colonial days, and even before. Not only is it a border between countries, but it is a border between people and their faiths - it is a border between Muslims and Buddhists, and between Islam and Buddhism.

On the Burmese side of the border is Arakan / Rakhine State, which is primarily and deeply Buddhist, and has been so, for over 1500 years. This is the continuous homeland of the Rakhine Buddhists, and they do not aspire to take anyone else's land. However, Arakan has a large Bengali Muslim population that began to move into Arakan in large numbers during the British days before WWII, and then in much greater numbers since WWII. The Rakhine Buddhists live in peace and harmony with all other ethnicities and faiths - except, not with the Bengali 'Rohingya' Muslims.

On the Bangladesh side of the border the people are almost entirely Muslim. Islam started to arrive in the 13th century - by force and by violent conquests. Bangladesh actually has had a long and deep history of Buddhism - starting about 1000 years before Islam even existed. Ancient

10

Bengal (also known as Vanga) had Vedic, Hindu, and then Buddhist rulers and empires, starting as early as the 7th century BC. The Golden Age of the Bengal area was the great Pala Buddhist Empire which ruled a very large area for four centuries from 750-1120 AD and ushered in a period of stability and prosperity. There are detailed records by famous Chinese monk scholars describing many huge monasteries, intricate stone and brick temples and stupas, and many thousands of monks. But, the Buddhists could not withstand the compassionless violence, intolerance, supremacism, and conquest of the Muslims.

The land now called Bangladesh, historically a Buddhist land for millennium, now has less than one percent Buddhist population (about one million out of 160 million total). Mostly known as the 'Jumma' people, these Buddhists, along with the largely Hindu 'Biscir' tribes and others, are constantly subject to attacks, intimidation, village burnings, massacres, discrimination, rapes, kidnapping and conversion of women to Islam, destruction of temples, burning of homes, and land confiscations.

In the Muslim world the conquest of Arakan would be the next natural step in the overall conquest which starting in Arabia, conquered and converted the peoples of Persia, Afghanistan and Pakistan areas, and spread across India and up to present-day Bangladesh. Arakan is simply the next non-Muslim land that must succumb to Islam regardless of what the Arakan people prefer.

The Muslims of Bangladesh are aggressively pushing the Buddhists and Hindus out of Bangladesh in order to have their homes, possessions and farmland for themselves. And, the Bengali Muslims who have ranged into Arakan have fought, killed, and massacred the Buddhists, and they demanded that Northern Arakan be given to them - even though they are the minority!

They continually put out false and manipulative media, and false accusations against the Buddhists, along with a made-up history of a people with a made-up identity – 'Rohingya' - a term they say is ancient and ties them to the land of Arakan, even before the Buddhists. But, the term 'Rohingya' is just a few decades old. Significantly, at the time of independence (late 1940s) Muslim leaders in Arakan demanded a Muslim State, and in all the official documents going back and forth they never called themselves 'Rohingya' but referred to themselves as 'Arakan Muslims' or simply 'the Muslims' (the only group of people to define themselves by religion, and the only people to demand a State def ned by religion).

Lies and falsehoods repeated over time become 'fact' especially in the Muslim world, where all is to convert or enslave all others, and make the entire world Islamic - not a rainbow of different faiths and different people living respectfully in harmony - but one faith forced on all, as is said and urged to do in many many verses of the Qur'an.

Hoping for peace and harmony, in diversity,
with metta (loving kindness)

Rick Heizman, April 20, 2017, San Francisco

PLEASE SEE MY PAPERS AND REPORTS ABOUT THIS CONFLICT AT: scribd.com/rheizman

PHOTOS AND VIDEOS HERE: arakan-reality.smugmug.com

burmafriend88@gmail.com

11

THE TERRORIST THREATS AGAINST MYANMAR AND ALL BUDDHISTS ARE VERY REAL, AND DANGEROUSLY GROWING #Rick Heizman

180. The post is in English and is accompanied by 11 attachments[309] corresponding to 11 pages of an article. The text of the first two pages is reproduced in the following paragraph, for ease of reference.

181. The text of the first two pages of the article in the images states:

> "THE CURRENT TERROR THREAT TO MYANMAR IS DANGEROUSLY INCREASING Coming from Terrorists Magazines, Groups and Authorities by Rick Heizman THREATS FROM TERRORISTS MAGAZINES In the last few years, ISIS, al-Qaeda and other Islamic terrorist groups, have started and are issuing English language Magazines online, with slick graphics and presentation, extolling their violent jihad activities around the world. These magazines have articles with photos and diagrams on how to make various kinds of bombs, how to make chemical weapons, how to kill with knives, how to ambush, etc. And, these magazines are more and more mentioning Burma/Myanmar, Arakan, and Buddhists, and calling for total jihad against the Buddhist people of Arakan as well as all of Burma, and even, all Buddhists in Bangladesh, Thailand, Indonesia, etc. And, disturbingly, this is what the Qur'an instructs Muslims to do. The main magazines are: 'Rumiyah', and 'Dabiq' both from ISIS, 'Inspire' from al-Qaeda in the Arabian peninsular and 'Resurgence' from al-Qaeda in the Indian Subcontinent.
>
> (words in red are highlighted by myself,[310] words in parenthesis are explanations of terms)
>
> From DABIQ, issue 14, April 2016, Dabiq magazine interviews Shaykh Abu Ibrahim al-Hanif, the Amir of the Khilafah's soldiers in Bengal.

[309] The 11 attachments corresponding to 11 pages of the article, in order of page number, are as follows: **IIMM0000379969**; **IIMM0000379968**; **IIMM0000379967**; **IIMM0000379966**; **IIMM0000379965**; **IIMM0000379964**; **IIMM0000379963**; **IIMM0000379962**; **IIMM0000379961**; **IIMM0000379960**; **IIMM0000379959**.

[310] Meaning by the author of the article, Rick Heizman.

DABIQ: How are you planning to aid the weak and oppressed Muslims in the region, especially those of Burma?

SH. ABU IBRAHIM: "*The Muslims in Burma have been oppressed by the mushrik Buddhists for a long period of time (mushrik is a derogatory term for 'idol worshippers'). Our hearts are with them and we believe it is a duty upon us to help them and support them in every possible way. And we will begin launching operations within Burma once we've reached the capability to do so. However, we believe it will be more effective to strengthen the jihad front in Bengal first before fully moving into Burma, as fighting the nearer murtaddin (another derogatory and intolerant term used to denigrate more tolerant Muslims) takes precedence over fighting the farther enemy.*

Allah said,

"O you who have believed, fight those adjacent to you of the kuffar (same meaning as infidel, but even more hateful and intolerant) and let them find in you harshness And know that Allah is with the righteous." The kafir (derogatory, intolerant term for non-muslim) regime in Burma can only be fought effectively after we bring an end to the apostate Bengali regime. And Allah knows best."

[photo of a young monk with a gun] (This photo is used in this article, and labeled: a Burmese Buddhist. It may very well be photo-shopped, or it is a child monk holding a toy gun that belongs to a kid in the village. Burmese people, including monks, do not have access to guns at all. It is obvious to the non-muslim world that this photo is the polar opposite of the kind of photo that would represent a Burmese Buddhist. But, it is common to see Muslim kids in any Muslim country, with real weaponry, posing, training, shooting, or threatening.)

DABIQ: Can you explain the importance of Bengal to the Khilafah (Caliphate) and its jihad globally?

SH. ABU IBRAHIM: "Bengal is an important region for the Khilafah and the global jihad due to its strategic geographic position. Bengal is located on the eastern side of India, whereas Wilayat Khurasan (Afghanistan and Pakistan areas) is located on its western side. Thus, having a strong jihad base in Bengal will facilitate performing guerilla attacks inside India simultaneously from both sides and facilitate creating a condition of tawahhush (Management of Savagery - carrying out a campaign of constant violent attacks to exhaust the ability and will to maintain authority, allowing chaos - or 'savagery' - to ensue. Extreme violence is emphasized.) in India along with the help of the existing local mujahidin there, until the soldiers of the Khilafah are able to enter with a conventional army and completely liberate the region from the mushrikin, after first getting rid of the Pakistani and Afghani regimes. Also, jihad in Bengal is a stepping-stone for jihad in Burma as already mentioned."

From RESURGENCE, issue 1, Fall 2014

A Step Towards Unity of Ranks by Hassaan Yusuf

Yusuf outlines the objectives of the "blessed call of jihad [that] has spread from West Africa to East Asia." One objective is: Striving for the freedom of all occupied

Muslim lands and liberating the oppressed Muslims of the [Indian] Subcontinent from Kashmir to Arakan. It is our belief that the revival of Jihad is the ultimate hope of the oppressed Muslims of Kashmir and Arakan.... […]"

182. The below table shows the details including the author of the post, the date and the Page on which it was posted.

Table 4. Details of 24 September 2017 post

No.	BIN	Date Created[311]	Author Name (ID)	Page Name (ID)
1	IIMM0000368815	9/24/2017 2:17 AM	Myo Myint Oo (100004504148522)	True Man (1625967570980408)

183. As discussed in entry no. 58 of Annex 8.1, the author of this post, Myo Myint Oo (100004504148522), is part of the Military Network on Facebook as it is one of the editors of the HR designation takedown Pages. Myo Myint Oo published 73 items across the six HR designation takedown Pages between 1 January 2016 to 28 August 2018.[312] The CIB Page True Man (1625967570980408), on which this post was published, is also part of the Military Network for sharing seven of its creators and administrators with those from the HR designation takedown Pages.[313]

[311] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[312] *See* entry no. 58 on Annex 8.1.
[313] *See* entry no. 26 on Annex 8.4.

2. *"Bad Guest": Post of 4 August 2017*



"အိမ်ရှင်လူနည်းစုကို ဧည့်ဆိုးလူများစုက အကြမ်းဖက်သတ်ဖြတ်ခြင်း"
========== ဒီနေ့ ဂျီဟာဒ်အလုပ်ခံခဲ့ရတဲ့ပုံတွေပါ။
အတိုင်ပင်ခံရုံးက အပြည့်အစုံ မထုတ်ပြန်သေးလို့ ရထားသမျှပုံတွေအားလုံးကို တင်ပြပေးလိုက်ပါတယ်။
တကယ်ဆိုရင် မြို့တိုင်းရင်းသားတွေဟာ ဘင်္ဂလားမှာနေလည်း ကုလားသတ်တာခံရ၊ ရခိုင်ပြည်မှာနေလည်း
ကုလားသတ်တာခံရတဲ့ဘဝမျိုး ကျရောက်နေပါပြီ။ ကိုယ့်မြေ၊ ကိုယ့်ရေမှာတော့ လုံလုံခြုံခြုံ
ထားပေးသင့်ပါတယ်။ တကယ်လို့များ ဘင်္ဂလီတွေ ဒီပုံအတိုင်း အသတ်ခံရမယ်ဆိုရင် ဒီအမှုဟာ
အမေရိကန်၊ အီးယူ၊ ကုလသမဂ္ဂ၊ OIC အထိ ရောက်ရှိသွားမှာပါ။ အခုတော့ ဌာနေတိုင်းရင်းသားတွေ
အသတ်ခံရတာဖြစ်လို့ ကမ္ဘာကြီးက မမြင်ချင်ယောင်ဆောင်နေကြလေရဲ့။ ခေတ်ကိုက
အကြမ်းဖက်သမားကို အကာအကွယ်ပေးတဲ့ ခေတ်။ ကုလားကိုမှ လူထင်နေတဲ့ ခေတ်။ အသတ်ခံရသော
ရှစ်ဦးအနက် နှစ်ဦးပျောက်ဆုံးနေပါတယ်။ မစင်ကော်(၃၄)နှစ်နှင့် မတုံးတေ(၂၄)နှစ်တို့
ပျောက်ဆုံးနေတာပါ။

184. The post is accompanied by five graphic images of dead bodies.

185. Translation[314] of the Burmese text reads as follows:

[314] Clarifications are provided in square brackets […].

> "Violent killing of the minority host population by the majority 'Ae-Soe'[315] [literally 'bad guest'] ========== These are pictures from today of Jihad being committed [against us]. State Counsellor office has not issued the full statement so I'm presenting here all the pictures I've received so far. In fact, the Mro ethnic people have reached the kind of situation where they get killed by 'Kalar' whether they stay in Bangla or in Rakhine State. They need to be provided for safely and soundly at least on our own land, in our own waters. If the 'Bengali' [referring to the Rohingya] were to be killed in a similar style, this case will reach America [the United States], EU, UN and the OIC [Organisation of Islamic Countries]. Now, it is only the case of local ethnic people being killed, so the world is pretending not to see it. The current era is the era that protects the terrorists [literally 'violent people'.] The era that thinks only the 'Kalar' are human. Out of the eight that got killed, two are missing. Ma Sin Kaw (34-year-old) and Ma Tone Tay (24-year-old) are still missing."

186. This is an example of hate speech collected by the FFM, which was included in the material the FFM handed over to the Mechanism.[316] Below are two screenshots collected by the FFM, which were posted or shared by individual accounts, whereas the above instance identified by the Mechanism was from among the posts from the removed Facebook Pages. This shows that during 1 July to 31 December 2017, this content was also posted outside the Pages that Meta ultimately removed from Facebook.



Screenshots collected by the FFM in April 2018

187. From 1 July 2017 to 31 December 2017, only one instance of this content was identified by the Mechanism. The table below shows the details of this post, including the author, the date and the Page on which it was posted.

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[315] This is one of the derogatory terms cited by the FFM, as explained in Annex 3.
[316] For the examples collected by the FFM, *see* **IIMM0000024670** and **IIMM0000024674**.

Table 5. Details of 4 August 2017 post

No.	BIN	Date Created[317]	Author Name (ID)	Page Name (ID)
1	IIMM0000220125	08/04/2017 3:10 AM	ရာ သား ဘ (Ayeyar Thar Nga Ba) (100009949396562)	Phay Sit Gyi (1620931448152789)

188. Basic subscriber information and metadata provided by Meta show that a version of this post already appeared on an HR designation takedown Page, namely Phay Sit Gyi. The author, Ayeyar Thar Nga Ba, is an editor on a HR designation takedown Page. He published 1,565 items on the Phay Sit Gyi Page between 1 January 2016 to 28 August 2018.[318]

[317] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[318] *See* entry no. 19 on Annex 8.2.

3. *"Marry a dog instead of marrying a Kalar" - Post of 18 August 2017*

ပန်ဆယ်လို ဦးဝီရသူကို ဝေဖန်ထား တဲ့ ပို့အောက်က မန့်လေးပါ ကျွန်တော်ကြိုက်လို့ ကော်ပီ မလာတယ်😎 😎😎😎 COPY ထပ်မလာသည် 😂😂😂😂 ##သောက်ကမြင်းမ ကွကို ငရဲမကြောက်ရင် ကွကို မရိုင်းဘူး ဖော်လိုဝါ ၄သိန်းခွဲကိုပါ အပါခေါ်နေတာ -ခွေးကို ယူဆိုတာ စကားအဖြစ်ပြောတာလေ ဖွတ်မရဲ့ တကယ့်ခွေးကို ဘယ်သူက ယူခိုင်းမလဲ -ကုလားမှ ကုလား- ကုလားကို မရရင် သေမလိုဖြစ်နေတဲ့ နင်တို့လို စပါပြမတွေကို - ကုလားယူမယ့်အစား ခွေးကိုသာယူဖို့ စကားအဖြစ်ပြောတာလေ နင်တို့ရဲ့ စကြာဝဠာထိပ်ခေါင်တင် ဂျင်းမေမေတောင် လူတွေ ကျယ်မရဲ့ #ခွေးလေးလောက်သာ လိမ္မာရင်😂😂 ဘာဖြစ်တယ် ညာဖြစ်တယ်နဲ့ မြန်မာပြည်က လူတွေကို ခွေးနဲ့နှိုင်း ပမာပြုလို့ စကားအဖြစ် ပြောခဲ့သေးတာပဲ -ဂျင်းမေမေရဲ့ စကားက ကြမ်းပေးမယ့် စေတနာကြီးလို့ ပြောတာ လူတိုင်းသိတယ် အေး အတူတူပဲ ဘုန်းကြီးမိန့်တဲ့ ကုလားကို ယူမယ့်အစား ခွေးကို ယူပါဆိုတာ ကြမ်းကောင်း ကြမ်းနိုင်တယ် ရိုင်းကောင်း ရိုင်းနိုင်တယ် -ဒီစကားနောက်က စေတသိက်ကတော့ နူးညံ့တယ် စေတနာကြီးတယ် မေတ္တာပါတယ် အရှည်သဖြင့် အမြော်အမြင်တွေပါတယ် တိုင်းပြည်နဲ့ လူမျိုး/ ဘာသာ သာသနာရဲ့ အနာဂတ်အတွက် စိုးရိမ်မကင်းမှုတွေပါတဲ့ ဂရုဏာဒေါသစကားသာ ဖြစ်တယ်ဆိုတာလောက်မှ နားမလည်ဘူးလား စောက်ထုံမရယ် -ဒါမှမဟုတ် သိသိကြီးနဲ့ တမင် အဆိပ်ခပ်ချင်ရတာလား တရားတပုဒ်လုံးရဲ့ အနှစ်သာရကိုမှ နားမလည်ဘဲနဲ့များ လေးဖက်ကြီးတပိုင်း တက်လာသေးတယ် ပါပီမရယ် -ကုလားကို ယူရင် နင့်မွေးလာတဲ့ကလေးက ကုလားဖြစ်မယ် နင်လဲ ဘူခါမဖြစ်မယ် - နင့် ရင်က ဖွားတဲ့ နင့်အသွေးနင့်အသား သားမြေးမြစ်တိုတွတ်တွေအကုန်လုံးဟာ မြတ်ဘုရားသာသနာကို ချီးမြှောက်ပေးမယ့်သူ/ လက်ဆင့်ကမ်း စည်ပင်ပြန့်ပွားပေးကြမယ့် အမျိုးကောင်းရတနာတွေ ဖြစ်မလာတဲ့အပြင် -ဗုဒ္ဓသာသနာတခုလုံး စမုံတုံးပေးမယ့် အဓွမဝါဒီ လူသတ်မဒိန်းကျင့်လမ်းစဉ်လိုက်သူတွေပဲ ဖြစ်လာမှာမို့ -နင်တို့လို ကုလားလဲလူ ငါးခွလဲငါး တုတ်ပါရင် ပြီးရော ဖြစ်နေသူတွေအဖို့ ကုလားလဲ တုတ်ပါတာချင်း ခွေးလဲ တုတ်ပါတာချင်းအတူတူမို့ - မနေနိုင်မထိုင်နိုင်ဖြစ်နေရင် ကုလားယူမယ့်အစား ခွေးကို ယူသင့်ကြောင်း #စကားအဖြစ် ပြောတာ ဘာဖြစ်သလဲ ဝိုင်းဒါမ ချဉ်ပေါင်ရွက်ဒုတ်ထိုးမရယ် ခွေးကို ယူတော့ 👉 ခွေးက ကျေးဇူးရှင်မှန်း သိတဲ့အမျိုး 👉သစ္စာစောင့်တဲ့အမျိုး အေးချမ်းတဲ့ 👉သာသနာအစစ်အမှန်တန်ဖိုးကို သိတဲ့အမျိုးမို့ မွေးလာတဲ့ ခွေးတပိုင်း လူတပိုင်းလေးတွေဟာ (သဘောပြောတာပါ ခရိုမိုဇုမ်းနံဘာမတူလို့ မျိုးစပ်လို့လဲ မရဘူးလို့ ဖတ်ဖူးပါတယ်) ကုလားကို ယူသလို ဘာသာသာသနာ ညစ်နွမ်းစေမှာ မဟုတ်ဘူးလေ -ခွေးတကောင်ဟာ ကုလားတကောင်ထက် ဘုရားသာသနာနဲ့ ဘုရားသားတော်တွေကို စောင့်ရှောက်ပေးနိုင်တယ်၊ သစ္စာခံနိုင်တယ်လေ ဥာဏ်တိမ်ချက်က နဖာကလော်လောက်တောင် မရှိဘူးလား -ဖြုတ်စပ အနာလုပ်ပြီး တရားတပုဒ်လုံးထဲကမှ တစ်လုံးထဲ ကွက်ယူပြီး ဦကာ ချဲ့မနေနဲ့ ဒီအစား ဘာသာခြား တရုတ်ကုလားတွေဆီ တနှစ်ကို ရာထောင်ချီပြီး အလိုမတူဘဲ ဖျက်ဆီးခံထိနေရတဲ့ တိုင်းရင်းသူတွေရဲ့ ဘဝကို ဘယ်လို ကူ/ ကာကွယ်မလဲဆိုတာ စဉ်းစားပြီး နင်တတ်တဲ့ စာရေးခြင်း အတတ်ပညာနဲ့ ကယ်တင်သင့်တယ် -အလိုတူလို့ နန့်နန့်တက် ကုလားမယားဖြစ်သွားတဲ့ တိုင်းရင်းသူတွေကိုလဲ တိုင်းပြည်နဲ့ လူမျိုး၊ ဘာသာသာသနာရဲ့ အနာဂတ်ကို အရှည်သဖြင့်မျှော်တွေးပြီး ဆင်ခြင်စဉ်းစားတတ်အောင် နင့်ကလောင်နဲ့ လက်စွမ်းပြသင့်တယ် -ဘုန်းကြီးလအု သန်းရှာ လအုံကို တုတ်ထိုး လုပ်မနေဘဲ အကျိုးရှိရာရှိကြောင်းသာ အာရုံစိုက်စမ်းပါ စပါပြမရယ် တော်သေးပြီ ဘုတ်ဆုံမ crd##### copy.....Tin Ko Ko Photo credit to original uploader.

189. Translation[319] of the Burmese text reads as follows:

"This is the comment below Pencilo's post criticising U Wirathu. I copied it as I liked it. 😎😎😎😎 I brought another COPY [sic] 🤯🤯🤯🤯 ## That stupid trollop, [Translator's note: the meaning of "trollop" is unclear.] bringing your 4 hundred thousand and a half followers with you. – the saying 'take dogs as husbands' is just a metaphor, you idiot! Who would ask you to marry a real dog? He is metaphorically speaking, advising the likes of you, slutty cunts, who are dying to marry Kalar, to take dogs as husbands instead of Kalar. Even your universal queen, ginger mother [Translator's note: 'ginger' is a Burmese slang for 'fake'. Here, it is derogatory referent to Aung San Suu Kyi], you bitch # if only you had the conscience of a puppy 😂😂 used dogs as a simile to complain about the people in Myanmar. Ginger mother's words are harsh. But everyone knows that these words come from the goodness of her heart. Likewise, the monk's sermon to marry a dog instead of marrying a Kalar may be harsh, offensive. The mental volition behind these words is kind, great, full of love, and far-sighted. Can't you, dopey, see that these angry yet sympathetic words show his concerns for the race/language, religion of the country? Or are you deliberately intent on poisoning [him]? How shameless of you, Papi Ma [Translator's note: a major character in a military propaganda film], to come crawling not knowing the essence of the whole paragraph of the sermon! If you take Kalar as your husband, the children born to you will become Kalar. You will also become Bu Khar Ma [Translator's note: meaning 'useless woman']. The flesh and blood that you will give birth, and their descendants will not be treasured as a good race who will help propagate Buddha's teaching. Instead, they will be the followers of anti-Dhamma, murderous, rapists who will root out the entire Buddhism. For people like you who believe Kalar is also human as much as catfish is fish, having wood is all that matters, both dogs and Kalar have wood, if you become restless with sexual urges, you should take dogs rather than Kalar as your husband. #This is a metaphorical speech, don't you, a useless woman from the backstreet, know? If you marry a dog, 👉 dogs are grateful kind 👉 loyal to its own kind, peaceful 👉which knows the genuine value of Sasana [Translator's note: a Pali word meaning 'teaching' pertaining to a religious doctrine.] its offspring, half canine half human, (I'm saying for the sake of it although I read that the chromosomes are different, and they cannot be crossbred.) Dogs will not defile Sasana but taking Kalar as husbands would. Dogs are more loyal and can protect Buddha's Sasana and his sons better than a Kalar. The shallowness of your intelligence can only be matched by an earpick. Stop taking a word out of context and expanding into frivolous punditry. Instead, you should use your art of writing to rescue ethnic women who are defiled in hundreds and thousands a year by Chinese and Kalar of different religions. You should also show your pen skills in helping those ethnic women who voluntarily, sluttishly become Kalar's wife to become far-sighted persons for the country, race,

[319] Clarifications are provided in square brackets […].

language and sasana, and to be able to use reason. Instead of looking for fleas among the monks' nether regions or indulging in frivolous stuff, just concentrate on fruitful causes. That's it for now, lardy girl! Crd ##### copy …. Tin Ko Ko Photo credit to original uploader."

190. The post is accompanied by an image of Pencilo, a well-known social media influencer in Myanmar. The post claims to be reposting a comment found under the post of Pencilo, who criticised the monk Wirathu for attacking Aung San Suu Kyi in a post on his Facebook account. Wirathu claimed that Myanmar ethnic women would fare better to marry a dog instead of a "Kalar". Both the comment, Pencilo's post, and Wirathu's original post all contain highly derogatory words and sentiments for the Rohingya and Muslims, including a variety of expletives. Details of the post are provided in the table below.

Table 6. Details of 26 August 2017 post

No	BIN	Date Created[320]	Author Name (ID)	Page Name (ID)
1	IIMM0001093274	08/18/2017 4:28 PM	Thant Zin Myo Oo (100013498060507)	ဒေါက်တာဒီမိုချက်ကြီး (Dr. Demochatgyi) (116784942063195)

191. The account that published this post, Thant Zin Myo Oo (100013498060507), is an administrator of two CIB Pages, "Standard Time News" (1653248821582840) and Dr. Demochatgyi (116784942063195),[321] which are also managed by creators, administrators and editors from the HR designation takedown Pages.[322] UDID analysis shows that Thant Zin Myo Oo used nine devices to access Facebook.[323] MAID analysis shows that Thant Zin Myo Oo was using the same mobile device[324] as two other accounts, ShweYee Hay Mun HninWai (100002786016567)[325] and USoe (100013772585096).[326] Machine cookies analysis shows that Thant Zin Myo Oo used the same two machines as six other accounts.[327] These additional metadata analyses show that this account is interconnected with, and is therefore, part of the identified Military Network on Facebook.

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[320] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[321] *See* entry no. 28 on Annex 8.5.
[322] *See* entries no. 30 and no. 33 on Annex 8.4.
[323] *See* entry no. 12 on the table in Annex 10.1.
[324] *See* entry no. 2 on the table in Annex 10.2.
[325] *See* section II.B.2d Account Names and Email Addresses, para. 125.
[326] *See* section II.B.3a Unique Device IDs, para.137, "the account USoe (100013772585096) is associated with 184 UDIDs, meaning there were 184 mobile devices that had the credentials to log into this account."
[327] Thant Zin Myo Oo (100013498060507) used the same machine as the accounts Kyaw Thu Htun (100000489612398), Mg Bay Dar (100010036750735), Moe Win (100013672264603), Myint Soe (100001637836196) (entry no. 23 on the table in Annex 10.3), and another same machine as Moe Win (100013672264603), Myint Soe (100001637836196), ShweYee Hay Mun HninWai (100002786016567) and USoe (100013772585096) (entry no. 26 on the table in Annex 10.3).

4. "Written with Rakhine blood" - Post of 26 August 2017





ရခိုင်သွေးနဲ့ ရေးတဲ့စာ ... ¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥ * ရခိုင်ပြည်မြောက်ပိုင်း ဗူးသီးတောင် မောင်းတော ရသေ့တောင်ဒေသတွင် ဖြစ်ပေါ်လျက်ရှိနေသော ... ဘင်္ဂလီ(ခေါ်)အစွန်းရောက်အကြမ်းဖက်အဖျက်သွား(အစွလာမ်ဘာသာဝင်)မွတ်စလင်လူမျိုးစု၀%ရာခိုင်နှုန်းရှိသော ကုလားများသည် ... * နယ်မြေကျဉ်းပြီး လူဦးရေပေါက်ကွဲမှု ပွားများနေသော ဘင်္ဂလားဒေ့ရှ်နိုင်ငံဘက်မှ မြန်မာနိုင်ငံ အတွင်းသို့ (တစ်မှ်စ်မှ်ခိုးဝင်)လာပြီး။ (တရားမဝင်)ကျူးကျော်ဝင်ရောက် နေထိုင်ကြသူများသာ ဖြစ်ပါတယ် ... ထိုနိုင်ငံသားမဟုတ်တဲ့ (ဘင်္ဂလီ)ခေါ် မွတ်စလင်လူမျိုးစု၀%ရာခိုင်နှုန်းကျော် တို့သည်... ရခိုင်ပြည်နယ်မြောက်ပိုင်းဗူးသီးတောင် မောင်းတော ရသေ့တောင်ဒေသ၌ နေထိုင်ခြင်းရဲ့အဓိကရည်ရွယ်ချက်တို့ သည်။ * မြန်မာပြည်၌ ... သူတို့ရဲ့အစွလာမ်ဘာသာ သာသနာ ထွန်းကားပြန့်ပွားရေးနှင့် ... ဘင်္ဂလီမွတ်စလင်လူမျိုးများနဲ့ မြန်မာလူမျိုးများ မြန်မာ့တိုင်းရင်းသား လူမျိုးများနှင့် အစွလာမ်မျိုးဆက်သွေး ပြန့်ပွား ပွားများစေဘို့ရန်... အဓိကဦးတည်ချက်ထားပြီး ရည်ရွယ်ချက် အကြီးကြီးတို့ဖြင့် ယ္ခုလိုတရားမဝင်ဘဲ(ခိုးဝင်)၍ ... ကျူးကျော်ပြီးဝင်ရောက်နေထိုင်ကြခြင်း ဖြစ်ပါတယ်။ * ၁၉၄၂ခု ဒုတိယကမ္ဘာစစ်ကာလ၌ ဘင်္ဂလီမွတ်စလင်များသည် အင်္ဂလိပ် စစ်တပ်မှ အင်္ဂလိပ်စစ်သားများနှင့် ပူပေါင်းပြီး ... ဒေသခံရခိုင်တိုင်းရင်းသား(၂၀၀၀၀) နှစ်သောင်းကျော်ခန့်ကို လူမဆန်စွာဖြင့်(ညှင်းပန်းနှိပ်စက်)ပြီး သတ်ဖြတ်ခဲ့သလို ... ရခိုင်လူမျိုးတို့ရဲ့လူနေအိမ်နှင့်ကျေးရွာ ပေါင်းများစွာကိုလည်း မီးရှို့ဖျက်ဆီးပစ်ခဲ့သလို... ရခိုင်တိုင်းရင်းသူများကို (မုဒိန်း)ကျင့်ပီး သတ်ဖျက်ခဲ့တာတွေဟာ ... ရခိုင်ရဲ့(သမိုင်းက)သက်သေခံတွေရှိ နေသလို... ထိုသို့ မတရားအနိုင်ကျင့် အသတ်ခံရ ခြင်းတို့ကြောင့်။ ရခိုင်ပြည်နယ်၌ ရခိုင်သူ ရခိုင်သား တိုင်းရင်းသား မောင်နှစ်မတို့၏ ... လူဦးရေဟာ လျော့ပါးသွားခဲ့ရခြင်းလဲ ဖြစ်ပါတယ်။ * တစ်ဖက်နိုင်ငံမှ ခိုးဝင်လာသိ... တရားမဝင် တိုင်းရင်းသားမဟုတ်သော ဘင်္ဂလီမွတ်စလင်လူမျိုးများ၏မျိုးပွား လူဦးရေဟာ တိုးပွား ပွားများမြန်ဆန်မှု တို့ကြောင့် ... ရခိုင်ပြည်နယ် ဗူးသီးတောင် ရသေ့တောင် မောင်းတောနယ်မြေ ဒေသများသည်... အစွန်းရောက် အကြမ်းဖက်သွား ဘင်္ဂလီမွတ်စလင်လူမျိုးများတို့၏ သီးသန့်နေထိုင်ရာ ဌာနတစ်ခုလိုဖြစ်နေပါတယ် ... ထိုကဲ့သို့အသွင်ကို ... ရောက်ရှိလာအောင်လည်း အစွန်းရောက် ဘင်္ဂလီမွတ်စလင်များမှ ဒေသခံရခိုင်တိုင်းရင်းသားများကို မနေနိုင်အောင်လည်း ... (အကြမ်းဖက်နည်း)ကို အသုံးချပြီး ... ဘာသာရေးအသွင်ဆောင်တဲ့ နိုင်ငံရေး ဆောင်ရွက်မှုများကို တစ်စတစ်စနဲ့ တိုးချဲ့လာခဲ့ပါတယ်။ * ၁၉၄၆ခုနှစ်တွင် စတင်ဖွဲ့စည်းခဲ့သည့် (ဂျာမေသူအူလမာ)အဖွဲ့ဟာ ... ၁၉၄၇ခုနှစ်တွင် ပါကစ္စတန်နိုင်ငံသို့

သွားရောက်၍ ... ပါကစ္စတန်လွတ်လပ်ရေးလှုပ်ရှားသူ ခေါင်းဆောင် မွတ်စလင်လူမျိုး ... (မစ္စတာဂျင်နား)နှင့် တွေ့ဆုံပြီး... ထိုရရှိငြင်းပြည်နယ်မြောက်ပိုင်း ဗူးသီးတောင် မောင်းတောနဲ့ ရသေ့တောင်တို့ကို(ပါကစ္စတန်ပိုနက်) ထဲသို့ ထည့်သွင်းပေးပြီး လွတ်လပ်ရေး ကို တပေါင်းတည်းဆောင်ရွက်မှု ပြုလုပ်ပေးရန် ... (ဂျာမေသူအူလမာ)အဖွဲ့ခေါ် ဘင်္ဂလီ မွတ်စလင်များက သွားရောက်ပြီး တောင်းဆိုမှုများပြုလုပ်ခဲ့ပါတယ် ... ထိုတောင်းဆိုမှုကို မစ္စတာဂျင်နားက ပါကစ္စတန်နယ်မြေထဲ ထည့်ပေးရန် မဖြစ်နိုင်၍ (လက္ခဝံဘဲ)ညင်းဆိုခဲ့ပြီး ထိုအကြောင်းအရာများကို ဝိုလ်ချုပ်အောင်ဆန်းနှင့်တွေ့ဆုံပြီး ရှင်းလင်းတင်ပြခဲ့သည်ဟု ... သမိုင်းမှတ်တမ်းမှာ ဖတ်ခဲ့ရသလို သမိုင်းမှတ်တမ်းတွေလဲ ရှိခဲ့ပါတယ် ... * ထိုနောက် ဘင်္ဂလီများသည် ... ၁၉၄၈ခုနှစ်၌(မွတ်စလင်လွတ်မြောက် ရေးအဖွဲ့)ညီလာခံကို မောင်တောမြို့၌ ကျင်းပပြုလုပ်ပြီး... (မူဂျာဟစ်ပါတီကို)တည်ထောင်ခဲ့ပြန်ပီး၊ နယ်မြေများခွဲဝေပေးဘို့နှင့် ရရှိငြင်းပြည်နယ်ရှိ ဘင်္ဂလီမွတ်စလင်များ အားလုံးကို(တိုင်းရင်းသားအဖြစ်)လက္ခံ သတ်မှတ်ပေးရန် တောင်းဆိုမှုများပြု လုပ်လာပြန်ပါတယ်။ * နောက်တစ်ဖန် ... ၁၉၅၁ခု ဖွန်လ၌ ပါလီမန်အမတ်များ အပါအဝင်၊ (မွတ်စလင်များပေါင်းစု) ညီလာခံတစ်ရပ်ကို မောင်တောမြို့မှာ ကျင်းပပြုလုပ်ပြီး ... တောင်းဆိုချက်(၁၄)ချက်ကို ထုပ်ပြန် ကြောငြာပြီး တောင်းဆိုခဲ့ပြန်ပါတယ်။ ၁= စစ်တွေမြို့ကို ၂/ပိုင်းခွဲပေးရန်နှင့်... ၂= ရရှိင်မြို့နယ်ရှိ မြို့ပြကျေးရွာများ တွင် မွတ်စလင်များကို အုပ်ချုပ်ခွင့်ပေး ရန် ... ၃= လက်နက်ကိုင်အဖွဲ့အစည်း ဌာနတိုင်းတွင် မွတ်စလင်လူမျိုးများ ၅၀%ရာခိုင်နှုံး ပါဝင်ခွင့်ပေးရန် ... ၄= ဗဟိုအစိုးရအဖွဲ့၌ မွတ်စလင်အကြီးအကဲပုဂ္ဂိုလ်တို့အား (ခန့်အပ်)ထားပေးရန် ... ၅= မွတ်စလင်ကောင်စီအဖွဲများ ထားရှိ ပေးရန် ... ၆= (အစ္စလာမ်မွတ်စလင် အထက်တန်းကျောင်းများ)ဖွင့်ပေးရန် နှင့် ... ၇= (အစ္စလာမ်ကောလိပ်ကျောင်းများ) တည်ထောင်ခွင့် ခွင့်ပြုရန်နှင့် ... စသဖြင့် စသဖြင့်။ ထိုကဲ့သို့အရေးပါ အရာရောက်သိ အချက်(၁၄)ကို ထိုညီလာခံမှာ ထုပ်ပြန်ကြောငြာပီး တောင်းဆိုခဲ့ပါ တယ်။ မွတ်စလင်လူမျိုးများသည် ထိုညီလာခံမှ တောင်းဆိုချက်များကို... (အလ္လာဟ်၏)လမ်းညွှန်ချက်အဖြစ် ထင်မှတ်ခံယူပြီး... မွတ်စလင်လူမျိုးများ၏ နိုင်ငံရေးနှင့် ဘာသာရေး ပင်မရည်မှန်းချက်အဖြစ်။ ယနေ့တိုင်ထိ အရေးဆိုနေခြင်းဖြစ်ပေ သည်။ * ၁၉၈၈ ခုနှစ်၌ (ဒီမိုကရေစီ)လူထုအုံကြွ မှုကို အခွင့်ကောင်းယူပြီး... ၁၉၈၈ခု မေလ(၁၃)ရက် ည(၉)နာရီ အချိန်ခန့်၌ မွတ်စလင်ဦးရေငါးသောင်း ခန့်ဟာ ... မောင်းတောမြို့ကို ပါတ်လည်ပိုင်းရံ ထားပြီး (ရခိုင်တိုင်းသားအားလုံးကို) လူမျိုးတုန်းသတ်ပြစ်ဘို့ ကြံစီကျူးပမ်း သော်လည်း... ပြည်သူ့ရဲတပ်ဖွဲ့ဝင်များနှင့် မြန်မာ့တပ်မတော်သားများမှ အချိန်မှီ ကာကွယ်ထိန်းသိမ်းပေးနိုင်ခဲ့သိအတွက် ဒေသခံရခိုင်လူမျိုးများဟာ... သေဘေးမှ လွတ်မြောက်ခဲ့ရသည်။ ၁၉၉၄ခု မေလ(၁)နေ့၌ RSOအဖွဲ့မှ မောင်းတောမြို့အား ဗုံးဧလုံးကို တစ်ပြိုင်တည်းဖေါက်ခွဲခဲ့သည်ကိုလည်း ရခိုင်လူမျိုးတို့ရဲ့ရင်ထဲ၌မေ့ဖျောက်မရ သော နေ့စွဲတစ်ခုဖြစ်ပေသည်။ * ၂၀၁၂ ခုနှစ်=နှင့် ... ၂၀၁၆ ခုနှစ်= အောက်တိုဘာ(၉)ရက် နေ့အား ၄င်း ... ၂၀၁၇ ခုနှစ်= မေလ(၃၁)ရက်နေ့မှ ၂၀၁၇ ခုနှစ်= ဖွန်လ(၂၀)ရက်နေ့အား ၄င်း...။ ၂၀၁၇ ခုနှစ်= သြဂုတ်လ(၃/၄)ရက်နေ့ ထိုနေ့ရက်/လတို့ဟာ ... ငါတို့ရဲ့ရင်ဖွား ရခိုင်တိုင်းရင်းသား ညီအကိုမောင်နှစ်မ များစွာနဲ့ ... နယ်ချားစောင့်ရဲတပ်ဖွဲ့ဝင် ၉ဦး ... တပ်မတော်အရာရှိ တစ်ဦးတို့သည်... တို့နိုင်ငံကို ကျူးကျော်ပြီးခိုးဝင်လာတဲ့ အစွန်းရောက်အကြမ်းဖက်အဖွဲ့ အစည်းဖြစ်သိ ဘင်္ဂလီမွတ်စလင်လူမျိုး များရဲ့ အုပ်စုဖွဲ့အနိုင်ကျင့် သတ်ဖြတ်ခံ ရခြင်းကြောင့် ...တို့လူမျိုးတွေဟာ... မသေသင့်ပါဘဲ(သေခဲ့ရပြီ)မဟုတ်လား ... မွတ်စလင်ကုလားတွေဟာ တို့လူမျိုးနွယ်တွေကို ရက်ရက်စက်စက် သတ်ပြစ်ကြသလို ... တို့ကိုးကွယ်အားထားတဲ့ဗုဒ္ဓရုပ်ပွားတော် စေတီတော် ပုထိုးတော်များနဲ့ သံဃာတော်များကိုလည်း သတ်ဖြတ် ဖျက်ဆီး ရိုက်ချိုးပြစ်တာကိုလည်း ... ဗုဒ္ဓဘာသာဝင်တွေအားလုံး သတိချပ်သင့်ပြီလို့ နှိုးဆော်ချင်ပါတယ်။ * တစ်ချိန်ကပေါ့ ... အရှေ့တောင်အာရှမှာ ဗုဒ္ဓဘာသာအင်အား အကြီးဆုံးဖြစ်ခဲ့ ဘူးတဲ့ အင်ဒိုနီးရှားနိုင်ငံမှာ ကမ္ဘာ့အကြီးဆုံးဖြစ်တဲ့(ဗောဓေဗုဒ္ဓါ) စေတီတော်မြတ်ကြီးရှိခဲ့ဘူးတယ်...

နှစ်ပေါင်း(၁၅၀၀)ကျော်မျှ အခွန်ရှည်ပီး တည်တံ့ခိုင်မြဲလာတဲ့ ဗုဒ္ဓသာသနာတော်နဲ့ ထိုဗောဓေဗုဒ္ဓေါ စေတီတော်မြတ်ကြီးဟာ ... (အင်ဒို)မှာ ... မွတ်စလင်ကုလားတွေ ပွားများကြီးစိုး လာတော့- ထိုဗောဓေဗုဒ္ဓေါစေတီကြီး လည်း ဖြိုခွင်းဖျက်ဆီးခံလိုက်ရသလို ယွင်ကဗုဒ္ဓဘာသာဝင် အားလုံးကလဲ... အစွလာမ်ဘာသာဝင် မွတ်စလင်လူမျိုး တွေဖြစ်သွားခဲ့ရတယ်ဆိုတာကို... ဗုဒ္ဓဘာသာဝင်မြန်မာလူမျိုးအားလုံးကို အသိတရားကပ် သတိထားတပ်စေဘို့ နှိုးဆော်ချင်ပါတယ်... * လက်ရှိဖြစ်ပေါ်နေတဲ့ ... ရခိုင်ရဲ့အနောက်တံခါးပေါက်ကို ... #ရဟန်းနှင့် ဝိုလ်လူ ... #အများ ပြည်သူတို့ ... #ကြည်ဖြူ လက်ဆွဲ ... #ခိုင်ခိုင် တွဲသော် ... #တိုက်ပွဲ အကျော်များ ...ဖြစ်လတံ့။ဟု ---------- ကမ္ဘာတည်သရွေ့... အမိမြန်မာပြည်နှင့်... လူမျိုး ဘာသာ သာသနာတော်ကြီး အခွန့်ရှည်တည်တံ့ခိုင်မြဲပါစေသော်ဝ်။ PayToe(အမုန်ခံ)AungLa/ရွှေဘို။

192. Translation[328] of the Burmese text reads as follows:

> "A letter written in Rakhine blood... ~~¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥¥~~ * What is happening in Maungdaw, Rathedaung region in the northern Rakhine state ... Bengali Kalar, aka extremist terrorists (members of Islamic religion), 90% of whom are Muslims are, in fact, (illegal) intruders who have been (sneaking gradually) into Myanmar from Bangladesh, which is a small territory experiencing population explosion. The main reason why these non-citizens (Bengali), aka Muslim, who make up the 90% of the population, are living in Maungdaw, Rathedaung region in the northern Rakhine state is to spread their Islam religion in Myanmar and to spread the Islamic generation of Bengali Muslim blood mixed with the blood of Myanmar and Myanmar ethnics. * During the Second World War in 1942, Bengali Muslims collaborated with the English soldiers of the English army and inhumanely (tortured) and killed more than 20,000 Rakhine ethnics and destroyed many homes and villages of the Rakhine people, and also (raped) and murdered Rakhine ethnic women. There is (historical) evidence about them in Rakhine. As a result of these bullying and murders, the population of Rakhine ethnic siblings has declined. * So fast is the reproduction rate of the Bengali Muslims who are not indigenous ethnics but entered stealthily from the other country that Buthitaung, Rathedaung and Maungdaw regions in Rakhine state are becoming like an exclusive habitat for the extremist, terrorist Bengali Muslim people. This is deliberately designed by the extremist Bengali Muslims who resorted to (terrorist means) to make the local Rakhine ethnic people fear for their lives and gradually expanded their territory by means which took the shape of religion and politics. * (Jama'atul Ulama) group which was first formed in 1946 went to Pakistan in 1947 and met with the Muslim leader of Pakistan independence movement (Mr. Jinnah), and demanded Buthidaung, Maungdaw and Rathedaung in the northern Rakhine state be incorporated into (Pakistani territory) and attained the independence together. Mr. Jinnah rejected the demand (did not accept) and described it when he met Bogyoke Aung San. There is historical evidence about this which I have read. * After that, the Bengalis, in 1948, organized the conference of (the Muslim Liberation Organization) in Maungdaw, and formed

[328] Clarifications are provided in square brackets […].

the (Mujahid Party) again. They again demanded separate territories, and all the Bengali Muslims in Rakhine State to be recognized (as an ethnic group). * Again... in June 1951, a (Pan-Muslims) conference was held and Maungdaw which included the members of parliament,) and announced the 14-points demands again: 1 = to divide Sittwe into 2 parts, 2 = to allow Muslims to rule in urban, villages in Rakhine township ... 3 = to constitute 50% of every armed organization with Muslims 4 = to (appoint) Muslim leaders in the central government, 5 = to allow the establishment of Muslim councils 6 = to open (Islamic Muslim high schools) and 7 = to open (Islamic colleges) etc. These 14 demands were announced at the conference. Even to this day, Muslims are demanding the demands of that conference as (Allah's) guidance and the original political and religious goal of the Muslim people. * In 1988, taking advantage of the (democratic) public uprising, about fifty thousand Muslims surrounded Maungdaw at nine at night on 13th May 1988 to exterminate (all Rakhine ethnic people. But local Rakhine people escaped from death after people's police officers and Tatmadaw intervened in time. On May 1, 1994, the RSo group exploded 9 bombs simultaneously in Maungdaw. This is the date that cannot be erased from the hearts of the Rakhine people. * ditto 2012 = and 2016 = 9th October, ditto 2017 = 31st May to 20th of June 2017. On the 3rd/4th of August 2017, didn't many of our Rakhine ethnic brothers and sisters and 9 members of the border guard police force and an army officer meet untimely death after they were brutally murdered by a group of Bengali Muslims known to be an extremist terrorist organization that invaded and sneaked into our country? I would like to urge all Buddhists to be aware not only of the brutal killing of our races, but also of the destruction of the pagodas and stupas and the killing of the monks. * Once upon a time, there existed the largest Buddha statue in the world (Borobudur) in Indonesia which used to be the largest Buddhist country in Southeast Asia. After Muslim Kalar's number multiplied and their influence increased, that Borobudur stupa which had long lasted for more than 1500 years along with Buddha's teachings were demolished and all those Buddhists became Muslims. I would like to urge all Myanmar Buddhists to take this to their heart and be vigilant. * The present problem of Rakhine western gate # when monks, soldiers # and the people # joined hands with joy #and united in strength #famed battles will result. Long live the motherland Myanmar and its people and religion. Pay Toe (Ah Mon Khan) AungLa/Shwe Bo"

193. The post is accompanied by two screenshots allegedly showing the violent character of the "Bengali terrorists". Details of the post are provided in the table below.

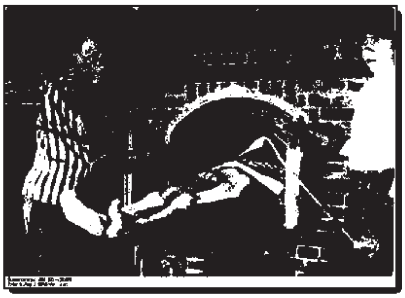
Table 7. Details of 26 August 2017 post

No	BIN	Date Created[329]	Author Name (ID)	Page Name (ID)
1	IIMM0000918057	08/26/2017 3:03 PM	Kyaw Zaya (100007828867816)	Shwe Myanmar Media (452793661418174)

194. As discussed in the "Network Analysis" section of the Analytical Report, the author of this post, Kyaw Zaya (100007828867816),[330] is part of the identified Military Network on Facebook as it is an administrator of nine CIB Pages,[331] which are all managed by the creators, administrators and/or editors of the HR designation takedown Pages.[332] The CIB Page on which this post was published, Shwe Myanmar Media (452793661418174), is also part of the Military Network for sharing four of its creators and administrators with the HR designation takedown Pages.[333]

[329] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[330] *See,* paras. 108, 109 and 128.
[331] *See* entry no. 3 on Annex 8.5.
[332] *See* entries no. 12, no. 19, no. 20, no. 22, no. 23, no. 24, no. 28, no. 30, and no. 33 on Annex 8.4.
[333] *See* entry no. 13 on Annex 8.4.

5. "Why did Hitler kill the Jews": Post of 29 July 2017







ဟစ်တလာ ဘာ့ကြောင့် ဂျူး တွေကို သတ်သလဲ? သမိုင်းနောက်ကွယ်က သွေးစွန်းသော တနင်္ဂနွေ (Bloody Sunday) ဒုတိယကမ္ဘာစစ်အစ ပိုလန်ကို ဝင်ရောက် တိုက်ခိုက်ခြင်း ၁၉၃၉ ခုနှစ်အစ ဂျာမန် – ပိုလန် ပဋိပက္ခမှာ ပိုလန်တွေက ဂျာမန် ပိုင်နက် အရှေ့ပရပ်ရှား ပြည်နယ် ထဲကို ပိုလန် ရဲ့ ကမ်းခြေမြို့ ဖြစ်တဲ့ ဒန်းဇစ် (Danzig) ကနေ ပိုမို ကျူးကျော် ဝင်ရောက်ခြင်းကနေ အချင်းများ ရာက ပြဿနာ ကြီးထွား လာခဲ့ပါတယ်။ ဟစ်တလာ က ဒီပြဿနာအပေါ် ငြိမ်းချမ်းစွာ ဖြေရှင်းဖို့ ကမ်းလှမ်း ပေမယ့် တည်ကြည်လေးနက်စွာ ဆွေးနွေး ညှိနှိုင်းခြင်းကို ပိုလန် တွေက ငြင်းဆန် ပယ်ချ ခဲ့ပါတယ်။ ပိုလန်ထဲရှိ လူနည်းစု ဂျာမန် တိုင်းရင်းသားတွေ လုံခြုံရေးအတွက်လည်း ဟစ်တလာ မှာ သောကပွေလာပြီး ဦးစားပေး စဉ်းစားစရာ ဖြစ်လို့ လာပြီ ဖြစ်ပါတယ်။ ၁၉၃၄ ခုနှစ် ကတည်းက အရှေ့ပရပ်ရှား နဲ့ ဒန်းဇစ်မြို့ကို ပိုလန်တွေ က ဖြတ်တောက် ထားရှိခဲ့ပြီး ဝါဆော အစိုးရ က ဒီ ဆိပ်ကမ်းမြို့ကို စစ်ရေး အတွက် အရေးပါ အရာရောက်မှန်းသိလို့ ထိန်းချုပ်ထားခဲ့ကြပါတယ်။ ထိုနည်းတူပင် အနောက်ပရပ်ရှားရှိ ဆိပ်ကမ်း မြို့နှစ်မြို့ကိုလည်း ထိုနည်းတူ ပိတ်ဆို့ထားရှိပါတယ်။ ဟစ်တလာ က ပြေလည်အောင် ဆွေးနွေးဖို့ အကြိမ်ကြိမ် ကြိုးစားခဲ့ သော်လည်း မအောင်မြင်ပါ။ အင်္ဂလိပ် နှင့် ပြင်သစ် နောက်ခံ အင်အား ရှိနေတဲ့အတွက် ပိုလန် က ဒီ ပြဿနာအပေါ် ခေါင်းမာပြီး ဂျာမနီ နဲ့ ကောင်းစွာ ဆွေးနွေး ညှိနှိုင်းခြင်း မပြုတာ ဖြစ်ပါတယ်။ တစ်ချိန်တည်းမှာပဲ ပြဿနာရဲ့မီးစကို မီးတောက် ဖြစ်အောင် မီးရှို့ပေးမယ့် ကိစ္စတစ်ခုကိုလည်း ဝါဆောအစိုးရက မဆင်မခြင် ထပ်မံ လုပ်လာ ပါတယ်။ အနောက်ဖက်ရှိ ပိုလန် နယ်စပ်ကို နယ်မြေ ချဲ့ထွင်တဲ့ အနေ နဲ့ အနောက်ဖက် ဘာလင် ဖက်ကို ရုတ်တရက် စီမံကိန်း ချပြီး မြေနေရာ တိုးချဲ့လာတဲ့ အပြင် ပိုလန် နိုင်ငံ တစ်ဝှမ်းလုံးရှိ တိုင်းရင်းသားလူမျိုးတွေအပြင်း ဂျာမန် အခြား မျိုးနွယ်စုတွေ ကိုလည်း လူမျိုးရေး၊ ဘာသာရေး အရ စနစ်တကျ ခွဲခြား ဖိနှိပ် သတ်ဖြတ် မှုတွေ လုပ်လာ ခဲ့ပါတယ်။ ညစဉ် လိုလို ပိုလန် နယ်စပ် တစ်လျှောက် သေနတ်သံများ ကြားကြ ရပြီး ဂျာမနီ ထဲ ပြေးဝင် ခိုလှုံ သူတွေ တစ်နေ့တစ်ခြား ပိုများ လာ နေပါတယ်။ ဒုတိယ ကမ္ဘာစစ်ကြီး မဖြစ်ခင် အချိန်တို အတွင်း မှာ ပိုလန် တွေ ရဲ့ရက်စက်မှုကြောင့် ဒန်းဇစ် နှင့် ဂျာမနီ နိုင်ငံအတွင်း ပိုလန် မှ ထွက်ပြေး လာသော ဒုက္ခသည် (၈၀,၀၀၀) နီးပါး ရှိနှင့် နေပြီ ဖြစ်ပါတယ်။ အထူးသဖြင့်

စိတ်ဓာတ် ခြောက်ခြား လန့်ဖြတ်လျှက် လုံခြုံမှုကင်းမဲ့ နေသော ပိုလန် ထဲရှိ ဂျာမန် အနွယ်ဝင် တို့ကို ဖိနှိပ် သတ်ဖြတ် နေခြင်း ကိစ္စတွေ ပိုမို ဆိုးဝါး စွာ တိုးပွား နေခြင်း က စစ်ဖြစ်ရန် အရေးအကြီးဆုံး နှင့် တတိယ သေချာသော အချက်ကို ဖြစ်လာစေ ခဲ့ ပါတော့တယ်။ ထိုအချိန် က ပိုလန် တွေ ရဲ့ရက်စက်မှုတွေ ကို ကမ္ဘာ က အသေအချာ သိရှိ ပါတယ်။ အထူးသဖြင့် ပြင်သစ်၊အင်္ဂလိပ် နှင့် ရုရှ စစ်နိုင်ခဲ့ သူတွေ ကောင်းကောင်း သိကြ ပေမယ့် အရေးမယူ မသိချင်ဟန် ဆောင် ဥပက္ခာပြု လစ်လျူရှုထားခဲ့ကြ ပါတယ်။ ဒီလို နည်းနဲ့ ပိုလန် မှ ဝါဆော အစိုးရ ကို မြှောက်ထိုးပင့်ကော် လုပ်ပေးမှု ကြောင့် "ဒန်းဇစ် အစုလိုက် အပြုံလိုက် သတ်ဖြတ်ခြင်း" (Danzig Massacres) ခံရမှုသို့မဟုတ် "သွေးစွန်းသော တနင်္ဂနွေ (Bloody Sunday)" ဟု ခေါ်ဆိုသော ကြောက်မက်ဖွယ်ရာ သတ်ဖြတ်မှုကြီး တစ်ခု စစ်ကြီး မဖြစ်ခင် (၅) လ လောက် အလို ဇူလိုင်၊ ၁၉၃၉ ခုနှစ် မှာ ဖြစ်ပေါ် ခဲ့ ပါတယ်။ လက်တွေ့သတ်ဖြတ်သူများ ကတော့ ပိုလန် စစ်တပ် က ကျောထောက် နောက်ခံ ပြုပေး ထားတဲ့ ဇိုင်ယွန်နစ် (Zionist) ဝါဒီ ဂျူး လူမျိုး တွေ ဖြစ်ကြ ပါတယ်။ ဂျာမန် လူမျိုး (၅၈,၀၀၀) ကျော် သတ်ဖြတ် ခြင်း ခံခဲ့ ရပါတယ်။ ထို သတ်ဖြတ်မှုကြီး ကြောင့် ဟစ်တလာ အနေ နှင့် ပိုလန် ကို အလျင်အမြန် ဝင်ရောက် တိုက်ခိုက် ပါတော့တယ်။ ဒီကိစ္စ ကို သမိုင်းဆရာ အတော်များများ ဖုံးဖုံးဖိဖိ ရေးသားသလို အချက်အလက် မာတ်ပုံ မှတ်တမ်း တွေ ကိုလည်း ဖျက်ဆီးခဲ့ ကြတာ ကြောင့် ကမ္ဘာ မှာ လူသိ နည်းသော ကိစ္စ နှင့် စစ်ကြီး ဖြစ်ပေါ်လာပုံ ကွင်းဆက် ကို ဖြတ်ပြီး စစ်နိုင် သူတို့ ထုံးစံ အတိုင်း ဂျာမနီ နာဇီ ဟစ်တလာ ကိုသာ အပြစ်ပုံ ချပြီး ရေး သား ထားခဲ့ ကြ ပါတယ်။ ထိုသို့ ဂျာမန် အနွယ်ဝင်တွေ ကို ရက်ရက်စက်စက် သတ်ဖြတ် ခဲ့တဲ့ ပိုလန် လူမျိုး အစိုးရ နှင့် အထူးသဖြင့် ပိုလန် ဂျူးတွေ ကို ဟစ်တလာ ရဲ့ နာဇီ ဂျာမန်တွေ က ပိုလန် ကို သိမ်းပိုက်ပြီး နောက်ပိုင်း လက်စား ချေခဲ့ တာ ကိုတော့ ကမ္ဘာက မမေ့နိုင်အောင် ယနေ့အထိ ထုတ်ဖော် ကြလျှက် ရှိပါတယ်။ အနောက် ပရဝ်ရှား မှာ ရှိသည့် ဂျာမန် အနွယ်ဝင် အိမ်များ ကို ပိုလန် အစိုးရ စစ်သားများ နှင့် ဇိုင်ယွန်နစ် ဂျူးများ က အကြမ်းဖက် လုယက်၊ မီးရှို့၊ မုဒိမ်းကျင့် ကြယုံမျှ မက အမျိုးသားများ ကို မြို့ပြင် ထုတ် လက်နောက်ပြန် ကြိုးတုတ် ပြီး တန်းစီ ပစ်သတ် ခဲ့ ပါတယ်။ ဒီလို အခြေအနေဆိုး အောက် မှာ ဟစ်တလာ အနေ နဲ့သူ့လူမျိုးတွေ ကို ပိုလန် ကနေ ကယ်မထုတ် နိုင်ရင် သို့တည်းမဟုတ် စစ်ရေးအရ ဝင်ရောက် မတားဆီး နိုင်ဘူး ဆိုလျှင် သူ့လူမျိုး အားလုံး သေချာပေါက် အသတ်ခံ ရမယ် ဆိုတာ ကို စိုးရိမ်မှု အပြည့် ရှိ နေသည်။ အကယ်၍ စစ်ရေး အရ တုန့်ပြန် ပြန်ရင် လည်း ပိုလန် အစိုးရ ရဲ့ကျောထောက် နောက်ခံ နိုင်ငံတွေ ဖြစ်တဲ့ ပြင်သစ် ၊ အင်္ဂလိပ် တို့နဲ့ အသေအချာ ထိပ်တိုက် တိုးမယ် ဆိုတာ တွက်ချက် လို့ ရပေ မယ့် ဆိုဗီယက် ရုရှ က ဝင်ပါ မည်လော (သို့) လက်ရှောင် နေမည် လား ဆိုတာ ကို ချီတုံ ချတုံ စဉ်းစားရ ကြပ်နေတာ ကြောင့်၊ ရုရှ ပါဝင် မလာနိုင်အောင် ဂျာမန် နိုင်ငံခြား ရေး ဝန်ကြီး ရစ်ဘင်ထရော့ (Joachim von Ribbentrop) ကို မော်စကိုသို့ စေလွှတ် ပြီး ရုရှ ခေါင်းဆောင် စတာလင် (Joseph Stalin)၊ နိုင်ငံခြားရေး ကော်မစ်စာ မိုလိုတော့တို့ နှင့် ဆွေးနွေး ညှိနှိုင်းမှုများ ပြုလုပ် ခဲ့ပါတယ်။ ရစ်ဘင်ထရော့ ၏ ကြိုးပမ်းမှုကြောင့် "ဂျာမန် – ဆိုဗီယက် မကျူးကျော်ရေး စာချုပ် (German-Soviet Nonaggre-ssion Pact) ကို စစ်ကြီး မဖြစ်ခင် တစ်လ အလို ၁၉၃၉ ခုနှစ် ဩဂုတ်လ ၂၃ ရက် မှာ အောင်မြင်စွာ ချုပ်ဆို နိုင်ခဲ့ ပါတော့တယ်။ ပထမ ကမ္ဘာစစ် အတွင်း မှာ သာမန် ဆက်သား စစ်သားလေး ဟစ်တလာ ၏ နလုံးသားထဲ စွဲမြဲ အမာရွတ်ထင် ကျန်ရစ်နေသော ဂျာမနီ စစ်ရုံး စေသည့် "နောက်ကျော မားထိုး ခံရခြင်း" မှ လွတ်ကင်း အောင် ယခု ဆိုလျှင် ဆိုဗီယက် ရုရှ ကို နောက်ကျောလုံအောင် ချွေးသိပ် နိုင်ခဲ့ပြီ မို့သူ့လူမျိုး အားလုံး ကို ကယ်တင်ရန် နှင့် အဖု အထစ်မရှိ နောက် ခြေလှမ်း တစ်လှမ်း လှမ်းရန် အဖက်ဖက် က အဆင်သင့် ဖြစ်ခဲ့ပြီ မဟုတ် ပါလော။ ထိုသို့သော နောက် ခြေလှမ်း တစ်လှမ်းကတော့.....။ နံနက် လင်းအားကြီး ၄ နာရီ ၄၅ မိနစ် မှာ ဂျာမန် စစ်တပ်ကြီး နယ်စပ် ကျော်ဖြတ်ပြီး ပိုလန်ကို အလုံး အရင်း နှင့် ဝင်တိုက် ပါတယ်။ German Luftwaffe လို့ခေါ်တဲ့ လေတပ် နှင့် ပိုလန် ရေတပ် အခြေစိုက်ရာ ဘော်လ်တစ် ပင်လယ်ထဲ ရှိ စစ် စခန်း တွေကို ဂျာမန် စစ်သင်္ဘော၊ ရေငုပ် သင်္ဘော (U-boats) တွေ နဲ့ပါ မြေပြင် တိုက်ခိုက်ချိန် နှင့် တစ်ချိန်တည်း လိုလို တိုက်ခိုက် ပါတယ်။ ဂျာမန် စစ်သည်ပေါင်း တစ်သန်းကျော် နှင့် အကြီးအကျယ် ထိုးစစ်ဆင်ခြင်း အကြောင်း က ပိုလန် အစိုးရ ထက် ၎င်းတို့နောက်မှာ မြှောက်ပေး နေတဲ့ အင်္ဂလိပ် နဲ့ ပြင်သစ် ကို

အင်အားပြခြင်း က အဓိက အချက် ဖြစ်တယ်။ တစ်ချိန်တည်း မှာ ဟစ်တလာ က ကရိုးလ် အော်ပရာ ဇတ်ရုံ ကို ရိုက်ချိုစတက် လွှတ်တော် လုပ်ပြီး ကမ္ဘာ ကို မိန့်ခွန်းပြော ကြားပါတယ်။ သာမန်ထက် ထူးခြားပြီး အံ့မခန်း သော သူ၏ မိန့်ခွန်း ထဲတွင် " ဒန်းဇစ်မြို့ဟာ ယခင် ကတည်း က ဂျာမန် ယဉ်ကျေးမှု့နဲ့ ထွန်းကား လာတဲ့ ဂျာမန်မြို့ ဖြစ်တယ်။ ဒီ ကနေ့ ကိုယ့်မြို့ ကို ကိုယ်ပြန် ယူတယ်။ ပိုလန် သံအမတ် ကို လွှန်ခဲ့ တဲ့ သုံးပတ် အလို အချိန် ကတည်း က သတိပေး ထားတယ်၊ ဒီလို သာ ကျွန်ုပ်တို့ လူမျိုးတွေ ကို ခင်ဗျားတို့ တစ်တွေ ဆက်လက် နှိပ်စက် ညှဉ်းပန်း နေမယ်၊ ဒန်းဇစ်မြို့ကို မောင်ပိုင် စီးပြီး စီးပွားရေး အရ ထိုးနှက် နေမယ် ဆိုရင် တော့ ကျွန်ုပ်သီးခံ နိုင်တော့မယ် မဟုတ်ဘူး လို့ ပြောခဲ့တယ်၊ ပြေလည်အောင် ဖြေရှင်း ကြရ အောင်လို့ အကြိမ်ကြိမ် ပြောခဲ့ ပေမယ့် ဂရုမစိုက် လစ်လျူရှု့ တဲ့ အဖြေ ကို ခင်ဗျားတို့ ဒီနေ့ရကြ တာ ဖြစ်တယ်" ဟု ပိုလန် အစိုးရ ကိုလည်း တိုက်ရိုက် ရည်ညွှန်း ပြောကြား သွားခဲ့ ပါတယ်။ ယခု အချိန် မှာတော့ ဘယ်အရာက မှ သူ့ရဲ့ စစ်တပ်ကြီး ကို မဟန့်တားနိုင် သလို ပိုလန် တစ်နိုင်ငံလုံး တွေ့မြင် နေရတာ တော့ ပုံးတစ်လုံးပြီး တစ်လုံး ကျရောက် ပေါက်ကွဲ သေကြေ ပျက်စီးခြင်းနဲ့သာ နှစ်ပါး သွားနေရ ပါပြီ။ ဂျာမန် လက်နက်ကိုင် တပ်မတော် ကို အထင်သေး တွက်ချက်မှု့ မှားခဲ့တဲ့ အတွက် ပိုလန် အစိုးရ တန်ဘိုး ကြီးစွာ ပေးဆပ် ခဲ့ရ သလို ဂျာမန် လို Blitzkrieg (Lightning War / လျှပ်တစ်ပြက် ထိုးစစ်၊ ပြောက်ကျားစစ်) လို့ခေါ်တဲ့ ရှောင်တခင် လျင်မြန် တဲ့ အဟုန် နဲ့ ရုတ်တရက် မထင်မှတ်ဘဲ ထိုးစစ် ဆင်သော စစ်နည်း ဗျူဟာ ကို ပိုလန် စစ်တပ် တွန်းလှန် နိုင်စွမ်း မရှိပါ။ စစ်ကြီး မဖြစ်ခင်လေး အချိန် မှာ ပိုလန် နိုင်ငံထဲ ရှိ ဂျာမန် လူမျိုး (၅၈,၀၀၀) ကို ရက်ရက်စက်စက် သတ်ခဲ့ တဲ့ ကိစ္စ ကို ပိုလန် ကို သိမ်းပြီး မဆိုင်းမတွ အက်ဥပဒေ ပြဋ္ဌာန်း ၍ အရေးတကြီး ဆောင်ရွက် ပါတယ်။ ၁၉၃၉ ခု၊ ၃၁ ဩဂုတ် နှင့် ၆ ရက် စက်တင်ဘာ အကြား စက်တင်ဘာ (၃) ရက်၊ ဘရွန်းဘတ် (Bromberg) မြို့ မှာ အထင်ကရ အထွတ်အထိပ် အကြီးအကျယ် သတ်ဖြတ် ခဲ့တဲ့ နောင်သော အခါ "သွေးစွန်းသော တနင်္ဂနွေ" (Bloody Sunday) လို့ သိခဲ့ ကြတဲ့ ဂျန်မန် လူမျိုးတွေ ကို အစုလိုက် အပြုံလိုက် သတ်ဖြတ်ခဲ့မှု့နှင့် ဆက်လက် ၍ ကျူးလွန် နေ ကြတာ ဟာ ဂျာမန် တပ်တွေ Lowitsch မြို့ကို ရောက်ရှိ တဲ့ စက်တင်ဘာ (၁၈) ရက် အထိ ရှိနေ ခဲ့ပြီး ၎င်းတို့ရောက် ရှိလာ ချိန်မှ သာ ဒီ သတ်ဖြတ်မှု့ တွေ ကနေ ဂျာမန် တိုင်းရင်း သားတွေ လွတ်မြောက် ခဲ့ကြ ရ ပါတော့တယ်။ ဒီ အကြောင်းတွေ ကိုလည်း ကမ္ဘာ့သမိုင်း မှာ ယနေ့အထိ ထင်ထင်ရှားရှား ဖော်ပြမှု့ မရှိဘဲ ပျောက်ဆုံး လျှက် ရှိနေ သလို ထိုသို့ ရက်စက် ယုတ်မာသော အဖြစ် ကို ကျူးလွန်သူ အပေါင်း ပြစ်မှု ထင်ရှား သဖြင့် ဂျာမန် လက်ဖြောင့် တပ်သားတို့၏ ပစ်သတ်ခံ ရခြင်း ဖြင့် အသက် ကို အသက်ဖြင့် သာ ပြန်လည် ပေးဆပ် ခဲ့ရ ပါတော့တယ်။ Ref:သူရိယနေဝန်း ဂျာနယ် – «AndrewSoe» သမိုင်းက မပြောသော ဟစ်တလာ အကြောင်းများ အခန်းဆက် မှ VIA: Eaint Myat Chel NawKham

195. Translation of the Burmese text reads as follows:

"Why did Hitler kill the Jews? Behind the events on Bloody Sunday [sic] At the beginning of the Second World War of 1939 in the German-Polish conflict, the problem grew bigger after the Poles invaded the German territory of East Prussia from the Polish coastal town of Danzig. Although Hitler offered to solve the problem peacefully, the Poles rejected solemn and serious negotiations. The security of the ethnic German minority in Poland became a cause of concern for Hitler. Since 1934, Poland had cut off Danzig from East Prussia and realizing that this coastal town is important militarily, the Warsaw government seized control of it. Two other ports in western Prussia were similarly blockaded. Although Hitler tried many times to negotiate a settlement, he did not succeed. Having English and French support, Poland was stubborn about this issue and did not negotiate seriously with Germany.

At the same time, the Warsaw government recklessly ignited a case that would turn sparks into flame: the expansion of Polish territory in the west by sudden expansion of its territory in the west toward Berlin, and the systematic discrimination based on ethnicity and religion, suppression, and the killings of other German ethnics in all parts of Poland. Gunshots were heard along the Polish border almost every night, and refugees were pouring into Germany in increasing numbers every day. In the short period before the outbreak of the Second World War, nearly 80,000 refugees had already fled from Poland to Danzig and Germany to escape the brutality of the Poles. In particular, the growing number of cases of oppression and killing of the terrorized, traumatized, and insecure Germans in Poland became the most important and the third most certain cause of the war. At that time, the world was well aware of the brutality of the Poles. In particular, those winners of the War, French, English, and Russian knew it well, but ignored it as if they did not know because they didn't want to act. As the Warsaw government in Poland was egged on in this way, five months before the outbreak of the war in April 1939, horrifying massacre called the "Danzig Massacres" [sic] or "Bloody Sunday" [sic] broke out. The actual killers were Zionist [Sic] Jews who were backed by the Polish army. More than 58,000 Germans were killed. Because of the massacre, Hitler quickly invaded Poland. As many historians made light of the event and destroyed the information and photo records, this became a little-known event, like a loss of a jigsaw piece in the whole picture describing the cause of the war and heaped the blame on Hitler which was customary for the victorious in war. But the subsequent revenge of the Nazi Germans, after their occupation of Poland, against the Polish government and in particular Polish Jews who had brutally massacred the German ethnics was reminded to this day lest the world forget. Polish government soldiers and Zionist Jews violently looted and torched the homes of German ethnics in West Prussia and raped them. Men were taken out of the town with their hands tied in their backs, lined up and shot dead. Under such terrible circumstances, Hitler was full of worry that unless he could rescue the people to which he belonged from Poland, or could prevent it by military intervention, all of his people were bound to be slaughtered. If he responded to it by military means, he would certainly be confronted by English and French who were supporting the Polish government. This he could see. But he was not sure about Soviet Russia's involvement. To prevent Russia from getting involved in any case, German Foreign Minister Joachim von Ribbentrop [sic] was sent to Moscow to negotiate with Joseph Stalin [sic] and his Foreign Affairs Commissar Molotov. As a result of Ribbentrop's efforts, 'German-Soviet Nonaggression Pact' [sic] was successfully signed on August 23, 1939, one month before the war. Having successfully secured its back by subduing Soviet Russia to prevent the repeat of 'stab in the back' that had left a permanent scar in the heart of Hitler who was merely an ordinary messenger during the First World War, didn't he prepare himself without a glitch to take the next step and to rescue all his people? And that next step is……. At 4:45 in the early hours, the colossal German Army crossed the border and invaded

> Poland. The German Luftwaffe and the war ships, U-boats simultaneously attacked the Polish Navy bases in the Baltic Sea. A major offensive with over a million German troops was intended as a show of force against English and French, who had been egging on the Polish government from behind. At the same time, Hitler turned the Kroll Opera House into the Reichstag parliament and gave a speech to the world. In his extraordinary and amazing speech, he said to the Polish government directly, 'Danzig had been a German town in which flourished German culture, we were taking this town back today, we had warned the Polish ambassador three weeks ago that if they continued with the persecution of our people, the attack on Danzig economically by monopolizing it, I would no longer tolerate it, that they are today getting the result of ignoring our perennial request for a settlement of the issue'. Nothing could stop his Army, and what was being witnessed in the whole of Poland was the explosion of one bomb after another, resulting in the death and destruction. The Polish government paid a heavy price for its miscalculation of the German armed forces, and the Polish army was unable to resist the German Blitzkrieg (Lightning War / lightning strike, Guerrilla War) [sic] military strategy of sudden, rapid, and unexpected offensives. The case of the brutal killing of 58,000 ethnic Germans in Poland just before the start of the war was swiftly and urgently dealt with by the enactment of an Act. The notorious massacre of ethnic Germans in Bromberg between 31st of August and the 6th of September 1939, which became known later as 'Bloody Sunday', was stopped, and the Germans were subsequently freed on the 18th of September, when the German troops arrived at Lowitsch. This story was not narrated in official history books to this day, and all the perpetrators of such atrocities were only avenged life for life by the shootings of German sharpshooters. Ref: Thriya Nay Wun journal - <<Andrew Soe>> From About the Hitler history does not tell us VIA: Eaint Myat Chel NawKham"

196. This post was not counted as hate speech against Rohingya as neither Rohingya nor Muslims are mentioned. But the post concerning events in Europe in 1939 appeared three times between 29 July and 19 December 2017, in the midst of high tensions in Rakhine state. It is included in this Annex as it is very possible that the purpose of posting this pro-Nazi essay on "Why Hitler Killed the Jews" on Pages portraying themselves a Myanmar news sites was to persuade readers that allegations of genocide are political and unreliable, and readers should therefore discount all such claims. In making its justification for the wholesale slaughter of the Jewish people, the post cited several pieces of disinformation, some directly from the Nazi propaganda of 1940.[334]

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[334] *See e.g.*, "For German propaganda, the attacks on ethnic Germans were exploited as an apparent justification for a policy of 'ethnic cleansing' that had surpassed in its first days anything that could be regarded as retaliation. The Germans claimed in November 1939 5,400 had been killed in the 'September Murders' (including what they dubbed the 'Bromberg Bloody Sunday'). Then, in February 1940, on Hitler's own instructions (it was later claimed) this was simply multiplied by around ten-fold and a figure of 58,000 German dead invented. The most reliable estimates put the total number of ethnic Germans killed in outrages, forced marches, bombing and shelling at around 4,000. Terrible though these atrocities were, they were more or less spontaneous outbursts of hatred that took place in the context of panic and fear following the German invasion. They did not remotely

197. The Mechanism identified three instances of this post from among the content of the removed Pages. Details of these three instances are provided in the table below.

Table 8. Three duplicates of 29 July 2017 post

No	BIN	Date Created[335]	Author Name (ID)	Page Name (ID)
1	IIMM0000861303	7/29/2017 4:43 AM	Yemin Tun (100009279415649)	Today Myanmar (503838583065718)
2	IIMM0000552204	07/29/2017 4:43 AM	Yemin Tun (100009279415649)	ဗိုလ်တထောင် သတင်းစဉ် (Bo Tha Htaung News) (237723043084383)
3	IIMM0000961221	12/19/2017 2:25 AM	Kyaw Thu Htun (100000489612398)	သတင်းများစုစည်းရာ (News Compilation) (491322144368081)

198. On 29 July 2017, at 4:43 AM,[336] two instances of the same text were simultaneously posted on two CIB Pages, Today Myanmar (503838583065718) and Bo Tha Htaung News (237723043084383), by the same author, Yemin Tun (100009279415649), who is an editor on the HR designation takedown Pages.[337] Later, on 19 December 2017, Kyaw Thu Htun (100000489612398), another editor of the HR designation takedown Pages,[338] published this same post on a third CIB Page, သတင်းများစုစည်းရာ ("News Compilation") (491322144368081). All three CIB Pages on which this content was published, Today Myanmar (503838583065718), Bo Tha Htaung News (237723043084383), and News Compilation (491322144368081), are also part of the identified Military Network.[339]

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compare with, let alone provide any justification for, the calculated savagery of the treatment meted out by the German masters, directed at wiping out anything other than a slave existence for the Polish people" Ian Kershaw, *Hitler 1936-1945: Nemesis* (Penguin Books Limited, 2001) p. 242.

[335] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.

[336] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.

[337] *See* entry no. 14 on Annex 8.1.

[338] *See* entry no. 45 on Annex 8.1.

[339] *See* entries no. 19, 21 and 28 on Annex 8.4.

6. "Shoot-to-kill": Post of 24 September 2017







မြန်မာတွေအတုယူရမည့် အိန္ဒိယရဲ့ နယ်နိမိတ်စည်းအတွင်း အသေပစ်သတ်ရေး (Shoot-to-kill-policy) မူဝါဒနှင့် ဘင်္ဂလီကုလားများ... ==========

နှစ်အနည်းငယ်အတွင်းခြံစည်းရိုးဖြတ်ကျော်ဘင်္ဂလီ မွတ်ဆလင်ကုလား တစ်ထောင်နီးပါးကို အိန္ဒိယ နယ်ခြားစောင့်တပ်က ပစ်သတ်ခဲ့တဲ့အတွက် ကျမှာ ့လူ ့အခွင့်အရေးသမားတွေပွက်ပွက်ညံ စောဒကတက်ခဲ့ကြတယ်။ အိန္ဒိယအစိုးရက တစ်လုံးပဲပြန်ပြောခဲ့တယ် - "သူတို ့ပစ်သတ် ခဲ့တဲ့ ခိုးဝင်ဘင်္ဂလီအရေအတွက်ဟာ အမေရိကန်နဲ ့ မက္ကဆီကန်နယ်စပ်မှာ အမေရိကန်က ပစ်သတ်ခဲ့တာလောက်မများဘူး" ဆိုတာပဲ။ လူ့အခွင့်အရေးသမားတွေအားလုံးပါးစပ်ပိတ် သွားခဲ့တယ်။ အခုအချိန်အထိ အိန္ဒိယက ခိုးဝင်ဘင်္ဂလီ ခလေးခွေး မိန်းမမကျန် အားလုံးကိုပစ်သတ်နေတာ ဘယ်လူ ့အခွင့်အရေးသမားမှ အသံကောင်း မလွင့်နိုင်တော့။ အိန္ဒိယရဲ့ BSF (Border Security Force) ကို ၁၉၆၅ ခုနှစ်မှာ စတင်ဖွဲ့စည်းခဲ့ပြီး အခုအချိန် မှာ တပ်ရင်းပေါင်း (၁၈၆) ရင်းနဲ့ အင်အား နှစ်သိန်းလေးသောင်း ကျော်ရှိပြီး အမျိုးသွီးတွေ ပါ BSF မှာ ပါဝင်အမှုထမ်းနေကြပြီဖြစ်ပါတယ်။ ပါကစ္စတန်နဲ ့နယူကရီယာအဆင့်အထိထပ်တိုက် ရင်ဆိုင်မှုတွေဖြစ်နေခဲ့ပြီးသည့်နောက် အိန္ဒိယ ရဲ့အမြဲတမ်းတပ်တွေကို ပါကစ္စတန်နဲ ့ထိပ်တိုက် ဆိုင်ထားခဲ့ပြီး - ကီလိုမီတာ (၄၀၉၅) ရှိတဲ့ အိန္ဒိယ ဘင်္ဂလားဒေ့ရှ်နယ်စပ်တစ်လျှောက်ကိုတော့ သံဆူးကြိုးနှစ်ထပ်ကာပြီး သတ်ကွင်းရှင်းပြီး

ပင်လာတဲ့ဘင်္ဂလီအားလုံးကို အသေပစ်သတ်ရေး မူနဲ့ စာရင်းရှင်းခဲ့ပါတယ်။ ဘင်္ဂလီကုလားနဲ့ (၁၉၃) ကီလိုမီတာပဲ နယ်နိမိတ် ဆက်စပ်မူရှိတဲ့ မြန်မာအနေနဲ့ မိမိနယ်စပ်ကို BSF လို ကျင့်ဖို့လိုပါပြီ။ ခတ်ခဲ့တဲ့ခြံစည်းရုံးတွေလည်း ဘင်္ဂလီကုလားတွေက ဖြုတ်ပြီး ကော်ဆ်ဘဇားဈေးမှာ ရောင်းလို့ကုန်လုပြီ။ ကျွန်တော်တို့ခြံစည်းရိုးကို BSFလိုကာပြီး BSF လို သတ်ကွင်းထားကင်းလှဲ့ဖို့အတွက် အင်အား နှစ်သောင်းနဲ့ ငါးသောင်းကြား လိုပါလိမ့်မယ်။ နောက်ထပ်ဆယ်နှစ်အတွင်း မှာ ဘင်္ဂလီကုလားတွေနဲ့မလွှဲမရှောင်သာ စစ်ဖြစ်လာဖို့ ရှိနေတဲ့အတွက် ကျွန်တော် တို့ရဲ့ရေတပ်နဲ့ လေတပ်ကို အခုထက်ပိုပြီး တည်ဆောက်ဖို့လိုပြီး သန်း (၁၆၀) နဲ့ (၅၅) သန်းစစ်ခင်းဖို့အတွက် (၄၈) နာရီအ တွင်းအသင့်ဖြစ်နိုင်မဲ့ အရံအင်အားအတွက် အသင့်ပြင်ထားရပါတော့မယ်။ အခုကတည်းကကျွန်တော်တို့ကြိုပြင်သင့်ပါပြီ။ ဓါတ်ပုံ - online (ဘင်္ဂလီကုလားများရဲ့ ခြံစည်းရိုးကျော်လူသယ်နည်းကို အိန္ဒိယ BSF တပ်ဖွဲ့ဝင်များမှ လက်တွေ့ပြသနေပုံ) ကဲမြန်မာပြည်ဘာလုပ်မလဲ? CR-Original

199. Translation of the Burmese text reads as follows:

"Bengali Kalars and India's Shoot-to-kill-policy [sic] within its borders, which Myanmar must imitate ========== Human rights activists around the world protested cacophonously the shooting by the Indian border guards of about a thousand Bengali Muslim Kalars who crossed the border fences within a few years. The Indian government only retorted in a word: 'The number of Bengali who sneaked into our country and whom were shot dead was not as high as the number the US shot dead on the US-Mexican border.' All human rights activists then shut their mouths. No human rights activists raise their voices any longer about India's shooting of all the Bengali, including children, dogs, and women, who sneak into the country. India's BSF (Border Security Force) [sic] was formed in 1965, and at present there are 186 battalions with a strength of more than two hundred and forty thousand, and women are also serving in the BSF. After the nuclear level confrontation with Pakistan, while India's permanent troops were deployed directly facing Pakistan, double barbed wire fences were placed along the 4095-kilometer-long India-Bangladesh border, making way for killing fields and eliminating all the Bengalis who enter the area under the shoot-to-kill policy. It is high time for Myanmar, which shares a 193-kilometer-long border, to act like the BSF on its border. The fences along the border have all gone after Bengali Kalar removed them and sold them at the market in Cox's Bazar. We would need between twenty and fifty thousand troops to guard the border fence like BSF did and to prepare and guard the killing fields like BSF did. As the war with the Bengalis is inevitable in the next ten years, we need to build up our navy and air force from their present strength and prepare a reserve force which can be called up within 48 hours' notice for the war between 160 million and 55 million. We should begin our preparation now. Photo – Online (India's BSF troops demonstrating the way Bengali Kalar smuggle people across the fence.) So, what is Myanmar to do? CR-Original"

200. The post is accompanied by five images that supposedly show armed border forces of India patrolling the border fence. Below are the details of this post.

201. Even though only one instance of this post was identified by the Mechanism, posts with similar sentiments referencing the Indian government's alleged "shoot-to-kill" policy against the "Bengali" were noted on several more Pages, including on the verified Office of the Commander-in-Chief (CINCDS) Page (526503167470553) and the two Myawady Pages, (246194712164341) and (573453879358666), as part of the coverage of the event, "Talk on Rakhine Issue: Discussion on Finding Solutions,"[340] especially, in posts quoting U Ko Ko Hlaing, current Minister for International Cooperation representing Myanmar at the proceedings at the International Court of Justice, as saying:

> *"… India took harsher measures on illegal migration. People from Bangladesh were smuggled into India. It is a big business. India erected a 2,000-mile fence along the common border with Bangladesh. And border guard force was organized with much modernized equipment and gave the order of shoot to kill. According to the media, one thousand people illegally entering into Indian territories were shot in ten years. We [Myanmar] haven't taken such harsh measures yet."*

202. Details of the 13 September 2017 post are provided in the table below.

Table 9. Details of 13 September 2017 post

No	BIN	Date Created[341]	Author Name (ID)	Page Name (ID)
1	IIMM0000680086	09/24/2017 3:49 AM	Htet Naing Minn (100004631406630)	Yangon Express (1421681248057886)

203. As discussed in the "Network Analysis" section and in Annex 8.1., the author of this post, Htet Naing Minn (100004631406630),[342] is part of the Military Network on Facebook as it is one of the editors of the HR designation takedown Pages, having published 3,484 items on the six HR designation takedown Pages between 1 January 2016 to 28 August 2018.[343] The Page on which this post was published, Yangon Express (1421681248057886), is a CIB Page, considered by the Mechanism to be part of the Military Network, on the basis that all of its creators and administrators are the same as those from the six HR designation takedown Pages.[344]

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[340] *See* **IIMM0000223348**, **IIMM0000201097**, **IIMM0000236787**, **IIMM0000517049**, **IIMM0000183744**, **IIMM0000223304**, **IIMM0000722308**, all of which reference the statement by U Ko Ko Hlaing.
[341] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[342] Supra para. 107.
[343] *See* entry no. 35 on Annex 8.1.
[344] *See* "Analysis of Creators and Administrators of CIB Page, Yangon Express".

7. "Drive out the Bengali": Post of 9 August 2017



















မောင်းတောသတင်း 9.8.2017 မြန်မာ့တပ်မတော်၊မျိုးချစ်ရဟန်းတော်များနှင့်မျိုးချစ်ပြည်သူများ စုပေါင်း၍
မောင်တောမှ ဘင်္ဂလီများအား မောင်းထုတ်..။ အဆိုပါကိစ္စနှင့်ပါတ်သက်၍ iliedmediagroup မှ
သတင်းထောက် ကိုအေးဝင်းက ဆက်သွယ်မေးမြန်းခဲ့ရာ အမျိုးသားရေးဆရာတော် အရှင်သုတ်စိတ်ထက
'သတင်းအမှန်ပါပဲ ဆရာတော် ဦးဝိရသူရဲ့ ညွှန်ကြားချက်နဲ့ ဦးဇင်းတို့ မနေ့က မောင်းတောကို သွားပြီး
ဘင်္ဂလီတွေကို ဘင်္ဂလားဒေ့ရှ် ဘက် ပြန်မောင်းထုတ်နေတာပါ ဦးဇင်းတို့ အစိုးရကို
အရင်အကူအညီတောင်းပါတယ် အစိုးရကို အားကိုးလို့မရတော့ ဦးဇင်းတို့ကိုယ်တိုင် လုပ်နေရတာပါ
မျိုးချစ်တွေ လာရောက်ပူးပေါင်းစေချင်တယ် ဦးဇင်းတို့မှာ လူအင်အားလိုတယ်လေ" ဆက်လက်၍
အစိုးရနှင့်ပါတ်သက်ပြီး မေးမြန်းခဲ့ရာ "ကုလားအားပေး အစိုးရအကြောင်း ဦးဇင်းအနေနဲ့ မပြောလိုကြောင်း
မိန့်ကြားခဲ့တယ်လို့" သတင်းထောက် ကိုအေးဝင်းက သတင်းပေးပို့ခဲ့ပါတယ်..။

204. Translation[345] of the Burmese text reads as follows:

> "Maungdaw News 9.8.2017 – Myanmar Tatmadaw, race-loving[346] monks and race-loving citizens together drive out the Bengali from Maungdaw – Regarding this issue, the journalist Ko Aye Win from iliedmediagroup contacted and interviewed the nationalist monk, Ashin Thote Sate Hta, who said 'this is true news. According to the instructions of Sayardaw U Wirathu,[347] yesterday we went to Maungdaw to drive out the Bengali back to Bangladesh once again. We first sought help from the government. The government is not dependable; therefore, we monks have to do this on our own. We want the race-loving people to come and join us. We need manpower.' When asked further about the government, [the monk replied that] 'I do not want to speak further about the government that supports the *Kalar*', journalist Ko Aye Win reported."

205. The post is accompanied by nine photographs of various nature. Some show non-Rohingya Myanmar ethnic people playing games and in traditional dresses. Others show riots involving monks and people on the streets. Details of the post are provided in the table below.

Table 10. Details of the 9 August 2017 post

No.	BIN	Date Created[348]	Author Name (ID)	Page Name (ID)
1	IIMM0001093320	08/09/2017 12:38 PM	(100011330024426)	ဒေါက်တာဒီမိုချက်ကြီး (Dr. Demochatgyi) (116784942063195)

[345] Clarifications are provided in square brackets […].
[346] The Burmese word "myo-chit" can also be translated as nationalistic or patriotic.
[347] "Sayardaw" is a honorific for a monk. Wirathu is a prominent nationalist monk, who is well-known for his anti-Rohingya and anti-Muslim sermons.
[348] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.

206. The account 100011330024426[349] posted this on the CIB Page, (Dr. Demochatgyi) (116784942063195), which is considered by the Mechanism to be part of the Military Network, on the basis that one of its administrators also managed the HR designation takedown Pages.[350]

[349] This account was also seen to be posting another content identified as hate speech by the Mechanism on two additional CIB Pages. Infra para. 249.
[350] *See* entry no. 33 on Annex 8.4.

8. "Let's eat dog meat": Post of 27 August 2017



လိုအပ်လာရင် မိုက်ခရိုဖုန်းတို့ ဂစ်တာတို့ အစား သေနတ် ဆိုတဲ့အရာကိုကိုင်ဖို့ အဆင်သင့်ပဲဆိုတဲ့ အဆိုတော် August 26, 2017KyarNyo သီချင်းအေးအေး လေးတွေနဲ့ ပရိတ်သတ်တွေရဲ့ အားပေးမှုကို ရရှိထားတဲ့ အဆိုတော် ရိန်မိုး ကတော့ အနုပညာပိုင်း မှာလေးစားစရာ ကောင်း ရုံတင်မက တကယ့် မျိုးချစ်စိတ် ပြည်ထောင်စုစိတ်ဓာတ် ရှိတဲ့ ကရင်တိုင်းရင်းသား အတော်ဆို တယောက်ဖြစ်ပါတယ်။ သူ့ သီချင်းတွေ ကို အကယ်ဒမီ နေတိုး ရဲ့ဇာတ်ကားတွေမှာ နားထောင်ဖူးကြမှာပါ ။ ခု လည်း အဆိုတော် ရိန်မိုး က ရခိုင်ပြည် မောင်တောက အကြမ်းဖက်မှု တွေနဲ့ ပတ်သက်ပြီး ဂီတာ တို့ မိုက်ခရိုဖုန်းတို့ အစား သေနတ်ဆိုတဲ့ အရာကိုကိုင်ဖို့ အဆင်သင့်ပဲ လို့ သူ့ ရဲ့ ဖေ့စ်ဘွတ်ခ် အကောင့်မှာ အောက်ပါ အတိုင်းရေးသားထားပါတယ်။ ဒီကနေ့ ကျတော်တို့မြန်မာပြည်ရဲ့ အနောက်တံခါး ရိုက်ချိုး ဖျက်ဆီးခြင်းခံလိုက်ရပြီလို့ကြားရတယ် ဒီတော့ ဒီအချိန်မှာ ကျတော်တို့ ဒီနိုင်ငံထဲမှာ ရှိနေကြတဲ့ တိုင်းရင်းသားအားလုံးဟာ ဆွေမျိုးသားခြင်းတွေပဲ ညီကို မောင်နမတွေပဲ တစ်အူတုန်ဆင်းပြီး မြန်ပြည်ရဲ့ ရေကိုသောက်မီး မြန်ပြည်ရဲ့ အရိပ်ကိုခိုလုံနေကြတဲ့ အမျိုးအရင်းအခြာတွေလို့ ပြောချင်ပါတယ် ။ လူမျိုးစွဲ ဘာသာစွဲ ဆိုတဲ့ အတ္တလေးတွေကို ခနလေးဖယ်ထားပေးပြီး ကျတော်တို့ မြန်မာနိုင်ငံအတွက် လက်တွဲကြဖို့ အချိန်တန်ပါပြီး ခုအနောက်ရခိုင်တံခါးပေါက်ကြီး ရိုက်ချိုးခံလိုက်ရပြီးဆိုရင် ပြည်မအထဲမှာ နေထိုင်ကြတဲ့ ကျုပ်တို့အားလုံး လုံခြုံမယ်လို့တော့ ပေါ့ပေါ့ ဆဆ တွေးမထင်ပါနဲ့ဗျား ကျတော်သချင်းအေးဆေးဆိုနေတာပါ လိုအပ်လာရင်တော့ ဂစ်တာတို့ မိုက်ခရိုဖုန်းတို့အစား သေနတ် ဆိုတဲ့အရာကို ကိုင်ဖို့ အဆင်သင့်ပဲနော။ ဒါကြောင့် ကျတော်ချစ်တဲ့ မြန်မာပြည်ဖွား ဆွေမျိုးများအားလုံး သတိထားကြပါလို့ပြောချင်ပါတယ် အားလုံးသော(၇) ရက်သားသမီးသူတော်ကောင်းများ ဘေးရန်ခပ်သိမ်းကင်းကြပါစေလို့ ဆန္ဒပြုလိုက်ပါတယ်။ခွေးကျင့်ခွေးကြံ့ ကြံလို့ကတော့ ခွေးသားစားဖို့ ဝန်မလေးဘူးနော။ လို့ရေးသားထားပါတယ်။ ရိန်မိုး ရဲ့ ပို့စ့်အောက်မှာ အဆိုတော် ညီမင်းခိုင် ကလည်း' လေး စား လျှက်...သေနတ်ကိုင်တော့မည်ဆိုလျှင်လက်တို့ခဲ့ပါ...ခွေးသားအတူတူစားကြတာပေါ့ဗျာ. လို့ ရေးမှတ်ချက်ပေးထားပါတယ်။ အဆိုတော် ရိန်မိုး ရဲ့ ပြည်ထောင်အပေါ်ထား တဲ့ စိတ်ဓာတ်ကတော့ တကယ့်လေးစားစရာပါပဲ ။ Credit YomaLan Source : Reain Moe

207. Translation[351] of the Burmese text reads as follows:

> "The singer who said [he was] ready to grab a gun instead of microphone or guitar, if needed - August 26, 2017 KyarNyo - The singer Reain Moe, who has achieved success by entertaining the audience with his easy melodies, is not only respectable in the entertainment industry, but this Karen ethnic who excels at singing, is also a real patriot with spirit of the Union [of Myanmar]. You may have heard of his songs in the films of Academy-Award-winning Nay Toe. Now, regarding the violence in Maungdaw, Rakhine State, the singer Reain Moe wrote the following on his

[351] Clarifications are provided in square brackets […].

> Facebook account, saying he was ready to grab a gun instead of a guitar or a microphone. 'Today I heard that our Myanmar's West Gate suffered a break-in that destroyed it. In this case, at this time, I would like to say that all the ethnic people within this country are family, brothers and sisters, who come from the same blood, all drink the waters of Myanmar, take shelter under Myanmar, real close relatives. It is now time to temporarily set aside fixed mindsets such as 'only for my ethnicity' and 'only for my religion' and join hands for our country of Myanmar. Now that the West Rakhine Gate has been broken down, don't carelessly think that those of us who live in the mainland are safe. I sing easy melodies. But if needed, I'm ready to grab this thing called a gun, instead of a guitar or a microphone. That's why I would like to remind all the relatives who are born in Myanmar to be cautious. I wish safety for all the good sons and daughters born on all seven days of the week. If one tries to behave like a dog, plot like a dog, then [I] don't hesitate to eat dog meat,' this is how it was written [on Reain Moe's Facebook]. Under Reain Moe's post, the singer Nyi Min Khine, also wrote 'with respect, let me know when you grab a gun... let's eat dog meat together' as a comment. The singer Reain Moe's spirit towards the Union is really to be respected. Credit YomaLan Source: Reain Moe"

208. The post is accompanied by an image of a singer in two poses, one of him holding a gun, and the other of him performing on stage.

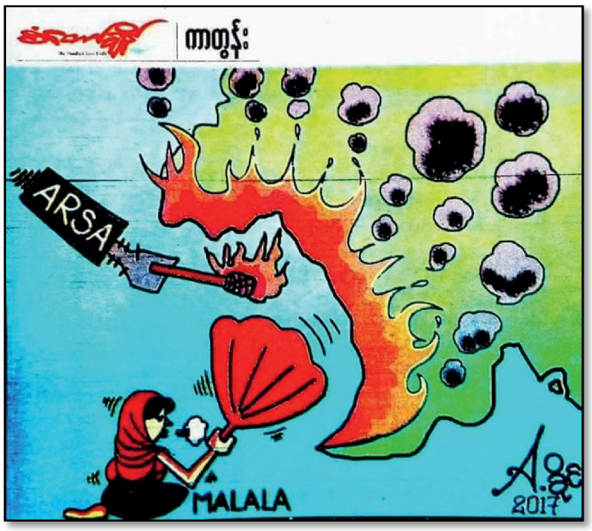
Table 11. Details of the 27 August 2017 post

No.	BIN	Date Created[352]	Author Name (ID)	Page Name (ID)
1	IIMM0000884614	08/27/2017 3:03 PM	(100014738044435)	Mandalay Express (610013255716125)

209. The author, ထွက် ပေါက် ("Exit") (100014738044435), published this post on the CIB Page Mandalay Express (610013255716125), on 27 August 2017, at 3:03 PM. As explained in Annex 8.1., this author is one of the editors across the HR designation takedown Pages. ထွက် ပေါက် ("Exit") (100014738044435) published 19,360 items on the six HR designation takedown Pages during the period between 1 January 2016 to 28 August 2018.[353] The Page Mandalay Express (610013255716125) is connected to the Military Network, because it shares all of its administrators and creators with those from the Military Network.[354]

[352] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[353] *See* no. 29 on Annex 8.1.
[354] *See* entry no. 15 on Annex 8.4. for the details.

9. *"Because they lost cheap houses, they gain land" - Post of 13 September 2017*



ဘင်္ဂလီတွေ ဘာ့ကြောင့် ကိုယ့်အိမ်ကို ကိုယ်မီးရှို့တာလဲ -၀--၀--၀--၀--၀--၀--၀--၀--၀--၀--၀--၀--၀--၀-
-၀--၀-- မောင်တောမှာ အခုဖြစ်နေတဲ့ မီးရှို့တဲ့ကိစ္စပေါ့ ဘင်္ဂလီတွေက ကိုယ့်အိမ်ကို ကိုယ်မီးရှို့တယ်၊ နောက်တော့ ဒေသခံတွေကပဲ ရှို့သလိုလို၊ တပ်ကလူတွေ ရဲတွေကပဲ ရှို့သလိုလိုနဲ့ ကမ္ဘာကို ငိုပြတယ် ..... ဘင်္ဂလီမီးရှို့တာ၊ ငိုပြတာအရေးမကြီးပါဘူး။ အရေးကြီးကတာ ကြားကဝင်နာနေတဲ့ ကိုယ့်လူမျိုးတွေပဲ ..... ။ ခင်ဗျားတို့စဉ်းစားကြည့်ဗျာ ..... ကုလား ၀ဘ်ဆိုဒ်တွေမှာ တက်လာတယ်..... ရခိုင်မြေက ထွက်ပြေးလားတာလို့ ဘင်္ဂလားမှာ ခိုလှုံတာပါတဲ့ ..... အဲ့အထဲကလူတွေကို ကြည့်လိုက်ရင် ကလေးတွေ သက်ကြီးရွယ်အိုအပြင် ဘယ်သူတွေပါလဲ ယောက်ျားသားဆိုရှာမှရှားဗျ ..... ဘင်္ဂလီတွေက ကိုယ့်အိမ်ကို ကိုယ်မီးရှို့ရဲတာတာပေါ့ သူတို့နောက်ကွယ်မှာ ထောက်ပံ့ပေးနေတဲ့ OIC ရှိတယ် ..... လူသားချင်းစာနာပါတယ်ဆိုတဲ့ ကုလားသီးသန့် UN ရှိတယ်။ ဒီတော့ ဘင်္ဂလီတွေအတွက်က အိမ်တွေက အဓိကဖြစ်မလား မြေနေရာက အဓိကဖြစ်မလား ..... တန်ဖိုးမများတဲ့ အိမ်လေးဆုံးရှုံးပြီး သူတို့တွေ မြေရတော့မယ်။ ဘာ့ကြောင့်လဲဆိုတော့ နိုင်ငံတကာကို သူတို့အိမ်တွေကို ဒီဒေသက လူတွေက မီးရှို့ပါတယ်ဆိုပြီး ငိုပြပြီးပြီလေ။ ဒါ့ကြောင့်လည်း နိုင်ငံတကာက မြန်မာအစိုးရကို ဖိအားပေးလာတယ်။ ဒီဘင်္ဂလီတွေကို တိုင်းရင်းသား၊ နိုင်ငံသားဖြစ်ခွင့်ပေးရမယ်၊ သူတို့အတွက် မြန်မာ့မြေပုံကို ဖဲ့ပေးဖို့တောင်းဆိုလာတယ်။ လူ့အခွင့်အရေးတွေ၊ လူသားချင်းစာနာတာတွေ လစ်ဗျယ်ဆန်တဲ့အတွေးတွေ ခဏဘေးချိတ်ထားလိုက်စမ်းပါဗျာ ဟိုးရှေးမြန်မာဘုရင်တွေလက်ထက်ကတည်းက ဒီအခွင့်အရေးတွေကို ထောက်ရှုပြီး သူတို့ကို နေခွင့်ပေးလာခဲ့တာ။ ဒီအချိန်ထိ ဒီအခွင့်အရေးတွေကို ဆက်ပေးထားရင် သူတို့အိမ်သူတို့ မီးရှို့ယုံတင်မကဘူး ..... မြန်မာတစ်နိုင်ငံလုံးကိုပါ မီးရှို့သွားလိမ့်မယ်။ ဘင်္ဂလီရွာတွေ မီးလောင်လို့ သနားမနေနဲ့ ..... ဒီအိမ်လေးပျက်သွားရင် နောက်ထပ်အိမ်တွေ အများကြီး ထပ်ဆောက်ဖို့အတွက် သူတို့ကို ထောက်ပံ့မဲ့လူတွေရှိပြီးသား ..... ဘင်္ဂလီတွေလုနေတဲ့ မြေနေရာတွေ ဆုံးရှုံးရမှာကိုသာ စဉ်းစားထား နောင်လာနောက်သားတွေအတွက် မြန်မာဆိုတာပြစရာ မြေပုံတောင် မရှိပဲဖြစ်သွားလိမ့်မယ်။ @မောဆက်

210. Translation[355] of the Burmese text reads as follows:

> "Why are the Bengali burning their own houses? In the case of the Bengali setting their houses on fire by themselves in Maungdaw, later, they cried out like locals or military and police burned their houses. It is not an issue with Bengali burning their own houses, but it is an issue when our own people feel sorry for them [the Bengali]. Think about it - things pop up on the Kalar websites - saying they had to flee Rakhine and take refuge in Bangladesh. If you look into the demographic of those, most are children and elderly people. Men were exceptionally rare. Of course, the Bengali dare to put their house on fire as they have OIC at their back. There is pure Kalar UN that claim to be humanitarian. So, what would be the priority for Bengali, house or land? Because they lost cheap houses, they are to gain land. This is because they have shed tears to the international community saying the locals burned their houses. And the international community is pressuring the Myanmar Government. There are now requests to grant ethnic status and citizenship for the Bengali and to give them a piece of land from the Myanmar map. So put aside of those human rights values, humanitarian norms and liberal thinking for a while. According to these rights, the Bengali have been allowed to live [in Myanmar] since the era of the ancient Myanmar Kingdom. If these rights are to continue to be granted [to the Bengali], they will not only just burn their own houses, but they will also burn the entire Myanmar. Don't feel pity because the Bengali villages were on fire. If they lose one house, there are many people who will support them so that they can build many more houses. Just think about the land that the Bengali are planning to snatch away. [If not] For the future generation, there might not be anything left on the map to show as Myanmar. @ Maw Set"

211. The post is accompanied by a cartoon image depicting ARSA burning the coast of Rakhine State while "Malala" (understood as a reference to 2014 Nobel Peace Prize laureate Muslim activist Malala Yousafzai) is flapping a hand-fan, staging her intention to spread the fire.

212. On 3 or 4 September 2017,[356] Malala Yousafzai wrote a statement concerning the Rohingya on her Twitter account, calling on Myanmar security forces to stop the violence, especially against small children, stating that the Rohingya should be given citizenship in Myanmar, urging other countries to provide support to the Rohingya fleeing the violence and imploring her fellow Nobel Peace Prize laureate, Aung San Suu Kyi, to condemn the treatment of the Rohingya.[357] Below is a screenshot of the tweet, which was included as an attachment[358] to another post found on the removed Facebook Pages:

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[355] Clarifications are provided in square brackets […].
[356] Depending on the timezone of the Twitter user, the tweet appeared on the night of 3 September 2017 or the morning of 4 September 2017.
[357] Tweet is available at **IIMM0027995413**, also available at https://twitter.com/Malala/status/904449772844711938, accessed March 2023.
[358] Screenshot attachment to the post is available at **IIMM0000162123**.



213. The post that accompanies the above screenshot criticised Malala Yousafzai for siding with the Rohingya without a thorough understanding of the situation on the ground.[359] The author compared the acts of terrorism and Taliban situation that Malala Yousafzai had escaped from, to the attacks in northern Rakhine State, implying that the Rohingya are affiliated with the terrorist armed groups. Additionally, the post pointed out that the word "Rohingya" was used a total of four times in Malala Yousafzai's tweet and that there was no instance of the word "Rakhine" in her tweet, implying a biased stance of Malala Yousafzai who ignored the plight of the Myanmar ethnic people.[360]

214. From 4 September 2017 to 7 December 2017, there are at least 111 posts from the removed Facebook Pages which referenced and criticised Malala Yousafzai for her tweet, some blatantly and some indirectly.[361] Many such posts take the form of open-letters to

[359] Post can be found at **IIMM0000219594**.
[360] Ibid.
[361] **IIMM0000219594**; **IIMM0000390370**; **IIMM0000941586**; **IIMM0000917314**; **IIMM0000412832**; **IIMM0000417217**; **IIMM0000390347**; **IIMM0000917306**; **IIMM0001041351**; **IIMM0000917286**; **IIMM0000390333**; **IIMM0000722984**; **IIMM0000184055**; **IIMM0000582862**; **IIMM0000681654**; **IIMM0000484757**; **IIMM0000751655**; **IIMM0000184041**; **IIMM0000884128**; **IIMM0000859639**; **IIMM0000859623**; **IIMM0000917168**; **IIMM0001099661**; **IIMM0001099295**; **IIMM0001099636**; **IIMM0000804281**; **IIMM0000804282**; **IIMM0000184000**; **IIMM0000859606**; **IIMM0000550736**; **IIMM0000517343**; **IIMM0000484740**; **IIMM0000917120**; **IIMM0000859585**; **IIMM0000681626**; **IIMM0000917080**; **IIMM0000751577**; **IIMM0001017283**; **IIMM0001041248**; **IIMM0001090683**; **IIMM0001093061**; **IIMM0000917059**; **IIMM0000722824**; **IIMM0001041232**; **IIMM0001093052**; **IIMM0000183843**; **IIMM0000661495**; **IIMM0000550663**; **IIMM0000859523**; **IIMM0000484671**; **IIMM0000183833**; **IIMM0000883974**; **IIMM0000639119**; **IIMM0000450249**; **IIMM0001099572**; **IIMM0000219532**; **IIMM0000369094**; **IIMM0000722709**; **IIMM0000661391**; **IIMM0000722569**;

Malala Yousafzai from Myanmar citizens. Below are some examples, posted in English on the removed Facebook Pages:

> *"To Dear Malala In today statement, on the inaccurate expression of you, noble prize, you have been condemned by people in far and wide of Myanmar environment. You srawled the without really knowing provenance of the problems of Rekhine, Myanmar on your Twitter that 'My statement on the Rohingya crisis in Myanmar'. May I say Malala, If the sentiments of one, noble prize is no biased, you in kind should see the masses of Rekhine who are violently killed by some attacker in Myanmar. You furthermore said that 'some Muslim are killed' it, too, mistakes. Actually, some masses of Rekhine and police officers are killed by some Muslim. As you stand by your nationalities, we, too, therefore will stand by our leader Daw Aung San Su Kyi and All people's of Myanmar country. No biased in the place of the exhibition to the real one of the numerous situations. I love Myanmar nationalities as you love your nationalities. As regard with situation of Rekhine, the onset, May I say you are mistaking and would like to ask you as follow: 1. Where do you use 'the meaning of human rights' ? 2. Is the meaning possible to use for terrorists ? 3. Have you ever been to Rekhine, Myanmar ? 4. Who are they who attack to the world ? 5. Have you ever heard 'Myanmar peoples did violence in the world ? We would like to say you Malala, hear the detailed description of genuine news and don't lie to the world! As far as the inaccuracy expression of you is concerned, we all, in Myanmar, severely condemn. You know that If you will do such behavior next time, further we also have to respond like that. Linthuein-Aunglan 6-9-2017 12 :30 PM"*[362]

> "*Dear Malala, First of all, I sincerely hope that you actually understand what 'your' own statement means and says. If you are perfectly honest, AND not being used by modern day politics, you wouldn't mind telling the whole world that you don't even understand half of what you claim you said. Here is why: You are a 20 year old Pakistani who has no knowledge of world politics including Myanmar's. It doesn't take a genius to figure out who wrote these amazingly-sounded statement and needless to say, the intent behind your involvement. You are a good example of modern day's dirty politics - take a look at yourself. You had an amazing life story.*

IIMM0000639027; **IIMM0000751402**; **IIMM0000840223**; **IIMM0000859420**; **IIMM0000582414**; **IIMM0000916850**; **IIMM0000389943**; **IIMM0000484516**; **IIMM0000219515**; **IIMM0000417155**; **IIMM0000369081**; **IIMM0000681352**; **IIMM0000773216**; **IIMM0000550559**; **IIMM0001003936**; **IIMM0000359148**; **IIMM0000450027**; **IIMM0000883771**; **IIMM0000916780**; **IIMM0000582304**; **IIMM0000722457**; **IIMM0000859367**; **IIMM0000638989**; **IIMM0000389846**; **IIMM0000751364**; **IIMM0000840196**; **IIMM0000516836**; **IIMM0000722350**; **IIMM0000449882**; **IIMM0000883686**; **IIMM0000916777**; **IIMM0000751315**; **IIMM0000516778**; **IIMM0000722284**; **IIMM0000389799**; **IIMM0000681254**; **IIMM0000681230**; **IIMM0000681170**; **IIMM0000516329**; **IIMM0000680815**; **IIMM0000358903**; **IIMM0000679497**; **IIMM0000914741**; **IIMM0000720830**; **IIMM0000368639**; **IIMM0000219175**; **IIMM0000416413**; **IIMM0000941326**; **IIMM0000358892**; **IIMM0000720713**; **IIMM0000358101**.

[362] *See* **IIMM0000917168**.

Politicians and lobbyists brought you in as an 'idol'. In reality, you have been used. That's quite pathetic. You still think you are an 'activist'. In reality, you are just 20 year old puppet. Listen very carefully, Malala, Don't talk about anything that you don't understand. You have no clue of what's happening in Rakhine (by the way, that's the name of state in Myanmar. Most likely, you wouldn't know). Violence will not go away by granting these undocumented Bangalis citizenship. Most importantly, you failed to condemn ARSA (Arakan Rohingya Salvation Army) who are responsible for the brutal attacks on Rakhine state. While you condemn violence in Myanmar, you are scared to condemn a terrorist group. Why, Malala? Why. We both know why. This is because the people who financed you and the people who lobby Rohingya's citizenship are the SAME! To be concluded, you have no idea what's happening in Myanmar. Not at clue! You are just a 20 year old puppet that has strategically been used by dirty politicians and lobby firms. Shame on you, Malala! You are pathetic!"[363]

"Shameless MALALA. How could you do such a thing? Have you no shame? You are completely without shame. Because of such a thing, you have shamed your family, country and religion. Okay MALALA, I suggest that please take those Bangalis Muslims to your own country or somewhere else except Myanmar. (Dr,Ashin Wimalawuntha)".[364]

215. The third example of the open letter noted above, also includes a message in Burmese stating: "even though Malala used the term 'Rohingya Muslims' Myanmar government authorities had stated consistently that there is no (Rohingya) in Myanmar, only Bengali."[365] Other posts that criticised Malala Yousafzai for her tweet also commonly reject the use of the name "Rohingya", claiming that the group is made up of illegal immigrants and terrorists, playing into the two narratives mentioned in Section II.A.2. "Hate Speech Narratives".

216. Details of the "Because they lost cheap houses, they gain land" post is provided in the table below.

Table 12. Details of 13 September 2017 post

No	BIN	Date Created[366]	Author Name (ID)	Page Name (ID)
1	IIMM0000219467	09/13/2017 6:36 AM	Šãk Mâw (100010993982600)	Phay Sit Gyi (1620931448152789)

[363] There are 13 instances, duplicates or near duplicates, of this post from the removed Facebook Pages, seven CIB Pages and one HR designation takedown Page (Myawady Daily). *See* **IIMM0000941586**; **IIMM0000917314**; **IIMM0000412832**; **IIMM0000417217**; **IIMM0000390347**; **IIMM0000917306**; **IIMM0001041351**; **IIMM0000917286**; **IIMM0000390333**; **IIMM0000722984**; **IIMM0000184055**; **IIMM0000917168**, and **IIMM0001099661**.
[364] *See* **IIMM0000859639**.
[365] Ibid.
[366] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.

217. The account Šăk Mâw (100010993982600), which is an administrator and an editor across HR designation takedown Pages,[367] posted this on a HR designation takedown Page, Phay Sit Gyi (1620931448152789). Therefore, both the author of the post and the Page on which it was published were part of the identified Military Network.

10. "Bengali turned Rohingya posing as refugees" - Post of 13 September 2017





မြန်မာမှာ ရှိဟင်ဂျာဆိုတာမရှိပါဘူး ခဏခဏ ပြောနေပေမယ့် ဘင်္ဂလီကို ရိုဟင်ဂျာအဖြစ်အသွင်ပြောင်းပြီး တိုင်းရင်းသား ဖြစ်ဖို့ လူအခွင့်အရေးဗန်းပြ၊ လူနည်းစုဗန်းပြ နောက်ကွယ်ကနေ ဘင်္ဂလီတွေကို ထောက်ပံ့၊ လူဦးရေကန့်သတ်ချက် မရှိ ၊ အိမ်ထောင်ပြုချင်တိုင်းပြု မွေးချင်တိုင်းမွေးပြီး လူဦးရေတိုးစေတဲ့ စီမံချက်ဆွဲ နယ်မြေမရှိတော့ အနောက်တံခါးကနေခိုးဝင် ကြာလာတော့ တိုင်းရင်းသားလုပ်၊ ရခိုင်မြေပေါ် နေတဲ့ အိမ်ရှင်လို့ပြောလို့ ပြော၊ အကြံတွေကြီးကြတယ်။ NGO/INGO/UN/OIC အဖွဲ့တွေရဲ့ စနက်တွေကိုစုစည်း နေစရာမရှိတာကနေ နယ်မြေလုပြီး အကြမ်းဖက်မှုတွေဖြစ် အိမ်ရှင်ကပဲမှားသလိုလို အိမ်ရှင်ကပဲ အကြမ်းဖက်သလိုလိုအသံလွှင့် မွတ်စလင်နိုင်ငံတွေရဲ့ ဒေါ်လာစားတွေက အသံတိတ်ပြီး အမှားကို အမှန်ပါပြောလိုပြော၊ နောက်ဆုံးတော့ တိုင်းရင်းသားဖြစ်ရေးကနေ လူမျိုးပေးဖို့၊ နယ်မြေပေး ဖို့ ဖြစ်လာတော့ လူနည်းစုက အကြမ်းဖက်မှုတွေလုပ်ကုန်ရော ဒါကိုလဲ လူအခွင့်အရေးဆိုပြီး အော်လို့ကောင်းတုန်း။ အကြမ်းဖက်မှုတွေနောက် ကိုယ့်အိမ်ကိုယ်ပြန်ပြီး မီးရှို့ ၊ ကိုယ့်အထုတ်ကိုယ်ပြန်၊ ကိုယ်ဈာတ်ကိုယ် ခင်းပြီး RFA/BBC/VOA/DVB မီဒီယာတွေရဲ့ ကင်မရာရှေ့မှာ ဒုက္ခသည်အဖြစ်နဲ့နေရာယူ မြန်မာမှာ ဘင်္ဂလီတွေကို အကြမ်းဖက်မှုတွေလုပ်နေပါတယ် ကြေငြာ။ ကိုယ့်အိမ်ကိုယ်ပြန်မီးရှို့တာကို လုံခြုံရေးတွေ၊ ရခိုင်နေပြည်သူတွေက မီးရှို့ပါတယ် လိမ်လည်ဆင်၊ ပြေးတော့ အိမ်ရှင် အကြမ်းဖက်တော့ ဘင်္ဂလီအစွန်းရောက် ကြေငြာတော့ ဘင်္ဂလီဒုက္ခသည် အကြမ်းဖက်တော့အိမ်ရှင် နဲ့ ဖြစ်နေတယ်။ ဒါက အစွန်းရောက်ဘင်္ဂလီအကြမ်းဖက်အဖွဲ့တွေနဲ့ ဘင်္ဂလီတွေရဲ့ လိမ်လည်ဉာဏ်ဆင်ပြီး ကိုယ့်အိမ်ကိုယ်ပြန်မီးရှို့ ၊ ကိုယ့်အထုတ်ကိုယ် ပြင်ပြီး မီဒီညာတွေရှေ့ပြေးကာ ကမ္ဘာကို လိမ်ပြီး ကြေငြာတဲ့ အကွက်တွေကို မမြင်ချင်ယောင်ဆောင်ကာ မြန်မာကို ဖိအားပေးကြပြန်တယ်။ (ကိုယ့်အိမ်ကိုယ်ပြန်မီးရှို့ပြီး ဒုက္ခသည်အဖြစ်ထွက်ပြေးကြောကြတဲ့ ဘင်္ဂလီအကြမ်းဖက်အပေါင်းအပါများ)

218. Translation[368] of the Burmese text reads as follows:

> "Although it's been said again and again that there is no Rohingya in Myanmar, the Bengali turned Rohingya try to become "*Taing-Yin-Thar*" [ethnic group] by giving excuses of human rights, of them being a minority population, with hidden support from behind. There is no limit on population, marrying as they wish, birthing children as they wish, they draw up plans to increase their population size. When

[367] See entry no. 26 on Annex 8.1.
[368] Clarifications are provided in square brackets […].

there is not enough land [for their population size], they 'sneak in' [Khoe-Win, a derogatory term] from the 'West Gate'. As time passes, they make themselves "*Taing-Yin-Thar*", say that they are the host population living on Rakhine land, [they have] big ambitions. They collect support from NGO/INGO/UN/OIC. Because there is nowhere to live, they grab the land by force. and violence ensued. They made noise as if the host did wrong, as if the host committed violence. Those eating with the dollars from the Muslim countries stay quiet and speak as if falsehood is the truth. Eventually, from the request to become "*Taing-Yin-Thar*", the request becomes about getting a race name, then about getting land. Then the minority [unclear who this is referring to] started to commit violence. Then it was very well shouted out as an 'human rights issue'. After the violence, they come back and burn their own houses, pack their own bags, write their own play, pose as refugee in front of the cameras of RFA/BBC/VOA/DVB media. They advertise that in Myanmar, violence is being committed against the Bengali. The houses that they themselves burned were said to have been burned by the security forces, and the Rakhine inhabitants. Lying and plotting. The ones who had to run were the hosts [referring to ethnic people such as Rakhine]; the ones who committed violence were the Bengali; But when the announcements came, it was reported that the host was committing violence against the Bengali refugees. This is extremist Bengali terror groups and the Bengali's lying and plotting. They burned their own houses, they packed their own bags, ran in front of the media, announced the lies to the world. And there are those who pretend that they do not see the ploy and pressure Myanmar once again. (Burning their own houses, announcing themselves as refugees who had to run away, Bengali terrorists and their accomplices.)"

219. This post seems to combine several narratives, such as denying the existence of the Rohingya in Myanmar, citing illegal immigration and population growth, while also using numerous derogatory terms to indicate that the Rohingya faked their suffering.

220. The post is accompanied by two photographs. One shows a woman and a man supposedly setting a house on fire. The second one shows a woman wearing the same blouse on the screen during a broadcast of VOA news, with the caption in Burmese saying, "inspections of those fleeing to the Bangladesh side were being carried out". Black circles are hand-drawn on the women in both photos, presumably for emphasis and suggesting that it is the same woman.

221. Prior to the publication of this post, independent media outlets conducted inquiries into the accuracy of the claims that the Rohingya were burning their own houses, after journalists were taken on a government-organised visit to Maungdaw, northern Rakhine state, and provided with photographs in support of the narrative that Muslims had burned down their own homes. The two same photographs also appeared on BBC and Associated Press articles on 11 and 12 September 2017, respectively. The media reports debunked the claims that these photographs depicted Rohingya people, further detailing with additional photographs that the same woman and man were seen at a school among the Hindu

population.[369] The post in question, published after the two media reports, seems to be a counter-effort at claiming this is indeed a Rohingya woman who is on the list of "those fleeing to the Bangladesh side".

222. Details of the "Bengali turned Rohingya posing as refugees" post is provided in the table below.

Table 13. Details of 13 September 2017 post

No	BIN	Date Created[370]	Author Name (ID)	Page Name (ID)
1	IIMM0000722129	09/13/2017 6:12 AM	Sitt Naung (100007879969051)	Yangon Media (560439514014305)

223. The author of this post, Sitt Naung (100007879969051), is part of the Military Network on Facebook as it is one of the editors of the HR designation takedown Pages. Sitt Naung published 131 items on the six HR designation takedown Pages between 1 January 2016 to 28 August 2018.[371] The CIB Page Yangon Media (560439514014305), on which this post was published, is also part of the Military Network for sharing six of its creators and administrators with those from the HR designation takedown Pages.[372]

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[369] **IIMM0027995161** Jonathan Head, "Rohingya crisis: Seeing through the official story in Myanmar", BBC News (11 September 2017) also available at https://www.bbc.com/news/world-asia-41222210; **IIMM0027995107** "'Proof' of Rohingya-set fires in Myanmar fails inspection", Associated Press (12 September 2017) also available at https://apnews.com/article/ap-top-news-international-news-asia-pacific-religion-bangladesh-04fcf3faf8ee4f9daa08edd59d10c5b7. For another example post featuring similar photos, *see "Kalar burning homes": Post of 6 September 2017*

[370] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.

[371] *See* entry no. 57 on Annex 8.1.

[372] *See* entry no. 12 on Annex 8.4.

11. "Ro-gein-nyar": Post of 29 September 2017









Rueters သတင်းဌာနကနေတက်လာတဲ့သတင်းမှာ၊ ကုလသမဂ္ဂဆိုင်ရာ အမေရိကန်သံအမတ်ကြီး နစ်ကီဟေလီက၊ ရခိုင်အရေးမှာ မြန်မာစစ်တပ်က ရိုဟင်ဂျာတွေကိုနှိပ်ကွပ်နေတယ်ဆိုတဲ့ သတင်းတွေကြောင့်၊ မြန်မာနိုင်ငံကို စစ်လက်နက်တွေ မရောင်းကြဘို့ အပြည်ပြည်ဆိုင်ရာကို ပန်ကြားခဲ့တယ်။ ဒါပေမဲ့ အိုးဘားမားလက်ထက်က ဖျက်သိမ်းခဲ့တဲ့ မြန်မာပြည်အပေါ် စီးပွါးရေးပိတ်ဆို့မှုမျိုးကို ပြန်လုပ်ဘို့ အစီအစဉ်မပါရှိဘူးလို့ အဲ့ဒီသတင်းကဆိုတယ်။ #DYM နောက်သတင်းတခုမှာ " မြန်မာနိုင်ငံနဲ့ အမေရိကန်ပြည်ထောင်စု ဆက်ဆံရာမှာ လူ့အခွင့်အရေး အကာကွယ်ပေးရေးနဲ့ ရိုဟင်ဂျာအရေးတွေကို ဦးစားပေးသင့်ကြောင်း အမေရိကန်အောက်လွှတ်တော်-အာရှနဲ့ပစိဖိတ်ရေးရာ နိုင်ငံခြားရေးဆပ်ကော်မတီ ဥက္ကဋ္ဌကဖြစ်တဲ့ ကယ်လီဖိုးနီးယားပြည်နယ် အောက်လွှတ်တော်အမတ် အက်ဒ်-ရွိုက်စ်က ပြောတယ်ဆိုတဲ့" သတင်းလည်းတက်လာတယ်။ #DYM ဒီသတင်း၂ ခုကို ကြည့်လိုက်ရင် -(၁) ပထမတခုက်က အမေရိကန်အောက်လွှတ်တော်-အာရှနဲ့ပစိဖိတ်ရေးရာ နိုင်ငံခြားရေးဆပ်ကော်မတီ ဥက္ကဋ္ဌကဖြစ်တဲ့ ကယ်လီဖိုးနီးယားပြည်နယ် အောက်လွှတ်တော်အမတ် အက်ဒ်-ရွိုက်စ် ဆိုတာ ဒီမိုကရက်ပါတီကဖြစ်တယ်။ ကယ်လီဖိုးနီးယားပြည်နယ်ဆိုတာ တပြည်နယ်လုံး ဒီမိုကရက်တွေစိုးမိုးထားပြီး လိင်တူမင်္ဂလာဆောင်ခွင့်ပြုရေး၊ မတ္တဆီကို တရားဝင်ခိုးဝင်လာသူတွေကို လူ့အခွင့်အရေးဆိုပြီး နေထိုင်ခွင့်ပေးရေး၊ စတဲ့ပေါ်လစီတွေ

လွမ်းမိုးနေပြီး သမတရမ့်ရဲ့ ပါတီဖြစ်တဲ့ ကွန်ဆာဗေးတစ် ပါတီရဲ့ ရန်သူတော်များ အင်အားကြီးမားတဲ့ ပြည်နယ်ဖြစ်တယ်။ အက်ဒ်ရွိုက်စ် က အမေရိကန်အောက်လွှတ်တော်က နိုင်ငံခြားဆပ်ကော်မတီများစွာထဲက တခု ဖြစ်တဲ့ အမေရိကန်အောက်လွှတ်တော်- အာရှနဲ့ပစိဖိတ်ရေးရာ နိုင်ငံခြားရေးဆပ်ကော်မတီ ဥက္ကဋ္ဌလောက်ပဲဖြစ်တယ်။ "သူ့ပြောကြားချက်ဟာ သမတထရမ့်အစိုးရရဲ့သဘောထားမဟုတ်ဘူး။" သူအများဆုံးလုပ်နိုင်ရင် မြန်မာနိုင်ငံနဲ့ ပတ်သက်တဲ့ ကိစ္စတခုကို အောက်လွှတ်တော်မှာ မဲခွဲရင် သူ့မဲတမဲ ထဲ့နိုင်မယ် ဒါပါဘဲ။ ဒါ့အပြင် အလွန်ဆုံးသူ လုပ်နိုင်ရင် သူဆပ်ကော်မတီမှာ မြန်မာနိုင်ငံက ရခိုင်အရေးကို ကြားနာပွဲလုပ်ပြီး မိဒီယာမှာ ဖြန့်မယ်။ ဒါပါဘဲ။.. #DYM ကျနော်တို့ဟာ လက်ရှိအမေရိကန်နိုင်ငံရေးအခြေကို လေ့လာကြဘို့လိုပါတယ်။ ကျနော်ကတော့ နိုင်ငံရေးသိပ္ပံနဲ့ Ph.D.လုပ်တုံးက၊ အမေရိကန်နိုင်ငံရေး (American Politics) အဆင့်မြင့်တန်း (Advanced Course) ယူခဲ့တော့ နောက်နှစ်မှာ အမေရိကန်ကျောင်းသားတွေကို အမေရိကန်နိုင်ငံရေးအခြေခံအတန်း (American Politics 101) သင်ခဲ့အတွက်၊ ဒီအမေရိကန်နိုင်ငံရေးအခြေအနေကို အခုထိ မျက်ခြေမပြတ်နေတိုင်းစောင့်ကြည့်လေ့ ရှိပါတယ်။ လက်ရှိအမေရိကန်နိုင်ငံရေးအခြေအနေက အာဏာရ သမတထရမ့်ရဲ့ ကွန်ဆာဗေးတစ်ရီပတ်ဘလစ်ကင်ပါတီနဲ့ အရေးနိမ့်သွားတဲ့ အိုအားမားတို့ ဟီလာရီကလင်တန်တို့ ခဲ့ရဲ့ လစ်ဘရယ်ဒီမိုကရက်တစ်ပါတီတို့အကြားမှာ နိုင်ငံရေးအရ အရမ်းတင်းမာနေပါတယ်။ အမေရိကန်ကွန်ဂရက်မှာ တခုတလော တင်တဲ့ ဥပဒေကြမ်းတွေဖြစ်တဲ့ အိုဘားမားကျန်းမာရေး အာမခံစံနှစ်ဖျက်သိမ်းအစားထိုးရေး၊ အမေရိကန်အခွန်ကောက်ခံမှုစံနှစ်ကို ပြုပြင်ပြောင်းလဲရေး စတဲ့ ဥပေဒကြမ်းတွေ မဲခွဲဘို့ကြိုးစားရာမှာ တဖက်နဲ့ တဖက် ဘယ်လို မှ ဧစ့်စပ်လို့ မရအောင် တင်းမာနေပါတယ်။ ဟိုးတုံးက အမေရိကန်နိုင်ငံရေးမှာ နှစ်ပါတီပူးတွဲဥပဒေပြုတဲ့ အစဉ်အလာ မွေးမှိန်သွားပြီး အမေရိကန်ပါတီကြီး ၂ ခုဟာ အခုဆို အဖက်ကို တဖက် ရန်သူလို သဘောထားနေပါတယ်။ ဒါပေမဲ့ မျောက်ကိုရီးယားကို ပြတ်ပြတ်သားသားကိုင်တွယ်ဘို့ ကိစ္စကျတော့ ဒီမိုကရက်ပါတီက သတမထရမ့်ကို ထောက်ခံကြရပါတယ်။ မထောက်ခံလို့ကတော့ ဒီမိုကရက်တစ်ပါတီကို တပြည်လုံးပိုင်းဆဲမှာပါ။ .. #DYM (၂) ဒုတိယအချက်က ကတော့ ကျနော်တို့ထက် ရှိလိမ်ညာလော်ဘီက အမေရိကန်နိုင်ငံရေးမှာ အများကြီးထိုးဖောက်ထားပြီး၊ ကျနော်တို့ဘက်က ဘာမှ ထဲထဲဝင်ဝင် ထိုးဖောက်ထားနိုင်မှုမရှိတဲ့အချက်ပါ။ ဒီကိစ္စဟာ လက်ရှိအခြေအနေမှာ မြန်မာနိုင်ငံအတွက် အလွန်အရေးကြီးနေပါပြီ။ မြန်မာနိုင်ငံမှာ လက်ရှိဖြစ်ပျက်နေတဲ့ အထူးသဖြင့် ရခိုင်ပြည်နယ်က ရှိလိမ်ညာ ပြသနာကို အမေရိကန် နိုင်ငံခေါင်းဆောင်တွေဆီ ပေါက်ရောက်အောင် ချဉ်းကပ် ရှင်းပြဘို့လို နေပါတယ်။ အမေရိကန်တွေသံတမာန်တွေအပါအဝင် နိုင်ငံခြားသံတမာန်တွေကို ရခိုင်ပြည်ကိုသွားပြီး သူတို့ ကိုယ်တိုင်လေ့လာကြည့်ရှုစေတာဟာ ကောင်းပါတယ်။ ဒါပေမဲ့ အမေရိကန်ဗျူရိုကရေစီနှစ်မှာ အမေရိကန်သံတမာန်တွေက သူတို့တွေ့ရှိတာတွေကို ပုဂ္ဂိုလ်ရေးအမြင်တွေနဲ့ ရောပြီး အမေရိကန် နိုင်ငံခြားရေးဌာနကို လှမ်းအစီရင်ခံမယ်၊ အဲ့ဒီအစီရင်ခံစာကို အမေရိကန်နိုင်ငံခြားရေး ဌာနကတဆင့် သမတရုံးကိုပို့ရမယ်။ သမတရုံးမှာလည်း တမျှော်လုံးကိစ္စတွေ ပြည်တွင်းကိစ္စတွေနဲ့ ပတ်သက်တဲ့ အစီရင်ခံစာတွေ အရမ်းများနေတဲ့ကြားက မြန်မာနိုင်ငံအကြောင်း အမေရိကန်သံအမတ်ပို့တဲ့ အစီရင်ခံစာက ဦးစားပေး အဆင့် ရောက် ဖို့ မလွယ်။ ပြောချင်တာက ဒီလို ကိုယ့်တိုင်းပြည်အတွက် အရေးကြီးတဲ့ ကိစ္စတွေကို သမတအိမ်ဖြူတော်မှာ ရှိတဲ့ အမေရိကန်အစိုးရထိပ်ပိုင်း ခေါင်းဆောင်တွေလက်ထဲကို အမြန်ဆုံးရောက်တဲ့နည်းရှိပါတယ်။ ဒါကတော့ ပါရှင်တန်ဒီစီမှာ မြန်မာပြည်ကို ကိုယ်စားပြုပြီး

မြန်မာ့အခြေအနေကို အမေရိကန်အစိုးရ ခေါင်းဆောင်ပိုင်းဆီကို ချက်ချင်းဆိုသလို ရောက်အောင်လုပ်ဖို့၊ ဂါရှင်တန်ဒီစီ က K street လမ်းပေါ်မှာအများကြီးရှိတဲ့ အမေရိကန်လော်ဘီရုံးတခုခုကို ငှါးရမ်းဘို့ ပါ။ တချို့လော်ဘီရုံးတွေက ဒီမိုကရက်တွေကို ကပ်ထားပြီးလုပ်သလို၊ တချို့လော်ဘီရုံးတွေက ကွန်ဆာဗေးတစ်ပါတီကို ကပ်ပြီးလုပ်ပါတယ်။ ကျနော်တို့ အဲ့ဒီလော်ဘီတွေထဲက သမတထရမ့်နဲ့ ရင်းနှီးပြီး အရေးကြီးတဲ့ ကိစ္စတွေကို သမတထရမ့်နားထဲ ရောက်အောင်လုပ်နိုင်တဲ့ လော်ဘီလို နေပါပြီ။ ရိုလိမ်ညာဆိုတာ လုပ်ကြံထားတဲ့ နာမည်၊ သမိုင်းမှာ တကယ်မရှိတဲ့ လူမျိုး၊ ရိုလိမ်ညာဟာ မြန်မာပြည်ထဲကို တစိမ့်စိမ့် တရားမဝင်ဝင်ရောက်နေထိုင်နေတဲ့ ဘင်္ဂလီတွေဖြစ်တယ်ဆိုတာ သမိုင်းအထောက်အထားတွေ၊ လက်တွေ့အဖြစ်အပျက်တွေက အထောက်အထားတွေ စသည်ဖြင့်ကို သမတထရမ့်အစိုးရရဲ့ အထက်ပိုင်းခေါင်းဆောင် တွေသိအောင် လုပ်ဘို့လိုနေပါပြီ။ ဒီတော့ ကျနော်တို့ သမတထရမ့်အနားကို ကပ်နိုင်တဲ့ အမေရိကန်လော်ဘီရုံးတခုကို ငှါးသင့်ပါပြီ။ အခု သမတထရမ့်ရဲ့ အစိုးရရဲ့ အိမ်ဖြူတော်ဝန်ထမ်းအားလုံးဟာ လူသစ်တွေချည့်ပါ။ သမတထရမ် ့က သူ့လူတွေချည်းဖြစ်အောင် လုပ်ထားလိုက်လို့ ပါ။ ဒီတော့ အိမ်ဖြူတော်ကို ချည်းကပ်နိုင်တဲ့ ဂါရှင်တန်ဒီစီမြို့ "K Street" မှာ ရုံးခန်းတွေ အများကြီးဖွင့်ထားတဲ့ American Lobbyists တွေထဲက၊ သမတထရမ့်နားကို ပေါက်တဲ့ Lobbyist ကို ငှါးရမ်းဘို့ ပါ။ အစွမ်းရေးတောင် ဒီလိုဘဲ ငှါးရမ်းထားပါတယ်။ အရင် နဝတ ခေတ်က တခါ Lobbyist ငှါးရမ်းဘူးခဲ့ပေမဲ့ သူတို့ မအောင်မြင်ခဲ့တာက သူတို့ လုပ်ထားတာတွေက ဘယ်လိုမှ မဖုံးနိုင်လို့ ပါ။ ကျနော်တို့ အပြင်လူများကလည်း ဖိုင်းပြီး ဖော်ထုတ်လို့ ပါ။ အခုအခါမှာ လက်တွေ့ဖြစ်ပျက်နေတာတွေဟာ ပြင်ပမီဒီယာတွေ၊ ကုလသမဂ္ဂက ဟာတွေ ပြောသလိုမဟုတ်ကြောင်း အချက်အလက်နဲ့ တကွ အဲ့ဒီ Lobbyist ထဲက သမတထရမ့်နားကို ပေါက်နိုင်တဲ့ သူကို ငှါးဘို့ အထူးလိုအပ်နေပါပြီ။ ပိုက်ဆံတော့ကုန်ပါမယ် ။အခုဟာက အကြပ်အတည်းဖြစ်နေတာဖြစ်ပြီး ရက်ပိုင်းအတွင်းမှာ သမတထရမ့်က အခြေအနေမှန်တွေကို သိရှိဘို့ လိုအပ်နေပါတယ်။ K street က သမတထရမ့်နားကို ပေါက်ရောက်တဲ့ Lobbyist လိုအပ်နေပါပြီ။ အလွန်အရေးကြီးပါတယ်။ သမတထရမ့် တခွန်းပြောလိုက်ရင် UN ပက်လက်လန်သွားမှာပါ။ အမေရိကားက UN ကို ပိုက်ဆံ အထောက်ပံ့ရဆုံးဖြစ်လို့ ပါ။ တတိယတချက်က (၃) အမေရိကန်ပြည်ထဲကို ရောက်နေတဲ့ ရိုဂိန်ညာလော်ဘီက လွန်ခဲ့တဲ့ ၁၀ နှစ်လောက်ကတည်းက အမေရိကန်နိုင်ငံရေးက ဩဇာအာဏာရှိသူတွေကို လော်ဘီလည်းလုပ်နေခဲ့တယ်။ အာရဝ်တွေက အဲ့ဒီကောင်တွေကို ထောက်ပံ့တာအများကြီး ပေးနေတာ ဆိုတော့ သူတို့က သူတို့ကပ်ချင်တဲ့ အမေရိကန် အောက်လွှတ်တော်အမတ်၊ အထက်လွှတ်တော်အမတ် တွေရဲ့ရွေးကောက်ပွဲတွေမှာ ပိုက်ဆံလှူဒါန်းပြီး နီးစပ်မှုရအောင်လုပ်တယ်၊ ဒုံအပြင် မြန်မာဘာသာနဲ့ အသံလွှင့်တဲ့ VOA တို့ RFA တို့မှာ လုပ်ပိုင်ခွင့်အရှိဆုံးလူတွေကိုလည်း ကပ်ထားတယ်။ တချက်ဂရုပြုမိတာက အဲ့ဒီ အမေရိကန်ပြည်ရောက် ရိုဂိန်ညာလော်ဘီတွေဟာ လူအခွင့်အရေးအကြောင်းပြရင် မျက်လုံးစုံမှိတ်ယုံတဲ့ ဒီမိုကရက်တွေကို ပိုပြီးကပ်ထားပါတယ်။ ရီပတ်ဘလစ်ကင်တွေကိုတော့ ဒီလောက် မကပ်ရဲပါဘူး။ ရိုဂိန်ညာလော်ဘီတယောက်ဆို အိုဘားမားလက်ထက်က နိုင်ငံခြားရေးဝန်ကြီးဖြစ်တဲ့ ဂျွန်ကယ်လီနဲ့ တောင် ၂ ယောက်တွဲ ဓါတ်ပုံရိုက်ထားတယ်ဆိုတော့ သူတို့ ရိုဂိန်ညာ လော်ဘီ အမေရိကန်မှာ ဘယ်လောက် ခြေသွက် သလဲဆိုတာသိနိုင်ပါတယ်။ ဒီတော့ ကျနော်တို့ ကမ္ဘာနိုင်ငံရေးရဲ့ ခေါင်းကိုင်ဆရာကြီးဖြစ်တဲ့

အမေရိကားမှာ မြန်မာပြည်ကို ကိုယ်စားပြုမဲ့ လော်ဘီအဖွဲ့ တခုကို ဖြစ်နိုင်ရင် ငါးရမ်းစေချင်ပါတယ်။ .....
#DYM ---------- Ye Myint

224. Translation[373] of the Burmese text reads as follows:

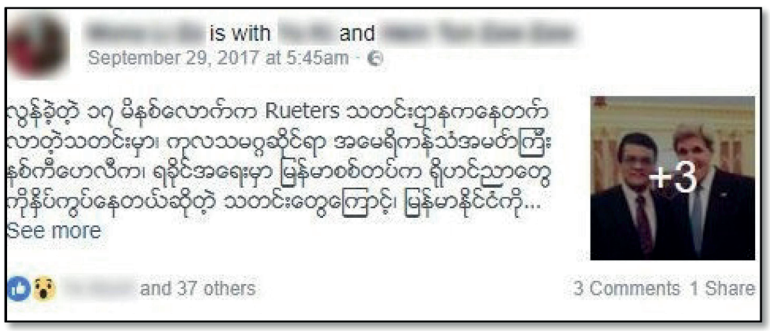
> "In a news report from Reuters news agency, the US Ambassador to the United Nations, Nikki Haley appealed to the international community to not sell military weapons to Myanmar due to the reports that the Myanmar army is oppressing the Rohingya in the Rakhine affairs. However, the news said that there is no plan to reimpose the economic embargo on Myanmar that was abolished under Obama. #DYM In another news report, "a California congressman Ed Royce, who is the chairman of the US House Foreign Affairs Subcommittee on Asia-Pacific commented that in the US-Myanmar relations, the protection of human rights and the Rohingya issues should be given priority." #DYM If one looks at these 2 news items - (1) first, the California congressman Ed Royce who is the chair of the US House Foreign Affairs Subcommittee on the Asia-Pacific affairs is from Democratic party. California is a state dominated by Democrats and it was dominated by such issues as same-sex marriage, granting those who entered illegally from Mexico the rights to live citing human rights, and is a stronghold of the enemies of the President Trump's conservative party. Ed Royce is merely one chairman among innumerable subcommittees in the House called the US House Foreign Affairs Subcommittee on Asia and the Pacific affairs. 'His statement is not the opinion of President Trump's administration.' The most he could do is to cast a single vote in case motions on the Myanmar issues were put to vote in the House. The most he can do is hold a hearing on the Rakhine affairs in Myanmar in his subcommittee and spin it to the media. That's all… #DYM We need to study the current American political situation. I took an advanced course in American Politics when I was working for my PhD in political sciences and taught American Politics 101 to American students. So, I am keeping a close eye on the American political situation. The current American political situation is such that political relations between the ruling conservative Republican Party of President Trump and the liberal Democratic Party led by the defeated Obama and Hillary Clinton are very tense. In the most recent attempts to put into votes on the abolishing and replacing Obama health insurance policy and the reform of the US tax policy, the tension is so great that the two sides are finding themselves impossible to negotiate. The tradition of bipartisan joint legislation in American politics has faded and the 2 major American parties now regard each other as enemies. But on such issue as decisively acting against North Korea, the Democratic Party has to support President Trump. If they did otherwise, they would receive the wrath of the entire nation. ... #DYM (2) Secondly, the 'Ro-lein-nyar' [Translator's note: the literal meaning is 'lying Rohingyas' or 'Ro-liars'] lobby has penetrated the American political sphere more deeply than we have. This has become very

[373] Clarifications are provided in square brackets […].

important for Myanmar in the current situation. It calls for the actions to approach US political leaders and explain what is currently happening in Myanmar, especially the 'Ro-lein-nyar' problem in Rakhine State. It would be good to get foreign diplomats including the US diplomats, visit Rakhine state and see for themselves. But in the American bureaucratic system, when American diplomats report to the US State Department, they would mix what they found with their personal views whence these reports are then sent to the President's Office. As the President's Office is inundated with the reports about other global and domestic issues, it is not easy for the US ambassador's report on Myanmar to get to the priority status. What I want to say is that there is a way to get these important issues for our country into the hands of the top leaders of the American government in the White House as quickly as possible. This is to get the service of one of many American lobby firms on K street in Washington D.C. which represent Myanmar so that the Myanmar situation gets to the US leadership immediately. While some lobbying firms work with Democrats, some are aligned with the conservative party. Among those lobbies, we need one who is very close to President Trump and is able to pour important issues into President Trump's ears. It is time to make the senior leaders of the President Trump's administration know that there is historical and present-day evidence showing 'Ro-lein-nyar' is a made-up name, these people do not exist in history, 'Ro-lein-nyar' are in fact the Bengalis who have been seeping into Myanmar. That means it is about time that we hire an American lobby firm that can get close to President Trump. All the White House personnel of President Trump's administration are new people. This is because President Trump has filled them exclusively with his people. So, we must get the service of one of the American lobbyists who opened offices on 'K Street' in Washington, DC, which could get to the White House, and at whom President Trump is willing to cock an ear. Even Israel uses the lobbyists' services. Previously the SLORC [Translator's note: State Law and Order Restoration Council] had an experience of hiring a lobby firm but they failed because they just could not cover all their acts. We, the outsiders, also helped expose their lies. Now it is imperative that the service of a lobbyist who could get President Trump's attention to explain what is actually happening is not like what the outside media and the United Nations said. It likely costs a lot of money. But the crisis has arisen, and President Trump needs to know the real situation in a few days. It is high time to get lobbyists from K street who could reach out to President Trump. One word from President Trump and the UN will fall back. This is because the United States provides the most funds to the UN. Thirdly, (3) The 'Ro-gein-nyar' [literally, 'Ro-liars' who yelp like a dog that has been hit; this is one of the derogatory words explained in Annex 3 as 'Ro-gein-nyar' ('lying dogs that need to be hit')], lobby has been lobbying influential names in US politics for more than 10 years. Since the Arabs have given those gits substantial support, they donate money to the House and Senate elections to get the representatives and senators they want. In addition, they are also trying to get the affinity of some of the most authoritative people in VOA and RFA, which broadcast

> in Burmese. One thing I noticed is that the 'Ro-gein-nyar' lobbies in the United States are closer to the Democrats who would blindly believe in the cause of human rights. They dared not try their luck with the Republicans. As one of the 'Ro-gein-nyar' lobbyists managed to get a photo op with the former Secretary of State from Obama administration John Kelly, you can see how swiftly the 'Ro-gein-nyar' lobby has been acting in the United States. So, if possible, I would like to see a lobby group hired that will represent Myanmar in America, which is the master in world politics. … #DYM ---------- Ye Myint"

225. The same content was seen in the material collected by the FFM, the screenshots of which were handed over to the Mechanism. The FFM collected two instances of this content on Facebook, published on 29 September 2017.[374] The instances collected by the FFM were posted and/or shared by individual Facebook accounts, whereas the above example was identified by the Mechanism from among the posts from the removed Facebook Pages. The examples collected by the FFM were published on Facebook on 29 September 2017 at 5:45 AM[375] (4:45 AM UTC) and 6:49 AM (5:49 AM UTC) respectively. These two instances of the same content collected by the FFM were not included in the material Meta removed in August 2018. This shows that the material that Meta removed in August 2018 were not an exhaustive removal of posts containing what the Mechanism considered in this Analytical Report to be hate speech.[376]



IIMM0000024685 – Example collected by the FFM with "Ro-gein-nyar"

[374] *See* **IIMM0000022948** and **IIMM0000024685**
[375] Examples collected by the FFM show the Central European Time, which is 1 hour ahead of UTC.
[376] *Also see*, infra paras. 277-278.



IIMM0000022948 - Example collected by the FFM with "Ro-gein-nyar"

226. The Mechanism identified one instance of this post, with four photograph attachments. The below table shows the details, including the account that published this post and the time[377] it was published.

Table 14. Details of the 29 September 2017 post

No	BIN	Date Created[378]	Author Name (ID)	Page Name (ID)
1	IIMM0000358905	09/29/2017 6:30 AM	(100013534815151)	Oppositeyes (262770877158690)

227. The author with ID 100013534815151 published this post on the Oppositeyes Page at 6:30 AM on 29 September 2017. This author[379] is also one of the editors of the HR designation takedown Pages, having published 23 items across six HR designation takedown Pages between 1 January 2016 to 28 August 2018.[380] The Oppositeyes Page is also part of the Military Network as five out of its six creators and administrators are the accounts that managed the HR designation takedowns.[381]

[377] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[378] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[379] The name of the account with ID 100013534815151 is not included in the material Meta produced for the Mechanism.
[380] *See* no. 60 on Annex 8.1.
[381] *See* "Analysis of Creators and Administrators of CIB Page, Oppopsiteyes".

12. "You can get a six-foot pit": Post of 2 October 2017





အနောက် တံခါး က သောက်ကုလားများက ကလေးကလား အထာနဲ့ သူတို့တွေးထားက နိုင်ငံရေး
စားပွဲဝိုင်းမှာ ခုံတစ်ခုံလောက်များရမလားပေါ့လေ! နိုင်ငံရေးအကူးအပြောင်းမို့ မင်းတို့ လို
"မရူးမကောင်းလေးတွေ"သက်သာတယ်မှတ်ပါ မင်းတို့နဲ့ ရင်ဆိုင်နေတဲ့"တပ်မတော်"ဆိုတာ အရင်
ခေတ်က ဆို မင်းတို့ကို နားချောက် တွေဖြတ်ရိုက် ဓတ်လိုက်တာထက်တောင်
မင်းတို့ကြောက်ခဲ့ရတယ်ဆိုတာ မင်းတို့သိမှာပါကွာ! ခုမှ လူအခွင့်အရေးဘာညာ ပွင့်လင်းမြင်သာ မို့
မင်းတို့တွေ "ဂျူကြွေ"ရဲတာပါလေ NGOနဲ့UNကို အားကို း မင်းတို့တွေတအားဆိုးခဲ့တယ်နော်
သားဆိုးရင်သာ ဖင်ကလေးကို ခပ်ဆတ်ဆတ်လေး ရိုက်ဆုံးမတာလေ! မင်းတို့လို "ကုလားဆိုး"
'နွား"မျိုးကိုတော့ သွားကြိုး အောင် ထိုးပေးဖို့ဝန်မလေးဘူးဟ! 'စားပွဲခုံ"တော့မရဘူး မာမွတ်တို့ရေ
မြန်မာပြည်ကြီးကို တအားချစ်နေသပဆိုလဲ မင်းတို့အတွက် "ခြောက်ပေကျင်း"တော့ ရနိုင်ပါတယ်
ပြောလို့သာပြောရပါတယ်လေ "ဒို့"ပြည်သူတွေက မင်းတို့လို ကောင်တွေအတွက် "မြေ"ကြီးချဖို့တောင်
သန နေချင် နေကြမှာလေ!

228. Translation[382] of the Burmese text reads as follows:

> "'Thauk Kalar' [roughly meaning 'f-ing Kalar'] from the 'West Gate'.[383] They are thinking that they might get a seat at the political table, because it is the transitional period for the politics. The likes of you [addressing the Rohingya] 'Ma Yu Ma Kaung' [literally 'not crazy not well', hinting that the Rohingya are not right in the head], consider that you got away easy. As you well know, the Tatmadaw that you are facing, under the previous [military] government, hit you across the ears, and you feared it more than being shocked by electricity. Now, because of human rights blah

[382] Clarifications are provided in square brackets […].
[383] *See* Annex 3 for explanation of the derogatory term "West Gate".

blah, opening up and transparency, you dare to 'Jo Kywa' [roughly meaning 'cause trouble']. Relying on the NGO and the UN, you guys behaved so badly. Bad sons get their bottoms spanked hard as punishment! 'Kalar-soe' [bad Kalar] like you, relatives of cows, we don't hesitate to punch you till your teeth fall out! You won't get a seat at the table, Marmouds [derogatory word, implying all Rohingya are named 'Marmoud']. If you say you love the Myanmar land so much, you can get a six-foot pit [meaning can be buried in the land]. I'm just saying. Our people might think that having you buried in our land would besmirch it."

229. The post is accompanied by five photographs showing Myanmar military soldiers wearing various military fatigue and with various weapons, such as mortars, mortar shells and a multiple rocket launcher.

Table 15. Details of the 2 October 2017 post

No.	BIN	Date Created[384]	Author Name (ID)	Page Name (ID)
1	IIMM0000615848	10/2/2017 7:58 AM	နေဇင်လတ် (Nay Zin Latt) (100016090327632)	ပြည်မြန်မာ (Pyi Myanmar) (544353522262317)

230. The author, နေဇင် လတ် (Nay Zin Latt) (100016090327632), published it on the CIB Page, ပြည်မြန်မာ (Pyi Myanmar) (544353522262317), on 2 October 2017 at 7:58 AM. The Page Pyi Myanmar (544353522262317) is connected to the Military Network, because it shares all of its administrators and creators with those from the Military Network.[385]

[384] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[385] For more details, *see* Section II.B.1b. "**Error! Reference source not found.**".

13. "Historical Truth of Islam": Wallpost of 19 September 2017

အစွလမ်ဘာသာဝင်တို့ ဖုန်းကွယ်ထားကြတဲ့ သူတို့ရဲ့သမိုင်းကြောင်းအဖြစ်မှန်
_ဟိုးးး ရှေးရှေးတုန်းက ဝက်မကြီးတစ်ကောင်မှာ
အင်မတန် ချောမောလှပတဲ့ သမီးလေး တစ်ယောက် ဖွားမြင်ခဲ့တယ် ။ သမီးလေးဟာ အရွယ်ရောက်ပြီး
အပျိုဖေါ် ဝင်စ အရွယ်မှာ ဝက်မကြီးဟာ ဆုံးပါးသွားခဲ့တယ်။ ဝက်မကြီးရဲ့ သမီးလေးဟာ ရွှေရောင်
အဆင်းနဲ့ မြင်သူတိုင်း ငေးမောကြည့်ရလောက်အောင် အရမ်းပဲ လှပ ပါပေတယ် ။ သူမရဲ့ ချောမောလှပတဲ့
ဂုဏ်သတင်းကြောင့် ဘုရင် မင်းမြတ် နားတော်အထိ ပေါက်ကြားသွားခဲ့ပါတယ် ။ ဘုရင်ကြီးလဲ ထို
ဝက်မကြီးရဲ့ သမီးလေးကို ကိုယ်တိုင်သွားကြည့်ပြီး သဘောကျ နှစ်သက်တော်မူလို့ မိဖုရား အရာ
ချက်ချင်း တင်မြှောက်လိုက်လေ တော့သည် ။ ညအချိန်ရောက်လေသော် ဘုရင်ကြီးမှာ မင်းသမီးလေးရဲ့
အဆောင်တော်သို့ (ဆောင်တော်ကူးသည်) သွားလေသော် မင်းသမီးလေးအား မတွေ့ပေ ရှိစေတော့လေ
ဆိုပြီး ဘုရင်ကြီး ပြန်လာခဲ့တယ် နောက်တစ်နေ့ ဘုရင်ကြီး အဆောင်တော်ကူးပြန်တော့လဲ မင်းသမီး
လေးအား မတွေ့ပြန်ဘူး ဘုရင်ကြီး စိတ်ညစ်လာလေပြီ နောက်တစ်နေ့ သုံးကြိမ်မြောက် မင်းသမီးလေးရဲ့
အဆောင်တော်သို့ ကူးပြန်တော့လဲ မင်းသမီးလေးအား မတွေ့ပြန်တော့ဘူး ဒီလိုနဲ့ ဘုရင်ကြီးမှာ
စဉ်းစားစရာတွေ ဖြစ်လာပြီ ဝေခွဲရခက်လာပြီ ဘာအကြောင်းကြောင့်များ ညအချိန်၌ အဆောင်အတွင်းတွင်
မင်းသမီးလေး ရှိမနေတာလဲ ပျောက်နေတာလဲ ဘုရင်ကြီး ဆုံးဖြတ်လိုက်လေသည် မင်းသမီးလေး
အဆောင်အတွင်းမှ ညအချိန်၌ ပျောက်ပျောက်နေခြင်းကို ဘုရင်ကြီးကိုယ်တော်တိုင် စုံးစမ်းမှုဖြစ်မည်
ဆိုပြီးတော့ပေါ့ ။ ဘုရင်ကြီးဟာ ညနေစောင်းလာသော် မင်းသမီးလေးကို မျက်ချေ အပြတ်မခံပဲ
စောင့်ကြည့် နေလေ၏ ။ မင်းသမီးလေးရဲ့ အဆောင်အတွင်းမှ လိပ်ကာထဲဝင်ပုန်းပြီး မင်းသမီးလေးအား
အကဲခတ်နေလိုက်သည် ။ မင်းသမီးလေးဟာ ရေမိုးချိုး သနပ်ခါးလိမ်းပြီး ည
မှောင်သောအချိန်ရောက်သော် သူမရဲ့ အဆောင်နောက်ဖက်သို့ ဆက်သွားလေ၏ ဘုရင်ကြီးလဲ
မင်းသမီးလေးရဲ့နောက်မှ တိတ်တဆိတ် လိုက်သွားပြီး မြင်သာသောနေရာမှ မင်းသမီးလေး ဘာလုပ်သလဲ
ဆိုတာ အကြောင်းစုံ သိရအောင် စောင့်ကြည့်နေလိုက်သည်။ များမကြာလိုက်ပါ ။ တွေ့ပါလေပြီ
မင်းသမီးလေး ညညဆို ပျောက်နေရတဲ့ အကြောင်းအရင်း မိပါလေပြီ ။ နောက်တစ်နေ့ ဘုရင်ကြီးဟာ
မူးကြီး မတ်ကြီး စုံလင်စွာနဲ့ ညီလာခံ ကျင်းပလေသည် ။ မင်းသမီးလေးအား ရှေ့တော်မှောက် ခေါ်သွင်းပြီး
လူအများရှေ့မှာ သူမ၏ ညဖက်တွေမှာ ပျောက်နေရခြင်း အကြောင်းစုံကို တစ်ခုမချန် ပြောပြစေခိုင်း၍
အပြစ်ကို ဝန်ခံခိုင်းလေးသည် ။ မင်းသမီးလေးဟာ မလွှဲမချန် ပြောပြလေသည် ။ မင်းသမီးလေးဟာ
ဘုရင်ကြီးက မိဖုရားအရာ တင်မြှောက်ခဲ့လို့ နန်းတော်ထဲ လိုက်လာသော အခါမှာ နန်းတွင်း ဝင်ဝမှ
ခွေးနက်ကြီးအား မြင်လျှင် မြင်ချင်း ချစ်ခင် စုံမက်မိပါသည် ။ ထို့ ကြောင့်မို့ ညဖက် ညဖက် တွေမှာ
နန်းဆောင်ရဲ့ နောက်ဖက်ကိုသွားပြီး ခွေးနက်ကြီးနဲ့ သားမယားအဖြစ် နေထိုင်ပေါင်းသင်းပါကြောင်း
ပြောပြလိုက်ပါတော့သည် ။ မင်းသမီးလေးရဲ့ ပြောပြချက် ပြီးဆုံးသောအခါ မင်းကြီးမှ
အမိန့်တော်ချမှတ်လိုက်လေသည် ။ မင်းသမီးအား ဆံပင် လေးစိတ် စိတ်ပြီး ခွေးနက်ကြီးနဲ့အတူ
တောအရပ်သို့ နှင်ထုတ်လိုက်လေတော့သည် ။ ဝက်မကြီးရဲ့သမီး ခွေးနက်ကြီးရဲ့ မိန်းမလဲ တောအရပ်သို့
ချစ်လင် ခွေးနက်ကြီးနဲ့အတူ ထွက်ခွာသွားပါလေတော့သည် ။
~~~~~~ မြိုင်ရပ် တောနက်ကြီးတွင်
ခွေးနက်ကြီးနဲ့အတူ ပေါင်းသင်နေထိုင်ကြပါတယ်။ ဝက်မကြီးရဲ့ သမီးချောလေးမှာ ကိုယ်ဝန်ရှိလာပြီး
လူသား သားယောကျ်ားလေး တစ်ယောက်ဖွားမြင်ခဲ့တယ်။ သားလေးတစ်ယောက်ရလာတော့
ခွေးနက်ကြီးတို့ ဝက်သမီးတို့ အရမ်းပဲ ပျော်ကြပါတယ် ။ သားလေးကိုလဲ အလိုလိုက် အကြိုက်ဆောင်ပြီး
ငုံထားမတတ် ချစ်ရှာပါတယ်။ ဒီလိုနဲ့ သားလေးဟာ အရွယ်ရောက် လူပျိုပေါက်ဆိုတော့ သဘာဝအရ
ကာမစိတ်တွေရှိလာတယ်။ တစ်နေ့တော့ သူ့အမေကို မိန်းမလိုချင်ကြောင်း ပြောလာပါလေရော ။
အမေကလဲ ဘာမှပြန်မပြောဘူး ဒီလိုနဲ့ အများကြာပါ သားက မိန်းမလိုချင်ကြောင်းထပ်ပြောလာပါတယ်။
အမေလုပ်သူမှာ စဉ်းစားရခက်လှပါဘိ မြိုင်ရပ် တောနက်ထဲမှာ ဘယ်က
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သားလေးလက်ထပ်ပေါင်းသင်းမည့် အမျိုးသမီးရှိပါမည်နည်း သားလုပ်သူက ခဏခဏ မိန်းမလိုချင်ကြောင်း ပူဆာနေလေတော့ အမေလုပ်သူမှာ အကောင်းဆုံး နည်းလမ်း ရှာရလေပြီ ။ သားလုပ်သူအား ငါ့သား မိန်းမလိုချင်လျှင် အရှေ့ဖက်က ကျောက်ဂူကြီးသို့ လကွယ်ည သွားလေပါ သားလေးလိုချင်သော မိန်းမကို အမေ စီစဉ်ပေးထားပါမယ် ။ ဒါပေမယ့် ငါ့သား ထိုမိန်းမ ခေါင်းမှာ ခြုံထားသော အရာကို မဖွင့်ကြည့်ပါလေနဲ့ ဆိုပြီး မှာလိုက်လေသည် ။ တဏှာစိတ် ထ နေသော #ခွေးသားဝက်မြေး မှာ လကွယ်ညရောက်လေသော် အရှေ့ဖက်က ကျောက်ဂူကြီးသို့ မောင်းတင် ချီတက်လေတော့သည် ။ ကျောက်ဂူကြီး အတွင်းဝယ် တွေ့ရလေပြီ သူတောင်းတနေသော မိန်းမ သို့ပေမယ့် လကွယ်ညလဲ ဖြစ်ပြန် ခြုံထည်ကြီးနဲ့ ဖုံးအုပ်ထားလေတော့ ဘာမှမမြင်ရနိုင်ပါ ။ သွေးသားဆာနေသော #ခွေးသားဝက်မြေး ဟာ ကာမအမှုကို အကြိမ်ကြိမ် ပြုလုပ်ပြီး မနက် အာရုဏ်တက် အချိန်ရောက်သော် ပြန်သွားလေတော့သည် ။ လမိုက်ညတိုင်း အရှေ့ဖက်က ကျောက်ဂူကြီးဆီ့သွားပြီး #ခွေးသားဝက်မြေး ဟာ ခြုံထည်ကြီး ခြုံထားသော မိန်းမနှင့် နှစ်အတော်ကြာသည်အထိ ကာမ အမှုကို ပြုလေသည် ။ #ခွေးသားဝက်မြေး ရဲ့အမေသည် ရောဂါထူထပ်ပြီး ဆုံးပါးကွယ်လွန်သွားလေပြီ ။ ခွေးနက်ကြီးကလဲ သူသားကို သိပ်ပြီး ကြည်လင် လှသည် မဟုတ်ပေ ။ #ခွေးသားဝက်မြေး လဲ ကျောက်ဂူသို့သွားတိုင်းလဲ ခြုံထည်ခြုံထားသော မိန်းမကို မတွေ့ရတော့ပေ သူရိပ်မိလာသည် ။ သူအမေ စကားတွေ ကြားယောင်လာသည် ။ သူ ကာမအမှုတွေ ပြန်ပြီးဆန်းစစ်လာသည် ။ သူတွေးမိလိုက်လေပြီ ။ ဒီတောတောင်ကြီးထဲ သူ့အမေကလွဲပြီးတခြားမိန်းမ မရှိနိုင် ။ ဟုတ်ပြီ သူကာမအမှု ပြုကျင့်နေတာ သူ့အမေဆိုတာ သေချာပြီလို့ #ခွေးသားဝက်မြေး ကအတိအကျ သိလိုက်ပါလေပြီ ။ #ခွေးသားဝက်မြေး ဟာ သူကြီးပြင်းခဲ့ရာ တောတောင်ကို စွန်ခွာပြီး လူတွေနေရာ အရပ်ကိုလိုက်ရှာပြီး နေထိုင်မယ်လို့ စိတ်ကူးလေသည် ။ သို့ပေမယ့် သူ့အဖေ ခွေးနက်ကြီးကို လူတောသူတော ခေါ်ဆိုရန်မှာ မဖြစ်နိုင်ပါ။ မျက်နှာငယ်ရမည် ။ ဘဝကို ခဝါချပြီး ဇာတ်မြှုတ်ဖို့ရန်မှာ ခွေးနက်ကြီး ရှိနေ၍ ဇာတိ ပေါ်သွားနိုင်သည် ။ ထို့ကြောင့် သူ့အဖေ ခွေးနက်ကြီးကို အချိုသပ် ချော့မော့ အယုံသွင်းပြီး အငိုက်မှာ တုတ်နဲ့ ရိုက်သတ်လိုက်လေတော့သည်။ သူ့အဖေ ခွေးသေကောင်ကြီးကို ဝါးရုံကြား၌ ညှပ်၍ #ခွေးသားဝက်မြေး ဟာ ဇာတိကို ကွတ်တိလုပ်ပြီး လူတွေနေရာအရပ်ကို လိုက်ရှာ၍ နေထိုင်ပါတော့တယ် ။ #ခွေးသားဝက်မြေး ဟာ လူတောထဲ နေထိုင်ရပေမယ့် သူ၏ ဦးခေါင်းနဲ့ ငယ်ပါ(ဟိုဒင်း) ထဲမှာ မခံမရပ်နိုင်အောင် အရမ်းပဲ နာကျင်ခံစားရပါတယ် ။ နေ့တိုင်း ထိုဝေဒနာကို ခံစားနေရတာမြင်တော့ ရင်းနီးသူတချို့က အကြားအမြင်ရ ပုဂ္ဂိုလ်တစ်ဦးဆီမှာ ပြကြည့်ရင် ကောင်းသွားလိမ့်မယ်ဆိုပြီး အကြံပြုလေတယ် ။ ဒီလိုနဲ့ သူလဲ ဆရာဆီမှာ သူ့ရောဂါအကြောင်း ပြောပြလိုက်လေတော့သည် ။ အကြားအမြင်ရသော ထို ဆရာကြီးမှ မောင်မင်းသည် မအေကိုလဲ သားမယာအဖြစ် နှစ်အတော်ကြာအောင် ပြုကျင့် နေထိုင်ခဲ့သည် ။ ဖအေ ကိုလဲ သတ်ပြီး ဝါးရုံကြား ညှပ်ခဲ့သည် ။ ထိုသို့ ပြု မူနေထိုင်ခဲ့၍ ဒီ ရောဂါ ဝေဒနာကို ခံစါးနေရခြင်းဖြစ်သည် ။ မောင်မင်း ဒီရောဂါ ဝေဒနာ အလျှင်း ပျောက်လိုလျှင် မောင်မင်း မူလ နေထိုင်ခဲ့ရာ တောအရပ်သို့ သွားပြီး ဖအေလုပ်သူ ခွေးနက်ကြီးရဲ့ ငယ်ပါ အရေ အဖျားကို ဖြတ်ပါ မောင်မင်းရဲ့ ငယ်ပါ အရေပြားကိုပါ ဖြတ်ပြီးလျှင် ပေါင်းစပ်ပြီး ဦးထုပ် အဖြစ်နဲ့ ပူဇော်ပါ ။ ပြီးလျှင် အမေလုပ်သူကို ကာမ ပြုကျင့်ရာ ကျမ်းခင်းဖြစ်တဲ့ ကျောက်တုံးမှာ အမိရဲ့ အင်္ဂါ ပုံ ထွင်းထုပြီး တစ်နေ့ အကြိမ်ငါးဆယ် ခေါင်းသွင်းပါ ။ နောက်ပြီး မောင်မင်းရဲ့ အဖေ ခွေးနက်ကြီးရဲ့ အင်္ဂါ ပုံစံမျိုး ကျောက် သား ထွင်းထု၍ ပြားပြားဝပ် ကန်တော့ပါ လို့ ဆရာကြီးမှ သေသေချာချာ မှာလိုက်လေတော့သည် ။ #ခွေးသားဝက်မြေး လဲ သူ၏ ရောဂါဝေဒနာ ပျောက်လို၍ သူနေထိုင်ခဲ့ရာ တောထဲသို့ ပြန်သွားပြီး ဆရာကြီးမှ မှာကြားလိုက်သည့် အတိုင်း မချွင်းမချန် ဆောင်ရွက်လိုက်လေပြီးလျှင် ခံစားနေရသော ရောဂါ ဝေဒနာများ ယူပစ်သလို ကောင်းသွားလေတော့သည် ။ #ခွေးသားဝက်မြေးအထ္ထုပ္ပတ္တိဤတွင်ပြီးဆုံးလေသည်။ ဒါတွေကို သတိပြု အစွလာမ်ဘာသာဝင်များရဲ ဦးထုပ် ဆောင်းခြင်သည် ။ ခွေးအင်္ဂါအဖျား ဆောင်းတဲ့သူ

အင်္ဂါအဖျားကို ပေါင်းစပ်ပြီး ဆောင်းခြင်းဖြစ်သည်။ အစ္စလာမ်မိန်းမများ ဘူခါ(ခေါင်းမီးခြုံ)ခြင်းသည် ခွေးသားဝက်မြေးမှ မအေကိုကာမပြုရာ၌ မအေက ခေါင်းမီးခြုံ ထားခြင်းကြောင့်ဖြစ်သည်။ အစ္စလာမ်များ ဝက်သားမစားခြင်း ခွေးသားမစားခြင်းမှာ အမျိုး အရင်းခေါက်ခေါက်ရဲ့ အသားမို့လို့ မစားခြင်းဖြစ်သည်။ မတ္တာမြို့မှ အစ္စလာမ် ဘာသာဝင်များ ခေါင်းသွင်းပြီး ကြည့်ရသော "မ"အင်္ဂါ ကျောက်တုံးသည် ခွေးသားဝက်မြေးမှ မအေပြစ်မှားလို့ ထွင်းထုထားသော ကျောက်တုံးဖြစ်သည်။ ပျင်းတွဲတွဲကျနေသော မတ္တာမြို့က ခွေးထီး အင်္ဂါပုံစံ ကျောက်တုံးသည် ။ ခွေးသားဝက်မြေးမှ သူအဖေ ခွေးကြီး အင်္ဂါ ပုံစံကျောက်တုံး ထွင်းပြီး လေးဘက်တွားဝတ်ပြုသော ကျောက်တုံးဖြစ်သည်။ Crd မူရင်းပိုင်ရှင် ==========

231. The translation[386] of the Burmese text reads as follows:

> "The historical truth that the people of Islamic faith have been trying to hide 💬💬💬💬💬💬💬💬💬💬💬💬💬 Once upon a time, a sow gave birth to an extremely gorgeous daughter. The little daughter was growing up and just when she reached her puberty, her mother sow passed away. The daughter of the late mother sow, with her exquisite golden look, was an absolute stunner to anyone who caught sight of her. The fame of her beauty spread far and wide and eventually reached the king of the land. Having gone to see the little daughter of the sow himself, the king really took a shine to her and crowned her to be his consort at once. As night fell, the king visited his newly wed consort in her bed chamber. But she was not to be found. So, the king came back. The following night, the king again visited her in her bed chamber. Again, she was not found. Then, on the third night, the king once again came to her bed chamber. Again, she was not found. So, the king began to get suspicious and wonder why his consort kept disappearing from her bed chamber. And he decided to find out why she was not in her bed chamber at night. As the night is growing into darkness, the king kept a close watch at every single move his consort made. He hid behind the curtain in her bed chamber and silently observed. The consort cleaned herself in a shower, covered herself in cosmetics and as the darkness fell, she quietly sneaked behind her chamber. The king followed her quietly and watched what she was up to from a distance. Not long at last! The reason why his consort kept disappearing into the night was revealed to the king. The next day, the king called an assembly with his ministers and advisers. He summoned his consort to the assembly and made her to come clean as to the reasons of her nightly disappearance from her bedchamber. The consort complied. On the day she was taken to the palace, having been anointed as the king's consort, she caught sight of a big black hound at the palace entrance and immediately infatuated with the creature. So, as night fell, she said, she would sneak to the back of her bed chamber and spent her night as the wife of that big, black hound. After she concluded her confession, the king proclaimed that the consort's hair is to be quartered and she was banished to the jungle with the big, black hound. So, the daughter of the sow, the wife of the big, black hound left for the jungle with her beloved big, black hound.

[386] Clarifications are provided in square brackets […].

She settled in the deep, dark forest with the big, black hound. Soon, the beautiful daughter of the sow was pregnant and gave birth to a boy. Naturally, the sow's daughter and the black hound rejoiced in having a son. They both loved their son to bits, fulfilling all his needs. As the boy grew and reached the maturity to develop sexual desires, one day, he confided in his mother about his desire to have a wife. His mother just listened but did not reply anything. And not long after that, the son talked to her again about his desire to have a wife. What predicament the mother had to face! Where and how on earth could she find a suitable bride for her son in this deep, dark forest? The son kept nagging her about his desire and in the end the mother came up with a solution. She said to her son to go to a rock cave in the east on the night of the new moon. There, he would meet his wife, she said. However, she warned him not to remove the veil under which his wife would be hiding her face. So, on one new moon night, the son of a dog, the grandson of a sow, whose mind is filled with lust, set out on a visit to the cave in the east. There he found a shapely figure he had long desired. However, as it was the night of the new moon, and the woman was covered in shawl, nothing could be seen. Then the son of a dog, the grandson of a sow, whose mind is filled with lust repeatedly engaged in the sexual acts till the dawn broke. Then he went home. In this way, every night of the new moon, the son of a dog, the grandson of a sow would march to the cave in the east and engage in sexual activities with the woman under the veil. This went on for years. One day, the mother of #that son of a dog, grandson of a sow, died after contracting multiple diseases. The black hound was also displeased with his son. Now, when #the son of a dog, grandson of a sow visited the cave, he no longer found the woman in the veil. As he slowly joined the dots, he came to the realization that there could not have been a single woman in this deep, dark jungle except his own mother. This was when the penny dropped! #The son of a dog, grandson of a sow was then convinced that he had been engaging in sexual activities with his own mother all those years. He decided to abandon the jungle where he had grown up and to look for human settlement and settle down there. However, it was impossible for him to bring his father hound with him and live among humans. He would have to keep his head down. He could not bury his past as long as the black hound was alive. One day, people might discover his dark past. So, he devised a chicanery and beat his own father, the black hound, to death. He then dumped the dead creature in the bamboo groves. Now, #the son of a dog, grandson of a sow felt finally able to draw a curtain to his dark past, look for the place for human dwellings and settle there. Even though #the son of a dog, grandson of a sow was then living among humans, he was suffering from the excruciating pain in his head and penis [Translator's note: the usage in original language is given by description. The word used has the literal meaning of 'that attached to him since birth']. Some friendly people who saw his suffering advised him to go and consult with a seer. So, he went accordingly. The seer said that he had taken his own mother as his wife for years and killed his own

father and dumped the body among the bamboo groves, that he was suffering the disease as a result of your own deeds, the seer said. To rid himself of this disease, he must return to the jungle from which he had come, cut off the foreskins of his father's, the black hound's penis, and his own penis, mix them up and wear it as a skull cap and treat it as an object of worship. And then, sculpt the shape of his mother's organ on the rock on which he had engaged in sexual activities with her, and into which he must insert his head fifty times a day. And then, the seer continued, he must sculpt the shape of his father's, the black hound's organ on the rock and prostrate himself before it. #The son of a dog, grandson of a sow, wanting to rid himself of the pain, returned to the jungle he had lived, as the seer had advised, and did exactly what he had been advised. Soon, all the pains he had been suffering were gone. This is how the story of #the son of a dog, grandson of a sow ended. One should take note that when the people of Islamic faith wear the skull cap, they are in fact wearing the foreskin of dog on their heads. When women of Islamic faith cover their heads, they are doing it to remind them of the consort's covering her head before she engaged in sexual acts with her son #the son of a dog, grandson of a sow. The reason the people of Islamic faith refrain from eating pork and dog meat is to refrain from eating the flesh of their own descendants. The rock that is shaped like the "female organ", which Muslims stick their heads to peep in Mecca is the stone that was sculpted by the son of a dog, grandson of a sow who wronged his own mother. A dangling rock, which has the shape of a dog's penis, in Mecca is the shape sculpted by the son of dog, grandson of sow after his father's, the black hound's penis. Crd original author ==========="

Table 16. Details of the 19 September 2017 wallpost

No.	BIN	Date Created[387]	Author Name (ID)	Page Name (ID)
1	IIMM0000366590	9/19/2017 3:55 AM	နေမင်းသခင် ("Master of the Sun") (100021898030389)	True Man (1625967570980408)

232. The CIB Page True Man (1625967570980408), on which this wallpost was posted, is part of the Military Network for sharing seven of its creators and administrators with those from the HR designation takedown Pages.[388]

233. Unlike the other examples in provided in the Analytical Report, this particular content is a "wallpost", which is content that can be posted by any Facebook user on a Page without any specific credentials to administer or manage the said Page. In this sense, wallposts are

[387] Timezone of Meta's productions are in Universal Timezone, as stated in its production records to the Mechanism.
[388] *See* entry no. 26 on Annex 8.4.

similar to comments that appear in response to a post in that it is not possible to directly attribute the sources of content without further information.

234. Worthy of note, as stated on Facebook's online Help Centre, is that the administrators of a Page can choose to "[r]eview [wall]posts by other people before they're published to the Page".[389] The Mechanism, however, is not in possession of material from Meta that explains whether the administrators of the 43 Pages had the settings to review wallposts before they were published on the Pages.

[389] **IIMM0027995193** Facebook Help Center, also available at https://www.facebook.com/help/356113237741414.

Annex 6

Letter *from* Nicholas Koumjian, Head of the Independent Investigative Mechanism for Myanmar to H.E. Mr. Dawda Jallow, Attorney General and Minister of Justice of the Republic of The Gambia (8 December 2023)

United Nations Nations Unies

INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR • MÉCANISME D'ENQUÊTE INDÉPENDANT POUR LE MYANMAR

PALAIS DES NATIONS • 1211 GENEVA, SWITZERLAND

EMAIL: IIMM@UN.ORG

REFERENCE: 2023-IIMM-000127

CONFIDENTIAL

8 December 2023

Excellency,

I have the honour to refer to the correspondence between the Independent Investigative Mechanism for Myanmar ("Mechanism") and the Republic of the Gambia ("The Gambia") in relation to the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar),* now pending before the International Court of Justice ("ICJ"): 1) the letters dated 11 February 2020 and 11 May 2020 from His Excellency, Mr. Abubacarr Marie Tambadou to me; and 2) my letters dated 5 May 2020, 16 June 2020, 26 August 2020, to His Excellency, Mr. Abubacarr Marie Tambadou.

As part of the Mechanism's commitment to share material relevant to the aforementioned ICJ proceedings, the Mechanism has obtained relevant informed consent and hereby shares with The Gambia one cultural report on the Rohingya and 25 witness statements for the following confidential witnesses: P0806, P1235, P1240, P1244, P1289, P1299, P1301, P1461, P1477, P1492, P1493, P1495, P1496, P1540, P1547, P1548, P1550, P1618, P1622, P2101, P2252, P2300, P2334, P2384 and P2499.

Please note that due to concerns regarding the safety and security of witnesses none of the exhibits underlying the witness statements have been included in the package, except for **BIN IIMM0019627965**. For the same reason, the Mechanism has redacted information in the witness statements which is reasonably expected to identify a witness or innocent third parties. In addition, some witnesses have specifically requested the Mechanism to convey concerns about their safety and security and that of their families to the Court. Some witnesses have also requested the Mechanism to convey to the Court that if their identities as witnesses were known to the Myanmar government or military and they were deported back to Myanmar, they would be killed, imprisoned or otherwise punished for their cooperation in these proceedings. Lastly, the Mechanism has redacted the names of Mechanism personnel in line with our internal procedures.

I would also like to take this opportunity to reiterate that the conditions to which The Gambia agreed in its letter of 11 May 2020 apply to all materials shared by the Mechanism.

As set out in my letter of 5 May 2020, the Mechanism previously shared materials, relevant to the aforementioned ICJ proceedings, to both The Gambia and

H.E. Mr. Dawda Jallow
Attorney General and Minister of Justice
Republic of The Gambia

Myanmar on a rolling basis, in the same form and, where applicable, with identical redactions. Additionally, the Mechanism only shared materials where the Mechanism had received the consent of the information provider to do so. Please note that to date, the current Agent for Myanmar has not yet responded to the Mechanism's request to confirm compliance with the conditions for the sharing of materials. Accordingly, the Mechanism will not be sharing the material set out in Annex A with Myanmar at this time.

With the exception of the application of the aforementioned redactions to the witness statements, and the conditions to which The Gambia agreed in its letter of 11 May 2020, the Mechanism does not wish to impose any other conditions, limitations, qualifications or exceptions on the disclosure of these materials in the ICJ proceedings relating to *The Gambia v. Myanmar*.

I would be grateful if you could formally confirm receipt of the materials transmitted with this letter.

Sincerely,

Nicholas Koumjian
Head
Independent Investigative Mechanism
for Myanmar

ANNEX A

Materials Shared with The Gambia on 8 December 2023

File Name and Evidence Identifier	Beginning Bates Page No.	End Bates Page No.
Witness Statements		
IIMM0019629302.pdf	000001	000020
IIMM0019629265.pdf	000001	000036
IIMM0019922074.pdf	000001	000016
IIMM0019922078.pdf	000001	000025
IIMM0019922094.pdf	000001	000031
IIMM0019922097.pdf	000001	000020
IIMM0019628625.pdf	000001	000039
IIMM0019915259.pdf	000001	000046
IIMM0019925304.pdf	000001	000039
IIMM0019915116.pdf	000001	000036
IIMM0019925094.pdf	000001	000027
IIMM0027971404.pdf	000001	000023
IIMM0019627993.pdf	000001	000025
IIMM0027992306.pdf	000001	000042
IIMM0027992301.pdf	000001	000013
IIMM0027992867.pdf	000001	000025
IIMM0027992947.pdf	000001	000033
IIMM0027993001.pdf	000001	000051
IIMM0027992990.pdf	000001	000045
IIMM0027992992.pdf	000001	000049
IIMM0019629206.pdf	000001	000046
IIMM0027997604.pdf	000001	000030
IIMM0027995869.pdf	000001	000021
IIMM0027996180.pdf	000001	000016
IIMM0027999848.pdf	000001	000024
Colour Chart Referenced in Multiple Statements		
IIMM0019627965.pdf	000001	000001
IIMM Cultural Report on the Rohingya		
IIMM0027992994.pdf	000001	0000053

Annex 7

United Nations Independent Investigative Mechanism for Myanmar,
Analysis of the Myanmar's Government Encouragement of Resettlement by Buddhists from Bangladesh to Rakhine State
(22 March 2024)

[CONFIDENTIAL - UNITED NATIONS]

United Nations Nations Unies

INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR • MÉCANISME D'ENQUÊTE INDÉPENDANT POUR LE MYANMAR

CONFIDENTIAL

ANALYSIS OF THE MYANMAR GOVERNMENT'S ENCOURAGEMENT OF RESETTLEMENT BY BUDDHISTS FROM BANGLADESH TO RAKHINE STATE, MYANMAR

22 MARCH 2024

I. Summary[1]

1. The United Nations Independent Investigative Mechanism for Myanmar ("IIMM" or "Mechanism") was established by the UN Human Rights Council resolution 39/2 in September 2018 with a mandate to collect and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files to share with national, regional or international courts that may have jurisdiction to prosecute such cases.

2. Based on the material collected to date regarding serious international crimes committed against the Rohingya, the Mechanism has prepared the present Analytical Note, which identifies and summarizes information indicating that the Myanmar Government encouraged and facilitated the emigration of members of the Buddhist community from the Chittagong Hill Tracts, Bangladesh, to Rakhine State, Myanmar from 2012 to 2018[2]. These policies were part of the nationwide Development of Border Areas and National Races Project[3] that sought to encourage the resettlement of ethnic Bamar people, or other favored ethnic groups, to border areas within Myanmar. The project is known by its Burmese acronym, *Na Ta La*.

[1] Key words: *Na Ta La*, Model Village, Buddhist Community from Bangladesh, Resettlement, Immigration Permit (IP), Citizenship Scrutiny Card (CSC), Buddhist migrants.

[2] This Analytical Note has been shared with competent authorities pursuant to United Nations Human Rights Council Resolution 39/2 and subject to the Terms of Reference of the Mechanism for the purpose of facilitating judicial proceeding in national, regional, or international courts or tribunals with jurisdiction over crimes within the Mechanism's mandate. This note and the information and material contained therein shall be used solely for the purpose of judicial proceedings for which it is provided as indicated in the cover letter attached to this Note and shall not be published or electronically posted in any form or medium other than as part of the indicated judicial proceedings. The Mechanism's express written consent is required for the use of this note and the information and material contained therein for any other purposes. Nothing in the disclosure of this Note or the information contained therein will be treated as a waiver, express or implied, of any of the privileges, immunities, exemptions, and facilities enjoyed by the United Nations, including the Mechanism.

[3] The *Na Ta La* project was introduced by the Ministry of Border Affairs, (formerly known as the Ministry of Progress of Border Areas, National Races and Development Affairs) following the enactment of the Development of Border Areas and National Races Law in 1993, *see* **IIMM0028128229**.

3. The Myanmar Government pursued this policy of encouraging Buddhists born and residing in Bangladesh to immigrate to Myanmar and facilitated their path to citizenship while at the same time refusing to recognize the rights of many Rohingya Muslims born *inside* Myanmar, including by imposing numerous legal and practical limitations on the rights of Rohingya born and living in Myanmar to acquire citizenship. This note examines how the Myanmar Government policy facilitated the emigration of Buddhist migrants from Bangladesh and the support given to them by the Myanmar Government. It also provides a brief analysis of the immigration status that the Myanmar Government granted to Buddhist migrants in contrast with its approach to Rohingya Muslims born in, and already living within, Myanmar.

II. Methodology

4. This note was prepared by reviewing and analyzing open-source materials as well as other materials collected by the Mechanism. The materials are written in Myanmar and English languages. The materials include Myanmar government official documents, Myanmar government reports or information available on government websites, state-owned newspapers, other media articles, and reports authored by International Non-governmental Organizations ("INGOs") or United Nations ("UN") agencies. The redactions in this report pertain to information that was collected by the Mechanism but for which there is currently no consent by the provider to share with prosecutorial or judicial authorities.

III. Contrasting Policies: Welcoming Buddhist Immigration While Denying Rohingya Citizenship

5. From 2013 to 2018, numerous national and international Myanmar and English language media outlets reported on the emigration of the Buddhist community, identified as ethnic Rakhine, Mro (Myo), Daingnet, Thet, Khami, Marama and Chak, from the Chittagong Hill Tracts, Bangladesh, to Rakhine State, Myanmar. The emigration of members of the Buddhist community into Rakhine State was confirmed in the Myanmar government's newspaper, the Global New Light of Myanmar ("GNLM"), and a public report authored by the office of the United Nations High Commissioner for Refugees ("UNHCR"). Some media reports also highlighted that the Myanmar Government encouraged and facilitated the emigration of Buddhist peoples from Bangladesh to Rakhine State while, at the same time, Rohingya Muslims born and living in Rakhine State faced systematic persecution.[4]

[4] **IIMM0028128246** Shaikh Azizur Rahman, *"Buddhists from Bangladesh resettle in Myanmar, Rohingya Muslims cry foul"*, The Christian Science Monitor, 24 May 2013; **IIMM0028128283** Min Min and Moe Aung, "*The welcome migrants from Bangladesh"*, Frontier Myanmar, 23 September 2015; **IIMM0028128263** Department of Disaster Management, Ministry of Social Welfare, Relief & Resettlement Website: Government support to two ethnic Rakhine' families who arrived from Bangladesh. Picture: an official from the Maungdaw District Office providing support (16-11-2016); **IIMM0028128379** *"ဘူးသီးတောင်နဲ့ မောင်တောမှာ တိုင်းရင်းသား စံပြကျေးရွာ ၃၆ ရွာတည်ထောင်ပြီးဖြစ်"*, Radio Free Asia, 5 June 2017; **IIMM0028128232** Narinjara, *"ဆရာတော် ဦးဝီရသူ မောင်တောသို့ ရောက်ရှိ"*, Burma News International , 12 July 2017; **IIMM0028128215** Agence France-Presse, *"Buddhists 'lured' to settle on Rohingya land"*, Al Jazeera, 2 April 2018; **IIMM0028128386** Win Ko Ko Latt and Min Thein Aung, *"Myanmar's Rakhine Lawmakers Want More 'Ethnic Villages' in Muslim-Majority Areas"*, Radio Free Asia, 05 June 2017; **IIMM0028131570** BenarNews, an RFA-affiliated online news service,

6. The Government's role in facilitating the emigration of Buddhist migrants from Bangladesh into Myanmar is of particular significance when contrasted with the government's actions applied to Rohingya Muslims who were born and lived in Myanmar for many generations. Rohingya Muslims are not recognized as one of Myanmar's official "national races", which effectively denied the vast majority of Rohingya citizenship rights under the 1982 Burma Citizenship Law. Unlike the previous 1948 Union Citizenship Act adopted after independence, the full entitlement of citizenship under the 1982 Burma Citizenship Law is primarily based on membership in the recognized national races, who are considered by the Myanmar Government to have settled in Myanmar prior to 1823, at the beginning of British administration. The 1982 Burma Citizenship Law sets out eight recognized national races, namely "Burman [Bamar], Kachin, Kayah, Karen, Chin, Mon, Rakhine and Shan".[5]

7. In 1989, the Myanmar government announced a list of 135 national races,[6] which fell within the eight overarching national races set out in the 1982 law.[7] The number of national races contained in this list from 1989 was reduced from the previous list of 143 national races, published in 1973.[8] The Rohingya were not among the eight overarching national races listed in the 1982 Burma Citizenship Law, nor the list of 135 national races announced in 1989.

8. In 1989, a nationwide citizenship scrutiny exercise was conducted, applying the 1982 Burma Citizenship Law and procedures. Those who were recognized as belonging to a national race and fulfilling the requirement under the 1982 Burma Citizenship Law, obtained the Citizenship Scrutiny Card (CSC) as a replacement for the National Registration Certificate

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"Land, Citizenship Await Them in Myanmar, Bangladeshi Tribespeople Told", Radio Free Asia, 24 April 2018; **IIMM0028128269** Department of Disaster Management, Ministry of Social Welfare, Relief & Resettlement Website: Government support to three ethnic Rakhine' families in Laung Don village who arrived from Bangladesh. Picture: an official from the Maungdaw District Office providing support (29-4-2018).

[5] **IIMM0000026306** 1982 Burma Citizenship Law, Chapter II, Citizenship, Article 3.

[6] **IIMM0028128497** Myint Thein (a) Abdus Salaam, *"The Problem of Muslim National Identity in Myanmar"*, (International Institute of Islamic Thought and Civilization International Islamic University Malaysia, May 2012) pp. 3, 395-397, noting that the government of Myanmar confirmed its previous 143 national races in two official documents relevant to the 1973 census: The first one is an instruction book, "how to fill-up the form" for the 1973 population census list issued by the Immigration and Manpower Department, the Ministry of Home and Religious Affairs, 1972. The second one is the Myanmar government newspaper, Botahtaung Daily outlet, stating "There are 143 National Races in the Union" and "It has been already prepared to take the Population Census" on 23 February 1973. Both documents confirmed that there were 143 national races in Burma in 1973, including Myanmar Muslim communities namely: (1) Rakhine-Chittagong, (2) Burmese Muslim, (3) Rakhine-Kaman, (4) Myedu, (5) other Burmese Indians (except Chittagong, Hindustani, Tamil, Talagu, Dainet, other Indians and Pakistanis) and (6) Burmese Chinese (including Panthay). In the documents, Yunan, Canton, Fukan and other Chinese, and Chittagong, Hindustani, Tamil, Talagu, Daignet, other Indians and Pakistanis are separately mentioned as foreigners. Rohingya Muslims were loosely referred to as "Rakhine-Chittagong" in the list of 143 national races. Nevertheless, the government excluded all Muslim groups except Kaman-Muslim from the list of 135 published in 1989.

[7] The same term, *Taing Yin Thar,* is used in the Myanmar language to describe both the 135 and eight recognized national races. In English, the 135 have been described as "ethnic groups" that are subsumed into eight overarching "national races".

[8] **IIMM0028128463** International Crisis Group: *"Identity Crisis: Ethnicity and Conflict in Myanmar"*, 28 August 2020, pp. 1-8; citing at fn. 33, "State Law and Order Restoration Council Chairman Commander in Chief of the Defence Services General Saw Maung's Addresses and Discussions in Interview with Foreign Correspondents", Yangon, Ministry of Information, 1989, pp. 182-183 (p. 247 in English translation); "Our Union of Myanmar where 135 national races reside", Working People's Daily (Burmese edition), 26 September 1990.

(NRC). The Rohingya Muslims who submitted their NRCs to obtain CSCs were not granted CSCs.[9]

9. Stemming directly from this denial of the right to citizenship, for the next four decades, Rohingya in Rakhine State faced severe restrictions on their movement and limited access to higher education, health care and employment.[10]

IV. Resettlement of Buddhist Migrants from Bangladesh into *Na Ta La* or Model Villages in Rakhine State

10. In Rakhine State, there have been two categories of resettlement implemented under the *Na Ta La* project. The first is the resettlement of people from elsewhere within Myanmar, which falls outside the scope of the present analytical note. The second is the resettlement of the Buddhist community living outside of Myanmar, from the Chittagong Hill Tracts area in Bangladesh, to the *Na Ta La* villages, also known as Model Villages, in Rakhine State.

11. As noted above,[11] the latter type of resettlement of Buddhist communities from outside of Myanmar has been reported in Myanmar and English language media reports from 2013 to 2018,[12] although reports suggest that the practice may have commenced much earlier. For instance, Amnesty International reported in 2004 that, "The majority of the population of model villages are poor Rakhine people from other parts of Rakhine State. Others include poor *Bama* from the central plains; retired civil servants; former prisoners; former insurgents (Communist Party of Burma and Rakhine armed groups); and ethnic minorities such as the Kamein, Daingnet, Mro and Thet, who live in the highlands near the border with Bangladesh and Chin State."[13]

12. The invitation by the Myanmar authorities to the Buddhist community from Bangladesh to immigrate to Rakhine State was also mentioned in an official letter by Lieutenant General Ko Ko, Ministry of Home Affairs, dated on 24 February 2012. The letter was an official response to the question raised by the Representative of Pyithu Hluttaw (the lower house of Parliament), U Shwe Maung, aka U Abdul Razak, representing the Buthidaung constituency during the third regular session of the first Pyithu Hluttaw meeting. The response letter states:

> "Among the 36 model villages which were established as mentioned above, Rakhine ethnics who were born in the union but who had to flee to Bangladesh due to regional unrest happened after 1942 were called back to settle in Yan Aung Myin and Wei Tha Li villages. Out of the remaining 34 villages, 18 villages were chosen to be settled by union-born ethnic nationalities who had been living across the country. In the remaining 16 villages those union-born ethnic people who were impoverished, lacking in farmlands, but who wanted to

[9] **IIMM0000019778** UNHCR, *"Study on Community Perceptions of Citizenship, Documentation and Rights in Rakhine State"*, August 2016, p. 6.
[10] The note does not provide an analysis of restrictions of the Rohingya population's movement, access to education, health care and employment in Rakhine State. *See* **IIMM0000012032** Fortify Rights, *"Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar"*, February 2014, pp. 33-35.
[11] Supra, para. 5 and fn. 4.
[12] *See also* **IIMM0001582763** Francis Wade, *"IIMM Rohingya Report"*, section 2.3.1.
[13] **IIMM0028128217** Amnesty International, *"The Rohingya minority: Fundamental rights denied"*, 2004, p. 23.

> settle for the sake of development for the border areas were allowed to settle."[14]

13. The Mechanism has not identified any evidence that indicates whether or not members of the Buddhist community from Bangladesh who immigrated to Myanmar were actually in fact originally "born in the Union" (Myanmar), or amongst those (or descendants of those) displaced due to violence after 1942 as asserted in the excerpt above. Furthermore, and as set out below and in contrast to the assertion above, the Mechanism has found information that the individuals who emigrated were not limited to "Rakhine ethnics" only but included other non-Muslim ethnic groups from Bangladesh such as Mro, Daingnet, Khami and Marama.

14. [redacted][15]

15. Not only were Buddhists from Bangladesh invited to immigrate to Myanmar, in at least some cases, Myanmar government resources were used to provide incentives to facilitate their movement. On 6 June 2017, the state newspaper GNLM reported, that during the Parliament's House of Nationalities session on 5 June 2017, the Deputy Minister for Border Affairs, Major General Than Htut expounded upon the government's support for *Na Ta La* village construction and resettlement of migrants from Bangladesh as follows:

> "[A]myontha Hluttaw yesterday, Rakhine representative U Tet Tun Aung asked if the government planned to provide any new model communities for ethnic people in Rakhine. Deputy Minister for Border Affairs Maj. Gen. Than Htut responded with a historical overview of the development of model villages in Maungtaw and Buthidaung townships since 1990. The general said that there were a total of 19 different resettlement projects to establish 36 Na Ta La model villages. '742 households and 3433 family members who moved from Bangladesh are being accommodated in Na Ta La model villages and subsidized with household commodities and food for a one-year period' the general said."[16]

V. Villages Where Buddhist Migrants From Bangladesh Were Resettled in Maungdaw Township, Rakhine State

16. On 30 May 2013, the local Myanmar media outlet, Irrawaddy, reported that 300 migrants identified as Rakhine, Thet, Daingnet and Marama from Bangladesh were resettled in

[14] **IIMM0027993559** (Burmese), **IIMM0027993559_T_MT_EN_01** (English Translation), Letter to U Shwe Maung aka U Abdul Razak Buthidaung Constituency, 24 February 2012.

[15] [redacted]

[16] **IIMM0001139668** Aung Ye Thwin, Aye Aye Thant (MNA), *"Government official says new petro import testing labs on the way"*, The Global New Light of Myanmar, 6 June 2017. p. 2.

Kha Yay Myaing, Aung Thar Yar, Laung Don, Taung Pyo *Na Ta La* village in Maungdaw and Kyauk Taw town.[17]

17. On 20 November 2013, the Myanmar media outlet, the Eleven Media Group Co., Ltd reported that 50 migrants from Bangladesh who arrived on 15 October (2013) were temporarily sheltered in Baho Monastery in Maungdaw, and it was planned to resettle them in Aung Thar Yar village in Maungdaw where houses were being constructed.[18]

18. [redacted].[19]

19. On 4 September 2015, the Myanmar media outlet, Irrawaddy, reported that migrants identified as from the Mro, Thet and Daingnet ethnic groups from Bangladesh were resettled in Kha Yay Myaing, Kin Chaung, Kine Gyi, and Shwe Baho village in Maungdaw, and that a total of 3211 individuals had immigrated to Myanmar from Bangladesh since October 2012.[20]

20. On 21 July 2017, the Myanmar media outlet, Burma News International, reported that aid was given to the Mro (Myo) ethnic migrants from Bangladesh who lived in Thi Ho A Mro (Myo) village in Maungdaw 3 Mile.[21]

21. A Myanmar media outlet, the Development Media Group, published a report on social media on 19 August 2017 stating that there were 20 households of Rakhine migrants in the Thukha Myaing village in Maungdaw who arrived from Bangladesh in the preceding two to four years.[22]

22. On 22 March 2018, the Eleven Media Group Co. Ltd, reported that 326 individuals from the Rakhine, Daingnet and Mro (Myo) ethnic groups had arrived from Bangladesh since 21

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[17] **IIMM0028128296** Nyein Chan, *"ဘင်္ဂလားဒေ့ရှ်မှ ရခိုင်သို့ ပြောင်းရွှေ့လာသူများ အခက်အခဲရှိဆဲ"*, Irrawaddy, 30 May 2013.

[18] **IIMM0028129529** *"မြန်မာနိုင်ငံသို့ ပြန်လည်ဝင်ရောက်လာသော တိုင်းရင်းသား ၇၀၀ ကျော်အား ယာယီနေထိုင်ခွင့် ပါမစ်များ ထုတ်ပေးထား"*, Eleven Media Group (Facebook, 20 November 2013).

[19] [redacted]

[20] **IIMM0028128306** Min Aung Khine, *"ရွှေ့ပြောင်း ရခိုင်မျိုးနွယ်စုများကို နိုင်ငံသားပေးရန် ၃ နှစ် စောင့်ကြည့်မည်"*, Irrawaddy, 4 September 2015.

[21] **IIMM0028128239** Narinjara, *"မြန်မာနိုင်ငံသူနာပြုနှင့်သားဖွားအသင်းမှ တစ်ဘက်နိုင်ငံမှ ဝင်လာသူ သီဟိုအေမြို့ကျေးရွာသို့ အကူအညီပေး"*, Burma News International, 21 July 2017.

[22] **IIMM0028129537** Pha Du Tun Aung, *"ဘင်္ဂလားဒေ့ရှ်နိုင်ငံက ပြောင်းရွှေ့လာတဲ့ ရခိုင်တိုင်းရင်းသားတွေ နိုင်ငံသားစိစစ်ရေးကဒ်ပြား မရရှိမှုကြောင့် အခက်အခဲတွေ့ဖြစ်နေ (ရုပ်သံ)"*, Development Media Group, (Facebook Video posted by Rakhine Modern History, 19 August 2017).

February 2018 and were sheltered in Aung Tha Pyay village's school, Thit Tone Nar Gwa Son village and Thu Pa Na Ka village in Maungdaw.[23]

23. On 22 April 2018, Eleven Media Group Co. Ltd also reported that since 21 February 2018, 345 ethnic Rakhine, Mro and Daingnet migrants from different villages in Bandarban District, Bangladesh, were resettled in Aung Tha Pyay, Thit Tone Nar Gwa Sone, Thu Pan Na Ka, Nant Thar Taung and Mee Taik villages in Maungdaw.[24]

24. On 4 August 2018, the Development Media Group reported that migrants from Bangladesh were resettled in Thit Tone Nar Gwa Son, Mingalar Nyunt, Nan Yar Kaing, Thu Pan Na Ka, Aung Tha Pyay, Mee Taik, Laung Don, Nant Thar Taung, Myawaddy, Kha Yay Myaing and Min Kha Maung villages in Maungdaw.[25]

VI. Financial Support, Provision of Land and Immigration Permits to Buddhist Migrants from Bangladesh

25. The Buddhist migrants from Bangladesh were welcomed by the authorities and agencies in Rakhine State and assisted with certain financial support, the provision of land, and were promised legal immigration status. For example, government agencies provided these Buddhist migrants with housing, farmland, rations and cash for starting up a life in Rakhine State.[26] While the Rakhine State authorities "allocated one acre of farmland to ease the livelihood situation", the overall initiative was described as part of the activities of the Union Government's Department of Development of Border Areas and National Races.[27]

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[23] **IIMM0028128362** *"ဘင်္ဂလားဒေ့ရှ်နိုင်ငံမှ ထွက်ပြေးလာပြီး မောင်တောမြို့နယ်အတွင်းသို့ တစ်လအတွင်း ရောက်ရှိခိုလှုံသူ ရခိုင်၊ ဒိုင်းနက်နှင့် မြို့လူမျိုး ၃၀၀ ကျော်ရှိနေပြီး လတ်တလောတွင် စားနပ်ရိက္ခာများ လိုအပ်လျက်ရှိ"*, The Eleven Media Group Co., Ltd, 22 March 2018.

[24] **IIMM0028128371** *"တစ်ဖက်နိုင်ငံမှ ပြန်လည် ဝင်ရောက်လာသည့် တိုင်းရင်းသားမျိုးနွယ်စုများ ရပ်တည်နိုင်ရေး နိုင်ငံသား လျှောက်ထားမှု ကိစ္စရပ်များ အဆင့်ဆင့် လုပ်ဆောင်ပေးရမည်ဖြစ်ကြောင်း ရခိုင်ပြည်နယ်ဝန်ကြီးချုပ် ဦးညီပု ပြောကြား"*, The Eleven Media Group Co., Ltd, 22 April 2018.

[25] **IIMM0028128275**, Cha Lu Aung/DMG *"မြန်မာဘက်သို့ ခိုလှုံလာကြသည့် ရခိုင်နှင့် မြို့လူမျိုးများကို ဘင်္ဂလားဒေ့ရှ်အစိုးရ ပြန်ခေါ်မည်"*, Development Media Group, 4 August 2018.

[26] **IIMM0028128306** Min Aung Khine, *"ရွှေ့ပြောင်း ရခိုင်မျိုးနွယ်စုများကို နိုင်ငံသားပေးရန် ၃ နှစ် စောင့်ကြည့်မည်"*, Irrawaddy, 4 September 2015; **IIMM0028128371** *"တစ်ဖက်နိုင်ငံမှ ပြန်လည် ဝင်ရောက်လာသည့် တိုင်းရင်းသားမျိုးနွယ်စုများ ရပ်တည်နိုင်ရေး နိုင်ငံသား လျှောက်ထားမှု ကိစ္စရပ်များ အဆင့်ဆင့် လုပ်ဆောင်ပေးရမည်ဖြစ်ကြောင်း ရခိုင်ပြည်နယ်ဝန်ကြီးချုပ် ဦးညီပု ပြောကြား"*, The Eleven Media Group Co., Ltd, 22 April 2018; **IIMM0028131570** BenarNews, an RFA-affiliated online news service. *"Land, Citizenship Await Them in Myanmar, Bangladeshi Tribespeople Told"*, Radio Free Asia, 24 April 2018.

[27] **IIMM0028129529** *"မြန်မာနိုင်ငံသို့ ပြန်လည်ဝင်ရောက်လာသော တိုင်းရင်းသား ၇၀၀ ကျော်အား ယာယီနေထိုင်ခွင့် ပါမစ်များ ထုတ်ပေးထား"*, Eleven Media Group (Facebook, 20 November 2013); **IIMM0001139668** Aung Ye Thwin, Aye Aye Thant (MNA), *"Government official says new petro import testing labs on the way"*, The Global New Light of Myanmar, 6 June 2017. p. 2; **IIMM0028128306** Min Aung Khine, *"ရွှေ့ပြောင်း ရခိုင်မျိုးနွယ်စုများကို နိုင်ငံသားပေးရန် ၃ နှစ် စောင့်ကြည့်မည်"*, Irrawaddy, 4 September 2015. **IIMM0028128386** Win Ko Ko Latt and Min Thein Aung, *"Myanmar's Rakhine Lawmakers Want More 'Ethnic Villages' in Muslim-Majority Areas"*, Radio Free Asia, 05 June 2017.

26. Buddhist migrants from Bangladesh received an Immigration Permit (IP)[28] valid for three years, as well as household lists issued by the Maungdaw district immigration office upon their arrival.[29] With the IPs and a travel authorization, they were allowed to travel in the region. For example, [redacted].[30]

27. In addition, U Khin Soe, the Head of the Immigration and Population Department, was quoted in the Irrawaddy media in 2015 as saying, "Among the people [Buddhist migrants from Bangladesh] who came in, some people came only for a short time as there was a problem, but we will have to monitor who would like to go back. Some of them have properties such as houses and land in other side. Even though they belong to my own ethnic group, they are citizens of the other side. It is fine if they want to live in this country permanently by giving up their foreign citizenship. But we must monitor for 3 years."[31]

VII. Citizenship Scrutiny Cards Issued to Ethnic Groups under Moe Pwint, Thitsar and Pan Khin Projects

28. Official Myanmar government sources indicate that not only did the government encourage the resettlement of non-Muslim communities from outside of Myanmar into Rakhine state, but that these community members were also put on the path to citizenship. Rakhine Development Media reported in 2016 that the migrants who arrived in Thukha Myaing village within the preceding two to four years were told by immigration authorities that they would be granted CSCs after five years.[32]

29. During an interview with the Myanmar Radio and Television Broadcasting and Myawaddy TV in 2021, U Ye Tun Oo, the deputy director-general of the National Registration

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[28] **IIMM0028059482** 1947 Burma Immigration (Emergency Provisions) Act. According to the Burma Immigration Act, para. 2 (1) (g), an Immigration Permit includes "a certificate or pass or any document, issued to a foreigner under the Act or the rules made thereunder, for entry into or stay in the Union of Burma.".

[29] **IIMM0028129529** *"မြန်မာနိုင်ငံသို့ ပြန်လည်ဝင်ရောက်လာသော တိုင်းရင်းသား ၇၀၀ ကျော်အား ယာယီနေထိုင်ခွင့် ပါမစ်များ ထုတ်ပေးထား"*, Eleven Media Group (Facebook, 20 November 2013); **IIMM0000019778** UNHCR report, *"Study on Community Perceptions of Citizenship, Documentation and Rights in Rakhine State"*, August 2016, p. 22; **IIMM0028128306** Min Aung Khine, *"ရွှေ့ပြောင်း ရခိုင်မျိုးနွယ်စုများကို နိုင်ငံသားပေးရန် ၃ နှစ် စောင့်ကြည့်မည်"*, Irrawaddy, 4 September 2015.

[30] [redacted]

[31] **IIMM0028128306** Min Aung Khine, *"ရွှေ့ပြောင်း ရခိုင်မျိုးနွယ်စုများကို နိုင်ငံသားပေးရန် ၃ နှစ် စောင့်ကြည့်မည်"*, Irrawaddy, 4 September 2015.

[32] **IIMM0028129537** Pha Du Tun Aung, *"ဘင်္ဂလားဒေ့ရှ်နိုင်ငံက ပြောင်းရွှေ့လာတဲ့ ရခိုင်တိုင်းရင်းသားတွေ နိုင်ငံသားစိစစ်ရေးကဒ်ပြား မရရှိမှုကြောင့် အခက်အခဲတွေ့ဖြစ်နေ (ရုပ်သံ)"*, Development Media Group, (Facebook Video posted by Rakhine Modern History, 19 August 2017).

and Citizenship Department, explained about the Moe Pwint, Thitsar and Pan Khin Projects[33] and the categories of people who are eligible for Citizenship Scrutiny Cards (CSCs) under these projects. U Ye Tun Oo explained that the projects had been granting CSCs for four categories of people. The first category includes people who live permanently in their native place and have a household list but do not have a National Registration Certificate (NRC). The second category includes those who live permanently in their native place but do not have a household list or an NRC. The third category includes immigrants who have a household list in their original place but do not have an NRC in their current place. The fourth category includes immigrants who have neither a household list in the original or current place nor an NRC.[34] It is unclear from this statement alone which "immigrants" were included in the third and fourth categories and whether they were migrants from the other regions in Myanmar or migrants from Bangladesh.

30. Information available on Myanmar's Information and Public Relationship Department website indicates, however, that Myanmar immigration authorities had issued CSCs to ethnic groups, or migrants, in the same villages where the Buddhist migrants from Bangladesh were resettled. Below is a summary of public reporting about Myanmar immigration authorities granting CSCs to villagers in Maungdaw under the Thitsar and Pan Khin Projects.

a. On 9 June 2016, the Deputy Head of Rakhine State Immigration Department, Ko Ko Latt, confirmed that CSCs were issued to students from above the age of 10 in Rakhine State and CSCs were given to 4,587 students from 144 schools in Maungdaw Township.[35]

b. On 9 June 2021, 27 Mro (Myo) individuals from Khu Daing (Myo) village, Pa Da Kar Ywar Thit village Tract in Maungdaw were granted CSCs.[36]

c. On 12 June 2021, 49 Mro (Myo) individuals from Thit Tone Nar village tract were granted CSCs.[37] Thit Tone Nar Gwa Son is one of the village tracts where

[33] From 2011 to 2024, Myanmar Ministry of Immigration and Population conducted a nationwide citizenship scrutiny exercise where Citizenship Scrutiny Cards (CSCs) were issued to Myanmar's national races under its Moe Pwint Project (2011-2015), the Thitsar Project (2016-2020) and Pan Khin Project (2021-2024); **IIMM0028128410** Statement by U Khin Yi, Union Minister for Immigration and Population that explains about the projects (Facebook, 28 August 2021); **IIMM0028128414** Myanmar News Agency, , *"Myanmar nationals can grab the rights of citizens: Pankhin project"*, The Global New Light of Myanmar, 8 May 2021.

[34] **IIMM0028128466** Interview talk with U Ye Tun Oo, deputy director-general of the National Registration and Citizenship Department, *"ဝန်ကြီးဌာနမှ MRTV/ MWD ရုပ်သံ၊ သတင်းစာတို့နှင့် အမေးအဖြေကဏ္ဍ ပြည်နယ်/ တိုင်းများမှ Talk Show ရိုက်ကူးရာတွင် ထည့်သွင်းပြောကြားရမည့် "ပန်းခင်း" စီမံချက်ဆိုင်ရာ မူဝါဒ အချက်အလက်များ"*, Ministry of Immigration and Population.

[35] **IIMM0001138972** Maung Maung Myint Swe, *"'Thitsar' project underway to issue ID cards to schoolchildren in Rakhine State"*, The Global New Light of Myanmar, 12 June 2016, p. 2.

[36] **IIMM0028128446** Thet Lwin Soe, *"ရခိုင်ပြည်နယ် မောင်တောမြို့၌ ပန်းခင်းစီမံချက်ဖြင့် (မြို့)တိုင်းရင်းသားများအား နိုင်ငံသားစိစစ်ရေး ကတ်ပြား များ ပြုလုပ်ပေး"*, Information and Public Relationship Department of Myanmar, 9 June 2021.

[37] **IIMM0028128452** Thet Lwin Soe (District, Information and Public Relationship Department), *"ရခိုင်ပြည်နယ် မောင်တောမြို့၌ ပန်းခင်းစီမံချက်ဖြင့် ဆောင်ရွက်သည့် သစ်တုံးနားခွဆုံကျေးရွာမှ (မြို့)တိုင်းရင်းသားများအား နိုင်ငံသားစိစစ်ရေးကတ်ပြားများ ပြုလုပ်ပေး"*, Information and Public Relationship Department of Myanmar ,12 June 2021.

Buddhist migrants from Bangladesh were resettled.

d. On 28 October 2021, 43 people from Aung Mingalar village were granted CSCs.[38]

e. On 4 November 2021, 32 people in Aung Thar Yar village, Maungdaw were granted CSCs.[39] Buddhist migrants from Bangladesh were resettled in Aung Thar Yar.

f. On 20 November 2021, 180 people from Pyar Thar, Thukha Myaing, Aung Mingalar, Aung Thar Yar, Aung Zay Ya village were granted CSCs.[40] Thukha Myaing and Aung Thar Yar are both villages where Buddhists from Bangladesh were resettled.

g. On 21 December 2021, a total of 222 people from Thar Yar Kone, Thin Baw Hla and Mee Taik village from Thae Chaung village tract and Nant Thar Taung village from Kun Thee Pin village tract were granted CSCs.[41] Mee Taik and Nan Thar Taung are villages where Buddhist migrants from Bangladesh were resettled.

h. From 20 to 22 December 2021, a total of 290 people from nine villages in Kha Maung Seik village tract and four villages in Aung Tha Pyay village tract were granted CSCs.[42] Min Kha Maung (*Na Ta La*) in Kha Maung Seik village tract and Aung Tha Pyay village are both locations where Buddhist migrants from Bangladesh were resettled.

VIII. Conclusion

31. In summary, the evidence above illustrates that the Myanmar government encouraged Buddhists from Bangladesh to resettle in Rakhine State and facilitated their immigration status and a potential path to citizenship. Simultaneously, Rohingya born in and living in Myanmar were denied citizenship and faced numerous restrictions and obstacles in daily life as a result.

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[38] **IIMM0028128458**, Thet Lwin Soe *"ရခိုင်ပြည်နယ် မောင်တောမြို့၌ အောင်မင်္ဂလာကျေးရွာရှိပြည်သူများအား ပန်းခင်းစီမံချက်ဖြင့် အိမ်ထောင်စု လူဦးရေ စာရင်းနှင့်နိုင်ငံသားစိစစ်ရေးကတ်ပြားများ ပြုလုပ်ဆောင်ရွက်ပေး"*, Information and Public Relationship Department of Myanmar, 28 October 2021.

[39] **IIMM0028128422** Thet Lwin Soe (District, Information and Public Relationship Department), *"ရခိုင်ပြည်နယ် မောင်တောမြို့၌ အောင်သာယာကျေးရွာရှိ ပြည်သူများအား ပန်းခင်းစီမံချက်ဖြင့် အိမ်ထောင်စု လူဦးရေးစာရင်းနှင့် နိုင်ငံသားစိစစ်ရေးကတ်ပြားများ ပြုလုပ်ဆောင်ရွက်ပေး"*, Information and Public Relationship Department of Myanmar, 4 November 2021.

[40] **IIMM0028128428** Thet Lwin Soe and Aung Kyaw Sein, *"ရခိုင်ပြည်နယ် မောင်တောမြို့နယ် ကျေးရွာများရှိ ဒေသခံတိုင်းရင်းသားများအား အိမ်ထောင်စုလူဦးရေ စာရင်းနှင့် နိုင်ငံသားစိစစ်ရေးကတ်ပြားများ ပေးအပ်ပွဲကျင်းပ"*, Information and Public Relationship Department of Myanmar, 20 November 2021.

[41] **IIMM0028128434** Thet Lwin Soe, *"ရခိုင်ပြည်နယ် တောင်ပြုလက်ဝဲမြို့ ရှိ ဝေးလံခေါင်ဖျားဒေသခံပြည်သူများအား ပန်းခင်းစီမံချက်ဖြင့် အိမ်ထောင်စုလူဦးရေးစာရင်းနှင့် နိုင်ငံသားစိစစ်ရေးကတ်ပြားများ ပြုလုပ်ပေး"*, Information and Public Relationship Department of Myanmar, 21 December 2021.

[42] **IIMM0028128440** Thet Lwin Soe (District, Information and Public Relationship Department), *"ရခိုင်ပြည်နယ်၊ မောင်တောခရိုင်အတွင်း ဝေးလံခေါင်ဖျားမြို့များရှိ ဒေသခံပြည်သူများအား ပန်းခင်း စီမံချက်ဖြင့် အိမ်ထောင်စု လူဦးရေးစာရင်းနှင့် နိုင်ငံသားစိစစ်ရေးကတ်ပြားများအား ကွင်းဆင်းပြုလုပ်ပေး"*, Information and Public Relationship Department of Myanmar, 24 December 2021.

The evidence indicates that the Buddhist migrants welcomed by the Myanmar government were citizens of Bangladesh. Moreover, it is evident that Myanmar Buddhist migrants were permitted freedom of movement – in contrast to the onerous restrictions against the Rohingya's movement in Rakhine State. Furthermore, the government's financial, land and start-up business support also suggest that the settlement of the Buddhist migrants was not a temporary solution or arrangement for "refugees" arriving from unrest in Bangladesh, as claimed by government officials. Rather, it appears as a strategy allowing the migrants to achieve permanent settlement in Myanmar and part of a wider strategy to alter the ethnic makeup of Rakhine state to remove or reduce the influence of Muslims. Remarkably, most Buddhist migrants were resettled in Maungdaw, where the majority of the population were Rohingya Muslims, indicative of a concerted effort to change the ethnic balance in Maungdaw.[43] In addition. while Rohingya groups had been facing barriers to obtaining citizenship for nearly four decades, the government's official public messaging explicitly stated that the migrants from Bangladesh obtained immigration permits (IP) and temporary household registration lists upon their arrival, in anticipation of being granted citizenship in Myanmar after three to five years of waiting time.

[43] **IIMM0028128386** Win Ko Ko Latt and Min Thein Aung, "*Myanmar's Rakhine Lawmakers Want More 'Ethnic Villages' in Muslim-Majority Areas*", Radio Free Asia, 05 June 2017.

Annex 8

United Nations Independent Investigative Mechanism for Myanmar,
Efforts to Investigate and Punish Sexual and Gender-Based Crimes Committed Against Rohingya: Evidence Analysis
(27 March 2024)

United Nations Nations Unies
INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR • MÉCANISME D'ENQUÊTE INDÉPENDANT POUR LE MYANMAR

CONFIDENTIAL

EFFORTS TO INVESTIGATE AND PUNISH SEXUAL AND GENDER-BASED CRIMES COMMITTED AGAINST ROHINGYA: EVIDENCE ANALYSIS

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I. Introduction

1. The United Nations Independent Investigative Mechanism for Myanmar ("IIMM" or "Mechanism") was established by the UN Human Rights Council resolution 39/2 in September 2019 with a mandate to collect and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files to share with national, regional or international courts that may have jurisdiction to prosecute such cases. In furtherance of its mandate, the Mechanism has collected large quantities of evidence regarding sexual and gender-based crimes ("SGBC") committed during the 2016 and 2017 clearance operations.

2. Based on the material collected to date, the Mechanism has prepared the present Analytical Note, which examines evidence of the efforts – or lack of efforts – by the Myanmar authorities to investigate and punish sexual and gender-based crimes committed against Rohingya victims during the 2016 and 2017 clearance operations in northern Rakhine State, Myanmar.[1]

3. Under international law, Myanmar has obligations to investigate and punish crimes, including SGBC.[2] International law also places an obligation upon those persons with authority over military forces to take all necessary and reasonable steps required to investigate and punish crimes by their subordinates.[3] Jurisprudence from international courts also recognizes that rape can constitute an underlying act of genocide as it inflicts severe bodily or mental harm,[4] can be a condition of life designed to bring about the destruction of a group,[5] and can be a measure

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[1] This Analytical Note has been shared with competent authorities pursuant to United Nations Human Rights Council Resolution 39/2 and subject to the Terms of Reference of the Mechanism for the purpose of facilitating judicial proceeding in national, regional or international courts or tribunals with jurisdiction over crimes within the Mechanism's mandate. This note and the information and material contained therein shall be used solely for the purpose of judicial proceedings for which it is provided as indicated in the cover letter attached to this Note and shall not be published or electronically posted in any form or medium other than as part of the indicated judicial proceedings. The Mechanism's express written consent is required for the use of this note and the information and material contained therein for any other purposes. Nothing in the disclosure of this Note or the information contained therein will be treated as a waiver, express or implied, of any of the privileges, immunities, exemptions, and facilities enjoyed by the United Nations, including the Mechanism.

[2] See, e.g. **IIMM0028034567** Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); **IIMM0028034569** CEDAW General Recommendation No. 33, para. 16 (e)-(f); **IIMM0028034568** CEDAW General recommendation No. 30, para. 38(b); **IIMM0027995638** CEDAW General Recommendation No. 35, paras. 23-24.

[3] **IIMM0028034566** Convention on the Prevention and Punishment of the Crime of Genocide, arts. I, IV and V, establishes the obligation to punish the crime of genocide and those who bear responsibility for it with effective criminal penalties; **IIMM0027995692** International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, 2005, Volume I: Rules; Rule 153: Command Responsibility for Failure to Prevent, Repress or Report War Crimes, sets out customary law that applies in situations of non-international armed conflict; **IIMM0027995658** Draft Articles on Prevention and Punishment of Crimes Against Humanity, *Yearbook of the International Law Commission*, 2019, vol. II, Part Two, article 6(3), synthesizes customary international law from various international conventions, national laws, and the statutes and jurisprudence of international criminal courts and tribunals.

[4] **IIMM0027998192** *Prosecutor v. Jean-Paul Akayesu*, ICTR Chamber I, ICTR-96-4-T, Judgement, 2 September 1998, paras. 706-707, 711-712.

[5] **IIMM0027998191** *Prosecutor v. Clement Kayishema & Obed Ruzindana*, ICTR Trial Chamber II, ICTR-95-01, 21 May 1999, para. 116.

intended to prevent births.[6] Therefore, the failure to investigate and punish such crimes could amount to a violation of the obligations of parties to the Convention on the Prevention and Punishment of Genocide.[7] The conduct of State organs, institutions, and State officials acting in their official capacity are attributable to the State.[8]

II. Allegations of sexual and gender-based crimes

4. On 9 October 2016, an armed group, the Arakan Rohingya Salvation Army ("ARSA"), attacked three Border Guard Police ("BGP") posts in Maungdaw and Rathedaung townships in northern Rakhine State.[9] Following these attacks, Myanmar security forces, composed of the Myanmar military ("Tatmadaw") and the BGP, initiated "clearance operations" in the northern part of Rakhine State.[10] On 25 August 2017, ARSA launched attacks on a military base and up to 30 BGP outposts across northern Rakhine State,[11] which was immediately followed by the Myanmar security forces conducting coordinated "clearance operations" against the Rohingya population in northern Rakhine State of even greater scale than the previous year.[12]

5. Both the 2016 and 2017 clearance operations were characterised by reports of widespread and systematic SGBC perpetrated against the Rohingya civilian population. The Mechanism has collected large quantities of evidence regarding such crimes. This includes evidence from victims and eyewitnesses of sexual and gender-based violence interviewed by the Mechanism, accounts of persons who provided medical or psychosocial services to the victims, records of the UN Independent International Fact-Finding Mission on Myanmar ("FFM") and other UN bodies, as well as the records of other organisations and documentation efforts.

6. The aim of this Analytical Note is not to set out all of the evidence of SGBC collected by the Mechanism. Rather, it is to examine the official responses and actions taken by the Myanmar authorities in response to information and evidence at their disposal, particularly public reports and condemnation of SGBC committed during the clearance operations, and their efforts to investigate and punish the perpetrators. In assessing the appropriateness of the

[6] **IIMM0027998192** *Prosecutor v. Jean-Paul Akayesu*, ICTR Chamber I, ICTR-96-4-T, Judgement, 2 September 1998, paras. 507-508.
[7] **IIMM0027995637** Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), International Court of Justice, Judgement of 26 February 2007, para. 299.
[8] **IIMM0027995657** Draft Articles on State Responsibility for Internationally Wrongful Acts, *Yearbook of the International Law Commission*, 2001, vol. II, Part Two, art. 4.
[9] **IIMM0027994557** Video from Facebook Post 562239220629291, Islamic armed group asks Rohingya to join them for jihad in Rakhine Myanmar, Wai Lwin (user ID: 100005296543913), 12 October 2016; **IIMM0027994551** Video from Facebook Post 561911683995378, Rohingya mujahideen call for weapons, Wai Lwin (user ID: 100005296543913), 11 October 2016; **IIMM0000026223** "Security tightened: Nine policemen killed, five injured, one missing in border attacks", *Global New Light of Myanmar*, 10 October 2016, pp. 1, 3.
[10] **IIMM0001138938** "Special meeting on national defence and security", *Global New Light of Myanmar*, 15 October 2016, p. 1.
[11] **IIMM0000008324** Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/CRP.2, 17 September 2018, para. 750.
[12] The Mechanism has collected evidence that the 2017 clearance operations were planned in advance of the 25 August 2017 ARSA attacks. For instance, Tatmadaw troops were deployed to northern Rakhine townships weeks prior. **IIMM0000011740** General Administration Department order, 7 August 2017 [Myanmar language]; **IIMM0000011733** General Administration Department order, 7 August 2017, stating that "Myanmar's military, police force and Border Guard Police are being sent to garrison the villagers as reinforcement" [English translation].

Myanmar authorities' response, it is important to identify the information that was available to them around the time of the alleged crimes, which will be discussed in the next section.

III. Reports providing notice of SGBC

7. When Myanmar's security forces commenced clearance operations in northern Rakhine State following the 9 October 2016 ARSA attacks,[13] their leadership should have been aware of the risk that their forces would commit SGBC, given the many reports that documented prior sexual abuse during Myanmar security force operations and the widespread international condemnation that followed. In June 2016, the United Nations Office of the High Commissioner for Human Rights ("OHCHR") reported to the UN Human Rights Council that "[s]exual and gender-based violence perpetrated by security forces against the Rohingya in Rakhine State has been reported for decades…," and that "OHCHR received reports of sexual violence, including rape, against women who had been arrested or detained, or in the course of law enforcement operations, such as house searches or at checkpoints".[14] [redacted][15] In July 2016, in its concluding observations to Myanmar, the UN Committee on the Elimination of Discrimination against Women (CEDAW) recommended that Myanmar "[p]romptly investigate and prosecute cases of gender based violence targeting Rohingya women and other ethnic minority women and ensure that those convicted are punished with appropriate sanctions."[16]

8. By 27 October 2016 – within weeks after the start of the 2016 clearance operations – allegations were published in *The Myanmar Times*[17] and *Reuters*[18] that Myanmar security forces had raped dozens of Rohingya women during the clearance operations.

9. On 10 December 2016, *The Guardian* reported a Rohingya survivor account of how Tatmadaw soldiers attacked Kyet Yoe Pyin in Maungdaw township, locking children into houses and setting them on fire, and raping multiple female members of the same family.[19]

10. On 16 December 2016, the UN High Commissioner for Human Rights issued a statement referring to "daily reports" of alarming human rights violations against the Rohingya, including rapes.[20]

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[13] **IIMM0001138938** "Special meeting on national defence and security", *Global New Light of Myanmar*, 15 October 2016, p. 1.
[14] **IIMM0027998634** Situation of human rights of Rohingya Muslims and other minorities in Myanmar, A/HRC/32/18, 29 June 2016, para. 36.
[15] [redacted]
[16] **IIMM0000007255** Concluding Observations on the combined fourth and fifth periodic reports of Myanmar, CEDAW/C/MMR/CO/4-5, 25 July 2016, para. 45(b).
[17] **IIMM0000022326** Fiona MacGregor, "Dozens of rapes reported in northern Rakhine State," *The Myanmar Times*, 27 October 2016.
[18] **IIMM0000010940** "Exclusive: Rohingya women say Myanmar soldiers raped them amid crackdown on militants," *Reuters*, 28 October 2016.
[19] **IIMM0027998182** "Burmese military killed seven of my children, says Rohingya refugee," *The Guardian*, 10 December 2016.
[20] **IIMM0000020764** Statement by High Commissioner for Human Rights, 16 December 2016.

11. On 19 December 2016, Amnesty International published a report documenting a campaign of violence by the Myanmar security forces against the Rohingya beginning on 9 October 2016, in which soldiers and police had raped women and girls.[21]

12. An OHCHR Flash Report published on 3 February 2017 ("February 2017 OHCHR Flash Report") highlighted "devastating cruelty"[22] and cases of mass gang rape committed against Rohingya.[23] Out of 204 people interviewed by OHCHR, 43 per cent reported rape, and 31 per cent reported sexual violence.[24] Among the 103 women and girls interviewed, twenty-four women and two girls reported having been raped themselves.[25]

13. In April 2017, the UN Human Rights Council passed a resolution urgently dispatching an independent international fact-finding mission to establish the facts and circumstances of alleged human rights violations by Myanmar security forces, in particular in Rakhine State, including rape and other forms of sexual violence, with a view to ensuring full accountability for perpetrators and justice for victims.[26]

14. In the months following the clearance operations that began on 25 August 2017, many reports were also issued concerning sexual violence committed by soldiers and other security forces in northern Rakhine State. On 24 September 2017, doctors treating Rohingya patients at a clinic run by the International Organization for Migration (IOM) at the Leda makeshift refugee camp in Cox's Bazar, Bangladesh, told *Reuters* that they treated hundreds of Rohingya women with injuries from violent sexual assaults during the 2016 clearance operations, and were treating injuries from "more aggressive" sexual violence following the 2017 clearance operations.[27] On 25 October 2017, *Reuters* further reported that, according to Médecins Sans Frontières, "more than half the girls it has treated after sexual assaults are under 18".[28]

15. The UN Resident/Humanitarian Coordinator reported in 2017 that "sexual violence was committed with impunity" and that coupled with the suspension of service providers and continued lack of health care in northern Rakhine State, "survivors of violence ha[d] little to no access to life-saving response services."[29]

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[21] **IIMM0027998168** Amnesty International, "Myanmar: Security forces target Rohingya during vicious Rakhine scorched-earth campaign," 19 December 2016.
[22] **IIMM0027998176** OHCHR Press release, "Devastating cruelty against Rohingya children, women and men detailed in UN human rights report," 3 February 2017.
[23] **IIMM0000005019** OHCHR Flash Report, "Report of OHCHR mission to Bangladesh Interviews with Rohingyas fleeing from Myanmar since 9 October 2016", p. 9.
[24] Ibid.
[25] Ibid at p. 10.
[26] **IIMM0000023337** A/HRC/RES/34/22, 3 April 2017.
[27] **IIMM0027994308** "U.N. medics see evidence of rape in Myanmar army 'cleansing' campaign', *Reuters*, 24 September 2017.
[28] **IIMM0027994332** "Rohingya girls under 10 raped while fleeing Myanmar, charity says," *The Guardian*, 25 October 2017.
[29] **IIMM0027995659** Knut Ostby, Resident/Humanitarian Coordinator Report on the Use of CERF Funds Myanmar Rapid Response Deterioration of Protection and Human Rights Environment 2017, United Nations Central Emergency Response Fund, 27 November 2017.

16. On 16 November 2017, Human Rights Watch released a report documenting that the Tatmadaw were committing widespread rape and sexual violence against Rohingya women and girls as part of the clearance operations.[30]

17. On 28 November 2017, CEDAW requested Myanmar to submit a report on the situation of women and girls from northern Rakhine State, including specific information concerning cases of sexual violence, including rape, against Rohingya women and girls by State security forces, details on the number of women and girls who had been killed or died due to non-natural causes during the latest outbreak of violence, and information on investigations, arrests, prosecutions, convictions and sentences or disciplinary measures imposed on perpetrators, including members of the armed forces, found guilty of such crimes.[31]

18. In December 2017, the UN Human Rights Council held a special session on "the human rights situation of the minority Rohingya Muslim population and other minorities in Rakhine State and adopted a resolution that expressed "grave concern at consistent allegations of widespread sexual violence, including rape and gang rape, and call[ed] for those allegations to be investigated, for those found responsible to be held to account".[32]

19. In March 2018, the UN Secretary-General publicly listed the Tatmadaw for the first time as being a party "credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence" and urged the Government of Myanmar to prosecute suspected perpetrators of sexual violence.[33] As a listed State, Myanmar was prohibited from participating in United Nations peace operations.[34] The Tatmadaw has continued to be listed in subsequent UN Secretary-General reports on conflict-related sexual violence.[35] On 23 April 2019, the UN Security Council, in resolution 2467 (2019), welcomed the Secretary-General's decision that all State actors repeatedly listed in his reports on sexual violence in conflict are prohibited from participating in United Nations peacekeeping operations.[36] On 2 May 2019, the UN Special Rapporteur on the situation of human rights in Myanmar reported to the Council that she was "extremely concerned" that Myanmar security forces were contributing three personnel to UN

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[30] **IIMM0000001432** Human Rights Watch, "All of My Body Was Pain: Sexual Violence against Rohingya Women and Girls in Burma," November 2017.
[31] **IIMM0027995639** Committee on the Elimination of Discrimination against Women, "Myanmar: UN experts request exceptional report on situation of women and girls from northern Rakhine State," 28 November 2017.
[32] **IIMM0008490569** A/HRC/RES/S-27/1, 5 December 2017.
[33] **IIMM0027995660** Report of the Secretary-General on Conflict-related sexual violence, at para. 60 and Annex p. 34, S/2018/250, 23 March 2018.
[34] **IIMM0027995668** Report of the Secretary-General on Conflict-related sexual violence, S/2019/280, 29 March 2019, para. 5.
[35] **IIMM0027995668** Report of the Secretary-General on Conflict-related sexual violence, S/2019/280, 29 March 2019; **IIMM0028034570** Report of the Secretary-General on Conflict-related sexual violence, S/2020/487, 3 June 2020; **IIMM0027995670** Report of the Secretary-General on Conflict-related sexual violence, S/2021/312, 30 March 2021; **IIMM0027995671** Report of the Secretary-General on Conflict-related sexual violence, S/2022/272, 29 March 2022; **IIMM0028034571** Report of the Secretary-General on Conflict-related sexual violence, S/2023/413, 22 June 2023.
[36] **IIMM0027995669** S/RES/2467 (2019), para. 25.

Peacekeeping, "[g]iven the most serious allegations of commission of international crimes made against the Tatmadaw".[37]

20. In August 2018, the FFM released detailed findings documenting that "[r]ape and other sexual and gender-based violence were perpetrated on a massive scale during the "clearances operations" from 25 August 2017" in Rakhine State.[38] The FFM officially provided the report, in advance of its release, to the Government of Myanmar through its Permanent Mission in Geneva.[39] Myanmar representatives attended the "interactive dialogue" at the UN Human Rights Council in September 2018 where the FFM presented its report and States discussed the report's findings, including in relation to SGBC.[40] Myanmar's Parliament discussed the FFM's report(s) several times.[41] The FFM report received widespread international and domestic media attention in Myanmar.[42] The FFM also issued a shorter but official version of the report in the Myanmar language.[43]

21. On 4 July 2019, the Prosecutor of the International Criminal Court ("ICC") requested that judges authorise the initiation of an investigation into the forcible deportation of the Rohingya from Myanmar to Bangladesh, carried out through coercive acts including sexual violence and rape.[44] On 14 November 2019, the ICC Pre-Trial Chamber granted the Prosecutor permission to open an investigation, specifically noting allegations of sexual violence, including in victim representations[45] and finding that "there exists a reasonable basis to believe that since at least 9 October 2016 widespread and/or systematic acts of violence may have been committed against the Rohingya civilian population, including … rape, sexual violence… resulting in their large-scale deportation."[46] In the course of proceedings before the ICC, the Pre-Trial Chamber stated that "given the level of publicity these proceedings have received, Myanmar can be

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[37] **IIMM0027995649** Report of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/40/68, 2 May 2019, para. 60.
[38] **IIMM0000008324** Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/CRP.2, 17 September 2018, paras. 920-941.
[39] **IIMM0008488423** Detailed findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/42/CRP.5, para. 228.
[40]**IIMM0027995642** UN Human Rights Council, "Human Rights Council holds interactive dialogue with the Independent International Fact-Finding Mission on Myanmar", Media Announcement, 18 September 2018.
[41] The following three Powerpoint slides were shown in Myanmar's Parliament: **IIMM0000005448** Powerpoint slide: Parliament plan to respond to FFM; **IIMM0000005427** Powerpoint slide: Radkhika Coomaraswamy; **IIMM0000005419** Powerpoint slide: FFM recommendation to create the IIMM.
[42] **IIMM0001139364** "U Zaw Htay, Spokesman of the Office of the President: the questions have been raised as to the reasons for the removal of the Facebook accounts and pages associated with Tatmadaw," Global New Light of Myanmar, 29 August 2018, p. 6; **IIMM0028034879** "UN urges to file Myanmar Military leaders to ICC", *BBC*, 27 August 2018; **IIMM0028034853** "The report of the United Nations Facts Finding Mission destroys the unity among the communities in Rakhine", DMG, 1 September 2018.
[43] **IIMM0000015918** Report of the independent international fact-finding mission on Myanmar, A/HRC/39/64, 12 September 2018 [Myanmar language].
[44] **IIMM0027995694** Situation in the People's Republic of Bangladesh / Republic of the Union of Myanmar, ICC Pre-Trial Chamber III, ICC-01/19, Request for authorisation of an investigation pursuant to article 15, 4 July 2019, *inter alia* paras. 68, 87, 94-101.
[45] **IIMM0027995697** Situation in the People's Republic of Bangladesh / Republic of the Union of Myanmar, ICC Pre-Trial Chamber III, ICC-01/19, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh / Republic of the Union of Myanmar, 14 November 2019, paras. 31, 75, 77, 84, and 86.
[46] Ibid. at para. 92.

presumed to have been aware of the Prosecutor's Request and the ongoing proceedings before this Chamber."[47]

22. Following numerous reports by media and NGOs, and various public pronouncements by UN bodies and officials, the Government of Myanmar and Tatmadaw had extensive notice that its security forces were being widely accused of having committed SGBC during the 2016 and 2017 clearance operations. The following section discusses the response of the Myanmar authorities to these allegations, providing further confirmation that the Myanmar authorities had knowledge of the allegations of the commission of extensive SGBC by Myanmar security forces against the Rohingya in 2016 and 2017.

IV. Responses of Myanmar authorities demonstrating knowledge and dismissing allegations

23. Upon being made aware that security forces were committing SGBC against the Rohingya, Tatmadaw and other officials of the Government of Myanmar publicly acknowledged but denied and dismissed the allegations. Where investigations into such crimes were initiated, Myanmar officials issued strong denials prior to the start of investigations and conclusively dismissed the allegations following findings from flawed proceedings absolving the security forces of any responsibility.

24. Following a 27 October 2016 *Myanmar Times* article reporting allegations of rapes of Rohingya women during the 2016 clearance operations,[48] Fiona MacGregor, the author of the article [redacted] dismissed from the *Myanmar Times*.[49] This followed a complaint against MacGregor by the Ministry of Information.[50] On 7 November 2016, the Office of the President of Myanmar and the *Global New Light of Myanmar* published a claim that the Rohingya women complaining of sexual violence and journalists reporting on their claims were making false allegations.[51]

25. On 28 October 2016, Zaw Htay, spokesperson for the President of Myanmar, Htin Kyaw, accused the Rohingya of fabricating the allegations by stating, "there's no logical way of committing rape in the middle of a big village of 800 homes, where insurgents are hiding."[52] On

[47] **IIMM0027995696** Situation in the People's Republic of Bangladesh / Republic of the Union of Myanmar, ICC Pre-Trial Chamber III, ICC-01/19, Decision on requests for leave to submit *amicus curiae* observations, 14 November 2019, para. 16.
[48] **IIMM0000022326** Fiona MacGregor, "Dozens of rapes reported in northern Rakhine State," *The Myanmar Times*, 27 October 2016.
[49] [redacted]
[50] **IIMM0027994292** "Reporter's sacking followed MoI phone call, sparking press freedom fears," *Frontier Myanmar*, 4 November 2016.
[51] **IIMM0027995721** The Republic of the Union of Myanmar President Office, "Local residents – accounts differ from fabricated media stories," 7 November 2016; **IIMM0001138665** "Local residents' accounts differ from fabricated media stories," *Global New Light of Myanmar,* 7 November 2016.
[52] **IIMM0000010940** "Exclusive: Rohingya women say Myanmar soldiers raped them amid crackdown on militants," *Reuters*, 28 October 2016.

the same date, Colonel Sein Lwin, the police chief for Rakhine State, dismissed the claims of sexual violence as "propaganda for Muslim groups."[53]

26. On 16 November 2016, the Government of Myanmar formed the Information Committee to release real-time news about developments in Rakhine State. The seven-member committee was chaired by Khin Maung Tin, Deputy Minister of the State Counsellor's Office, vice-chaired by General Soe Naing Oo from the Commander-in-Chief's Office, and composed of officials from the Ministry of Defense, Foreign Affairs, Border Affairs, Home Affairs and the Office of the President.[54]

27. On 20 December 2016, the Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva sent a Note Verbale to the Secretariat of the UN Human Rights Council in Geneva, which described Kofi Annan's briefing to the President Htin Kyaw, State Counsellor and Minister for Foreign Affairs Aung San Suu Kyi, and Commander-in-Chief of the Defense Services Senior General Min Aung Hlaing, on his findings and observations from a visit to northern Rakhine State in November 2016.[55] According to the Note Verbale, Senior General Min Aung Hlaing told Kofi Annan that "there were no murder or rape cases".[56]

28. On 24 December 2016, the Information Committee issued a press release refuting allegations of SGBC made by Rohingya women,[57] which was further disseminated on the website of State Counsellor Aung San Suu Kyi.[58] On 26 December 2016, the Information Committee published a large banner that said "FAKE RAPE" on its Facebook page, discrediting a Rohingya woman's allegations of rape and sexual violence in northern Rakhine State.[59]

29. On 11 February 2017, the Facebook page of the Commander-in-Chief of the Defense Services (CINCDS) posted a response to the "OHCHR Report", claiming that "During [subsequent] interviews, Bengalis said that there was no rape case and that those who torched homes were Bengali terrorists."[60]

30. In a meeting on 21 March 2017 between members of the Advisory Commission on Rakhine State on 21 March 2017 and Mya Tun Oo, Chief of General Staff for the Army, Navy and Air Force, Mechanism witness P0694 told Mya Tun Oo that human rights violations had

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[53] Ibid.
[54] **IIMM0027998692** "Myanmar Creates Information Committee to Handle News About Volatile Rakhine," *Radio Free Asia*, 16 November 2016; **IIMM0002696289** Facebook post, "Announcement of the formation of Information Committee and its committee members," 17 November 2016.
[55] **IIMM0000011688** Note Verbale No. 552/3-27/91, 20 December 2016, the Permanent Mission of Myanmar to the United Nations in Geneva, para. 12.
[56] Ibid.; **IIMM0001501384** P0694 Witness Statement (IIMM), 28 October 2021, paras. 63-75.
[57] **IIMM0001138927** "Information committee refutes rumours of rapes," *Global New Light of Myanmar*, 24 December 2016, p. 1.; **IIMM0002696069** Information Committee Facebook post, "Press release on the investigations concerning with the rumours of rape cases after the Maungdaw violent attacks," 26 December 2016.
[58] **IIMM0027993750** "Information committee refutes rumours of rapes," State Counsellor Office website, 26 December 2016.
[59] **IIMM0027994409** "Hounded and ridiculed for complaining of rape," *BBC,* 11 March 2017; **IIMM0002699190** Picture of banner with the words "fake rape"; See paras. 52-53 below.
[60] **IIMM0000018478** CINCDS Facebook post, "Judges need to have fair views and make just decisions," 11 February 2017.

taken place and that there needed to be an investigation into the military's 2016 clearance operations.[61] Mya Tun Oo did not accept that any violations had taken place,[62] but acknowledged that he was aware of the February 2017 OHCHR Flash Report.[63]

31. On 6-7 September 2017, Colonel Phone Tint, Rakhine State Minister for Border Security, told a BBC journalist visiting northern Rakhine that troops and police were too busy in action in the jungle to investigate allegations of rape by soldiers,[64] saying, "[l]ook at those women… who are making these claims - would anyone want to rape them?"[65]

32. After being informed by *Reuters* in September 2017 that doctors at an IOM clinic in Cox's Bazar, Bangladesh, were treating hundreds of Rohingya women with "aggressive" sexual violence injuries, Zaw Htay, spokesman for State Counsellor Aung San Suu Kyi, said "[t]hose rape victim women should come to us… We will investigate and we will take action."[66]

33. In April 2018, Han Do Suan, the Representative of Myanmar to the United Nations in New York, stated that the Secretary-General's annual report on conflict-related sexual violence[67] had listed the Tatmadaw on the basis of "unverified allegations", and that the report amounted to "irresponsible accusations, based on unsubstantiated and one-sided allegations, fake news and reports tailored for political purposes".[68]

34. In May 2018, Senior General Min Aung Hlaing met with a UN Security Council delegation. The Commander-in-Chief referred to allegations of sexual violence as "abominable on the ground of culture and religion of Myanmar," stating that "the Tatmadaw severely punishes those offenders in these cases. No sexual violence happened in the history of Myanmar Tatmadaw."[69] According to a statement posted on the official website of the Commander-in-Chief about discussions held with the UN Security Council delegation, Min Aung Hlaing stated that he had "heard refugees who fled to Bangladesh said they were raped by the Myanmar Tatmadaw. The Central Committee for the Implementation of Peace and Development in Rakhine State chaired by Aung San Suu Kyi has said if rape cases happen, the victims need to

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[61] **IIMM0001501384** P0694 Witness Statement (IIMM), 28 October 2021, para. 90; **IIMM0001477900** Note on discussions about RAC's interim report, chaired by General Mya Tun Oo, 21 March 2017 in Naypyidaw, pp. 3-4.
[62] Ibid.
[63] Ibid.
[64] **IIMM0027994203** P0633 Witness Statement (ICJ Submission), para. 15.
[65] **IIMM0000001537** "Rohingya crisis: Seeing through the official story in Myanmar," *BBC*, 11 September 2017.
[66] **IIMM0027994308** "U.N. medics see evidence of rape in Myanmar army 'cleansing' campaign', *Reuters*, 24 September 2017.
[67] **IIMM0027995660** Report of the Secretary General on Conflict-related sexual violence, S/2018/250, 23 March 2018.
[68] **IIMM0027995662** UN Security Council meeting on women and peace and security, S/PV.8234, 16 April 2018, p. 58.
[69] **IIMM0001379396** "Senior General Min Aung Hlaing holds talks with permanent envoys of UNSC", 1 May 2018. The Mechanism notes that the Ministry of Defense informed the Special Rapporteur for Myanmar that 61 members of the military were prosecuted for sexual and gender-based violence between 2011 and 2015. See: **IIMM0000006911** Report of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/31/71, 18 March 2016, para. 48.

inform the committee which will take action against all complaints. … However, there is no complaint till today."[70]

35. In response to the August 2018 FFM report, the spokesperson for the Government of Myanmar, Zaw Htay, characterized it as containing "false allegations".[71] The Representative of Myanmar to the United Nations in Geneva gave a formal response to the FFM's report at the UN Human Rights Council,[72] in which he conveyed that "The Government had made it clear that it would not be able to accept the Mission's mandate and its findings."[73] When the FFM briefed the UN Security Council on its findings on 24 October 2018, the Permanent Representative of Myanmar to the UN in New York also made a presentation to the UN Security Council, rejecting the FFM's findings.[74]

36. On 7 December 2018, a Joint Communique of Myanmar and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence was issued.[75] The Joint Communique set out the concerns expressed by Pramila Patten, Under-Secretary-General and Special Representative to the Secretary-General on Sexual Violence in Conflict during her visit to Myanmar on 14 to 16 December 2017, in particular regarding allegations of widespread and systematic patterns of sexual violence allegedly committed by elements of the Myanmar military, Border Guard Police and Rakhine Buddhist militias.[76] In response, the Joint Communique states that "Government officials emphasized that all forms of sexual violence are strictly prohibited under the Codes of Conduct and Rules of Engagement of Myanmar Security Forces, and expressed the commitment that all credible reports will be rigorously investigated and perpetrators held to account."[77]

37. In its February 2019 response to an exceptional request from CEDAW for a report on the situation of Rohingya women and girls, the Government of Myanmar stated that "[d]espite repeated accusations that Myanmar Security Forces committed a campaign of rape and violence against Muslim women and girls residing in Rakhine State, there is no evidence to support these wild claims."[78]

38. In an interview with *Asahi Shimbun*, on 15 February 2019, Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing acknowledged that "[s]ecurity forces were accused of rapes. In fact, those of security forces are not naughty. We all are under disciplines. So, it is very

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[70] **IIMM0000001984** "Discussions Between Senior General Min Aung Hlaing and Permanent Envoys of UNSC," Commander-in-Chief of Defense Services, 4 May 2018.
[71] **IIMM0027994412** "Myanmar rejects UN accusation of 'genocide' against Rohingya," *BBC,* 29 August 2018.
[72] **IIMM0027995642** UN Human Rights Council, "Human Rights Council holds interactive dialogue with the Independent International Fact-Finding Mission on Myanmar", 18 September 2018.
[73] Ibid.
[74] **IIMM0027995645** UN Security Council, Head of Human Rights Fact-Finding Mission on Myanmar Urges Security Council to Ensure Accountability for Serious Violations against Rohingya: Myanmar's Representative Calls Mission Flawed, Biased, Defends Counter-Terrorist Actions by Security Forces in Rakhine State, 8381st Meeting (PM), Meeting Coverage, SC/13552, 24 October 2018.
[75] **IIMM0027995667** Joint Communique of the Republic of the Union of Myanmar and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence, 7 December 2018.
[76] Ibid.
[77] Ibid.
[78] **IIMM0027995648** CEDAW/C/MMR/EP/1, CEDAW, Report submitted by Myanmar under the exceptional reporting procedure, 7 February 2019, para. 11.

impossible to commit rape case. However, some rape cases may happen in line with the example like a Myanmar saying, goes: alms of Buddhist monks are mixed with waste of mice. One or two members may commit such cases. I did not use the word 'absolute'. For example, beating or rape may happen. However, show evidences to us. We will take action against them. If not, it will be bad in saying something to discredit us. I would like to note one more point about various kinds of confessions. Many persons said it. When some organizations made interviews in Bangladesh, they faced differences of confessions in a single subject during their trips. Another one is that they told the same things in every place. Those persons told some things here and there. It means they were taught and trained. They told things they were taught. Furthermore, the subject they told in interviews differed between the first time and the second time. So it can be seen they did not actually feel it in their minds. In fact, they retold the subject they have heard. As a result, we know it was totally unconfirmed."[79]

39. The Myanmar authorities including the Tatmadaw consistently described the clearance operations as only targeting "terrorists",[80] blamed ARSA and Rohingya for the destruction,[81] and did not acknowledge any instance where Rohingya were victims of sexual violence.[82] This narrative was widely disseminated[83] by officials at the Rakhine State[84] and Union level,[85] and distributed by the Ministry of Foreign Affairs to UN agencies.[86]

V. Myanmar law on investigation and punishment of sexual and gender-based crimes committed by security forces

40. Article 20(b) of the 2008 Constitution gives the military "the right to independently administer and adjudicate all affairs of the armed forces" [87] and Article 343 states that "In the adjudication of Military justice: (b) the decision of the Commander-in-Chief of the Defense Services is final and conclusive."[88]

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[79] **IIMM0027995724** "Senior General Min Aung Hlaing receives Asahi Shimbun of Japan, answers the questions," Senior General Min Aung Hlaing Commander-in-Chief of Defense Services website, 17 February 2019.
[80] **IIMM0001139272** "Authorities refute AP's report on mass graves in Buthidaung Tsp," *Global New Light of Myanmar*, 3 February 2018.
[81] **IIMM0001501384** P0694 Witness Statement (IIMM), 28 October 2021, para. 50; **IIMM0027998199** *The Business Standard*, "Full submission of Gambia at UN court," 12 December 2019, para. 15.
[82] **IIMM0027995724** "Senior General Min Aung Hlaing receives Asahi Shimbun of Japan, answers the questions," Senior General Min Aung Hlaing Commander-in-Chief of Defense Services website, 17 February 2019.
[83] **IIMM0001139870** "Terrorists trying to destroy Maungdaw," "At 5pm, they set fire to about 100 homes in Bengali Ward…", "The extremist terrorists themselves torched their houses with the intention of flaming the violence to totally destroy the town," pp. 1,7; "Extremist terrorism on the rise!", "Extremist terrorists burnt down 42 houses, 13 shops and a village monastery…", "extremist terrorists torched their own homes…", "…they fled after burning down their five homes..", p. 6, *Global New Light of Myanmar*, 28 August 2017.
[84] **IIMM0027994404** "Muslim civilians 'killed by Burmese army,'" *BBC,* 7 November 2016; **IIMM0027994302** "Rakhine State Investigation Commission Report Says Border Guard Post Attacks Were Planned," *Radio Free Asia*, 27 December 2016.
[85] **IIMM0000011688** Note Verbale No. 552/3-27/91, 20 December 2016, Permanent Mission of Myanmar to the United Nations in Geneva, para. 12.
[86] **IIMM0000008324** Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/CRP.2, 17 September 2018, footnote 3000.
[87] **IIMM0001503433** Myanmar Constitution (2008), art. 20(b).
[88] Ibid. at art. 343(b).

41. The Military Code of Conduct instructs Tatmadaw personnel to "Stay clear of girls."[89] The investigation and prosecution of sexual violence and rape committed by members of the Tatmadaw while on active duty is regulated by the Defense Services Act.[90] The Defense Services Act stipulates that soldiers who commit crimes of murder, homicide and rape "on active duty" should be investigated and prosecuted by courts-martial.[91] Such crimes committed by military personnel while off duty would fall under the jurisdiction of civilian courts.[92]

42. Courts martial established under the Defense Services Act[93] are an independent judicial body with exclusive jurisdiction over Tatmadaw personnel, according to Section 343 of the 2008 Constitution.[94] Investigation and trial by courts martial is dictated by the Defense Services Rules.[95] The courts martial are administered and staffed by officers of the Judges' Advocates Office of the Ministry of Defense.[96]

43. The BGP operates according to specific Terms of Reference, but it is administratively part of the Myanmar Police Force which falls under the overall authority of the Ministry of Home Affairs.[97] While article 17(g) of the Myanmar Police Force Maintenance of Discipline Law forbids personnel from striking or otherwise ill-treating any prisoner, any person in custody or any person detained, and prescribes, upon conviction, a prison term for up to three years for such conduct, the law does not explicitly mention sexual violence or rape.[98] The Police Code of Conduct instructs the police to "respect people" and "public tradition",[99] "avoid rude behaviour when interacting with the public",[100] "protect the rights of people in accordance with the law",[101] and "follow the Code of Conduct in respect of girls, boys, and wives of the public."[102] The Police Code of Conduct does not explicitly mention sexual violence or rape.

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[89] **IIMM0027995712** Military Code of Conduct, point 17.
[90] **IIMM0001490590** Defense Services Act 1959.
[91] Ibid.
[92] Ibid. at para. 72 (1959).
[93] **IIMM0001490590** Defense Services Act 1959; **IIMM0027995695** ICC-01/19, Application pursuant to Rule 103(1) of the Rules of Procedure & Evidence, 21 October 2019 (According to a submission by the Alliance for Social Justice to the Pre-Trial Chamber of the International Criminal Court, the Office of the Tatmadaw's Judge Advocate General has more than 150 staff members (including representatives based in regional commands), including Western Regional Command in Rakhine State. There are four types of tribunals in Myanmar's military justice system: General Court-Martial, Summary General Court-Martial, District Court-Martial and Summary Court-Martial.)
[94] **IIMM0001503433** Myanmar Constitution (2008), art. 343.
[95] **IIMM0027995702** Myanmar Ministry of Defense, Defense Services Rules, Chapter V.
[96] **IIMM0027995700** Melissa Crouch, "States of Legal Denial: How the State in Myanmar uses Law to Exclude the Rohingya", 51(1) Journal of Contemporary Asia 87-111, 2021; **IIMM0019926710** "Myanmar's military 'justice' system," *Frontier Myanmar*, 25 January 2020.
[97] **IIMM0028034866** Terms of Reference of the Border Guard Police, Myanmar Police Force, Ministry of Home Affairs, Myanmar; **IIMM0028034860** Organisation chart of the Ministry of Home Affairs, Ministry of Home Affairs, Myanmar.
[98] **IIMM0027995699** Myanmar Police Force Maintenance of Discipline Law, art. 17(g).
[99] **IIMM0028034537** Myanmar Police Force, Ministry of Home Affairs, Police Code of Conduct, 1999, "Code of Conduct in respect of the public," point 7.
[100] Ibid. at point 5.
[101] Ibid. at point 8.
[102] Ibid. at point 10.

VI. Investigations by Myanmar authorities into sexual and gender-based crimes committed during the 2016 and 2017 clearance operations

44. The Government of Myanmar and Tatmadaw authorities set up a total of six investigations into the 2016 and 2017 clearance operations in northern Rakhine.[103] The 2016 Investigation Committee on Maungdaw in Rakhine State and the 2017 Tatmadaw investigation team, operated and conducted interviews in northern Rakhine State at the height of the 2016 and 2017 clearance operations.[104] The evidence below concerns the adequacy, impartiality and effectiveness of these investigations, particularly in relation to allegations of SGBC.

45. No criminal charges or other accountability actions for SGBC, such as demotions or dismissals[105] of commanders or soldiers, are known to have been brought following the conclusion of any of these domestic investigations. Each of these investigations is discussed below with a description of its particular mandate, composition, methodology, approach to SGBC and findings. These investigations do not appear to have followed any consistent methodology in regard to the investigation of SGBC, and none resulted in any further follow-up actions towards accountability for SGBC.

A. Investigations by Myanmar authorities

1) Investigation commission of the Parliament of Rakhine State

46. On 24 October 2016, the Parliament of Rakhine State announced the formation of an investigation commission.[106] Tun Hla Sein, a Union Solidarity Development Party ("USDP") member of the investigation commission, stated that one of the purposes of the commission was "to help indigenous people who fled the clashes," referring to the ethnic Rakhine population.[107]

47. The investigation commission was comprised of six members of the Arakan National Party, an ethnic Rakhine Buddhist party; two members of the military-backed USDP; one

[103] Rakhine State Parliament investigation commission; National Investigation Committee on Maungdaw in Rakhine State; 2016 Tatmadaw investigation team; Police investigations into police and Border Guard Police conduct in northern Rakhine; 2017 Tatmadaw investigation team; Independent Commission of Enquiry (ICOE).
[104] The 2016 Investigation Committee on Maungdaw in Rakhine State conducted its investigations between 1 December 2016 and 31 January 2017, see: **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, p. 4; **IIMM0027993728** "Formation of Investigation Commission," The Republic of the Union of Myanmar President Office, 1 December 2016.The 2017 Tatmadaw investigation team conducted its investigations between 13 October and 7 November 2017, see: **IIMM0000305603** CINCDS Facebook post, "Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performance of the security troops during the terrorist attacks in Maungtaw region, Rakhine State", 13 November 2017.
[105] **IIMM0001320556** CINCDS Facebook page, "Press release on the actions taken on the Tatmadaw's weaknesses in overseeing the terrorist attacks of the ARSA Bengali terrorist group on the 25th August 2017 in Rakhine State," 25 June 2018.
[106] **IIMM0027998695** "Arakan State Parliament Forms Commission to Investigate Maungdaw Attacks," *Irrawaddy,* 26 October 2016.
[107] Ibid.

member of the ruling National League for Democracy; a military appointee; and a legal advisor to the regional parliament.[108] There were no Rohingya members of the commission.

48. There is no information publicly available about the methodology employed by the investigation commission or the type of evidence that informed its findings. However, the impartiality and objectivity of its chairman Aung Win must be considered in light of his public statements mocking allegations of sexual violence and deriding Rohingya women. On 7 November 2016, Aung Win told the BBC that Tatmadaw soldiers could not have raped Rohingya women because they were "too dirty"[109] and laughed, explaining that "the Bengali or Rohingya women have a very low standard of living and poor hygiene. They are not attractive. So none of the local Buddhist men or soldiers are interested in them."[110]

49. The investigation commission submitted its final report to the Rakhine State legislature on 26 December 2016, two months after its establishment.[111] The report focused on the attacks on the police posts and called for tighter security "at schools and in ethnic Rakhine villages where Buddhists live, as well as along security patrol routes beside the Naf River which separates Myanmar and Bangladesh." [112] The report did not identify any perpetrators of abuses, did not acknowledge any abuses or violence suffered by Rohingya civilians, and made no findings related to accountability for human rights violations or violence against the Rohingya.[113] The report also did not mention any allegations of SGBC. The report recommended that some of the Rohingya villages affected in the 2016 clearance operations be restructured and have their fences removed.[114]

2) Investigation Committee on Maungdaw in Rakhine State

50. On 1 December 2016, President Htin Kyaw announced the creation of the Investigation Committee on Maungdaw in Rakhine State ("Investigation Committee"), mandated to investigate the situation in Rakhine State, including "whether outside allegations made in connection to area clearance operations undertaken by security personnel are true," and to report its findings by 31 January 2017.[115] The Investigation Committee was mandated to conduct investigations in accordance with Myanmar's Criminal Procedure and the Evidence Act.[116]

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[108] Ibid.
[109] **IIMM0027994404** "Muslim civilians 'killed by Burmese army,' *BBC*, 7 November 2016.
[110] Ibid.
[111] **IIMM0027994302** "Rakhine State Investigation Commission Report Says Border Guard Post Attacks Were Planned," *Radio Free Asia*, 27 December 2016.
[112] Ibid.
[113] Ibid.
[114] Ibid.
[115] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, p. 4; **IIMM0027993728** "Formation of Investigation Commission," The Republic of the Union of Myanmar President Office, 1 December 2016.
[116] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, p. 4.

51. The 13-member committee was led by Vice-President Myint Swe, former lieutenant general and head of military intelligence.[117] Prior to commencing the investigation, the *Global New Light of Myanmar* reported that Myint Swe "defended the ongoing clearance operations that have been conducted since 9 October,"[118] indicating a bias in favour of the military. One member of the Investigation Committee, Dr. Aung Tun Thet, later also served on the International Commission of Enquiry (ICOE).[119]

52. The Investigation Committee conducted visits to northern Rakhine.[120] According to reports by local groups, witness accounts and publicly released footage,[121] the Investigation Committee's members argued with villagers, told them what not to say, accused them of lying, and interviewed victims, including rape survivors, in large groups with no confidentiality.[122]

53. Myanmar Radio and Television (MRTV), the State-run television channel, broadcast a video showing the work of the Investigation Committee.[123] The video shows a group of people, including Dr. Thet Thet Zin, a female member of the Investigation Committee, questioning a Rohingya woman, who was later publicly identified in the media.[124] The video also shows a male interpreter, interpreting between the Myanmar and Rohingya languages. The questioning takes place in public, with a large number of people within earshot. It was filmed in Pyaung Pike village, Ngar Sar Kyu village tract, Maungdaw township, on 11 December 2016.[125] The video does not indicate that the Investigation Committee made any efforts to blur or conceal the identity of the Rohingya woman, in order to shield her privacy or protect her from intimidation or harm.

54. The Rohingya woman is repeatedly interrupted when she speaks. After telling the Investigation Committee members that she saw Rohingya women being taken to the mountain area, she is told that "You did not see the rape. You don't know the detail of the rape. Is it

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[117] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, p. 4.; **IIMM0027998179** "Myanmar rejects allegations of human rights abuses against Rohingya, *Reuters*, 6 August 2017.

[118] **IIMM0001138919** "Vice President to Rakhine commission: The world is waiting," *Global New Light of Myanmar*, 9 December 2016, p. 3: "U Myint Swe defended the ongoing clearance operations that have been conducted since 9 October. "Tatmataw-Myanmar Police Force combined troops made a series of area clearance operations, with a view to investigating those involved in armed attacks and recapturing looted arms and ammunition, confronting frequent attacks. Starting from October 9 till now, 7 soldiers and 10 policemen were killed with 3 soldiers, 7 policemen and one civilian injured, and 2 firearms of the Tatmataw and 39 units from the police force lost."

[119] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, p. 4; **IIMM0001139291** "Government of the Republic of the Union of Myanmar Establishes the Independent Commission of Enquiry," Global New Light of Myanmar, 31 July 2018.

[120] **IIMM0001139156** "Investigators visit Rakhine attack sites," *Global New Light of Myanmar,* 12 December 2016, p. 1; **IIMM0001139059** "Truth about Maungtaw attacks emerging: Investigation Commission Chairman," *Global New Light of Myanmar*, 27 December 2016, p. 1; **IIMM0002693658** Maungtaw Region Investigation Commission Press Release, 24 February 2017; **IIMM0001139622 "**Maungtaw Region Investigation Commission Press Release, 24 February 2017", *Global New Light of Myanmar*, 26 February 2017.

[121] **IIMM0000348154** Video, MRTV.

[122] **IIMM0027995691** Human Rights Watch, "Myanmar's Investigative Commissions: A History of Shielding Abusers," September 2018.

[123] **IIMM0000348154** Video, MRTV.

[124] **IIMM0001138927** "Information committee refutes rumours of rapes," *Global New Light of Myanmar*, 24 December 2016; **IIMM0027994409** "Hounded and ridiculed for complaining of rape," *BBC,* 11 March 2017.

[125] Ibid.

right?"[126] She confirms that she did not see the rape occur, and is told, "Then it [the rape] is not true."[127] The Rohingya woman responds that when the abducted women returned, they were bleeding and points in between her legs.[128] She is told by the interpreter and by Dr. Thet Thet Zin, "Don't say this" and "Don't talk about the bleeding."[129] She is repeatedly told that "You did not see the rape. You don't know the detail of the rape."[130] The Rohingya woman replies that she asked the Rohingya women what happened, and in the middle of her reply to the interviewers, she is interrupted by multiple people.[131] The Rohingya woman is asked whether she was raped herself. She replies, "No, but they touched me everywhere inserting their hands inside my clothes. They took off my skirt and bra."[132] A male interviewer says in Myanmar language, "She was beaten by a stick. They were wild a bit. That is it. Nothing else happened."[133] Other interviewees respond, saying "All clear now." At the end of the footage, the Rohingya woman is told to speak into a recorder.[134] The interpreter speaks for her, saying, "She did not see the rape" and "She was not raped either."[135]

55. Following the Investigation Committee's mission to northern Rakhine between 11 to 13 December 2017, *The Global New Light of Myanmar* ran an article claiming that Rohingya witnesses "refute[d] claims of rape", stating that "the teams made up of commission members spoke to Muslim villagers, women and children to ask if there had taken place any cases of rape… The locals… said they did not know or see anything of the events described."[136]

56. The Investigation Committee's interim report, released on 3 January 2017, dismissed allegations of rape due to "insufficient evidence".[137] On 7 January 2017, the Investigation Committee released a statement about its work in northern Rakhine State, reporting that "Members of the commission Dr Daw Thet Thet Zin and Daw Kyain Ngai Man met with Muslim women of the village at the school and asked them individually whether acts of violence against women were committed during the incidents but the local women told the commission that there had not been any violence against women in their village and that there were only rumours of such things."[138]

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[126] **IIMM0000348154** Video, MRTV, 0:10.
[127] Ibid. at 0:19.
[128] Ibid. at 0:30-0:40.
[129] Ibid. at 0:45-0:50.
[130] Ibid. at 0:54 and 1:00.
[131] Ibid. at 1:14.
[132] Ibid. at 1:22.
[133] Ibid. at 1:33.
[134] Ibid. at 1:35.
[135] Ibid. at 1:37.
[136] **IIMM0001139182** "Muslim villagers refute claims of rape and murder by British newspaper," *Global New Light of Myanmar,* 13 December 2016, p. 1.
[137] **IIMM0001139435** "Interim Report of the Investigation Commission on Maungtaw," *Global New Light of Myanmar,* 4 January 2017, p. 2.
[138] **IIMM0001139566** "Commission: More investigation needed on Maungtaw," *Global New Light of Myanmar,* 6 January 2017, p. 1; **IIMM0001139492** "Investigation Commission conducts second round of field trips to northern Rakhine State," *Global New Light of Myanmar,* 7 January 2017; **IIMM0002693658** Maungtaw Region Investigation Commission Press Release, 24 February 2017; **IIMM0001139622 "**Maungtaw Region Investigation Commission Press Release, 24 February 2017", *Global New Light of Myanmar*, 26 February 2017.

57. The Investigation Committee issued a summary of its final report on 6 August 2017, just weeks before the Tatmadaw initiated the August 2017 clearance operations.[139] The report rejected the findings of the February 2017 OHCHR Flash Report, stating that there was "no possible evidence indicating any crime against humanity or any act of ethnic cleansing".[140] Myint Swe, the Head of the Investigation Committee, said that the accusations were part of a smear campaign by "external forces."[141] The Investigation Committee concluded that any "excessive actions" were likely committed by low-rank "individual members of the security forces".[142] In regards to allegations from 204 Rohingya who fled to Bangladesh and were interviewed for the February 2017 OHCHR Flash Report, the Investigation Committee said that OHCHR "exaggerate[d]" its findings.[143] At a press conference on 7 August 2017, Aung Kyi, Investigation Committee member and former Union Minister, said that people "will not believe exaggerated accusations such as the act of molesting, gang raping, kicking the belly of a pregnant woman… some of the cases are caused by misunderstanding, some are totally untrue and some are group-wise hatched lies…. but we have never turned a blind eye to the matter."[144]

3) 2016 Tatmadaw investigation team

58. Shortly following the release of the OHCHR Flash Report in February 2017, the Tatmadaw announced the establishment of a team to investigate whether there had been "unlawful acts including violations of human rights" and whether soldiers operated "within the framework of law".[145] Further, the Tatmadaw stated that "if sufficient evidence is found of violating human rights, the Government will take legal actions against anyone."[146]

59. The Tatmadaw investigation team was led by Inspector General of the Defense Services Lieutenant General Aye Win.[147]

60. The Tatmadaw investigation team claimed to have interviewed approximately 2,875 villagers in 29 villages in Rakhine State's Maungdaw Township from 10 February to 4 March 2017.[148] As pointed out by Human Rights Watch, the Tatmadaw team would have had to interview at least 125 people each day that it was in northern Rakhine State to reach this total.[149]

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[139] **IIMM0001139562** "No evidence of crimes against humanity, ethnic cleansing", *Global New Light of Myanmar*, 7 August 2017.
[140] Ibid. at p. 1.
[141] Ibid.; **IIMM0027995691** Human Rights Watch, "Myanmar's Investigative Commissions: A History of Shielding Abusers," September 2018.
[142] **IIMM0001139562** "No evidence of crimes against humanity, ethnic cleansing", *Global New Light of Myanmar*, 7 August 2017, p. 1.; **IIMM0027994268** "Government dismisses claims of abuse against Rohingya," *Al Jazeera*, 6 August 2017.
[143] **IIMM0001139562** "No evidence of crimes against humanity, ethnic cleansing", *Global New Light of Myanmar*, 7 August 2017, p. 1.
[144] Ibid.
[145] **IIMM0001139386** "Tatmadaw releases reaction to OHCHR report," *Global New Light of Myanmar*, 10 February 2017, p. 3.
[146] Ibid.
[147] Ibid.
[148] **IIMM0027995691** Human Rights Watch, "Myanmar's Investigative Commissions: A History of Shielding Abusers," September 2018.
[149] Ibid.

The team said it "recorded" the testimonies of 408 villagers and "interviewed" more than 200 soldiers and members of the Border Guard Police.[150]

61. The Tatmadaw investigation team concluded that the allegations against the Tatmadaw in the February 2017 OHCHR Flash Report were either "totally wrong" or "found to be untrue due to false accusations and exaggerations."[151] The Tatmadaw investigation team's report made no reference to allegations of SGBC committed against the Rohingya, neither in the context of its investigation nor in its findings.

4) Police investigations

62. Several police investigations were conducted under the auspices of the Ministry of Home Affairs into the conduct of security forces in northern Rakhine during the 2016 and 2017 clearance operations, including into complaints of sexual violence filed by Rohingya women.

63. On 12 February 2017, the Ministry of Home Affairs announced that a team of five high-ranking police officials would investigate allegations of police abuses in northern Rakhine State.[152] Police Adjutant-General Chairman Brigadier General Win Tun headed the investigation, joined by Brigadier General Nay Win, Colonel Nay Tun, Lieutenant Colonel Maung Maung Lwin and Colonel Khin Maung Aye.[153] According to the announcement, the Ministry of Home Affairs instructed the police force to follow "international standards" and to complete its mission "in accordance with the Criminal Codes and police manual."[154] The announcement said that if the departmental investigation found that members of the Police Force had violated human rights, they would be charged under the Police Disciplinary Law.[155] There is no publicly available information on the steps taken by the police team to investigate allegations of abuses, whether these allegations included SGBC, whether the investigation was completed and what findings, if any were made and whether anyone was eventually charged with a crime as a result.

64. According to the report of the Government of Myanmar submitted to CEDAW on 1 February 2019, three Rohingya women from Shey Kya village, Maungdaw, filed complaints on 23 February 2017, and three Rohingya women from Kyar Gaung Taung village, Maungdaw, filed complaints on 30 and 31 March 2017, to the Ngakura Police Station in Maungdaw township, all alleging rape committed by security forces.[156] Myanmar's report to CEDAW did not contain any information about investigations or prosecutions conducted on the basis of these complaints in the almost two years since they were filed.

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[150] Ibid.
[151] **IIMM0000224460** CINCDS Facebook page, "Myanmar's true situation should be apprehended: there are misjudgments resulting from wrong reports", 23 May 2017.
[152] **IIMM0001139540** "Ministry of Home affairs issues press release," *Global New Light of Myanmar*, 12 February 2017.
[153] Ibid.
[154] Ibid.
[155] Referring to **IIMM0027995699** Myanmar Police Force Maintenance of Discipline Law.
[156] **IIMM0027995648** "Report submitted by Myanmar under the exceptional reporting procedure," CEDAW/C/MMR/EP/1, 7 February 2019, para. 12.

65. To date, the Mechanism is not aware of any police investigations into SGBC committed during the 2016 or 2017 clearance operations in northern Rakhine State leading to the identification or punishment of any perpetrators among the police, BGP or other security forces.

5) 2017 Tatmadaw investigation team

66. On 13 October 2017, the Myanmar military announced another investigation led by Inspector Lieutenant General Aye Win into actions of Tatmadaw personnel in northern Rakhine State in military operations following 25 August 2017.[157]

67. Commander-in-Chief Senior General Min Aung Hlaing stated that the investigation team would examine whether soldiers followed the military Code of Conduct[158] and whether they "exactly followed the command" during the operations.[159] The team was mandated to conduct "ground inspection to know the true situation in connection with terrorist attacks of the ARSA Bengali terrorists on 30 police outposts and an army battalion headquarters in Buthidaung, Maungtaw and [R]athedaung townships in Rakhine State on 25 August 2017 and to ascertain whether security troops conducted the military operations in accord with their duty assignments during the time the Tatmadaw was trying to restore regional peace and stability."[160]

68. Between 13 October and 7 November 2017, the 2017 Tatmadaw investigation team claimed to have interviewed 3,217 villagers in 58 villages in Maungdaw, Buthidaung and Rathedaung townships.[161] The Tatmadaw investigation team would have had to interview at least 123 people each day they were in northern Rakhine State to reach this number. During the period from 13 October to 7 November 2017, clearance operations were continuing across northern Rakhine, and large numbers of Rohingya were either fleeing their homes as their villages were destroyed or emptied or sheltering other internally displaced Rohingya seeking to flee to Bangladesh.[162] In this environment, the Tatmadaw investigation team recorded accounts of 804 witnesses.[163]

69. The findings of the Tatmadaw investigation team, released on 13 November 2017, one month following its formation, fully exonerated the Tatmadaw of any crimes or abuse against the Rohingya.[164] The report produced by the Tatmadaw investigation team does not make clear the gender or qualifications of the interviewers, whether the interviewers were in uniform or

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[157] **IIMM0000222905** CINCDS Facebook post, "Press release of Tatmadaw True News Information Team", 13 October 2017.
[158] **IIMM0027995712** Military Code of Conduct, point 17.
[159] **IIMM0000222905** CINCDS Facebook post, "Press release of Tatmadaw True News Information Team", 13 October 2017: "Did they follow the military code of conduct? Did they exactly follow the command during the operation? After that (the committee) will release full information."
[160] **IIMM0027995705** *Tatmadaw True News Information Team*, 13 November 2017.
[161] **IIMM0000305603** CINCDS Facebook post, "Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performance of the security troops during the terrorist attacks in Maungtaw region, Rakhine State", 13 November 2017.
[162] **IIMM0027995690** Human Rights Watch, "40 Rohingya Villages Burned Since October," 17 December 2017.
[163] **IIMM0027995705** *Tatmadaw True News Information Team*, 13 November 2017; **IIMM0000305603** CINCDS Facebook post, "Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performance of the security troops during the terrorist attacks in Maungtaw region, Rakhine State", 13 November 2017.
[164] Ibid.

armed, the languages used in interviews, or whether any qualified Rohingya interpreter was present. The Rohingya interviewed by the Tatmadaw investigation team were referred to as "Bengalis".[165] There is no indication that the investigators conducted any interviews in Bangladesh, where a substantial number of victims had fled. The Tatmadaw investigation team found that its investigation "proved 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."[166] The findings also stated that "security forces did not commit shooting at innocent villagers and sexual violence and rape cases against women."[167] No follow up accountability actions or reforms were recommended by the Tatmadaw investigation team.

70. Pramila Patten, the UN Special Representative of the Secretary-General on Sexual Violence in Conflict met with Inspector General of the Defense Services, Lieutenant General Aye Win, in December 2017. According to *The Guardian* newspaper, the Special Representative wrote in an internal memo following the meeting that "[t]he military investigation, which consisted of armed men in uniform 'interrogating' civilians in large group settings, often on camera, and then presenting rations to communities following their testimony and cooperation, clearly occurred under coercive circumstances, where the incentive structure was not to lodge complaints…Accordingly, over 800 interviews yielded zero reports of sexual or other violence against civilians by the armed and security forces."[168]

6) Independent Commission of Enquiry (ICOE)

71. Following intensified calls for accountability from the international community,[169] the Office of the President of Myanmar announced on 31 May 2018 that it would form an Independent Commission of Enquiry (ICOE).[170] The ICOE was established to "investigate the allegations of human rights violations and related issues, following the terrorist attacks by ARSA".[171]

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[165] As detailed in **IIMM0027992865** Anti-Rohingya Hate Speech on Facebook: Content and Network Analysis, IIMM Analytical Note, referring to Rohingya as "Bengalis" invokes the narrative that the Rohingya name – and, by extension, the group identity – does not exist, and that the people who call themselves Rohingya do not belong in Myanmar but rather are Bengali and should live in Bangladesh.
[166] **IIMM0027995705** *Tatmadaw True News Information Team*, 13 November 2017; **IIMM0000305603** CINCDS Facebook post, "Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performance of the security troops during the terrorist attacks in Maungtaw region, Rakhine State", 13 November 2017.
[167] **IIMM0027995705** Ibid.
[168] **IIMM0027994335** "Aung San Suu Kyi 'avoided' discussion of Rohingya rape during UN meeting," *The Guardian*, 27 December 2017.
[169] **IIMM0027995666** Security Council Press Statement on Security Council Visit to Bangladesh, Myanmar, SC/13331, Press release, 9 May 2018.
[170] **IIMM0001139350** "Government of the Republic of the Union of Myanmar will establish an Independent Commission of Enquiry," *Global New Light of Myanmar*, 1 June 2018.
[171] **IIMM0008490590** Compilations of Myanmar Government announcements.

72. The four members of the commission were named in July 2018.[172] former Philippine ambassador Rosario Manalo, Japanese diplomat Kenzo Oshima and Myanmar officials Dr. Aung Tun Thet and Mya Thein. In March 2018, prior to joining the ICOE, Dr. Aung Tun Thet said that Myanmar has a "clear conscience" and that "there is no such thing in our country, in our society, as ethnic cleansing, and no genocide."[173] As chief coordinator of the Union Enterprise for Humanitarian, Relief and Development (UEHRD), which was charged with leading reconstruction efforts in Rakhine State, Dr. Aung Tun Thet dismissed concerns that bulldozing of burned down Rohingya villages would destroy evidence of crimes, stating that there was "no desire to get rid of so-called evidence."[174]

73. The ICOE was described by presidential spokesperson Zaw Htay as a response "to false allegations made by the UN Agencies and other international communities."[175] The ICOE Chair, Rosario Manalo said, at the ICOE's initial press conference, "I assure you there will be no blaming of anybody, no finger pointing of anybody because we don't achieve anything by doing that.… No saying "you are accountable!"[176]

74. The ICOE's methodology was never made public. However, the FFM concluded from its meeting with the ICOE Chair in March 2019 that the "information provided about the Commission's…methodology raised serious concerns."[177]

75. The ICOE's executive summary provided some insight into the work of the ICOE's two evidence collection and verification teams ("ECVT"). The ICOE's Yangon-based ECVT conducted 1,017 interviews with "Muslim and ethnic national witnesses" in 13 locations "encompassing more than sixty villages" in Maungdaw, Buthidaung and Rathedaung townships in northern Rakhine.[178] The interviews focused on thematic priority areas which included rape.[179] The ICOE's Nay Pyi Taw-based ECVT interviewed "249 Muslim, Rakhine, Hindu, Daingnet, Thet, Mro, Bama and Mramagyi villagers" and 49 security officers.[180] Among the 49 security officers interviewed, 29 were members of the Tatmadaw and 20 were police officers.[181]

76. The ICOE reportedly faced some logistical limitations in conducting its investigation. According to the ICOE, the armed conflict between the Arakan Army (AA) and the Tatmadaw in Rakhine State "constrained the collection of evidence."[182] The ICOE claimed that it was

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[172] **IIMM0001139291** "Government of the Republic of the Union of Myanmar Establishes the Independent Commission of Enquiry," Global New Light of Myanmar, 31 July 2018.
[173] **IIMM0027994311** "Myanmar says it has verified fewer than 400 Rohingya for repatriation," *Reuters*, 14 March 2018.
[174] **IIMM0000001615** "Bulldozing Rohingya villages was not 'demolition of evidence', Myanmar official says," *Reuters,* 26 February 2018.
[175] **IIMM0001139364** "U Zaw Htay, Spokesman of the Office of the President: the questions have been raised as to the reasons for the removal of the Facebook accounts and pages associated with Tatmadaw," *Global New Light of Myanmar*, 29 August 2018, p. 6.
[176] **IIMM0027995674** ICOE Press conference, Nay Pyi Taw, 16 August 2018.
[177] **IIMM0027995650** Report of the independent international fact-finding mission on Myanmar, A/HRC/42/50, para. 100.
[178] **IIMM0019927717** Independent Commission of Enquiry, Executive Summary, p. 5.
[179] Ibid.
[180] **IIMM0019927719** Independent Commission of Enquiry, Executive Summary, p. 7.
[181] Ibid.
[182] Ibid.

unable to dispatch a team to the refugee camps in Cox's Bazar in time to collect evidence to inform its report, with the result that no Rohingya refugees who fled Myanmar during the clearance operations were interviewed by the ICOE.[183]

77. On 20 January 2020, the ICOE submitted its final report to President U Win Myint and State Counsellor Aung San Suu Kyi.[184] To date, only the Executive Summary and Annexes 16-28 of the report have been released publicly, covering the incidents in Tula Toli/Min Gyi, Chut Pyin, Maung Nu, Gu Dar Pyin, Aleh Than Kyaw, Myin Hlut, Inn Din, Chein Khar Li and Koe Tan Kauk, Myo Thugyi, Kyauk Pandu, Maungdaw Town Wards 3, 4, 5, and southern and northern Maungdaw. The Mechanism has not received any response to its request to the Myanmar authorities for the remainder of the report.[185]

78. The ICOE report concluded that "There were no credible statements on allegations of gang rape committed by Myanmar's security forces. Although some interviewees mentioned rape cases, these were all secondhand information heard from someone else. Additionally, some female witnesses noted that they were searched by male Myanmar's Defense Services personnel as part of the operations. This behavior may constitute sexual violence."[186] The ICOE made no findings in relation to other forms of sexual violence. One of the key conclusions in the ICOE report was that while individual war crimes and human rights violations may have occurred, no genocide was committed.[187]

B. Material deficiency of investigations

79. The investigations carried out by the Myanmar authorities described above were all materially deficient in terms of the investigative measures that they undertook in relation to SGBC committed during the 2016 and 2017 clearance operations in northern Rakhine State. International criminal jurisprudence[188] has set out a number of benchmarks against which domestic investigations can be assessed, namely: whether shortcomings in investigative measures could have been but were not corrected;[189] whether operational or logistical challenges materially affected their ability to collect relevant evidence;[190] whether their composition included personnel from the victim group;[191] and the existence of any efforts to refer to or cooperate with international efforts to investigate the crimes.[192]

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[183] **IIMM0019927720** Independent Commission of Enquiry, Executive Summary, p. 8.
[184] **IIMM0001136207** "Independent Commission of Enquiry hands over final report to President," *Global New Light of Myanmar*, 21 January 2020.
[185] **IIMM0027994469** Note Verbale 2020-IIMM-000009 from the IIMM to authorities of Myanmar, 9 March 2020.
[186] **IIMM0019927718** Independent Commission of Enquiry, Executive Summary, p. 6
[187] **IIMM0019927721** Independent Commission of Enquiry, Executive Summary, p. 9.
[188] **IIMM0027995693** *Prosecutor v. Jean-Pierre Bemba Gombo,* ICC Appeals Chamber, ICC-01/05-01/08 A, Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III's "Judgment pursuant to Article 74 of the Statute", 8 June 2018.
[189] Ibid. at para. 180.
[190] Ibid. at paras. 172-173.
[191] Ibid. at para. 172.
[192] For discussion on the relevance of such efforts, see **IIMM0027998190** *Prosecutor v. Jean-Pierre Bemba Gombo,* "Judgment pursuant to Article 74 of the Statute", ICC-01/05-01/08, 21 March 2016, para. 733.

80. Warnings and concerns about these investigations in terms of their mandate, composition, methodology and neglect of SGBC[193] were widely communicated to Myanmar authorities[194] by UN bodies,[195] and human rights and civil society organizations.[196] It is the assessment of the Mechanism that these shortcomings could have been overcome by employing different methodologies and/or ensuring a balanced and appropriately qualified composition of the investigation teams. These steps would not have been onerous or challenging, should there have been a willingness to conduct a genuine investigation into the 2016 and 2017 clearance operations. The shortcomings resulted in superficial and insufficient investigations into SGBC allegedly committed by Tatmadaw personnel and other security forces. As former secretary of the Advisory Board to the Committee for the Implementation of the Recommendations on Rakhine State, Thai diplomat Kobsak Chutikul, observed, "This just goes on and on. Next year, it will be another commission, another board. […] It's all for show – there is nothing real. It is a hoax."[197]

81. The six domestic investigations did not face significant operational or logistical challenges that materially affected their ability to collect relevant evidence. In total, authorities claimed that at least 7,607 interviews[198] were conducted in northern Rakhine State between 10 February 2017 and late 2019. These interviews were reportedly conducted in many of the areas affected by the 2016 and 2017 clearance operations and occurred at the time that clearance operations were still ongoing.[199] The interviews were conducted with Rohingya, Rakhine and individuals from other ethnic communities living in the affected areas.[200]

82. Only one of the six domestic investigations – the ICOE – stated that its investigation was negatively affected by operational challenges in northern Rakhine State. [201]

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[193] **IIMM0027995689** Global Justice Center, "Myanmar's Independent Commission of Enquiry Structural Issues and Flawed Findings," February 2020.
[194] **IIMM0000011957** Report of the independent international fact-finding mission on Myanmar, A/HRC/39/64, 12 September 2018, para. 96.
[195] **IIMM0027995655** OHCHR Press Briefing Note on Myanmar, 10 May 2019; **IIMM0028034563** "Sexual violence in war zones at 'worst ever' as drive to protect women falters," *The Guardian*, 26 November 2017.
[196] **IIMM0000002539** Myanmar: New Commission of Inquiry Cannot Deliver Justice or Accountability, International Response Required, International Commission of Jurists, 31 August 2018; **IIMM0027995691** Human Rights Watch, "Myanmar's Investigative Commissions: A History of Shielding Abusers," September 2018.
[197] **IIMM0027998214** "A year after the assault on the Rohingya, Myanmar's generals are unapologetic," *Washington Post*, 21 August 2018.
[198] The Investigation commission of the Parliament of Rakhine State, the Investigation Committee on Maungdaw in Rakhine State, and the police investigations into police and Border Guard Police conduct in northern Rakhine State, did not make public the number of interviews they conducted. The 2016 Tatmadaw investigation team interviewed 2,875 villagers and 200 soldiers and members of the BGP [**IIMM0027995691** Human Rights Watch, "Myanmar's Investigative Commissions: A History of Shielding Abusers," September 2018], the 2017 Tatmadaw investigation team interviewed 3,217 villagers [**IIMM0000305603** CINCDS Facebook post, "Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performance of the security troops during the terrorist attacks in Maungtaw region, Rakhine State", 13 November 2017], and the ICOE interviewed 1,017 witnesses, 249 villagers, and 49 security officers [**IIMM0019927719** Independent Commission of Enquiry, Executive Summary, p. 7]. In total, the 2016 and 2017 Tatmadaw investigation teams and the ICOE conducted 7,607 interviews.
[199] October-November 2016; December 2016; October-November 2017.
[200] **IIMM0019927719** Independent Commission of Enquiry, Executive Summary, p. 7
[201] Ibid.

83. While the ICOE's investigation may have been negatively affected by the conflict between the Arakan Army and the Tatmadaw in Rakhine State and its inability to conduct interviews in Cox's Bazar, Bangladesh,[202] other individuals and officials of the Government of Myanmar did have access at that time to sites of the clearance operations in northern Rakhine and to Rohingya victims in Cox's Bazar, Bangladesh. In November 2018, Rick Heizman,[203] who made the film "Arakan – Ancient Buddhist Kingdom Endangered by Jihad", said that he was given "full permission, no restrictions at all" by the military and the Government to visit northern Rakhine, including to "burnt-out villages" in Maungdaw township and Min Gyi/Tula Toli village in October 2018.[204] In July 2019, while the ICOE's investigation was ongoing, officials of the Government of Myanmar involved in efforts to repatriate Rohingya to Myanmar and resettle them in closed IDP camps, visited Cox's Bazar and met with Rohingya refugees.[205]

84. None of the domestic investigations made public any information about the profiles and expertise of the personnel deployed to conduct investigations and interviews. Beyond the names of their leadership, the composition of the investigative teams and whether any included Rohingya personnel have not been disclosed. The inclusion of personnel from the Rohingya community would have been a critical element in conducting effective investigations in northern Rakhine, particularly into SGBC.[206]

85. As detailed above, the available information indicates that at least some leaders and/or members of the various domestic investigation teams expressed strong biases detrimental to the Rohingya and prejudicial views against the credibility of allegations made by Rohingya victims.[207] These teams conducted investigations at the same time when there was widespread and pervasive hate speech on social media, including by Tatmadaw-linked networks calling Rohingya "liars" and casting doubt on the credibility of their testimony.[208] Similar views and derogatory, discriminatory language was used by senior government officials in positions of authority.[209]

86. Myanmar authorities consistently rejected international efforts to investigate SGBC. They denied access to international investigators from OHCHR,[210] the UN FFM and the

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[202] Ibid., "The clashes between the Arakan Army (AA) and Myanmar's Defence Services in Rakhine State, which started in January 2019 have constrained the collection of evidence by the ICOE."; p. 8, "However, ICOE is unable at this moment to send an ECVT team to Bangladesh, just days before the submission of its report to the President."
[203] Rick Heizman is an American filmmaker, musician and ethnomusicologist who has spent extensive time in Rakhine State and runs the "Arakan Reality" website (https://arakan-reality.smugmug.com/) containing approximately 300 videos related to northern Rakhine.
[204] **IIMM0027994295** "Yangon Region minister hosts American anti-Rohingya activist," *Frontier Myanmar*, 9 November 2018.
[205] **IIMM0019915259** P2101 Witness Statement (IIMM), 17 November 2022.
[206] **IIMM0027995693** *Prosecutor v. Jean-Pierre Bemba Gombo,* ICC Appeals Chamber, ICC-01/05-01/08 A, Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III's "Judgment pursuant to Article 74 of the Statute", 8 June 2018, para. 172: personnel from victim group "would have easier contact with people and they could provide guidance, or they could guide the [other] persons within the commission with regard to addresses, the language as compatriots".
[207] **IIMM0027994404** "Muslim civilians 'killed by Burmese army,' *BBC,* 7 November 2016.
[208] For further information on anti-Rohingya hate speech on social media, see **IIMM0027992865** Anti-Rohingya Hate Speech on Facebook: Content and Network Analysis, Analytical Note (IIMM).
[209] **IIMM0000001537** "Rohingya crisis: Seeing through the official story in Myanmar," *BBC*, 11 September 2017.
[210] **IIMM0000020764** Statement by High Commissioner for Human Rights, 16 December 2016.

Mechanism. They also failed to cooperate with such international efforts to investigate the crimes.[211] The UN FFM requested access to Myanmar on 4 September 2017,[212] 17 November 2017,[213] 29 January 2018,[214] and 12 February 2019.[215] The Mechanism has requested information on domestic proceedings, including investigations into SGBC, relevant documents, permission to interview individuals and approval for its personnel to visit Myanmar on 9 January 2020,[216] 9 March 2020,[217] 27 May 2020,[218] 4 June 2020,[219] 15 October 2020,[220] 27 January 2022,[221] 8 August 2022,[222], 11 November 2022,[223] and 21 March 2023.[224] Through these repeated requests, Myanmar authorities have been made aware of the allegations and the need to investigate allegations of SGBC committed in the context of the 2016 and 2017 clearance operations.

87. To date, the Mechanism has not received responses to any of these information requests. There is no information indicating that Tatmadaw leadership or Myanmar authorities substantively engaged with international human rights NGOs[225] or UN investigative bodies, such as the UN FFM or the Mechanism, on investigations into SGBC. By not responding to repeated requests, Myanmar authorities denied access to international investigators, failing to take an alternative measure available at their disposal to investigate SGBC committed in northern Rakhine during the 2016 and 2017 clearance operations. Contemporaneously, the Myanmar authorities were denying foreign journalists[226] and humanitarian workers access to northern Rakhine,[227] thereby limiting the number of external, independent witnesses to the clearance operations and their consequences.

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[211] For discussion on relevance of such efforts, see **IIMM0027998190** *Prosecutor v. Jean-Pierre Bemba Gombo,* "Judgment pursuant to Article 74 of the Statute", ICC-01/05-01/08, 21 March 2016, para. 733.
[212] **IIMM0000008324** Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar," A/HRC/39/CRP.2, 17 September 2018, p. 431.
[213] Ibid. at p. 432.
[214] Ibid. at p. 433.
[215] Ibid. at p. 181.
[216] **IIMM0027994468** Note Verbale 2020-IIMM-000001 from the IIMM to authorities of Myanmar, 9 January 2020.
[217] **IIMM0027994469** Note Verbale 2020-IIMM-000009 from the IIMM to authorities of Myanmar, 9 March 2020.
[218] **IIMM0027994470** Note Verbale 2020-IIMM-000026 from the IIMM to authorities of Myanmar, 27 May 2020.
[219] **IIMM0027994471** Note Verbale 2020-IIMM-000027 from the IIMM to authorities of Myanmar, 4 June 2020.
[220] **IIMM0027994472** Note Verbale 2020-IIMM-000031 from the IIMM to authorities of Myanmar, 15 October 2020.
[221] **IIMM0027994473** Note Verbale 2022-IIMM-000015 from the IIMM to authorities of Myanmar, 27 January 2022.
[222] **IIMM0027994474** Note Verbale 2022-IIMM-000077 from the IIMM to authorities of Myanmar, 8 August 2022.
[223] **IIMM0027994475** Note Verbale 2022-IIMM-000114 from the IIMM to authorities of Myanmar, 11 November 2022.
[224] **IIMM0027994476** Note Verbale 2023-IIMM-000026 from the IIMM to authorities of Myanmar, 21 March 2023.
[225] **IIMM0028034560** Human Rights Watch, "Burma: Allow Access to Investigate Abuses in Rakhine State," 17 November 2016.
[226] **IIMM0027998230** P0633 Witness Statement (ICJ Submission), para. 12.
[227] **IIMM0001557475** P0111 Witness Statement (IIMM), 10 February 2022, para. 96; **IIMM0002663957** P0117 Witness Statement (IIMM), 18 March 2023, paras. 57-58.

VII. Court martials and other proceedings related to clearance operations

A. Court martials and other proceedings

1) 2016 proceedings

88. The Tatmadaw only punished two minor crimes committed during the 2016 clearance operations, neither of which related to sexual violence. In its final report, the 2016 Tatmadaw investigation team stated that no wrongdoing had been uncovered except in two minor incidents – the theft of a motorbike and another that involved military personnel beating villagers for not helping extinguish a fire.[228]

2) Gu Dar Pyin court martial

89. Following the issuance of the ICOE report, Commander-in-Chief Senior General Min Aung Hlaing announced on his website in March 2019 that a court martial had been formed, "comprising a major-general and two colonels"[229] "to further scrutinize and confirm the respective incidents."[230] No mention was made of the courts martial investigating allegations of sexual violence or rape in the context of the incidents under investigation.

90. In August 2019, a court martial began investigating the events concerning the 2017 clearance operations in Gu Dar Pyin.[231] It was headed by Major General Myat Kyaw Oo.[232]

91. International media and human rights organizations had reported extensively on the clearance operation and killings in Gu Dar Pyin, carried out between 26 to 29 August 2017.[233] According to Tatmadaw spokesperson Major General Zaw Min Tun, soldiers and officers from a regiment deployed to Gu Dar Pyin village were "weak in following the rules of engagement".[234] In a statement published on its website on 26 November 2019, the Tatmadaw said the soldiers being court martialed were involved in "accidents" in Gu Dar Pyin.[235] On 30 December 2019, the Tatmadaw issued a statement that the court martial had conducted five

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[228] **IIMM0000224460** CINCDS Facebook post, "Myanmar's true situation should be apprehended: there are misjudgments resulting from wrong reports", 23 May 2017.
[229] **IIMM0027994271** "Myanmar to hold court martial after Rohingya atrocities probe," *Al Jazeera*, 1 September 2019.
[230] **IIMM0027994326** "Myanmar begins rare court martial after probe into Rohingya atrocities," *Reuters*, 26 November 2019.
[231] **IIMM0027995708** CINCDS, "Court-Martial underway in connection with Court of Inquiry", 31 August 2019.
[232] **IIMM0027995695** Situation in the People's Republic of Bangladesh / Republic of the Union of Myanmar, ICC Pre-Trial Chamber III, ICC-01/19, Application pursuant to Rule 103(1) of the Rules of Procedure & Evidence, 21 October 2019, para. 15.
[233] **IIMM0027994277** "AP confirms 5 unreported Myanmar mass graves," *Associated Press*, 1 February 2018.; **IIMM0027994274** Amnesty International, "Fresh evidence of ongoing ethnic cleansing as military starves, abducts and robs Rohingya," 7 February 2018; **IIMM0027994299** "Investigation in Myanmar Reveals Disturbing Massacre, At Least 5 Mass Graves," *NPR*, 1 February 2018.
[234] **IIMM0027994326** "Myanmar begins rare court martial after probe into Rohingya atrocities," *Reuters*, 26 November 2019.
[235] **IIMM0027995709** Office of the Commander in Chief of Defense Services, "Court-Martial Trial on Incident of Gutapyin Commences", 26 November 2019.

hearings at an army base in Buthidaung, invited a total of 264 men and women from Gu Dar Pyin to observe the proceedings, and posted a photograph from the proceedings.[236]

92. The court martial ended on 20 April 2020 and found that "the officer in charge, a high-rank officer and another soldier who was involved with the case of Gu Dar Pyin village have been found guilty" by a military court, and that similar investigations into events in Maung Nu and Chut Pyin had been initiated.[237] There is no publicly available information indicating that the court martial investigated any allegations of sexual violence or rape in Gu Dar Pyin, Maung Nu or Chut Pyin.

3) Inn Din court martial

93. The Mechanism is aware of only one other court martial proceeding carried out in relation to the 2017 clearance operations. Seven Tatmadaw soldiers were sentenced to 10 years in prison for their role in executing 10 Rohingya men in Inn Din, Maungdaw township, northern Rakhine State.[238] The investigation began after *Reuters* journalists published an article on the execution with photographs of the victims detained and then subsequent photos of their bodies after they were killed.[239] This execution could be qualified as a case of persecution on gender grounds[240] as the victims were targeted on the basis of their Rohingya ethnicity, combined with the gender role presuming males to be armed group fighters or sympathizers.

94. After serving seven months, all seven soldiers were released and pardoned by Commander-in-Chief Senior General Min Aung Hlaing.[241] The journalists who published the *Reuters* article were subsequently charged[242] and convicted of disclosing state secrets, sentenced to seven years in prison[243] and released after serving almost 18 months.[244]

4) Proceedings into BGP misconduct

95. In December 2016, footage of BGP officers kicking and beating Rohingya men in Koe Tan Kauk village, Rathedaung township on 5 November 2016 during the clearance operations, was widely disseminated online.[245] [redacted]

[236] **IIMM0019926710** "Myanmar's military 'justice' system," *Frontier Myanmar*, 25 January 2020.
[237] **IIMM0027996174** "Confirmation of the decision and sentencing remarks of the Court-Martial that examined the Gu Dar Pyin case", *Tatmadaw Information Team*, 30 June 2020.
[238] **IIMM0027994314** "Seven Myanmar soldiers sentenced to 10 years for Rohingya massacre," *Reuters*, 10 April 2018.
[239] **IIMM0000013570** "How Myanmar forces burned, looted and killed in a remote village," *Reuters*, 28 February 2018.
[240] **IIMM0027995698** *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, ICC-02/05-01/20, Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb'), 9 July 2021, para. 80.
[241] **IIMM0027998202** "Military Chief Pardoned Soldiers Involved in Rohingya Massacre," *The Irrawaddy,* 29 May 2019.
[242] **IIMM0000004592** Ministry of Home Affairs, 13 December 2017.
[243] **IIMM0027994317** "Special Report: How Myanmar punished two reporters for uncovering an atrocity," *Reuters*, 3 September 2018.
[244] **IIMM0027994323** "Two Reuters reporters freed in Myanmar after more than 500 days in jail," *Reuters*, 7 May 2019.
[245] **IIMM0027994408** "Myanmar police officers detained over Rohingya beatings," *BBC*, YouTube video, 3 January 2017.

[redacted][246] In February 2017, it was publicly reported that three of the police officers were sentenced to two months' detention by an internal police tribunal.[247] Three senior police including a major were demoted and their service terms reduced for failing to enforce discipline.[248]

B. Material deficiency of proceedings

96. Courts martial that were established in connection with the 2016 and 2017 clearance operations in northern Rakhine State did not cover any acts of SGBC. The Mechanism is not aware of any evidence that any of the above-described court martial and other proceedings resulted in the punishment of any Tatmadaw soldiers or BGP personnel for committing SGBC during the 2016 and 2017 clearance operations.

97. According to Myanmar's national report to the Universal Periodic Review in 2021, "between 2016 and February 2020, 3 officers and 49 other ranks, totaling 52, were punished for committing [sexual violence against civilian women] offenses", under the Defense Services Act and Rules.[249] No further information was provided about whether any of them were punished for sexual violence committed during the 2016 or 2017 clearance operations in northern Rakhine State.

98. The Mechanism has taken note of the dismissal of Major General Maung Maung Soe from his position as Western Regional Commander and the resignation of Lieutenant General Aung Kyaw Zaw as commander of BSO-3, announced on 25 June 2018.[250] The Tatmadaw stated that Maung Maung Soe was dismissed for weak performance in gaining advanced information about ARSA attacks and taking necessary actions or preparations prior to the attacks, as well as his inability to secure Rakhine State. Aung Kyaw Zaw was found to be lacking in implementing policies from "above" and was permitted to resign from the Tatmadaw on 22 May 2018 in part

[246] [redacted]

[247] **IIMM0001139105** "Action to be taken against police abuse in video clip," *Global New Light of Myanmar,* 2 January 2017, pp. 1-2; **IIMM0027998189** "Security forces probe Rohingya prison deaths in Maungdaw," *Frontier Myanmar*, 23 February 2017.

[248] Ibid.; **IIMM0001554547** Video 15 February 2017; **IIMM0027998210** "Myanmar Holds Officers After Video Purports to Show Police Beating Rohingya," *The New York Times,* 1 March 2017.

[249] **IIMM0027995652** Universal Periodic Review National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/37/MMR/1, 2 November 2020, para. 62.

[250] **IIMM0001320556** CINCDS Facebook post. "Press release on the actions taken on the Tatmadaw's weaknesses in overseeing the terrorist attacks of the ARSA Bengali terrorist group on the 25th of August 2017 in Rakhine State," 25 June 2018. For further information on the military structure and involvement of the Western Regional Command and BSO-3 in the 2016 and 2017 clearance operations, see **IIMM0028034551** Structure of Western Regional Command 2016-2017 Analytical Note (IIMM).

due to a health condition.[251] However, the Tatmadaw did not refer to Maung Maung Soe and Aung Kyaw Zaw's responsibility for the SGBC and other crimes perpetrated by forces under their command during the 2016 and 2017 clearance operations in northern Rakhine State, and therefore failed to punish them for these crimes.

99. Conversely, several Tatmadaw commanders who spearheaded the clearance operations and whose units were implicated in SGBC, were subsequently promoted. The former head of the 33rd Light Infantry Division, Aung Aung, was promoted to head the Southwestern Regional Command.[252] Border Guard Police chief Thura San Lwin was transferred to a top police post in the capital Nay Pyi Taw.[253] Inspector General of the Defense Services Lieutenant General Aye Win, who led the 2016 and 2017 Tatmadaw investigation teams, was promoted to command BSO-3.[254]

VIII. Conclusion

100. Sexual and gender-based crimes against the Rohingya were an integral part of the 2016 and 2017 clearance operations. There is abundant credible evidence and testimony that Myanmar security forces committed a massive number of sexual and gender-based crimes during the 2016 and 2017 clearance operations.[255] The Government of Myanmar and Tatmadaw authorities were on notice and had to have known from victim and eyewitness testimony, accounts of medical and psychosocial providers who treated the victims, media reporting and international condemnation, that their security forces were facing credible accusations of having committed sexual and gender-based crimes. Yet the evidence shows not a single Tatmadaw soldier or BGP officer was charged or prosecuted for any of these crimes. Furthermore, no commander was dismissed, demoted, or sanctioned for the failure to stop or punish those committing these offenses. Not a single victim of rape, or other sexual or other gender-based crime has received any justice for the crimes they suffered.

101. Rather, the official response has been to deny the crimes, justify the actions of the soldiers involved in the operations, ridicule and label the victims or sexual and gender-based crimes as liars. International law obligates States and commanders throughout the chain of command to take all necessary and reasonable measures to prevent and punish genocide, war crimes and crimes against humanity, including those crimes related to sexual violence. Prevention and punishment are closely related – when perpetrators are allowed to escape responsibility for their

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[251] **IIMM0001320556** CINCDS Facebook post. "Press release on the actions taken on the Tatmadaw's weaknesses in overseeing the terrorist attacks of the ARSA Bengali terrorist group on the 25th of August 2017 in Rakhine State," 25 June 2018.

[252] **IIMM0027994330** "New evidence shows how Myanmar's military planned the Rohingya purge," *Reuters*, 4 August 2022; **IIMM0027998205** "Yangon Region Military Commander, Major General Thep, was promoted to Commander of the Special Operations Group," *Irrawaddy*, 30 June 2020.

[253] **IIMM0027994330** "New evidence shows how Myanmar's military planned the Rohingya purge," *Reuters*, 4 August 2022; **IIMM0027995679** "Police Chief Myint Toe was appointed as the new Commander of Border Guard Police No. 1 at Maungdaw border," *BNI Online*, 5 October 2017.

[254] **IIMM0027995683** "Changes in the positions of the commander of the military special operations team," *Irrawaddy,* 12 July 2019 [Myanmar language].

[255] **IIMM0027994308** "U.N. medics see evidence of rape in Myanmar army 'cleansing' campaign', *Reuters*, 24 September 2017; **IIMM0027995651** Report of the Special Rapporteur on the situation of human rights in Myanmar, A/74/342, 30 August 2019, para. 7.

crimes, especially when no credible investigations occur, it encourages further crimes of this nature.

102. The evidence reviewed shows that Myanmar authorities failed to take any of the necessary and reasonable steps necessary to investigate or punish the allegations of sexual and gender-based crimes committed by Tatmadaw soldiers and BGP personnel in the 2016 and 2017 clearance operations. As detailed above, the investigations that were carried out were grossly inadequate and seem to have been initiated in an attempt to deny the crimes, exonerate the perpetrators and denigrate the victims of sexual and gender-based crimes.

Annex 9

United Nations Independent Investigative Mechanism for Myanmar,
Evidence of ARSA Weapons Possession and Use (29 April 2024)

United Nations Nations Unies

INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR • MÉCANISME D'ENQUÊTE INDÉPENDANT POUR LE MYANMAR

CONFIDENTIAL

EVIDENCE OF ARSA WEAPONS POSSESSION AND USE 29 APRIL 2024

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I. Introduction

1. This Analytical Note[1] assesses evidence collected as of April 2024 by the Independent Investigative Mechanism for Myanmar ("IIMM" or "Mechanism") relevant to the possession and usage of weaponry by members of the Arakan Rohingya Salvation Army ("ARSA") in 2016 and 2017.[2] During this period, ARSA is alleged to have carried out attacks in various locations in northern Rakhine State, which the Myanmar Government alleged were the precipitating factor behind the 2016 and 2017 "clearance operations" conducted by the Myanmar military in northern Rakhine State.

2. The analysis is based on a review of the following collected evidence: 1) photographs and videos provided by representatives of the Myanmar military, purporting to show the lead-up and aftermath of the 9 October 2016 and 25 August 2017 ARSA attacks on security outposts; 2) publicly circulated videos alleging to show ARSA members engaged in training and operations, including propaganda videos; 3) witness testimonies of ARSA activities; and 4) other official Myanmar Government and military pronouncements concerning ARSA.

3. The primary findings of this analysis, based on evidence collected as of April 2024, are the following:

a. by August 2017, ARSA likely had a modest arsenal of around 40-70 firearms, including some military weapons (assault rifles) of a mix of types and calibres;

b. there is very little information about the availability of different calibres of ammunition required to use such weapons;

c. the majority of ARSA members used bladed weapons, sticks and a small number of locally produced (artisanal) firearms in operations and training;

d. by August 2017, ARSA had some ability to distribute materials for producing simple command-wire and remote-controlled improvised explosives devices ("IEDs") to ARSA members who produced them locally, but does not appear at this point to have had access to military or commercial explosives for their IEDs, relying instead upon home-made explosives and fuses; and

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[1] Key words: IHL, ARSA, non-international armed conflict, NIAC, Rakhine, intensity, weapons.

[2] This Analytical Note has been shared with competent authorities pursuant to United Nations Human Rights Council Resolution 39/2 and subject to the Terms of Reference of the Mechanism for the purpose of facilitating judicial proceeding in national, regional or international courts or tribunals with jurisdiction over crimes within the Mechanism's mandate. This note and the information and material contained therein shall be used solely for the purpose of judicial proceedings for which it is provided as indicated in the cover letter attached to this Note and shall not be published or electronically posted in any form or medium other than as part of the indicated judicial proceedings. The Mechanism's express written consent is required for the use of this note and the information and material contained therein for any other purposes. Nothing in the disclosure of this Note or the information contained therein will be treated as a waiver, express or implied, of any of the privileges, immunities, exemptions, and facilities enjoyed by the United Nations, including the Mechanism.

e. although IEDs appear to have been used in the 9 October 2016 and 25 August 2017 ARSA attacks against Government forces, there is no conclusive evidence in the materials so far obtained by the IIMM that firearms, specifically, were used in these attacks.

4. Although this Analytical Note is not a legal analysis, it discusses some implications of these findings that may be relevant to an assessment of ARSA's organizational capacity and the intensity of its attacks.[3]

II. Background

5. This Analytical Note records observations and analysis of weapons visible in or described in the following sources:

i. photographs allegedly showing physical damage and casualties following attacks in northern Rakhine State by members of ARSA on 9 October 2016 and 25 August 2017, and weapons seized from ARSA members following these attacks, provided by Myanmar military representatives to the Kofi Annan Foundation on or around 16 December 2016,[4] and 25 August 2017;[5]

ii. video footage allegedly showing attacks on Government security forces' facilities by ARSA members on 25 August 2017, provided by representatives of the Myanmar military to the Kofi Annan Foundation on or around 25 August 2017;[6] and

iii. undated videos of alleged ARSA training and other activities, some constituting propaganda videos and some allegedly recovered from the laptop of an ARSA commander allegedly named Rashed Ullah, published online since 2020 by US-based activist Rick Heizman.[7]

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[3] This Analytical Note has been prepared by the IIMM based on the input of various IIMM personnel. The weapons-specific analysis in this Note has been prepared by a consultant to the IIMM who has fifteen years of experience in the documentation and examination of weapons and ammunition in conflict theatres, and analysis of weapons-related evidence. The consultant has field experience of weapons documentation in West and East Africa, the Middle East, Eastern Europe, and Southeast Asia. The consultant has worked as a weapons investigator for the UN Security Council, and a range of non-governmental and intergovernmental programmes. The consultant has received small arms handling and identification training, and has provided weapons documentation training to military and police personnel in over ten countries.

[4] **IIMM0027971509** Album of photographs provided to the IIMM by P0092.

[5] **IIMM0019627953** Photographs provided to the IIMM by the Kofi Annan Foundation.

[6] **IIMM0019627951** and **IIMM0019627952** Videos originally on CD-ROM provided to the IIMM by the Kofi Annan Foundation.

[7] **IIMM0028129688** Webpage originally at https://arakan-reality.smugmug.com/ARAKAN-the-CONFLICT-VIDEOS/SEIZED-COMPUTER-OF-ARSA-COMMANDER. Rick Heizman is an American filmmaker, musician and ethnomusicologist who has spent extensive time in Rakhine State and runs the "Arakan Reality" website (https://arakan-reality.smugmug.com/) containing approximately 300 videos related to northern Rakhine. In November 2018, Rick Heizman screened his film "Arakan – Ancient Buddhist Kingdom Endangered by Jihad" in Yangon and said that he was given "full permission, no restrictions at all" by the military and the Government to visit northern Rakhine, including to "burnt-out villages" in Maungdaw township and Min Gyi/Tula Toli

6. This analysis is supplemented by information from:

i. testimonies of eyewitnesses to, or participants in, ARSA activities during 2016 and 2017, obtained by the IIMM and the Independent International Fact-Finding Mission on Myanmar (FFM); and

ii. statements and photographs published by the Myanmar Government and military authorities concerning ARSA operations, including statements of the Information Committee established in November 2016 to disseminate Government statements regarding the situation in Rakhine State, and photographs allegedly showing weapons and other items recovered or seized from ARSA members disseminated by the Information Committee and the Myanmar military.

7. This Analytical Note seeks to: (i) identify the types and technical specifications of the weapons visible in the photographs and videos; (ii) assess the capabilities of these weapons, and their suitability for various potential military uses; (iii) assess evidence of the prevalence of military weapons amongst alleged ARSA members;[8] and (iv) assess evidence of large-scale or coordinated procurement of civilian items that could be used as weapons, or of materials for producing IEDs.

8. The findings in this Analytical Note are based on information collected by the Mechanism as at March 2024. It should be noted that the Mechanism continues to collect such evidence. Further additions and refinements of the analysis may be anticipated in the future. The current analysis does not purport to make any legal qualifications, but the findings herein are intended to contribute to an assessment of whether a state of non-international armed conflict pertained in Rakhine State at the point when the clearance operations began in 2016,[9]

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village in October 2018. See: **IIMM0027994295** "Yangon Region minister hosts American anti-Rohingya activist," *Frontier Myanmar*, 9 November 2018.

[8] In this Analytical Note, the term "military weapons" is used to denote weapons designed for military use. The military weapons detailed in this analysis, attributed to ARSA, consist solely of factory-made semi-automatic and automatic assault rifles. Weapons attributed to ARSA and discussed in this Analytical Note also include factory-made submachine guns and handguns, which are not specifically designed for military use. Factory-made firearms are contrasted with "artisanal" firearms, which are handguns and long guns made in a workshop or in field conditions, usually locally, and usually by non-professional armourers and metalworkers.

[9] For instance, the *Haradinaj* Trial Chamber held that "Trial Chambers have relied on indicative factors relevant for assessing the "intensity" criterion, none of which are, in themselves, essential to establish that the criterion is satisfied. These indicative factors include the number, duration and intensity of individual confrontation; **the type of weapons and other military equipment used**; the number and calibre of munitions fired; the number of persons and type of forces partaking in the fighting; the number of casualties; the extent of material destruction; and the number of civilians fleeing combat zones. The involvement of the UN Security Council may also be a reflection of the intensity of a conflict." (ICTY, *Prosecutor v. Haradinaj*, IT-04-84-T, Judgment, 3 April 2008, para. 49, emphasis added). See also the detailed discussion of intensity of state and non-state forces in ICTY, *Prosecutor v. Fatmir Limaj et al,* IT-03-66-T, Judgement, 3 November 2005, paras. 135-170, including assessment of KLA weapons capabilities in para. 158 ("During the attack, the KLA used rocket launchers, an indication of their ability to conduct more sustainable operations") and para. 162 ("The Monastery…was attacked with light artillery and machine guns for 45 minutes and the guest house was damaged by two grenades"). [Emphasis added]

which is in turn relevant to a determination of whether or not war crimes may have been committed during the clearance operations in northern Rakhine in 2016 and 2017.[10] This determination will be informed by: (i) evidence of armed violence between governmental authorities and organized armed groups; (ii) evidence of intensity of conflict; and (iii) evidence of degree of organization of the parties. Among the relevant, but non-exhaustive and not individually determinative, factors are:

i. "the seriousness of attacks"[11], and whether the attacks were "isolated or sporadic acts of violence";

ii. "the mobilization" of forces;[12]

iii. "the distribution of weapons";[13]

iv. "duration of the violence";[14]

v. "the extent to which military equipment, including firearms, are available";[15] and

vi. the armed group's "ability to plan military operations and put them into effect".[16]

9. Moreover, the possession, use and capacity of ARSA's weapons is also relevant to assessing the overall factual narrative of the 2016 and 2017 clearance operations, given that the alleged security threat posed by ARSA was widely cited by the Myanmar authorities as a justification for conducting the 2016 and 2017 clearance operations.[17]

10. This Analytical Note does not assess the authenticity or veracity of the photographs and video footage reviewed (recommendations are provided for additional geolocation and digital forensics work). In the absence of chain of custody information, it is also not possible to verify whether the weapons visible in the photographs provided by Tatmadaw

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[10] Rome Statute of the International Criminal Court, Article 8(2)(c) and Article 8(2)(e).
[11] ICTY, Mrkšić et al. Trial Judgment, para. 407; and ICTY, Limaj et al. Trial Judgment, para. 90. *See also* ICTY, Boškoski & Tarčulovski Appeal Judgment, paras 22 and 24.
[12] Ibid.
[13] Ibid.
[14] ICC, The Prosecutor v. Jean-Pierre Bemba Gombo Trial Judgement, para. 139. According to Article 8(2)(f) of the Rome Statute, Article 8(2)(e) "applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions such as riots, isolated and sporadic acts of violence or other acts of a similar nature. **It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups"**. [Emphasis added]
[15] ICC, *The Prosecutor v. Jean-Pierre Bemba Gombo* Trial Judgement, para. 134.
[16] Ibid.
[17] The full range of justifications put forward for the clearance operations are not canvassed in detail in this Analytical Note. Some of these justifications are reviewed in **IIMM0027992865** IIMM Analytical Note: 'Anti-Rohingya Hate Speech of Facebook'.

representatives to the Kofi Annan Foundation had in fact been in the possession of ARSA members.

III. Materials provided by the Myanmar military to the Kofi Annan Foundation

11. The Mechanism collected certain materials provided to members of the Kofi Annan Foundation's "Advisory Commission on Rakhine State" ("Advisory Commission"), an independent commission established to improve the welfare of all people in Rakhine State. The Advisory Commission commenced its work in August 2016 and released its detailed report in August 2017.[18]

12. According to accounts obtained by the Mechanism from members of the Advisory Commission, on two occasions, representatives of the Myanmar military provided members of the Advisory Commission with materials said to contain photographs and other material relating to episodes of violence:[19]

i. the first tranche of material was provided to the Advisory Commission following the 9 October 2016 violence, in a meeting between the Advisory Commission and senior members of the Myanmar military, including Commander-in-Chief Min Aung Hlaing, on or around 6 December 2016. In this meeting, the Myanmar military officials explained that the materials were "photographs of 9 October and the aftermath"[20]; and

ii. the second set of materials was provided by Myanmar military officials to the Advisory Commission on or around 25 August 2017, almost immediately following the first alleged ARSA attacks during August 2017 and the commencement of the 2017 clearance operations.[21]

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[18] https://www.kofiannanfoundation.org/our-work/initiative-advisory-commission-rakhine-state/

[19] *See* **IIMM0001501384** P0694 Witness Statement (IIMM), 28 October 2021; paras. 75, 113; **IIMM0019627980**, Investigation Note "Evidence Collection from Kofi Annan Foundation", 26 August 2022, para. 4.

[20] **IIMM0001501384** P0694 Witness Statement (IIMM), 28 October 2021; para. 75. Photograph **IIMM0001501353** shows the meeting where the materials are handed over to members of the Advisory Commission by Commander-in-Chief Min Aung Hlaing.

[21] **IIMM0001501384** P0694 Witness Statement (IIMM), 28 October 2021; para. 113; **IIMM0019627980** Investigation Note "Evidence Collection from Kofi Annan Foundation", 26 August 2022, para. 4.

IIMM0027971509 (album of photographs given by Min Aung Hlaing to Kofi Annan Foundation allegedly relating to October 2016 attacks)

13. This is a hard cover photograph album which includes 34 pages of captioned photographs, video stills and a map. Weapons or related items visible in the images are as follows:

Page reference	Description	Weapons/related items	Notes
IIMM0027971509_000005, IIMM0027971509_000032	Video stills of individual described in caption as "Hafiz Tuha", speaking to camera, seated, with four armed individuals in civilian dress behind him	Four assault rifles visibly similar to MA-11 (HK-33 pattern) rifles	"Hafiz Tuha" believed to be ARSA commander Ataullah abu Ammar Jununi
IIMM0027971509_000016	Alleged IED, allegedly emplaced at Thuoo La village on 12 November 2016	Semi-buried object covered in black plastic sack.	Not possible to confirm as IED
IIMM0027971509_000019	Items allegedly captured alongside 'Mahmud Eisud, the Bengali Terrorist', allegedly captured in Zinpaing Nyar village on 14 October 2016	38 wooden-handled machetes and one axe	Variations in construction suggest that these are not factory-produced
IIMM0027971509_000021	Captioned "weapons of police forces and equipments of RSO [Rohingya Solidarity Organization] seized at War Pait village on 13 October 2016"	One MA-11/HK-33 pattern assault rifle	Heavily corroded and possibly burned. Not in serviceable order

IIMM0027971509_000032	Video still appearing to show Ataullah abu Ammar Jununi with four armed men standing behind him	Four rifles including two AK-pattern assault rifles, one MA-11/HK-33 pattern assault rifle, and one rifle of indeterminate type	
IIMM0027971509_000034	Video still appearing to show Ataullah abu Ammar Jununi with individuals standing behind him, some carrying rifles	At least four rifles of indeterminate type	
IIMM0027971509_000036	Crowd of individuals, some carrying sticks and bladed items	Sticks and bladed items	

IIMM0019627951 (Video provided by Tatmadaw to Kofi Annan Foundation allegedly relating to August 2017 attacks)

14. This is a 21-second video, apparently taken from the verandah of a building, showing a road, fields and tree line. No individuals or weapons are visible. Collective shouting or chanting is audible but indistinct. At 0:12 to 0:14 a male voice close to the camera's microphone speaks in Burmese, saying "chanting this way, chanting this way".[22]

15. There are no audible sounds of weapons being fired or otherwise used.

16. At 0:05-0:06 the profile of hills/mountains beyond the fields is visible. This might permit geolocation, but likely only if additional leads are available about the alleged location of this footage.

IIMM0019627952 (Video provided by Myanmar military to Kofi Annan Foundation allegedly relating to August 2017 attacks)

17. This is a 30-second video which appears to have been taken through a weapon sight. Chanting, including cries of "Allahu Akbar", are audible in the background. At least two male voices are audible close to the camera's microphone, speaking in Burmese as follows:

[22] These videos have been reviewed by an IIMM staff member who speaks both Burmese and Rohingya.

	Burmese original	English translation
Voice 1	သိပ်ရတာပေါ့ကွ... ရှင်းရှင်းလင်းလင်းရတာပေါ့... မေလိုးတွေ။ ...	It can be captured clearly. Motherfuckers.
Multiple Voices (from afar)		Allahu Akbar
Voice 1 and Voice 2	အဘ ရှင်းရှင်းလင်းလင်းရတယ် အဘ... ရှင်းရှင်းလင်းလင်းရတယ် အဘ...	Sir, it can be captured clearly. Sir, it can be captured clearly.
Voice 1	ဒီကောင်တွေဆီမှာ လက်နက်ပါတာလည်း ကျနော်ရပြီ	I also captured them with their weapons.
Voice 3	သေနတ်ပါလား?	Do they have guns?
Voice 1	သေနတ်မပါဘူး။ တုတ်တွေ ဓါးတွေပါတယ်။	No, they don't have guns. They have sticks and knives.
Voice 1 and Voice 2	နည်းနည်းပဲပြန်ကြည့် နည်းနည်းပဲပြန်ကြည့်... ရတယ် ရတယ် ရပြီ	Try to look again. Ok, it is ok.
Multiple Voices (from afar)		Allahu Akbar

18. The video shows over 10 individuals standing and sitting on a road. One of these individuals (standing) is holding a pole. No other weapons are visible in the footage.

19. There are no audible sounds of firearms, or any heavier weapons being fired or otherwise used. The orientation of the road might permit geolocation, but would be possible only if additional leads are available about the alleged location of this footage.

IIMM0019627953 (photographs given by Myanmar military to Kofi Annan Foundation allegedly relating to August 2017 attacks)

20. These are 30 photographs printed on printer paper. Weapons or related items visible in the photographs are as follows:

Page reference	Weapons/related items	Notes
IIMM0019627953_000001	Flash suppressor at top of frame. Shape consistent with MA-series assault rifle	Presumably held by an individual taking the photograph; not an ARSA weapon
IIMM0019627953_000002	Three tubular devices, consistent with 'pipe bomb'-type improvised explosive device. Additional unidentified items taped to the devices: possibly additional shrapnel/fragmentation elements, or possibly switch or power source Wires visible on first and third device	Method of operation (command/time/victim-operated) cannot be definitively determined without more detailed photographs or physical examination
IIMM0019627953_000003	Sword and black case possibly for sword, held by dead individual	
IIMM0019627953_000004	Rifle barrel/flash suppressor at top of frame. Shape consistent with MA-series assault rifle	Appears to be held by uniformed individual examining dead body, presumably not an ARSA weapon
IIMM0019627953_000005	Pole held by standing individual	Appears to be still from video (IIMM0019627952)
IIMM0019627953_000006	At least 46 darts with improvised flights of various colours	
IIMM0019627953_000007	Ten swords/cutlasses of various lengths and construction Four black tubes of indeterminate materials One smaller white tube or stick	Tubes could be sheaths for swords
IIMM0019627953_000008	Plastic bag containing two cellphones with the number "32" painted on them, battery (possibly for vehicle), wires, and other indeterminate contents	Possibly components (power source, switches) of improvised explosive devices
IIMM0019627953_000009	2 long swords/cutlasses 9 handheld knives 4 slingshots	Keychains are possibly remote starter devices for motorcycles

Annex 10

United Nations Independent Investigative Mechanism for Myanmar, *Evidence Related to Detention of Rohingya in Buthidaung Prison and Other Locations* (15 May 2024)

United Nations Nations Unies

INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR • MÉCANISME D'ENQUÊTE INDÉPENDANT POUR LE MYANMAR

CONFIDENTIAL

EVIDENCE RELATED TO DETENTION OF ROHINGYA IN BUTHIDAUNG PRISON AND OTHER LOCATIONS

15 MAY 2024

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I. Introduction

1. The United Nations Independent Investigative Mechanism for Myanmar ("IIMM" or "Mechanism") was established by the UN Human Rights Council resolution 39/2 in September 2018 with a mandate to collect and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files to share with national, regional or international courts that may have jurisdiction to prosecute such cases. In furtherance of its mandate, the Mechanism is collecting evidence regarding crimes related to the detention of Rohingya in Buthidaung Prison in northern Rakhine State in connection with the 2016 and 2017 clearance operations.

2. Based on the material collected to date, the Mechanism has prepared the present Analytical Note, which examines evidence of crimes related to the arrest, detention, treatment and conviction of Rohingya men, women and children in transit to and in Buthidaung Prison prior to and following the 2016 and 2017 clearance operations in northern Rakhine State.[1]

II. Buthidaung Prison Complex

3. Buthidaung Prison is located in Let Wea Det Pyin Shey village tract, Buthidaung Township, northern Rakhine State (Coordinates: 20°52'42.1"N, 92°30'27.6"E). It is situated along the Buthidaung-Maungdaw highway, less than three kilometers away from Buthidaung town.

4. The Buthidaung Prison complex comprises five detention buildings, one of which is dedicated to holding female detainees. In a separate building there is an isolation room. The compound also includes several guards' outposts, a prison hospital, a storehouse and a kitchen. All free ground space in and around the prison is mostly used for the cultivation of crops. Outside of the compound walls are the residences of the Head of the Prison and of prison guards, a school for children of prison personnel and some shops.[2]

5. Buthidaung Prison is one of the three large penitentiary facilities in Rakhine State, alongside Kyaukpyu Prison in Kyaukpyu Township, and Sittwe Prison in Sittwe Township. According to public reports, in April 2017 at Buthidaung Prison, the Prison Superintendent Assistant Director was Chan Aye Kyaw,[3] the Assistant Superintendent (1) in charge of prisoners' dormitories was Chit Ko Ko, and a prison guard on duty in Dormitory 1 was San Win Tun.[4] Buthidaung Prison falls under the Correctional Department, which is part of the

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[2] **IIMM0019922094** P1540 Witness Statement; [redacted] Amnesty International, Buthidaung Prison; **IIMM0027992306** P2300 Witness Statement; **IIMM0025673220** (map with markings).

[redacted] Committee, [unofficial translation] (International Committee of the Red Cross team visits Buthidaung prison), (27 April 2017).

[4] **IIMM0028132763** "ICRC team met with detainees in Buthidaung prison," *DVB,* 28 April 2017; **IIMM0002695893** Facebook: Information Committee, [unofficial translation] (International Committee of the Red Cross team conducted visit in Buthidaung prison), (27 April 2017); **IIMM0002695892** Facebook: Information Committee, [unofficial translation] (International Committee of the Red Cross team conducted second visit in Buthidaung prison), (28 April 2017); **IIMM0002695891** Facebook: Information Committee,

institutional structure of the Ministry of Home Affairs,[5] which is under the control of the military.[6] The Minister for Home Affairs is a military officer appointed by the President on the nomination of the Commander-in-Chief.[7] Lieutenant General Kyaw Swe was the Minister of Home Affairs during the 2016 and 2017 clearance operations.[8]

6. While Buthidaung Prison mostly served as a detention facility for detainees undergoing trial or serving time following a conviction, one Rohingya witness indicated that they were held in the Prison without charge.[9]

III. Arrests of Rohingya following the 2016 and prior to the 2017 clearance operations

7. On 9 October 2016, an armed group, the Arakan Rohingya Salvation Army ("ARSA"), attacked three Border Guard Police ("BGP") posts in Maungdaw and Rathedaung townships in northern Rakhine State.[10] Following these attacks, Myanmar security forces, composed of

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[unofficial translation] (International Committee of the Red Cross team conducted third visit in Buthidaung prison), (29 April 2017).

[5] **IIMM0025673169** (image of Buthidaung Prison emblem); **IIMM0028034860** Ministry of Home Affairs Organization Chart [Myanmar language].

[6] See **IIMM0000019944** Constitution of the Republic of the Union of Myanmar (2008), Sections 232.b.ii, 232.j.ii, and 234.b: "In order to appoint the Union Ministers, the President shall […] obtain a list of suitable Defence Services personnel nominated by the Commander-in-Chief of the Defence Services for Ministries of Defence, Home Affairs and Border Affairs." "The Defence Services personnel who are appointed as Union Ministers for the Ministries of Defence, Home Affairs and Border Affairs are not required to retire or resign from the Defence Services." "The President shall, to appoint the Deputy Ministers for Ministries of Defence, Home Affairs and Border Affairs, have the list of suitable Defence Services personnel nominated by the Commander-in-Chief of the Defence Services." Starting on 23 November 2017, the GAD reported to the Ministry of Office of Union Government. See **IIMM0001140096** Myanmar News Agency (Translated by Kyaw Zin Lin), "Ministry of Office of Union Government holds anniversary," Global New Light of Myanmar, Vol. VI, No. 256, 29 December 2019, pg. 7. "Speaking on the occasion, Union Minister U Min Thu said the ministry was established on 23 November 2017. […] the General Administration Department (GAD) that is responsible for the office duties of the region and state governments were put under the ministry […] [on] the founding day of the ministry."

[7] **IIMM0000019944** Constitution of Myanmar (2008), s. 232(b)(ii).

[8] **IIMM0001139168** "[Union Minister for Home Affairs] Lt-Gen Kyaw Swe extends condolences to wives of slain police officers in Maungtaw," The Global New Light of Myanmar, 18 October 2016, pg.3.; **IIMM0002695627** Facebook: Information Committee, [Unofficial translation] (Union Minister of the Ministry of Home Affairs Lt-Gen Kyaw Swe visited to Maungdaw area and consoled displaced ethnic communities), (1 September 2017).

[9] **IIMM0027996180** P2384 Witness Statement.

[10] **IIMM0027994557** Video from Facebook Post 562239220629291, Islamic armed group asks Rohingya to join them for jihad in Rakhine Myanmar, Wai Lwin (user ID: 100005296543913), 12 October 2016; **IIMM0027994551** Video from Facebook Post 561911683995378, Rohingya mujahideen call for weapons, Wai Lwin (user ID: 100005296543913), 11 October 2016; **IIMM0000026223** "Security tightened: Nine policemen killed, five injured, one missing in border attacks", *The Global New Light of Myanmar*, 10 October 2016, pgs. 1, 3.

the Myanmar military ("Tatmadaw") and the BGP, initiated "clearance operations" in the northern part of Rakhine State.[11]

8. These clearance operations were characterized by widespread arrests and detentions of Rohingya, mostly men, allegedly involved in the attack.[12] Children as young as 11-years-old were arrested together with adults.[13] The Mechanism has obtained information about multiple criminal cases against groups of Rohingya detained during the clearance operations and transferred to Buthidaung Prison.[14] In one such case, 416 men were detained, transferred to Buthidaung Prison, and tried together by the Buthidaung Township Court,[15] for their alleged participation in an attack by "Bengalis" armed with knives and sticks on 12 November 2016 against Deputy Battalion Commander of LID 551 Major Aung Lin Oo and Police sub-Lieutenant Han Myo Aung and their detachments.[16] At the time of the alleged attack, LID 551 and the Border Guard Police were conducting a joint clearance operation in Myaw Taung village tract, Maungdaw township, following the 9 October 2016 ARSA attacks on the Border Guard Police headquarters in Kyee Kan Pyin, Nga Khu Ya police station and Koe Tan Kauk police station.[17] On 25 January 2018, the Buthidaung Township Court found 391 Rohingya guilty of carrying out a "group attack… under the lead of RSO Mujahidin terrorist group" and acquitted twenty-five of the accused.[18]

9. All 416 defendants were charged under section 17(2) of the Unlawful Association Act (1908), and pleaded not guilty.[19] Under section 17(2), anyone who "manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof" faces a minimum of three years and a maximum of five years in prison.[20] The judgment quotes short excerpts of testimony from accused

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[11] **IIMM0001138938** "Special meeting on national defence and security", *The Global New Light of Myanmar*, 15 October 2016, pg. 1.
[12] **IIMM0028130363** P3391 Screening, paras. 9-16; **IIMM0027994099** "Another Buthidaung prison inmate tortured to death," *Rohingya Khobor*, 5 January 2017; **IIMM0000001501** "Exclusive - Children among hundreds of Rohingya detained in Myanmar crackdown," *Reuters*, 16 March 2017; **IIMM0000020080** Amnesty International, "We Will Destroy Everything", 27 June 2018.
[13] **IIMM0027992306** P2300 Witness Statement, para. 158, 191; **IIMM0000003601** Urgent Action, UA MMR 3/2017, 11 July 2017; [redacted]; **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English]. Defendant-182 (Age 11).
[14] **IIMM0028130363** P3391 Screening, para. 16, referring to Case No. 17 and Case No. 19.
[15] **IIMM0000008918** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [Myanmar language]; **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English].
[16] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 11.
[17] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 11.
[18] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pgs. 64, 72.
[19] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 29.
[20] **IIMM0000012622** Unlawful Association Act (1908), Government of the Union of Burma.

Rohingya, most of whom claimed that they were not present or part of the attack on 12 November 2016. Many claimed that they were arrested and detained for no reason, forced to sign or finger-print documents that they could not read,[21] and were held and interrogated in various police stations and security bases in northern Rakhine State,[22] often by the Military Affairs Security Unit.[23]

10. Some of the defendants were already in police custody in connection with other offences such as theft of a car battery,[24] involvement in a domestic dispute,[25] or for violations of the nighttime curfew order,[26] when the 12 November 2016 attack occurred in connection with which they were charged; others were arrested from villages across northern Rakhine State.[27] In assessing the defendants' guilt, the Buthidaung Township Court found that there was "no reasonable ground for credibility and acceptance of the defences" made by the defendants convicted,[28] and that it "considered that the accused were arrested due to the involvement with the terrorist organization."[29] No evidence setting out the individual contributions to the crimes of individual defendants was cited by the Buthidaung Township Court in the written judgement nor does the judgment make findings as to any individual's actions to support the convictions.

11. The Mechanism has collected evidence of many cases in which Rohingya were arrested in groups:[30] (1) at least ten men were detained by the Navy while returning from fishing near Sittwe township on 1 November 2016, in an area geographically distant from the location of the ARSA attacks and subsequent clearance operations in northern Rakhine

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[21] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses Defence 1, 2, 9, 10, 11, 12, 13.

[22] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English].; See below section IV. Treatment of Rohingya in the custody of Myanmar security forces before transfer to Buthidaung Prison.

[23] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses Defence 350, 351, 352, 353.

[24] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness, Defence-20.

[25] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness, Defence-19.

[26] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 31-55.

[27] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 47-50.

[28] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pgs. 52-55, 58-62.

[29] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 51-52, 54-55.

[30] **IIMM0019922094** P1540 Witness Statement, para. 24-31; **IIMM0027992306** P2300 Witness Statement, para. 108-109; [redacted] **IIMM0019915259** P2101 Witness Statement, para. 42; **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness, Defence 86-108, 190-209.

State;[31] (2) in December 2016, footage was widely disseminated online of Border Guard Police (BGP) officers kicking and beating hundreds of Rohingya men kneeling in a public square in Koe Tan Kauk village, Rathedaung township on 5 November 2016 during the clearance operations;[32] (3) groups of Rohingya men were arrested on the day prior to the 12 November 2016 incident for which they were charged: at least twenty-three men were detained when the Myanmar military entered their village on 11 November 2016,[33] and between twenty and forty-two Rohingya men were detained on 11 November 2016 after being summoned by the military to a meeting at the school in Pwin Phyu Chaung village;[34] (4) twenty-one Rohingya men were detained on 14 November 2016 after being forced to carry the belongings of military columns from Kyaur Gaung Taung outpost to Yae Twin Kyun outpost;[35] (5) sixty-four Rohingya were detained from Bor Go Zi Bil and Raimon Bil villages in Maungdaw township on 14 November 2024.[36]

12. Arrests of prominent Rohingya men were also carried out in villages that were subsequently attacked by military and security forces during the 2017 clearance operations, namely the Village Administrator[37] and Head of 100 Households[38] in Inn Din[39] and a group of educated and land-owning men from Gu Dar Pyin.[40] The Mechanism interviewed one of the detainees from Gu Dar Pyin who was tried by the Buthidaung Township Court in connection with the 9 October 2016 attacks. Witness P1540 said he was a [redacted] and was arrested together with six other individuals including university-educated landlords, a Moulavi, two farmers, and a [redacted].[41]

13. Witnesses interviewed by the Mechanism who were arrested in the month following ARSA's 2016 attacks, described how they were severely mistreated and brutally kicked in front of their families and other villagers.[42] Two Rohingya men who were detained in

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[31] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 56-64, 68.
[32] **IIMM0027994407** "Myanmar police officers detained over Rohingya beatings video", *BBC*, 3 January 2017.
[33] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 86-108.
[34] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 78-85, 115-118, 121, 127-130.
[35] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 132-152.
[36] **IIMM0028130363** P3391 Screening, para. 15.
[37] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness Defence-422.
[38] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness Defence-423.
[39] Also **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 26, 27.
[40] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witnesses, Defence 389-395.
[41] **IIMM0019922094** P1540 Witness Statement, para. 29.
[42] **IIMM0019922094** P1540 Witness Statement, para. 26-31; **IIMM0027996180** P2384 Witness Statement, para. 29; **IIMM0019915259** P2101 Witness Statement, para.42

Buthidaung Prison who have given signed statements to the Mechanism, described being arrested in January 2017 in the aftermath of the 2016 clearance operations. Witness P2300 said he was detained in Nga Yant Chaung by soldiers from LIB 552, who handcuffed him and tied his legs with rope, put a thorny tree branch against his neck, made him look at the sun, put a tarpaulin over his head, and interrogated him about his knowledge of certain well-known Rohingya individuals in his village.[43] [redacted].[44]

14. Among the Rohingya arrested and detained during the 2016 clearance operations, there were thirteen minors, among them one 10-year-old,[45] one 11-year-old,[46] and one between the ages of 12 and 15.[47]

15. In early August 2017, arrests and detentions of Rohingya escalated in northern Rakhine State. On 5 August 2017, *The Global New Light of Myanmar* reported that "some 31 terror suspects were rounded up by the Myanmar security forces" in Maungdaw township for holding a "secret meeting" in Kyauk Hlay Kar village[48] and that the Border Guard Police No. 3 arrested "six financial supporters of violent attackers" in Auk Nan Yar village.[49]

16. Less than 10 days prior to the 25 August 2017 ARSA attacks and the start of the clearance operations, on 16 August 2017, the Amyotha Hluttaw (upper house of parliament) in Nay Pyi Taw, approved a proposal submitted by an Arakan National Party (ANP) member of parliament, U Khin Maung Latt, to detain and prosecute terrorists active in Maungdaw, Buthidaung and Rathedaung townships of northern Rakhine State.[50] In *The Global New Light of Myanmar,* it was reported that on 18 August 2017, while discussing a motion introduced in the Pyithu Hluttaw (lower house of parliament), ANP member of parliament Daw Khin Saw Wai said "immigrants are infiltrating into the country almost every day and the

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[43] **IIMM0027992306** P2300 Witness Statement, paras. 112, 113 and 114. See below section IV. Treatment of Rohingya in the custody of Myanmar security forces before transfer to Buthidaung Prison.

[44] [redacted]

[45] **IIMM0000003601** Urgent Action, UA MMR 3/2017, 11 July 2017; **IIMM0000001501** "Exclusive - Children among hundreds of Rohingya detained in Myanmar crackdown," *Reuters*, 16 March 2017; **IIMM0027994100** "Myanmar has so far ignored UNICEF calls to release children," *Rohingya Khobor*, 12 April 2017; [redacted]

[46] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English]. Defendant-182 (Age 11).

[47] **IIMM0002695837** Facebook: Information Committee, [unofficial translation] (List of minor defendants detained in Buthidaung township), (5 June 2017).

[48] **IIMM0001139732** "Emergency meeting after killings of civilians in Maungtaw," *The Global New Light of Myanmar*, 5 August 2017, pg. 1.

[49] **IIMM0001139732** "Attack on police force arresting financial supporter of violent attackers in Yathedaung," *The Global New Light of Myanmar*, 5 August 2017, pg. 6.

[50] **IIMM0028132741** "Tatmadaw meets ANP ahead of hluttaw debate," *Frontier Myanmar*, 11 August 2017 ; **IIMM0000004249** Amyotha Hluttaw Meeting 16 August 2017, pg. 42-56 [Myanmar language]; **IIMM0001139748** The Global New Light of Myanmar, 17 August 2017, pg. 1.

population is booming, and as it is, the area is gradually becoming the one in which alien people are coming to live exclusively," while referring to efforts by the BGP to arrest individuals suspected of being "RSO terrorists" in Rathedaung Township.[51]

17. Immediately following the 25 August 2017 ARSA attacks on a military base and up to 30 BGP outposts across northern Rakhine State,[52] the Myanmar security forces conducted coordinated clearance operations against the Rohingya population in northern Rakhine State of even greater scale than the previous year.[53] However, widespread arrests and detentions of Rohingya accused of being associated with Rohingya armed groups had begun weeks before the ARSA attacks.[54] During the 2017 clearance operations, Myanmar military and BGP continued detaining and transferring Rohingya men and boys to Buthidaung Prison.[55]

IV. Treatment of Rohingya in the custody of Myanmar security forces before transfer to Buthidaung Prison

18. In most cases, after Rohingya were arrested they were temporarily held in local or temporary camps and/or BGP camps before being transferred to Buthidaung Prison. Detainees interviewed by the Mechanism indicated that while in such custody they were treated inhumanely and severely tortured.[56] The deaths of eight detainees were publicly reported[57] and the Mechanism has collected evidence that more detainees were executed while in security force custody.[58]

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[51] **IIMM0001139798** "Immediate action by Union Government needed in Rakhine: MP," *The Global New Light of Myanmar*, 19 August 2017, pg. 2.

[52] **IIMM0000008324** Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/CRP.2, 17 September 2018, para. 750.

[53] The Mechanism has collected evidence that the 2017 clearance operations were planned in advance of the 25 August 2017 ARSA attacks. For instance, Tatmadaw troops were deployed to northern Rakhine townships weeks prior. **IIMM0000011740** General Administration Department order, 7 August 2017 [Myanmar language]; **IIMM0000011733** General Administration Department order, 7 August 2017, stating that "Myanmar's military, police force and Border Guard Police are being sent to garrison the villagers as reinforcement" [English translation].

[54] **IIMM0001139764** "Home Ministry pledges to bring terrorists to court," *The Global New Light of Myanmar*, 31 August 2017, pg. 2; **IIMM0000020080** Amnesty International, "We Will Destroy Everything", pg. 29.

[55] [redacted]

[56] **IIMM0028130363** P3391 Screening; **IIMM0019922094** P1540 Witness Statement; **IIMM0027992306** P2300 Witness Statement.

[57] In total, there were at least eight reported deaths in custody of men and boys who had been detained as part of military clearance operations in northern Rakhine State. [**IIMM0000003601** Urgent Action, UA MMR 3/2017, 11 July 2017.]

[58] **IIMM0028131404** P3408 Screening Note, para. 26.

19. Witnesses said that during interrogations at various locations, which often took place with the participation of *Sa Ya Pha* (Military Affairs Security Unit) officers,[59] Rohingya detainees were tied with ropes and handcuffs, beaten with punches, kicks, weapons with knife blades,[60] wooden rods, or rubber sticks, some while being tied up with a rope and hung from the wrists.[61] Detainees said that other physical torture involved the hammering of iron nails into a detainee's skull;[62] injury by the use of knives[63] and sharp beer cans;[64] bullets pressed hard between fingers;[65] the pulling out of teeth;[66] electric shock;[67] and pushing of tied up detainees down a hill.[68] Former detainees said that some lost consciousness due to their injuries, and that torture oftentimes resulted in severe injuries and broken bones.[69] According to witnesses, psychological torture was used as well, such as forcing detainees to dig their graves and lie inside the graves before being executed.[70] Witnesses also described being subjected to various forms of sexual and gender-based violence, including the insertion of rubber sticks in the anus,[71] torture on the testicles,[72] and threat of burning their genital area.[73] The Mechanism has collected photographs depicting scars from injuries consistent with the torture described by witnesses.[74]

20. According to witnesses and material collected by the Mechanism, security forces committed torture and ill-treatment at the following locations:

a. Temporary detention facility of the Maungdaw District Court, Maungdaw township:

[59] **IIMM0019922094** P1540 Witness Statement, para. 42, 52, 69, 72, 76; **IIMM0027992306** P2300 Witness Statement, para. 142, 144.
[60] **IIMM0028130363** P3391 Screening, para. 13.
[61] **IIMM0019922094** P1540 Witness Statement, para. 41-44; Rohingya pronounce *Sa Ya Pha* as *Sa Ra Pa*.
[62] **IIMM0019922094** P1540 Witness Statement, para. 54.
[63] **IIMM0019922094** P1540 Witness Statement, para. 45.
[64] **IIMM0019922094** P1540 Witness Statement, para. 44.
[65] **IIMM0019922094** P1540 Witness Statement, para. 47.
[66] **IIMM0027992306** P2300 Witness Statement, paras. 137, 201; [redacted]
[67] **IIMM0027992306** P2300 Witness Statement, para. 183.
[68] **IIMM0027992306** P2300 Witness Statement, para. 135-136.
[69] **IIMM0019922094** P1540 Witness Statement, para. 37; **IIMM0027992306** P2300 Witness Statement, paras. 120, 133.
[70] **IIMM0019922094** P1540 Witness Statement, para. 53; **IIMM0028131404** P3408 Screening Note, para. 26.
[71] **IIMM0019922094** P1540 Witness Statement, para. 47.
[72] **IIMM0019922094** P1540 Witness Statement, para. 45.
[73] **IIMM0019922094** P1540 Witness Statement, para. 45; **IIMM0000020080** Amnesty International, "We Will Destroy Everything"; **IIMM0028131404** P3408 Screening Note, para. 26.
[74] **IIMM0027992306** P2300 Witness Statement, para. 115; **IIMM0025673224** Pictures of P2300's scars including of P2300's back with scars from stabbing; **IIMM0019922094** P1540 Witness Statement, para. 125; **IIMM0019629124** Picture of scar on arm; **IIMM0019629125** Picture of scar on the head; **IIMM0019629126** Picture of another scar on the head; **IIMM0019629127** Picture of scar below the belly button; **IIMM0019629128** Picture of scars on the knees.

Witness P1540 said that he and six other arrestees were severely beaten and forced to sign documents without reading them, were held in a room with 40-45 other inmates, all Rohingya accused of being involved in the same attack.[75]

b. BGP headquarters, Kyee Kan Pyin, Maungdaw township:
Witness P3408, a military officer, told the Mechanism that during the 2017 clearance operations, he saw seven Rohingya tied up by the entrance to the BGP Headquarters at Kyee Kan Pyin, and was later told by a BGP guard that the Rohingya were made to dig their own graves, killed and buried.[76]

c. BGP Camp No. 3, Buthidaung township:
On 5 June 2017, the Office of Myanmar's State Counsellor released a statement announcing that "Mammud Rawphi (a.k.a. Mammud Arlaung) died on 2 February 2017 while receiving medical care for inflammation of the stomach…. According to a medical certificate recording his death, Mammud Rawphi died of pericardial effusion which caused cardiac shock."[77] Mammud Rawphi had been arrested on 12 November 2016 and held in Border Guard Police Camp No. 3.[78] *The Global New Light of Myanmar* had reported on 3 February 2017 that Mammud Rawphi was "a man" who had been "detained on suspicion of involvement in the violent attacks in October and November… in northern Rakhine State."[79]

d. BGP Camp No. 11, Nyaung Chaung, Buthidaung township:
Witness P1540 said that he and six other arrestees were severely tortured during interrogation with wooden bars and rubber sticks at BGP Camp No. 11. Witness P1540 said he was beaten while hung from his wrists, and had nails hammered into his skull. He described how his nephew was raped with a rubber stick, and how the two of them were made to dig their graves, lay inside on their stomachs while the officers, including the BGP Commander, pointed guns at them.[80]

e. BGP Camp No. 13 ("Setum Teram Nay Gyar Saung Tat"), the sub-headquarters of the BGP located on the west side of Buthidaung town, Buthidaung township:
Witness P1540 said that he heard women being raped at night while detained at BGP Camp No. 13, and heard that some men died from being beaten.[81] Witness P2300 said

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[75] **IIMM0019922094** P1540 Witness Statement, para. 77.
[76] **IIMM0028131404** P3408 Screening Note, para. 26.
[77] **IIMM0002695837** Facebook: Information Committee, [unofficial translation] (List of minor defendants detained in Buthidaung township), (5 June 2017).
[78] **IIMM0000003601** Urgent Action, UA MMR 3/2017, 11 July 2017.
[79] **IIMM0000025677** "Violent attacks suspect dies of stomach inflammation," *The Global New Light of Myanmar*, 3 February 2017, pg. 10.
[80] **IIMM0019922094** P1540 Witness Statement, para. 53.
[81] **IIMM0019922094** P1540 Witness Statement, para. 65: "There were many cells in the camp, and we could hear a lot of crying going on during night time. Men and women were kept separate. Many Rohingya women were detained there at that time, and we heard that some of them were raped and killed in the cells, and later thrown out. I did not see that with my eyes, however the cell doors were made of wood and had many cracks, and we could hear all the sounds from other rooms. Our cell was close to the women's cells. I understood that the border guards would take women from their cells at night and rape them. I do not know where the rapes were

that he and two other detainees were tortured for days with sticks made of bamboo and wood until they confessed.[82]

f. LIB 552 base in Done Paing village, Thin Ga Net village tract, Buthidaung township:

After being taken to the LIB 552 base, witness P2300 said he was severely tortured by beating and stabbing for days to force a confession. He said his testicles were beaten and tortured.[83] He said he was pushed down a hill while being tied, and his teeth were pulled out with pliers. He described other inmates receiving the same treatment.[84] Witness P2300 said that he was tortured until he confessed to sending 25 people to participate in the 9 October 2016 attack.[85]

21. In addition to the venues of their temporary detention and interrogation, detainees said that they frequently suffered mistreatment while being transported, or when taken from Buthidaung Prison to court hearings. Detainees said that they would be thrown into the back of large, open military trucks, normally after their hands had been tied behind their backs, and then subjected to repeated beatings or kicked by soldiers. Soldiers would also sit on or walk over the detainees. According to detainees, beatings and other forms of mistreatment would continue throughout the journey, with some detainees dying during transport.[86]

V. Detention of Rohingya in Buthidaung Prison

22. According to the statements of Rohingya witnesses interviewed by the Mechanism, Rohingya detainees faced extremely degrading conditions of detention once they reached Buthidaung Prison. Witnesses said that cells were cramped, with numbers vastly exceeding capacity.[87] Inmates could not turn while sleeping.[88] Toilets or latrines were inside the cells.[89] Food and drink were insufficient, and those inmates who could, would rely on food brought

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occurring, but from our cell we could hear women talking to each other about being abused and raped by the guards. We heard them crying, "Oh my God! Oh my God!" and saying that their mother or daughter had been killed. It was not one specific episode, we heard those noises and screams at night from day one onwards".

[82] **IIMM0027992306** P2300 Witness Statement, paras. 145, 146, 150.

[83] **IIMM0027992306** P2300 Witness Statement, para. 133.

[84] **IIMM0027992306** P2300 Witness Statement, paras. 123-139.

[85] **IIMM0027992306** P2300 Witness Statement, para. 138.

[86] **IIMM0019922094** P1540 Witness Statement, para. 98.

[87] **IIMM0019922094** P1540 Witness Statement, para. 82, 85; **IIMM0027992306** P2300 Witness Statement, para. 157.

[88] **IIMM0019922094** P1540 Witness Statement, para. 85; **IIMM0027992306** P2300 Witness Statement, para. 157.

[89] **IIMM0019922094** P1540 Witness Statement, para. 82; **IIMM0027992306** P2300 Witness Statement, para. 161.

by their families.[90] One witness claimed that inmates were given spinach that was grown at a farm near the prison and fertilized with the inmates' excrement from the common toilet.[91]

23. Witness P1540 said that while there was a hospital for the prisoners in Buthidaung prison, medical care was mostly unavailable or inadequate at the facility, contributing to the development or worsening of serious diseases and sometimes to the death of the inmates.[92]

24. Inmates were allowed to move around their building at a fixed time, but not to go to other buildings without permission.[93] They were allowed to play volleyball, football, and netball ("*paik kyaw*") inside the prison and were provided classes for six subjects according to the Burmese curriculum, including Burmese and English.[94]

25. According to Witness P1540, Rohingya detainees made up the vast majority of the prison population.[95] Rakhine inmates received significantly better treatment and were even given powers by the prison authorities to manage the Rohingya inmates.[96]

26. Witnesses said that most Rohingya inmates either suffered or witnessed verbal and physical mistreatment, torture and other inhumane acts perpetrated by prison guards, including the Head of the Prison, and ethnic Rakhine detainees.[97] These included beating and torture, sometimes resulting in the death of inmates, forced labor, extortion, persecution during detention and sexual and gender-based crimes in the form of forced nudity and forcing child detainees to provide body massages to the prison guards.[98] According to witnesses, inmates were oftentimes "punished"' for no reason and taken to a "dark room", considered to be a torture room.[99]

27. Former detainees reported that some of the inmates were children and accused in criminal proceedings.[100] The Mechanism has recorded one statement of an individual who was a child between 13 and 15-years-old at the time of detention, who was brought by policemen to the Buthidaung Prison without any charge and without their presence at the

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[90] **IIMM0019922094** P1540 Witness Statement, para. 92, 94; **IIMM0027992306** P2300 Witness Statement, para. 163.
[91] **IIMM0019922094** P1540 Witness Statement, para. 87.
[92] **IIMM0019922094** P1540 Witness Statement, para. 93.
[93] **IIMM0019922094** P1540 Witness Statement, para. 86.
[94] **IIMM0019922094** P1540 Witness Statement, para. 88.
[95] **IIMM0019922094** P1540 Witness Statement, para. 84.
[96] **IIMM0027992306** P2300 Witness Statement, para. 161-162, 173-174; **IIMM0019922094** P1540 Witness Statement, para 92.
[97] [redacted] **IIMM0027992306** P2300 Witness Statement, para 158, 163, 169, 174-176, 181; **IIMM0019922094** P1540 Witness Statement, para. 89-90.
[98] [redacted] **IIMM0027992306** P2300 Witness Statement, para 158, 163, 169, 174-176, 181; **IIMM0019922094** P1540 Witness Statement, para. 89-90.
[99] **IIMM0019922094** P1540 Witness Statement, paras. 91, 100; **IIMM0027992306** P2300 Witness Statement, paras. 164, 169, 173, 176; [redacted]
[100] **IIMM0019922094** P1540 Witness Statement, para. 84, 107; **IIMM0027992306** P2300 Witness Statement, para. 158, 191.

facility being recorded. Witness P2384 said they were kept for days in an isolation cell with no food, water or light, and severely beaten and repeatedly raped by police officers.[101]

VI. Conviction of Rohingya detained in connection with the 2016 and 2017 clearance operations

28. At least 416 Rohingya were tried by the Buthidaung Township Court in connection with the 9 October 2016 and 12 November 2016 attacks under section 17(2) of the Unlawful Association Act (1908).[102] The court's judgement was based largely on the testimony of police officials. Referring to the defendants, Police sub-lieutenant Phyo Maung Maung testified that, the "defendants appear[ing] in court were arrested during the clearance operation,"[103] Corporal Aung Htay testified that "the faces of those defendants are well recognized… [they] conducted violent attacks within Buthidaung and Maungdaw areas in collaboration with the RSO Mujahideen groups so as to build a Rohingya state,"[104] and Police sub-lieutenant Pyae Phyo Aung testified that "the defendants appeared in the court were Bengali terrorist insurgents [who] conducted violent attack during the event."[105] In the judgment there was no description of any testimony that individualized the roles or responsibilities of the convicted persons.

29. Twenty-five of the defendants were acquitted, largely on medical grounds such as visual impairment[106] or on the basis that they belonged to other ethnic groups (eg. Mro or Hindu) so presumably would not be members of a Rohingya armed group.[107] The judgement rendered by the Buthidaung Township Court found 391 Rohingya defendants guilty, taking "into consideration of the overall nature of the environment during the incident, it has been found that the cause of the death of the acting commander Major Kyaw Zay Yar and the casualties of members of Tatmadaw is the group attack carried out by the defendants mentioned in the above against the column led by the acting commander Major Kyaw Zay Ya and the column led by Police Second Lieutenant Han Myo Aung from No. 2

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[101] **IIMM0027996180** P2384 Witness Statement, paras. 41-53.

[102] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 29.

[103] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], testimony of Police sub-lieutenant Phyo Maung Maung (Plaintiff Witness-20).

[104] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], testimony of Corporal Aung Htay (Plaintiff Witness-15).

[105] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], testimony of Police sub-lieutenant Pyae Phyo Aung (Plaintiff Witness-16).

[106] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness, Defencees 294, 309, 355.

[107] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], Witness, Defencees 1, 30, 422, 423.

Border Guard Police Force. As the defendants mentioned in the above were involved and acted under the lead of RSO Mujahidin terrorist group, therefore they have violated the Unlawful Association Act (1908) as per Section 17(2)"[108]. The 391 Rohingya defendants were each sentenced to three years imprisonment with hard labour.[109]

30. Upon release, Rohingya inmates alleged that they were forced to accept the National Verification Card (NVC). Former detainees stated that sometime during their detention, immigration officers came to the prison and took individual pictures and recorded identifying information of only Rohingya inmates. Rohingya inmates were not told the purpose of this procedure. They were told to sign and fingerprint a document and were not given the opportunity to refuse the NVC.[110]

VII. Myanmar authorities' response to allegations concerning treatment of Rohingya detainees in Buthidaung Prison

31. The arrest, detention, inhumane treatment and conviction of Rohingya men, women and children in transit to and in Buthidaung Prison as part of the 2016 and 2017 clearance operations were widely reported in national and international media coverage and were also the subject of several high-level interventions by representatives of international organizations to Myanmar authorities.

32. On 17 October 2016, confronted with concerns expressed by human rights advocates about the number of people who had been arrested or killed over the week following the 9 October attack, [111] the Minister for Home Affairs, Lieutenant-General Kyaw Swe told reporters that individuals who had been detained in connection with the attacks were being treated in accordance with the law, and that there was "no unlawful conduct, no torture" involved in the interrogation of people suspected of involvement in the attacks.[112]

IIMM0000008918_T_MT_EN_01 Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 64.

[109] **IIMM0000008918_T_MT_EN_01** Judgement, Buthidaung Township Court, 25 January 2018, 2017 Criminal Case No: 22 [English], pg. 98.

[110] **IIMM0019922094** P1540 Witness Statement, para. 116; **IIMM0027992306** P2300 Witness Statement, para. 66; [redacted]; **IIMM0000001453** Human Rights Watch, "Myanmar: Security Forces Torture Rohingya Returnees," 21 August 2018; **IIMM0000001849** Fortify Rights, Submission to FFM Myanmar NVCs.

[111] **IIMM0028132730** "ANNI Statement: Burma/Myanmar Must Protect Human Rights for All and Ensure Independent Investigations into Alleged Violations in Rakhine State," Asian NGO Network on National Human Rights Institutions, 27 November 2016; **IIMM0027998189** "Security forces probe Rohingya prison deaths in Maungdaw," *Frontier Myanmar*, 23 February 2017.

[112] **IIMM0027994106** "Maungdaw prisoners treated lawfully, says minister," *DVB,* 17 October 2016.

33. On 21 October 2016, the Special Rapporteur on the situation of human rights in Myanmar; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on minority issues; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment issued a joint urgent appeal to the Myanmar Government alleging human rights violations occurring in relation to attacks on 9 October 2016 in northern Rakhine State, specifically highlighting the arbitrary arrests of Rohingya, including children, suspected of being involved in the attack or of fleeing during sweeps through villages, and reports of ill-treatment of those arrested including during interrogations as well as extortion to avoid arrest.[113]

34. Yanghee Lee, the Special Rapporteur on the situation of human rights in Myanmar, separately repeated concerns, on 24 October 2016, regarding allegations of arbitrary arrests as well as extrajudicial killings occurring within the context of the security operations conducted by the authorities in response to the 9 October 2016 ARSA attacks.[114]

35. On 18 November 2016, the Special Rapporteur on the situation of human rights in Myanmar shared further concerns about reported "reprisals against villagers who had shared their grievances with the delegation".[115]

36. On 25 November 2016, the Committee for the Implementation of Peace and Development in Rakhine State announced the formation of a task-force to investigate alleged human rights abuses.[116] U Zaw Htay, Myanmar President's Office spokesman, said that "We have kept exhaustive records of the interrogation of suspected attackers. So the team can observe themselves whether there have been any human rights violations."[117]

37. On 1 December 2016, President Htin Kyaw announced the creation of the Investigation Committee on Maungdaw in Rakhine State ("Investigation Committee"), mandated to investigate the situation in Rakhine State, including "whether outside allegations made in connection to area clearance operations undertaken by security personnel are true," and to report its findings by 31 January 2017.[118] The Investigation Committee was mandated to conduct investigations in accordance with Myanmar's Criminal Procedure and the

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[113] **IIMM0028132748** Urgent Action, UA MMR 4/2016, 21 October 2016.
[114] **IIMM0000017663** "UN experts urge Myanmar to address serious violations of human rights in northern Rakhine State", 24 October 2016.
[115] **IIMM0000011287** UN Human Rights, "Myanmar: UN expert warns of worsening rights situation after "lockdown" in Rakhine State," 18 November 2016.
[116] **IIMM0000025523** "New taskforce to be formed to investigate Rakhine violence," *Myanmar Times*, 25 November 2016.
[117] **IIMM0000025523** "New taskforce to be formed to investigate Rakhine violence," *Myanmar Times*, 25 November 2016.
[118] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, pg. 4; **IIMM0027993728** "Formation of Investigation Commission," The Republic of the Union of Myanmar President Office, 1 December 2016.

Evidence Act.[119] The 13-member committee was led by Vice-President Myint Swe, former lieutenant general and head of military intelligence.[120] On 13 December 2016 and 14 February 2017, members of the Investigation Committee visited Buthidaung Prison and interviewed prisoners.[121]

38. On 20 January 2017, the Government of Myanmar responded to the 21 October 2016 UN Special Rapporteurs' joint urgent appeal, stating that "the reports on ill-treatment of the arrested are not true", and that "[t]here were no children arrested, detained and/or killed in the context of security operation."[122]

39. Special Rapporteur Yanghee Lee visited Buthidaung Prison in January 2017, and spoke with Rohingya detainees. In her end-of-mission statement of 23 January 2017, she raised concerns about the hundreds of individuals detained in Buthidaung in relation to the 9 October 2016 attacks, who had no legal representation, no understanding of their charges, and were disconnected from their families since their arrest.[123] On 14 March 2017, the Special Rapporteur reported:

> "During her recent visit, the Special Rapporteur raised with the authorities reports of custodial deaths among those arrested during security operations, including a former United Nations employee. She was told that those deaths had resulted from pre-existing health conditions. While the Special Rapporteur did not obtain access to the post-mortem reports of those cases, concern is raised regarding treatment in detention, including during interrogations, and access to immediate and proper medical treatment. In many cases, it would appear that suspects did not have legal representation. Additionally, many detainees' families were not informed of their arrests, with many believing their family members had been killed. She calls for the families of detained individuals to be immediately informed of their whereabouts and due process guarantees respected."[124]

40. Shortly following the release of the OHCHR Flash Report on 3 February 2017 ("February 2017 OHCHR Flash Report"), the Myanmar military announced the establishment of a team to investigate whether there had been "unlawful acts including violations of human rights" and whether soldiers operated "within the framework of law".[125] Further, the

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[119] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, pg. 4.
[120] **IIMM0001139035** "Formation of Investigation Commission," *Global New Light of Myanmar,* 2 December 2016, pg. 4.; **IIMM0027998179** "Myanmar rejects allegations of human rights abuses against Rohingya, *Reuters*, 6 August 2017.
[121] **IIMM0001138901** "Investigation Commission Interviews Jailed Suspects," *Global New Light of Myanmar,* 14 December 2016.
[122] **IIMM0028132747** Ambassador Htin Lynn's response to UA MMR 4/2016, 23 January 2017.
[123] **IIMM0028132745** "End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar," 23 January 2017.
[124] **IIMM0000006071** Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/34/67, 14 March 2017, para. 80.
[125] **IIMM0001139386** "Tatmadaw releases reaction to OHCHR report," *The Global New Light of Myanmar*, 10 February 2017, pg. 3.

Myanmar military stated that "if sufficient evidence is found of violating human rights, the Government will take legal actions against anyone."[126] The military investigation team was led by Inspector General of the Defense Services Lieutenant General Aye Win.[127] From 10 February to 4 March 2017, this military investigation team deployed to northern Rakhine and interviewed 26 inmates from Buthidaung Prison. The military investigation team concluded that the allegations against the Myanmar security forces in the February 2017 OHCHR Flash Report, including those related to the arbitrary detention, inhumane conditions and ill-treatment of Rohingya in detention,[128] were either "totally wrong" or "found to be untrue due to false accusations and exaggerations."[129]

41. On 21 February 2017, *Reuters* published an article revealing that the BGP was conducting an internal investigation into the deaths of two Rohingya men in BGP custody and the subsequent attempted cover-up of their deaths by BGP officers.[130] The internal report, viewed by *Reuters*, was titled "A cover-up of two deaths by Border Guard Police" and focused on a father and son who were arrested on 18 October 2016 in Nga Khu Ya, Maungdaw township, and questioned on suspicion of aiding ARSA. Their death in BGP custody was covered-up by local BGP officers, who recorded that the two men had been transferred to another police detention center. According to Thura San Lwin, the BGP Chief in Maungdaw township, the documents with the findings had been submitted to police headquarters in Nay Pyi Taw.[131] It is unknown what if any action was taken following the submission of the report and whether anyone was punished.

42. On 11 July 2017, UN Special Rapporteurs issued another joint urgent appeal expressing concerns about the detention of Rohingya children as young as 10-years-old in Buthidaung Prison held in connection with the attacks of 9 October 2016, highlighting in particular their detention conditions including the lack of adequate medical attention and treatment, which may have resulted in the death of one child detainee.[132]

43. [redacted]

[126] **IIMM0001139386** "Tatmadaw releases reaction to OHCHR report," *The Global New Light of Myanmar*, 10 February 2017, pg. 3.
[127] Ibid.
[128] **IIMM0000005019** OHCHR Flash Report, "Report of OHCHR mission to Bangladesh Interviews with Rohingyas fleeing from Myanmar since 9 October 2016", pg. 29.
[129] **IIMM0000224460** CINCDS Facebook page, "Myanmar's true situation should be apprehended: there are misjudgments resulting from wrong reports", 23 May 2017; **IIMM0000014815** "Press statement issued by Tatmadaw True News Information Team about accusations described in the OHCHR's report submitted to Human Rights Commission," 23 May 2017.
[130] **IIMM0000001434** "Exclusive: Myanmar probing police 'cover-up' of deaths of two Rohingya Muslims," *Reuters*, 22 February 2017.

[131] **IIMM0000001434** "Exclusive: Myanmar probing police 'cover-up' of deaths of two Rohingya Muslims," *Reuters*, 22 February 2017.
[132] **IIMM0000003601** Urgent Action, UA MMR 3/2017, 11 July 2017.

[redacted]

44. On 5 June 2017, when a public statement was issued by the Office of Myanmar's State Counsellor that "Mammud Rawphi (a.k.a. Mammud Arlaung) died on 2 February 2017 while receiving medical care for inflammation of the stomach…."[134] the statement contained no information about any investigation into his death or detention, nor any explanation as to why the announcement of the boy's death was delayed.

45. Special Rapporteur Yanghee Lee visited Buthidaung Prison again in July 2017. In her 8 September 2017 report, the Special Rapporteur stated that she had raised her concerns with the Myanmar authorities regarding reported deaths in custody, including those of children, among those arrested during the security operations following the 9 October attacks. She recalled in particular how the children in detention that she met did not appear to fully understand their situation and the implication for their liberty and other freedoms if found guilty of the charges against them.[135]

46. Following the Special Rapporteur's visit to Buthidaung Prison, Rohingya detainees were questioned by the Head of the Prison about the conversation they had with her. According to one witness who was present during the visit, the inmates lied about the conversation, knowing that otherwise they would be beaten.[136]

47. Similarly, the International Committee of the Red Cross (ICRC) conducted visits to Buthidaung Prison and spoke to Rohingya detainees. One witness told the Mechanism that before the ICRC's visits, however, the prison authorities would make things "look perfect",[137] and the Head of the Prison and the guards would tell detainees to not tell the ICRC anything, threatening them with beatings.[138] Following ICRC visits, the Head of the Prison would interrogate the detainees. One witness told the Mechanism that, "those prisoners who spoke to the ICRC were made to pay for it later."[139] The Head of the Prison inquired whether the detainees had given any secret letters to the ICRC and "[i]f somebody admitted" to doing so, "they were taken to the punishment room."[140]

48. In 2017, the Myanmar National Human Rights Commission visited Buthidaung Prison three times.[141] The national press reported that, "according to the findings of the investigation

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[133] [redacted]

[134] **IIMM0002695837** Facebook: Information Committee, [unofficial translation] (List of minor defendants detained in Buthidaung township), (5 June 2017).

[135] **IIMM0000010783** Situation of human rights in Myanmar, A/72/382, 8 September 2017.

[136] **IIMM0019922094** P1540 Witness Statement, para. 96.

[137] [redacted]

[138] **IIMM0027992306** P2300 Witness Statement, para. 169.

[139] [redacted]

[140] **IIMM0027992306** P2300 Witness Statement, para. 169.

[141] **IIMM0001139248** "Performances of Myanmar National Human Rights Commission," *Global New Light of Myanmar*, 12 January 2018, pg. 9.

done by the Myanmar Human Rights Commission into Buthidaung Prison, it is learnt that there were no cases of torture, and that systematic preparation was done for feeding prisoners in accord with the designated limit. In addition, freedom of worship was allowed, according to the findings".[142]

VIII. Conclusion

49. The Mechanism has collected considerable evidence to date of the arrest, detention, treatment and conviction of Rohingya men, women and children in transit to and in Buthidaung Prison prior to and following the 2016 and 2017 clearance operations in northern Rakhine State.

50. This evidence pertains to the location, facilities and role of Buthidaung Prison as the main detention facility in northern Rakhine State where Rohingya were imprisoned, in particular following the 2016 attacks by the Arakan Rohingya Salvation Army (ARSA) and the subsequent clearance operations by Myanmar security forces in northern Rakhine State. The Rohingya, among them children and minors, that were imprisoned in Buthidaung Prison were arrested during the clearance operations, often in groups. Former detainees told the Mechanism that they were subsequently held in security force camps and bases, where they experienced ill-treatment, torture, and sexual and gender-based violence, prior to their transfer to Buthidaung Prison. Once transferred to Buthidaung Prison, Rohingya detainees experienced degrading conditions, with overcrowding, inadequate medical care, and preferential treatment for Rakhine inmates. The witness testimonies collected by the Mechanism depict a pervasive culture of abuse within detention facilities in northern Rakhine State and in Buthidaung Prison. Hundreds of Rohingya were convicted in connection with the clearance operations by the Buthidaung Township Court and sentenced to imprisonment and hard labour. Rohingya inmates were forced to accept National Verification Cards (NVC) upon release. The responses of Myanmar authorities to allegations of mistreatment often denied or downplayed allegations of abuse and mistreatment, while Rohingya detainees who spoke to international organizations were threatened with further violence.

51. The Mechanism will continue to investigate perpetrators, including Myanmar civilian and military commanders who knew or had reason to know that persons in position of subordinate authority were about to commit crimes, or had already committed those crimes, and failed to take the necessary and reasonable steps to prevent or to punish the commission of those crimes.

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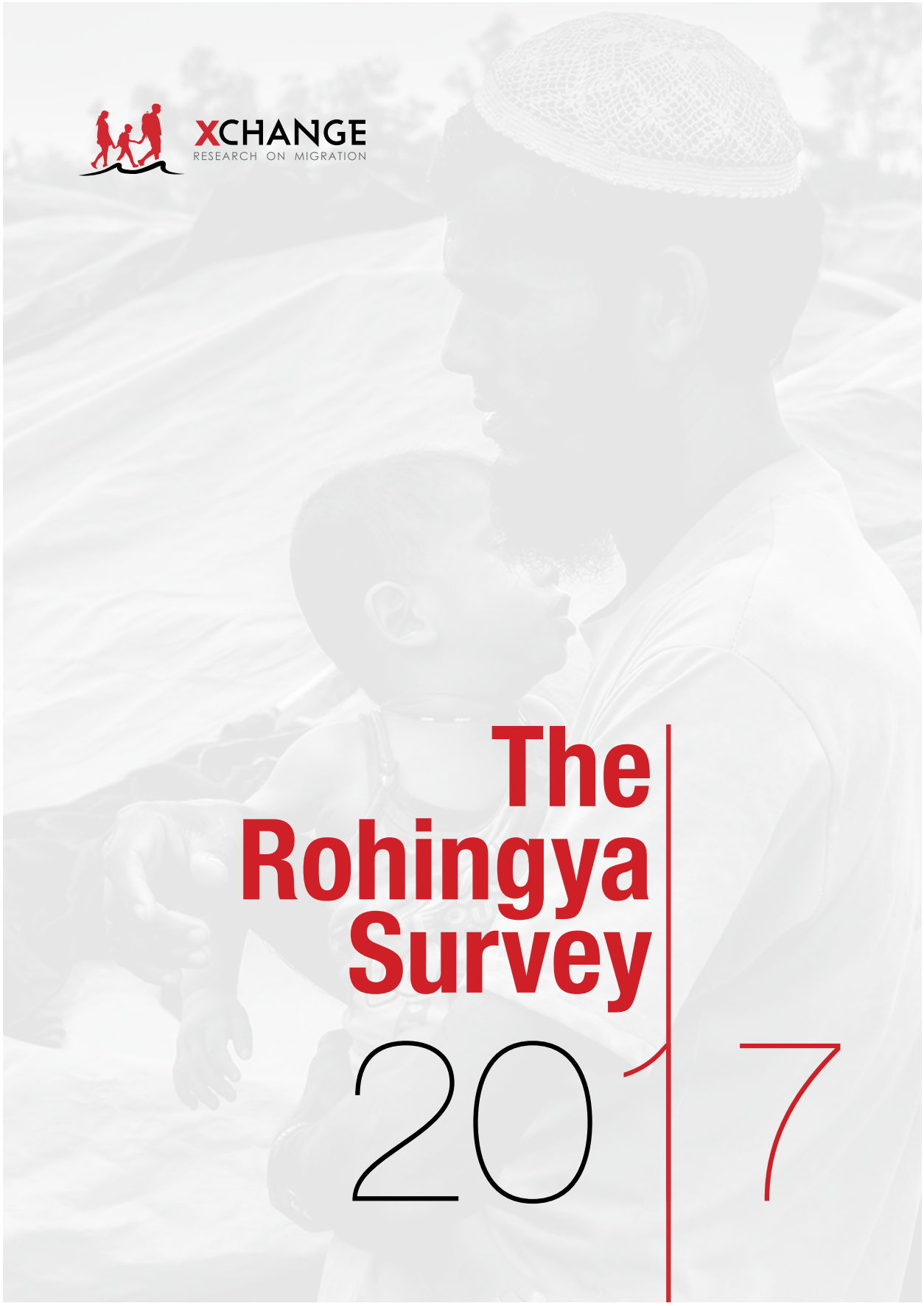
[142] **IIMM0001139590** "Investigation commission visits Maungtaw for the third time," *The Global New Light of Myanmar,* 15 February 2017.

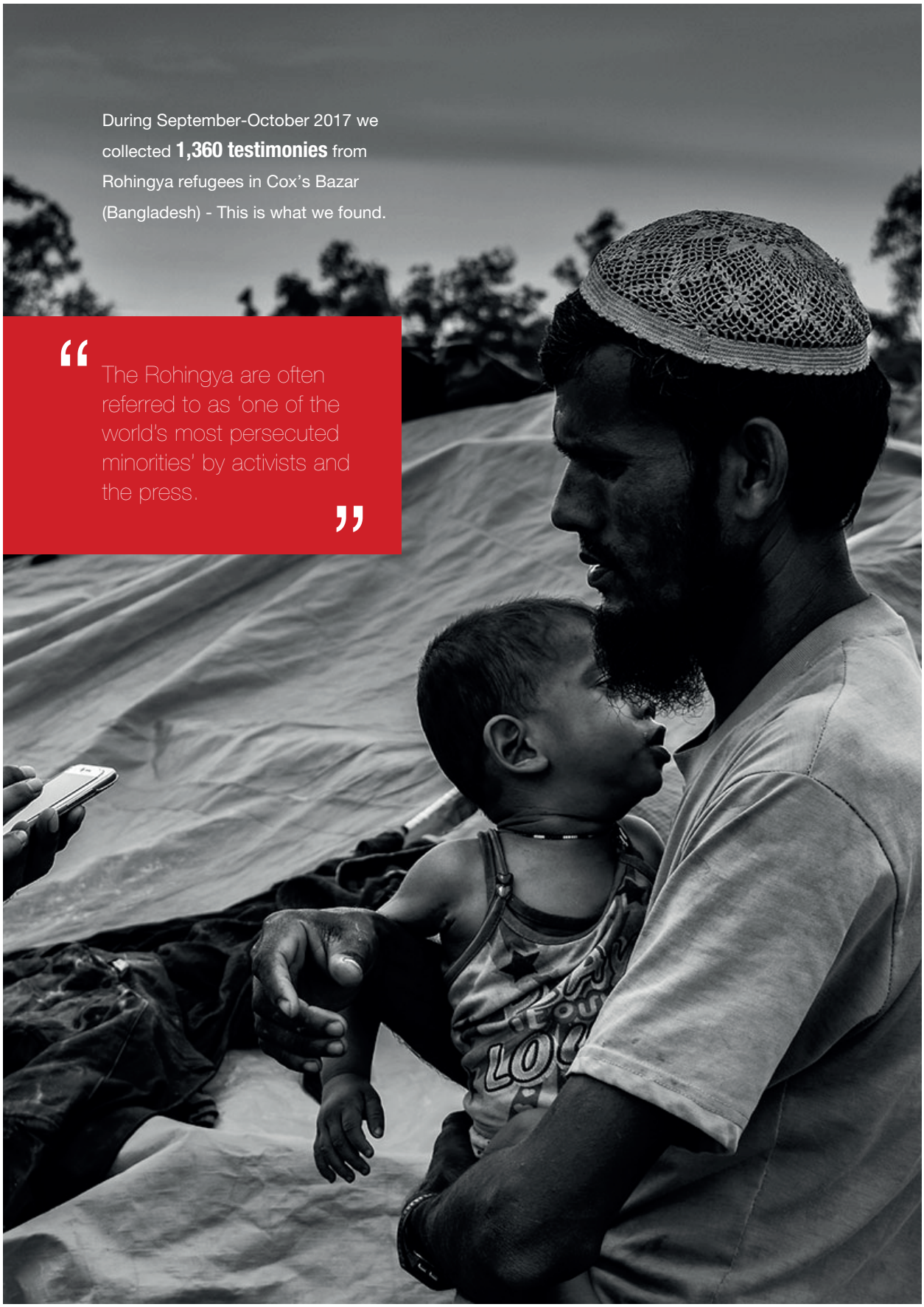
Annex 11

XChange Research on Migration, *The Rohingya Survey 2017*
(September – October 2017),
available at http://xchange.org/reports/TheRohingyaSurvey2017.html



XCHANGE
RESEARCH ON MIGRATION

The Rohingya Survey 2017


During September-October 2017 we collected **1,360 testimonies** from Rohingya refugees in Cox's Bazar (Bangladesh) - This is what we found.
"The Rohingya are often referred to as 'one of the world's most persecuted minorities' by activists and the press."

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Context

Rohingya Muslims are the largest Muslim community in Myanmar[1]. They form a distinct ethnic group, with their own language and culture.[2] However, the Rohingya are subject to severe discrimination from the Myanmar government, compounded by marginalization from the general population. The Rohingya are considered "illegal immigrants" from neighbouring Bangladesh despite being able to trace their roots back for centuries in the territory which now forms the State of Myanmar.[3] As a result, the Rohingya have faced protracted displacement, discrimination, lack of access to education, and restrictions on freedom of movement.



Kutupalong, the biggest Rohingya refugee camp in Bangladesh.- ® MOAS.eu - October. 2017

1 *Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016 , 3 February 2017 para 2 pg2 http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf*

2 *Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016 , 3 February 2017 para 3 pg2 http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf*

3 *Xchange Foundation, Rohingya Survey 2016, http://xchange.org/map/RohingyaSurvey.html*

Myanmar's 1982 Citizenship Law establishes three tiers of citizenship, the highest order of which is only attainable to members of 135 "national races" that are deemed "indigenous" under the law. Rohingyas do not appear on this list[4]. In order for Rohingyas to be eligible for the basic level of citizenship (naturalised), they are required to provide evidence of their ancestry in Rakhine State prior to 1948, as well as fluency in one of the national languages. The former, in particular, is an unattainable burden of proof for most[5]. As such, the vast majority are effectively stateless, yet citizenship has de facto little impact on rights or ability to access services. Rohingyas and Muslims of other ethnicities that have citizenship documents face many of the same restrictions, despite the fact that their rights are technically enshrined in law.

In the 2014 census - the first census conducted in Myanmar since 1983 - the government prohibited Rohingyas from identifying themselves by their chosen designation and required them to register as "Bengali", which most refused to do.[6] The vast majority of Rohingyas were not counted by census enumerators and do not appear in the final census document. This most recent 'erasure' of the Rohingya compounds existing restrictions that have left most unable to access their rights to work, study, travel, marry, register births, and health services, a process that accelerated following 2012 communal violence in Rakhine State. In Northern Rakhine State (Northern Rakhine), Rohingya face being deleted from government 'residency list' if they are not present during annual "household inspections". The implications of this are that without proof of residence, Rohingya may not be able to acquire citizenship in the future; for those who fled Myanmar, complying with this regulation may prove insurmountably - and intentionally - difficult.[7]

The majority of Rohingya Muslims live in the northern areas of Rakhine State in northwestern Myanmar, with populations particularly concentrated in Maungdaw, Buthidaung, and Rathedaung townships. Rakhine State is one of the most deprived states in Myanmar, with chronic poverty, poor infrastructure, limited access to basic services, few livelihood opportunities, as well as human security and human rights challenges.[8]

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4 *These are: Bamar (which constitute approximately two thirds of the population), Rakhine, Kachin, Kayah, Chin, Kayin, Mon, and Shan. They may be further broken down into 135 recognised "national ethnic groups" which does not include the Rohingya. See: Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016 , 3 February 2017 para 19 pg 6 http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf*

5 *In 1982, the government introduced regulations that denied citizenship to anyone who could not prove Burmese ancestry from before 1823.This disenfranchised many Muslims in Myanmar, even though they had lived in Myanmar for several generations. See:Burma Citizenship Law, 15 October 1982, http://www.refworld.org/docid/3ae6b4f71b.html*

6 *As a result, there is no publicly available data on the exact number of the Rohingya population in Myanmar. See: Report of the United Nations High Commissioner for Human Rights: Situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/32/18), https://reliefweb.int/report/myanmar/report-united-nations-high-commissioner-human-rights-situation-human-rights-rohingya*

7 *Amnesty USA, Caged without a Roof: Apartheid in Myanmar Rakhine state (2017) https://www.amnestyusa.org/wp-content/uploads/2017/11/Caged-without-a-Roof-Apartheid-in-Myanmar-Rakhine-State.pdf, pg 11*

8 *Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016 , 3 February 2017 http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf 5*

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The Rohingya and other Muslim populations in Rakhine State face official restrictions on movement and segregation from other communities. Rohingyas in Rakhine State must obtain official permission in order to travel between townships or outside of the state, a process which is notoriously bureaucratic.[9] Across Northern Rakhine, travel between villages requires passing through checkpoints, making the Rohingya vulnerable to threats, extortion and physical violence. In these areas of the state, curfews are also often in place, prohibiting people from leaving their homes or travelling at night.[10]

Since the 1970s, a number of 'crackdowns' on the Rohingya have resulted in mass expulsions – most notably in 1978 and 1991-1992 – which sent hundreds of thousands over the border to Bangladesh, where they have remained.

TIMELINE

1948 – Myanmar gains independence from Britain

1962 – Ethnic minorities face increasing discrimination and human rights abuse following a military coup

1974 – Rohingya denied right to vote

1977 – Crackdown on "illegal immigration" resulted in an estimated 200,000 Rohingya fleeing to Bangladesh, majority return the following year

1982 – Myanmar enacts the 1982 Citizenship Law denying Rohingya citizenship

1991 – Alleged crimes against the Rohingya lead to 250,000 fleeing to Bangladesh

1995 – The authorities begin issuing Rohingya with Temporary Registration Cards (TRC)

2001 – Anti-Muslim riots across Myanmar result in the displacement of Rohingya

2010 – Myanmar holds significant general elections, Rohingya are allowed to vote, and a Rohingya candidate is elected as a Member of Parliament

2011 – Official transfer of power to a quasi-civilian government

2012 – Violence breaks out between Muslims and Buddhists greatly impacting the Rohingya. Leads to persecution and restriction to the Rohingya's freedoms

2014 – Myanmar holds its first nationwide census since 1983, Rohingya are not incorporated or represented

2015 – TRCs are revoked leaving the Rohingya without identity documents

2016 – ARSA attacks police posts leading to heavy military response. More than 87,000 Rohingya flee to Bangladesh

2017 – ARSA launches attacks against security groups. The military respond with extreme violence against the Rohingya. More than 600,000 Rohingya flee to Bangladesh over two months

9 *Amnesty USA, Caged without a Roof: Apartheid in Myanmar Rakhine state (2017) https://www.amnestyusa.org/wp-content/uploads/2017/11/Caged-without-a-Roof-Apartheid-in-Myanmar-Rakhine-State.pdf pg12*

10 *Amnesty USA, Caged without a Roof: Apartheid in Myanmar Rakhine state (2017) https://www.amnestyusa.org/wp-content/uploads/2017/11/Caged-without-a-Roof-Apartheid-in-Myanmar-Rakhine-State.pdf pg12*

In the wake of political reforms in Myanmar, communal tensions and outbreaks of violence increased markedly in Rakhine State. Two waves of intercommunal violence between Muslims and Buddhists swept across the state in June and October 2012, and there is strong evidence to suggest the violence was coordinated and encouraged by the security forces. This resulted in widespread injury and death, destruction of property, and the displacement of 140,000 people, most of whom remain segregated in internment camps near the state capital, Sittwe, five years on.[11] Unsurprisingly, 2012 saw the start of a mass exodus to Malaysia by boat, with hundreds of thousands facing extreme dangers at sea and predation from unscrupulous human traffickers. The sea route has been disrupted since mid-2015, when governments in the region cracked down on maritime smuggling networks.[12]

> The Arakan Rohingya Salvation Army (**ARSA**), formerly called Faith Movement or Harakah Al Yaqeen, are a Rohingya insurgent group active in Northern Rakhine State, Myanmar. The group have been training people since 2013. The Central Committee for Counter-Terrorism of Myanmar declared the ARSA a terrorist group in August 2017. The group refute this claim, stating its main purpose as defending the rights of Rohingyas.

In October and November 2016, some 300 Rohingya men ostensibly from a previously unknown insurgent group calling itself Harakah al-Yaqin, or "The Faith Movement", attacked three border posts in Maungdaw and Rathedaung townships in Rakhine State, killing nine police officers. The Myanmar military responded with a brutal crackdown in a major security operation. During this operation, government troops were accused of myriad human rights abuses. As a result of this, 87,000 Rohingya fled to Bangladesh.[13]

On August 25th 2017, the same group, which had rebranded itself as the Arakan Rohingya Salvation Army, or ARSA, is believed to have orchestrated attacks on 30 police posts and an army base, killing 11 members of the security forces. This was the bloodiest day of fighting since conflict the broke out in 2016 and marked a significant turning point in the state's campaign to remove Rohingyas from Northern Rakhine. The Myanmar military responded, supported by the Border Police and armed ethnic Rakhine villagers, by launching sweeping attacks against Rohingya villages. Despite official denials, there is overwhelming evidence indicating that the Myanmar military targeted the Rohingya population as a whole rather than the individuals responsible for the attacks.

As a result, more than 600,000 additional Rohingya have fled Northern Rakhine to Bangladesh. Satellite images analysed by Human Rights Watch show a 100-kilometre-long area in Rakhine State razed by fires following the crackdown.[14] This area is five times larger than where burnings by Myanmar security forces occurred from October to November 2016.

11 *Report of the Special Rapporteur on the situation of human rights in Myanmar, 25 September 2012 (A/67/383), paras. 56–58, http://www.ohchr.org/EN/HRBodies/SP/Pages/GA67session.aspx*

12 *Vivian Tan, Over 168,000 Rohingya likely fled Myanmar since 2012 - UNHCR report, 03 May 2017 http://www.unhcr.org/news/latest/2017/5/590990ff4/168000-rohingya-likely-fled-myanmar-since-2012-unhcr-report.html*

13 *Amnesty USA, Caged without a Roof: Apartheid in Myanmar Rakhine state (2017) https://www.amnestyusa.org/wp-content/uploads/2017/11/Caged-without-a-Roof-Apartheid-in-Myanmar-Rakhine-State.pdf pg9*

14 *Human Rights Watch (HRW), Burma: Satellite Images Show Massive Fire Destruction, September 2, 2017 https://www.hrw.org/news/2017/09/02/burma-satellite-images-show-massive-fire-destruction*

Methodology

The objective of this research was to collect, analyse and make freely available for further dissemination, data collected on the journeys, and events and incidents committed against the Rohingya in Northern Rakhine which triggered the mass exodus to Bangladesh from Myanmar. This research combines quantitative and qualitative methodologies in order to address the following research questions following the August 25th military operation:

- Types of incident(s) committed against the Rohingya;
- Perpetrators of the incident(s);
- Migration patterns and dynamics of the exodus.

A Senior Researcher was sent to Bangladesh to train two local teams of enumerators, fluent in the Rohingya language, who were then deployed to Cox's Bazar district. They interviewed Rohingya refugees who had entered Bangladesh from Northern Rakhine as a result of events on or after August 25th 2017. The data collection team focused in particular on the number and types of incidents that occurred, as well as the routes taken by the refugees from their hometowns in Myanmar to Bangladesh.

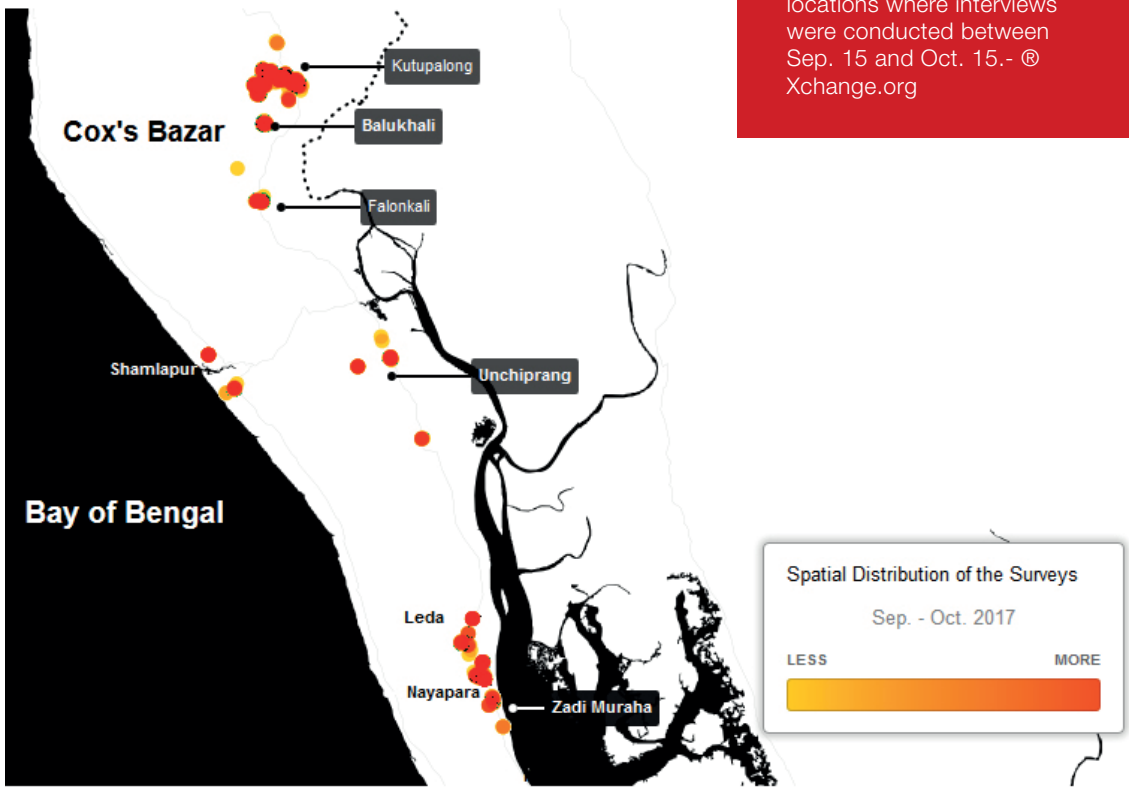
Between 15th September and 15th October 2017, the team collected 1,360 interviews in Cox's Bazar district, which included detailed testimonies on the events and incidents/abuses they had either experienced personally or had witnessed before or during the journey to Bangladesh. The team was comprised of 3 male enumerators and 1 female enumerator. The team's female enumerator focused on interviews with women, to ensure that interviews were conducted in a gender-sensitive manner.

> "For the purpose of this survey, an "incident" was defined as an event or abuse of some kind that was considered serious or meaningful enough to the respondent to push them to flee their home in Myanmar."



Xchange's enumerators collecting data in Cox's Bazar - ® Xchange.org , Sept. 2017

The 'Northern' data collection team was formed of two male Rohingya enumerators, who collected data in Kutupalong, a registered camp that hosts most of the Rohingya refugees in Cox's Bazar district, as well as the unregistered camps of Balukhali and Falonghali. The 'Southern' data collection team was formed of two Rohingya enumerators (one male, one female) who covered Nayapara registered camp, Leda and Zadi Murah camps, as well as the hosting village of Shamlapur.



Map showing the GPS locations where interviews were conducted between Sep. 15 and Oct. 15.- ® Xchange.org

All interviews were conducted inside the respondent's tent, or secluded areas nearby to ensure privacy and preserve the dignity of the respondents. The principle of confidentiality was also explained to all respondents. Within this report, all respondent's names have been changed to protect their identities. Finding individuals to interview was done through random identification of residents on site across the camps, without prior announcement of the enumerator's arrival.

The data collection team gathered written and audio testimonies, as well as photographic evidence of abuses.[15] Each respondent was asked what village they previously resided in before leaving Myanmar, in order to locate and map their places of origin and to divulge where incidents they reported had taken place. This was done in order to map where these incidents occurred and corroborate the findings with satellite images, as well as track routes taken across to Bangladesh.[16]

However, each village of origin has dual toponymy; a Rakhine (or Burmese) name and Rohingya name. Interviewers asked for both names, as well as the township of origin. The government-recognised Burmese names have been geolocated by the Myanmar Information Management Unit (MIMU)[17], a data portal for humanitarian actors in Myanmar, while Rohingya-language names are not displayed on official maps. As many of the respondents were only able to report the Rohingya name, the remote team had to locate the corresponding Burmese name.

In addition to this, the remote research team used other secondary research, including authoritative, third-party reports on the events prior to and following August 25th.[18] The team also consulted recent online newspapers and social media reports from Myanmar and Bangladesh on the situation, to cross-reference events and allegations of human rights violations.

Survey Mode

The data was collected through face-to-face interviews, recorded or typed directly into a mobile application. The use of the application allowed the data to be collected offline and uploaded to the server later. The data was collected simultaneously from the seven locations in Cox's Bazar district.

Sampling and Representativeness

In order to ensure a heterogeneous sample of respondents from Northern Rakhine, the data collection team spread their interviews widely, where many of the newly arrived Rohingya refugees settled. The respondents were chosen from seven locations in Cox's Bazar district. Of these locations, most of the data was collected in Kutupalong, Nayapara and Zadi Murah camps which host a larger number of refugees.[19]

15 *Where appropriate and approved, the interviewers took photos of injuries sustained*

16 *See Journeys*

17 *Myanmar Information Management Unit (MIMU), Buthidaung, Maungdaw & Rathedaung Rakhine State http://themimu.info/sites/themimu.info/files/documents/State_Map_VL_Buthidaung_Maungdaw_Rathedaung_MIMU501v04_02Nov2016_Topo_A0.pdf*

18 *See, for example: Amnesty International, Myanmar:"My World s Finished". Rohingya Targeted in Crimes against Humanity in Myanmar (18 October 2017) available at: https://www.amnesty.org/en/documents/asa16/7288/2017/en/;*

19 *Based on data from ISCG , https://cxbcoordination.org/reports/*

The aim of this survey is to obtain a broad sample of Rohingya refugees who fled Northern Rakhine en masse after August 25th attacks. The number of refugees that entered Cox's Bazar district after August 25th is uncertain, however the Inter Sector Coordination Group harmonizing the humanitarian response in Bangladesh has estimated a total of 620,000 new arrivals into Cox's Bazar district as of November 2017.[20] The data collection team gathered enough respondents to deem the study representative of the Rohingya refugee population as a whole.[21]

Limitations

Time

Preparation time for the survey was limited, as was data collection training time. As a result, the data collection team acted as interpreters and translators as well as enumerators. Due to the large number of interviews conducted and the need to release the data in a timely manner, the quickest and most practical method of collecting testimony was by typing the testimony directly into the app, rather than using audio recording and transcribing it later. This resulted in testimonial data that varied in quality, particularly due to the variable levels of English fluency of the data collection team. Consequently, there is a lack of depth in description of events, and not all data collected was used.

The sensitive nature of the incidents

The numbers associated with incidents as collected by the enumerators are likely to understate the severity of the actual incidents that occurred on or after August 25th in Northern Rakhine. The enumerators were trained on interview ethics and therefore recorded according to the respondents' wishes. Some respondents may not have wished to disclose serious and traumatic incidents experienced, particularly those of a sexual nature. The privacy available for interviews in a camp setting was also limited; particularly in the temporary shelters. Therefore, the figures for sexual abuses are likely to be greater than they appear due to the stigma and culture of shame around the subject and the social costs of disclosure.

Dates

A number of respondents struggled with recalling the precise dates on which incidents occurred. This may cause inaccuracies in the data.

20 *Based on data from ISCG , https://cxbcoordination.org/reports/*

21 *Assuming an underlying population of no more than 1,000,000 Rohingyas in Northern Rakhine prior to the August 25th violence, with a minimum sample size of 1,316 we can infer this data to have an estimated margin of error of 2.7% at a 95% confidence interval.*

Geolocation of incidents

Each respondent was asked for both toponyms, but in many cases they did not know the place name in Burmese, nor the correct spelling. As no official register exists for these dual toponyms, to geo-locate villages, web-based research was used. This included using sources from Rohingya based news outlets and social media feeds, as well as through on-the-ground networks developed by the enumeration team. Through these sources, the corresponding Burmese names for 80% of the villages were found and geolocated by cross-referencing responses with the names of villages listed in MIMU datasets.[22] Therefore, the geolocation of some villages of origin may not be entirely accurate.

> “The Rohingya villages have dual toponyms: a Rakhine (or Burmese) language name and a Rohingya-language name.”



Rohingya refugees moving across Kutupalong regufee camp, Cox's Bazar.- ® Xchange.org - Sept. 2017

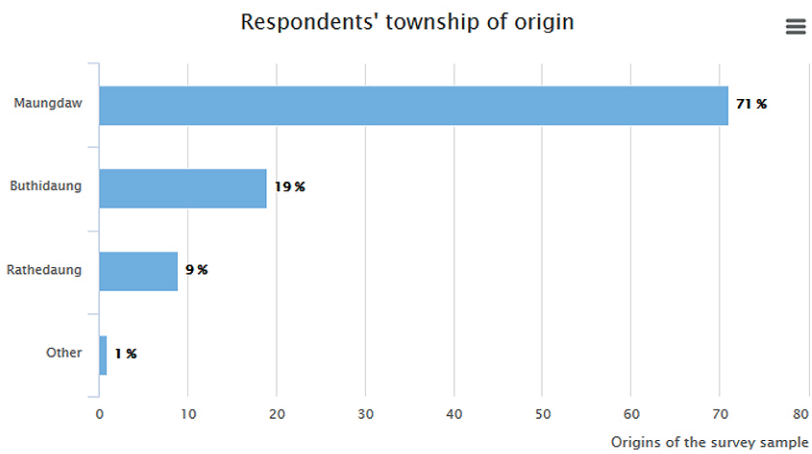
22 *Available at: http://themimu.info/map-and-data-requests*

Demographics

The Xchange team interviewed a total of 1,360 ethnic Rohingya who fled Northern Rakhine and recently arrived in Bangladesh after the events of August 25th 2017.

Place of origin

All respondents came from Northern Rakhine in Myanmar, where the August 25th military operations took place. Maungdaw township represented the worst affected region.[23]



The participants came from 120 unique villages across Northern Rakhine. The most commonly reported villages of origin were:

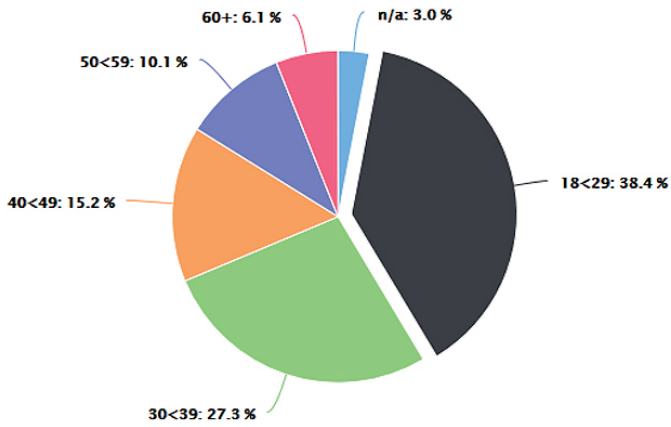
- Ah Lel Than Kyaw (Maungdaw)
- Kyein Chaung (Maungdaw)
- Chien Khar Li (Rathedaung)
- Tha Win Chaung (Maungdaw)

23 *Human Rights Watch (HRW), Burma: Satellite Images Show Massive Fire Destruction, September 2, 2017 https://www.hrw.org/news/2017/09/19/burma-satellite-imagery-shows-mass-destruction*

Age

The sample ranged in ages from 18 to 92 years old, though the majority (65%) were between 18 to 40.

Age Breakdown



Gender

Of the 1,360 research participants in the survey:

- **61%** male
- **39%** female[24]

Identification documents

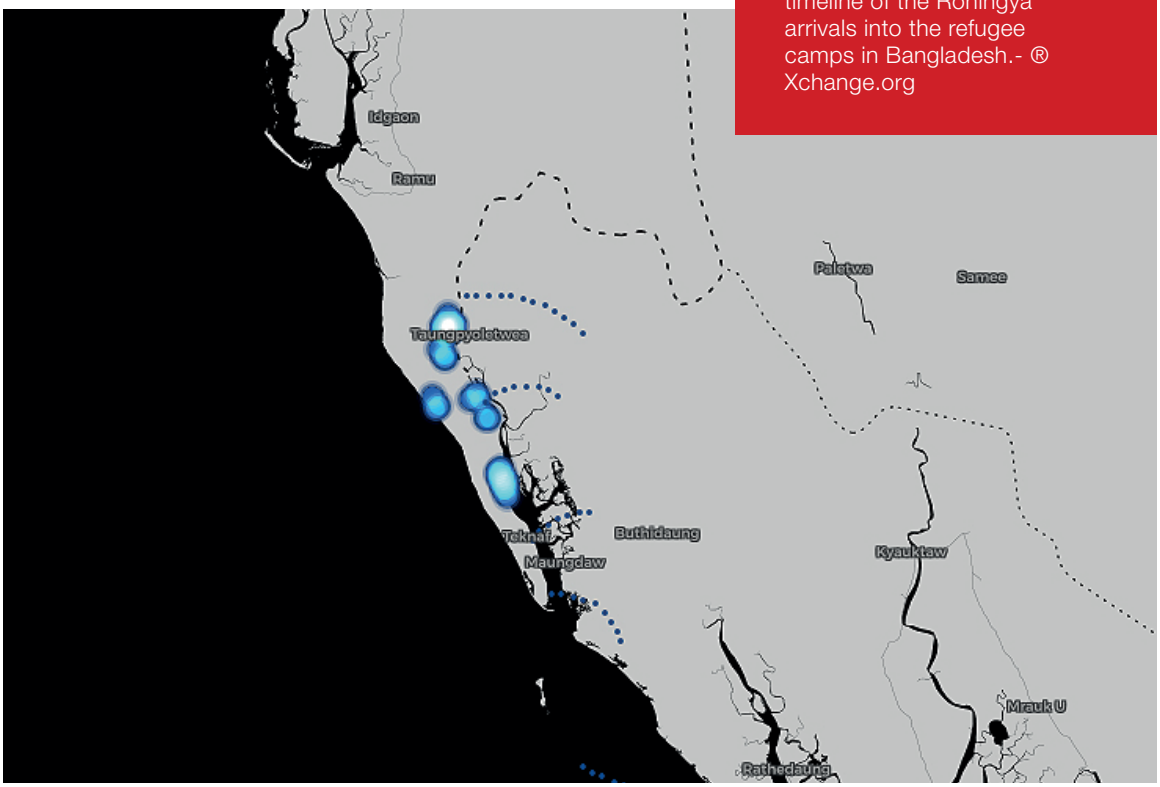
The research team asked respondents what, if any, forms of identification they possessed. This included any documentation provided by the Myanmar authorities, the Bangladesh authorities, or UNHCR.

- **94%** reported not being in possession of any form of identification.
- **5%** were in possession of 'White Cards' - temporary, non-citizen identification documents deemed invalid by the Myanmar authorities in 2015.[25]
- **1%** were in possession of other types of identification

24 *This lower percentage reflects the limited number of female enumerators available for the research. See above section, Methodology: Limitations.*

25 *Residents Of Burma Registration Rules, 1951 http://www.burmalibrary.org/docs12/Residents_of_Burma_Registration_Rules-1951.pdf*

It is also worth noting that the majority of respondents had not been registered as refugees yet and therefore did not have documentation acquired in Bangladesh. However, as the interviews were conducted between one to six weeks after their arrival in Bangladesh, in the early stages of the mass migration, respondents are now likely to have identification documents as the chaos of the first few weeks has settled into a protracted crisis.



Map showing an animated timeline of the Rohingya arrivals into the refugee camps in Bangladesh.- ® Xchange.org

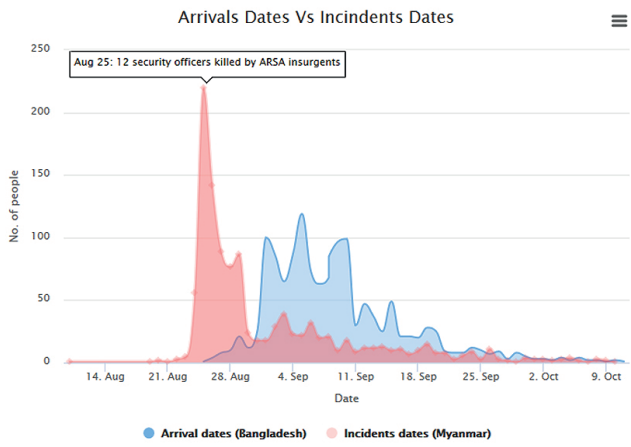
Annex 11

The Journey

Most Rohingya refugees fleeing Northern Rakhine in Myanmar did not travel far: Northern Rakhine is immediately adjacent to Bangladesh, with Maungdaw Township lying on the border; Buthidaung and Rathedaung townships border Maungdaw. The refugee camps in Bangladesh have been established in Cox's Bazaar district, on the relatively thin peninsula immediately across the Naf river from Myanmar. This represented an exhausting journey, and for many, also included -sometimes treacherous- river or sea crossings.

The average journey time taken, from the date of departure until the date of arrival in the camp, varied according to the proximity to the border of the respondent's home. For those originating from Maungdaw, the findings show an average journey time of between 1-5 days. For Rathedaung, individuals took between 5-15 days, and Buthidaung, 6-17 days[26].

> "On 15th Sept, at 12pm, I tried to cross the river at the border to escape, but the boat's engine failed and it started taking on water. My wife, elder son's wife, and granddaughter were in the boat. They all drowned."
>
> *Zubair, 50,*
> *Chut Pyin (Rathedaung)*



As demonstrated in the table, mass arrivals increased sharply from August 31st onwards. This trend continues to be evident until the 26th September. The majority of the sample (62%) arrived in Bangladesh over a period of just ten days, between 1-10 September. Although this may be simple correlation due to the survey collection period being immediately afterwards, the UNHCR has also found that the majority of arrivals occurred in September[27].

26 *198 respondents reported their journey taking longer than 20 days*

27 *Government of Bangladesh, UN High Commissioner for Refugees, RRRC Fact Sheet - Family Counting (as of 23 October 2017) https://www.humanitarianresponse.info/system/files/documents/files/rrrc_dashboard_hh_counting_oct23_2.pdf*

These figures reflect the build up of intercommunal tensions preceding as well as in the wake of events following August 25th.

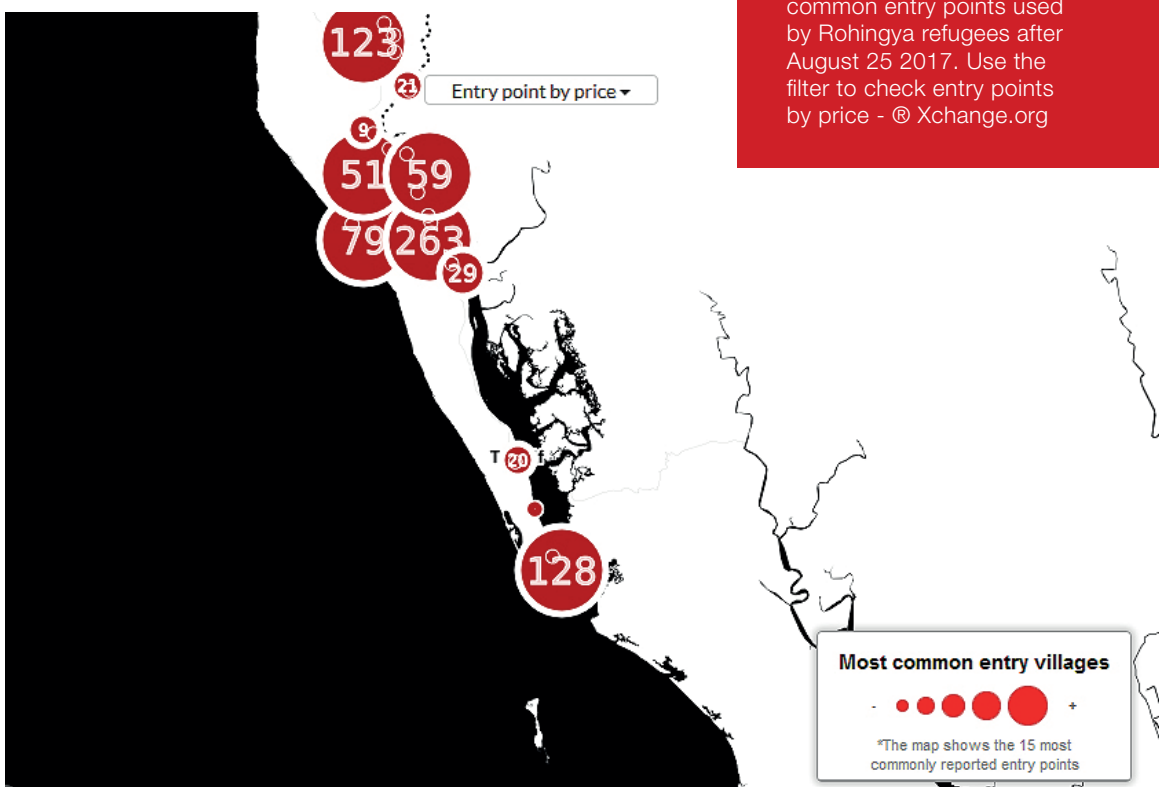
The Xchange research team discovered fifteen main entry points to Bangladesh. For the purpose of this survey, entry points are defined as the first villages that the respondents reached upon entering Bangladesh, whether by boat across the Naf river or on foot. Almost all of the respondents stated that they had to walk for some or all of their emigration. Almost all entered into Bangladesh by crossing the Naf river that separates the two countries.



Unchiprang (entry point) - ® Xchange.org , Sept. 2017

Rohingyas had to rely on smugglers with boats to cross the Naf river; 85% of respondents paid a smuggler to cross the border. Anecdotal reports inform us that these smugglers were exclusively Bangladeshis who capitalised on the mass exodus in order to turn a quick profit. Most were not professional smugglers, but found their services in demand by virtue of having access to a boat.

Annex 11



Map showing the 15 most common entry points used by Rohingya refugees after August 25 2017. Use the filter to check entry points by price - ® Xchange.org

The amounts paid by refugees varied widely. However, there are some observable trends in the average price paid at each major entry point. The prices reflect the width of the river at each entry point and how much time it takes to cross: the wider the river, the higher the price. Additionally, the research team were informed that smuggling prices depended on the smugglers' assumptions about the wealth of the individuals crossing and would accept jewellery or gold in lieu of money in some cases. Some respondents reported being robbed or otherwise abused by the smugglers.

In areas further north, the width of the river narrows significantly, making the use of boats superfluous: 11% of respondents answered that they crossed narrow parts of the river without a boat (entry points; Ajukaya, Tumburu, Dial Fara, Amtoli). Of these respondents, practically none reported having paid a smuggler.

> "When I was crossing to the Bangladesh border by small boat the local Bengali snatched my wife's ornament in place of money because I didn't have enough money to give."
>
> *Ahmed, 46,*
> *Tha Pyay Taw (Rathedaung)*

79 respondents reported that they did not enter Bangladesh by crossing the Naf river but via Shamlapur, a coastal fishing village, which they reached by undertaking a longer sea journey. These respondents took an average of 7 days from the place of origin to Bangladesh. The respondents who made this crossing originated mostly from Maungdaw (41) and Rathedaung townships (34) and paid on average a significantly higher price to undertake this journey ($77) than those crossing the Naf river.



The Enumerators explain the profile of the smugglers according to the Rohingya

> https://soundcloud.com/user-516296448/the-enumerators-explain-the-profile-of-the-smugglers-according-to-the-rohingya

Incidents

The primary aim of this research was to investigate the push factors that led to the mass migration of Rohingyas following the events of August 25th in Northern Rakhine. To do so, it was necessary to elicit the event(s) or incident(s) that led to the respondents departure. The survey questions were as follows:

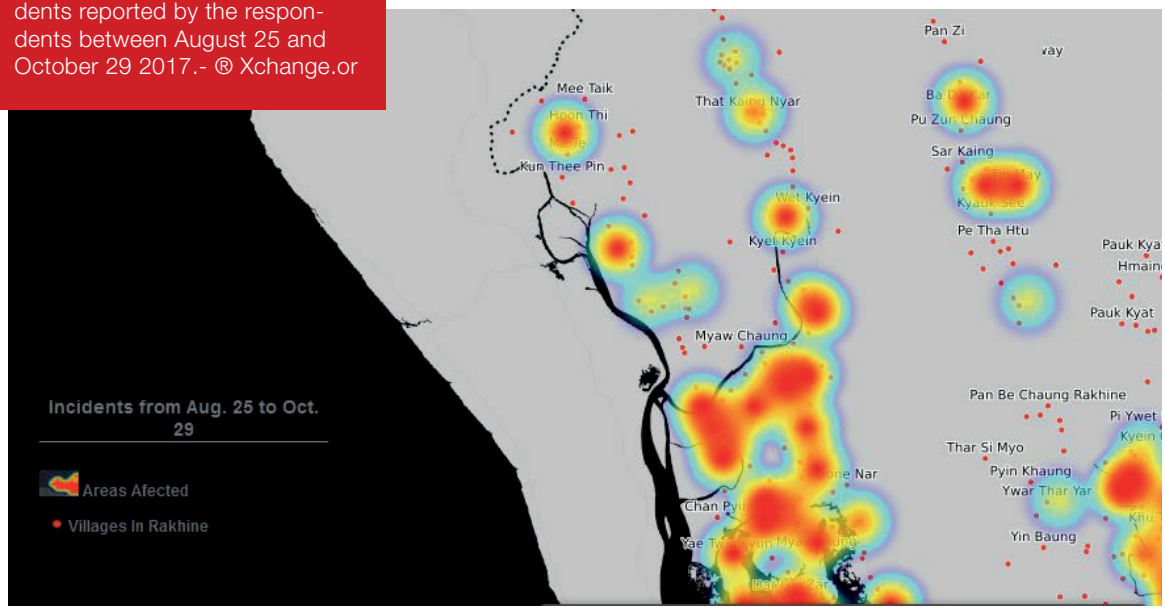
Have you suffered or witnessed any major incident in Rakhine since October 2016?

If the question was answered in the affirmative, a description of the incident was requested with the following prompts:

- Date of the incident.
- What happened?
- Who committed the incident?
- Where did it happen?

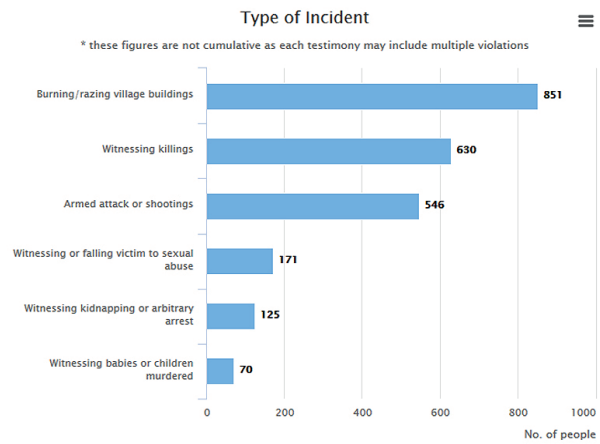
> "For the purpose of this survey, an "incident" is defined as an event or abuse of some kind that was considered serious or meaningful enough to the respondent to induce them to flee their home in Myanmar. This question was intended to elicit responses relating to incidents personally experienced or directly witnessed by the respondents. Incidents that occurred in a neighbouring village. where the respondents were not physically present, were not considered."

Map showing a timeline of incidents reported by the respondents between August 25 and October 29 2017.- ® Xchange.or



Of the 1,360 respondents interviewed by the Xchange team, 92% answered yes to having suffered or witnessed a major incident that prompted them to flee to Bangladesh. These testimonies were then recorded by the field team and later analysed by the remote research team.

A basic statistical analysis of these testimonies reveals the most common type(s) of incident(s) experienced or directly witnessed by the respondents. Out of 1,360 responses, the frequency of each type of incident reported was as follows;[28]



> “The military came to my village and started shooting at the people. The military and Rakhine took away 53 people; one was my husband. The military killed my husband by shooting him and he fell near a river. The military and Rakhine burnt all the houses in my village. I was fearful and so I came to Bangladesh with my little baby.”
>
> *Azara, 19,*
> *Pan Kaing (Rathedaung)*

Many accounts list multiple rather than singular incidents that amount to gross human rights violations.[29] Although the details of incidents reported varied, the testimonies of most survivors held certain consistencies. The following testimony is representative of many of the abuses recorded;

Perpetrators

The majority of respondents mentioned one or multiple groups of perpetrators committing the abuses. An overwhelming number of respondents (96%) stated that the Myanmar military[30] were the perpetrators of these

28 *These figures are likely to be an under-representation of incidents, as some respondents may not have wished to disclose serious and traumatic events, particularly those of a sexual nature. Respondents may also not have disclosed all incidents that they experienced.*

29 *Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016 , 3 February 2017 http://www.ohchr.org/Documents/Countries/MM/FlashReport-3Feb2017.pdf*

30 *Often referred to as the Burmese Military*

abuses. A further 51% reported that local ethnic Rakhine 'extremists'[31] were involved. However, the involvement of ethnic Rakhine civilians was usually in a supportive role to the military. These civilians attacked Rohingyas, burned buildings, and committed other violent crimes that had the effect of driving Rohingyas away from their homes:

> "In the morning, the Burmese military entered into my village and they killed more than 10 girls. The Burmese military together with Rakhine extremist groups sexually abused them. A dozen were killed and the whole village was burnt. That's why I left my motherland (Myanmar)."
>
> *Laila, 25, Maungdaw City Quarter 4 (Maungdaw)*

Police were also frequently mentioned committing abuses against the Rohingya, often in collaboration with the other groups:

> "The police burned two houses and killed four children by shooting them in my village. After that my family and I were trying to cross the river and at that time I saw some local Rakhine throwing children into the river.
>
> *Amir, 22, Ba Da Kar (Buthidaung)*

A few respondents mentioned the involvement of civilians from other ethnic groups, including Mro, Daingnet,[32] and Hindu people, alongside Rakhine civilians.



A Rohingya man describes the people who attacked him

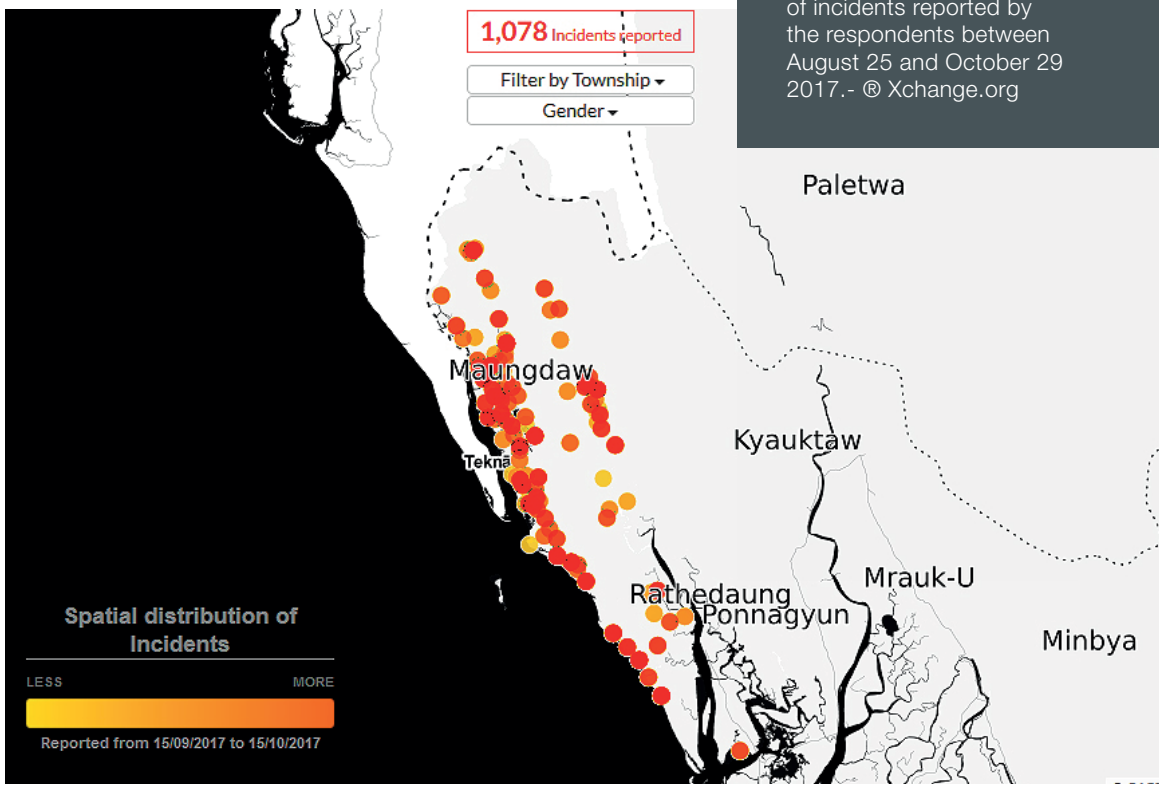
> **https://soundcloud.com/user-516296448/a-rohingya-man-describes-the-people-who-attacked-him**

31 *According to our understanding, these are civilian vigilantes from Northern Rakhine*

32 *The Mro and Daignet are ethnic Buddhist communities residing in Rakhine State, Myanmar*

> The military and local Rakhines, as well as Murun, Hindu and Sakma (Mro, Hindu and Daingnet) had long knives in their hands and killed over 200 Rohingyas in my neighbouring villages (of Garothi Bill and Shait Kanna Fara). After that some Rohingyas carried injured persons by shoulder and some died.
>
> *Kobir, 46, That Kaing Nyar (Maungdaw)*

> The Burmese military, together with a Buddhist extremist gang, were terrorising us and all the Rohingya, emptying and razing our houses, and attempting to hound us out of the country.
>
> *Aziza, 60, Kyaung Taung (Maungdaw).*



Map showing a timeline of incidents reported by the respondents between August 25 and October 29 2017.- ® Xchange.org

Burning of buildings

The destruction of property by burning was the most commonly reported incident. This was often committed with the use of petrol, rocket launchers or by air strikes from helicopters, which resulted in widespread destruction of homes and often entire villages. This destruction was a major catalyst for respondents to flee Myanmar.

> "The military burned half of my village. I saw them kill a whole family near my house. The next morning the local Rakhine burned the other half of my village. I then went to another village (Hair Fara) and stayed one night. The military burned that village (Hair Fara) and so I went to another (Bolla Fara) where I stayed for seven days before going to Bangladesh with my family."
>
> *Yousuf, 15, unknown village (Maungdaw)*

The use of fire for the destruction of homes and the razing of entire villages appeared to be systematic and coordinated:

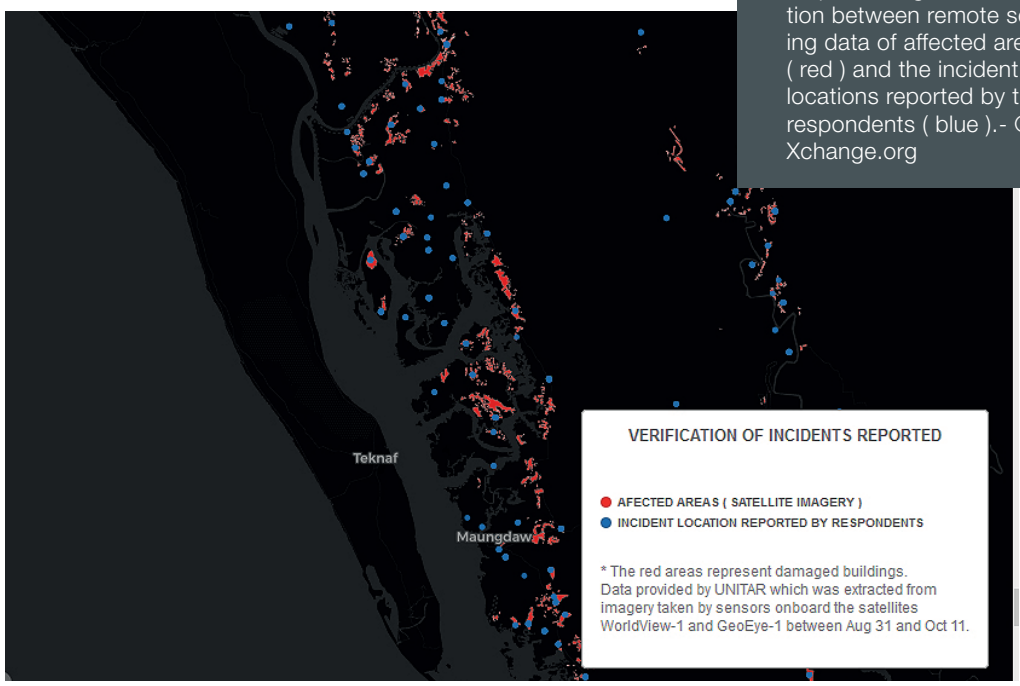
> "On 12th September, the military entered my village at about 1am, surrounding and setting fire to it in secret. One villager noticed and started screaming, waking the other villagers up. This made the military start to shoot at the man. Around 3am all the villagers woke up with the shooting and found their village in flames and quickly fled. One of my brothers was shot 3-4 times, as well as his nephew. My whole village was reduced to ashes."
>
> *Showfik, 65, Myin Hlut (Maungdaw). Reported by enumerator*

Many testimonies indicated that rocket launchers and helicopter attacks were commonly used by the Myanmar army. Civilian attackers and members of the security forces alike used petrol and homemade grenades to set Rohingya villages ablaze.

> "The Burmese military set fire to my house and killed more than a dozen people. The entire village was burned down. The military were using helicopters and petrol bombs."
>
> *Zafor, 50, Kyee Kan Pyin (Maungdaw).*

> "The military shot the [rocket] launcher and burned down my whole village. After that I went to the mountain with my family and stayed 10 days. Again, they shot another launcher in the mountain at 20 Rohingyas there.
>
> Sultan, 30, Ah Lel Than Kyaw (Maungdaw)."

Satellite imaging analysis conducted during the dates of reported incidents verify these testimonials. Imaging conducted independently by UNITAR - UNOSAT[33], Human Rights Watch[34], and Amnesty International[35] provide evidence of this. They independently show widespread fires across the three townships.[36]



Map showing the correlation between remote sensing data of affected areas (red) and the incident locations reported by the respondents (blue).- ® Xchange.org

33 *United Nations Institute for Training and Research (unitar) and unosat, Myanmar: Maungdaw District Rakhine Rakhine Damage Zones 1 November 2017 | http://unosat-maps.web.cern.ch/unosat-maps/MM/CE20130326MMR/UNOSAT_A3_Rakhine_damage_zones_20171001_Portrait_o.pdf*

34 *Human Rights Watch (HRW), Burma: Satellite Images Show Massive Fire Destruction, September 2, 2017 https://www.hrw.org/news/2017/09/02/burma-satellite-images-show-massive-fire-destruction*

35 *Amnesty International, Myanmar: Scorched-earth campaign fuels ethnic cleansing of Rohingya from Rakhine State 14 September 2017 https://www.amnesty.org/en/latest/news/2017/09/myanmar-scorched-earth-campaign-fuels-ethnic-cleansing-of-rohingya-from-rakhine-state/*

36 *Human Rights Watch (HRW), Burma: Satellite Images Show Massive Fire Destruction, September 2, 2017 https://www.hrw.org/news/2017/09/02/burma-satellite-images-show-massive-fire-destruction*

The remote research team geolocated the villages where the respondents originated from and mapped them, in order to triangulate oral testimony with satellite data. There was a strong correlation between the villages in the satellite imaging and our own reports.[37]

A number of respondents reported witnessing mosques in their respective villages being targeted by assailants. The targeting of religious structures provides evidence that suggests religious discrimination and targeted attacks to instil fear and force local Rohingyas to leave.

> "The military entered my village and started looting shops and setting fires to five or six mosques. When I saw this, I left my house. Between 50-60 houses were burnt in my village."
>
> *Nur, 35, Godu Sara (Maungdaw). Reported by enumerator*

In addition to severe destruction of property, arson was also allegedly used to murder individuals and families by intentionally trapping people inside burning buildings. There were numerous reports of fatalities caused both incidentally and intentionally by these operations.

> "I was in my house at the time. My children were at the madrassa when the Burmese military set fire to the mosque. It was burned down with my children inside."
>
> *Fatama, 29, U Daung [Kone Tan] (Maungdaw)*

Armed Attack & Executions

Many respondents described witnessing the military attacking villages in systematic offensives, charging into villages and shooting indiscriminately.

> "The military started shooting at the people forcing them to run away to the hills. On returning I saw some dead bodies."
>
> *Ajimullah, 65, Than Dar (Maungdaw).*

37 See map above

Testimony indicates that there appears to have been a series of coordinated attacks across the region, directly aimed at forcing the Rohingya to flee.

> "The military were shooting in my village, killing some of the villagers near my house. I then went to the river side and stayed there for three days. After that the military were shooting at the river side."
>
> *Yasin, 35, Kyauk Pyin Seik (Maungdaw)*



Interview at Leda makeshift camp with man injured during gunfire - ® Xchange.org , Sept. 2017

Despite the fact that independent investigators are barred from Northern Rakhine, the frequency and quantity of similar reports indicates widespread use of these tactics across the region. The Xchange team met numerous respondents with injuries that appeared to be caused by gunfire.

Enumerators collected numerous reports that claimed indiscriminate gunfire and/or targeted assassinations by the military or other groups resulting in a large number of casualties. Many respondents report witnessing the death of a fellow villager or a family member.

> "The Military were shooting in my village. They shot and killed my son in front of my house."
>
> *Sirajul, 55, unknown village (Maungdaw)*

Sexual Abuse

Many respondents either witnessed or experienced varying forms of sexual violence, including rape, gang rape, and sexual assault, committed against both minors and adults. Rape, at times, resulted in death, or was quickly followed by other abuses that resulted in death. Often, family members or members of the public witnessed the abuse, or the victim of the sexual abuse was made to watch the murder and/or abuse of their family members. Thus, multiple violations and trauma were incurred in a short period of time for many respondents:

> "The military started fires in my village. They forcibly entered my house. They raped me and stabbed my husband in the stomach. My young child was taken away from me and thrown into the fire. When I started crying, they raped me again."
>
> *Hala, 35, Sein Hnyin Pyar (Buthidaung)*

Respondents reported that the perpetrators made calculated decisions to target women and girls by rounding them up, or kidnapping them after storming the villages, indicating a calculated campaign of sexual violence against women and girls.

> "The military entered my village when I was in my house, searching for people and young girls. When the young girls were found, the military raped them."
>
> *Rama, 50,Ka Nyin Tan [Pa Din] (Maungdaw)*

> "The military and Rakhines took numerous teenage girls away from my village. They raped them and then sent them back to the village after two or three days."
>
> *Anwar, 45, Kyun Pauk Pyu Su (Maungdaw)*

Often, women were raped by multiple perpetrators in a gang rape, either in front of family members or in public to terrorise them, instil fear, or humiliate and shame them. The fact that many of the reports of sexual violence were not from the victims themselves but witnesses – often to gang rapes - demonstrates the public nature of the incidents. The Myanmar military and ethnic Rakhine 'extremists' were identified by witnesses as the perpetrators of these crimes.

> The Burmese military stripped the women naked. A soldier held a knife to the throat of one and began to rape her. 15 soldiers took turns raping the women over several hours. I felt like they would kill my wife.
>
> *Abusayed, 36, Kyar Gaung Taung (Maungdaw)*

In some cases, there were accounts of sexual assault and torture by mutilation, where women's body parts were also cut off during the rape:

> She witnessed women being sexually assaulted (the nipples of women cut off, and other parts of the body mutilated) and raped.
>
> *Somira, 30, Kyaung Taung (Rathedaung). Reported by enumerator*

Torture was also corroborated by other accounts:

> I was at my house when the Burmese military and extremists were torturing girls. 32 girls were raped and 23 people were shot and killed.
>
> *Azida, 22, Maung Ni fara (Maungdaw)*

Women and young girls were also subjected to "stripping" and sexual assault, in isolation or before they were raped:

> The military ripped my baby away from me. The military and Rakhine extremists stripped the women naked. Many were brutally killed. The military then burned down the houses in his village.
>
> *Roshid, 52, Kyein Chaung (Maungdaw)*

> I lost my baby girl, they stripped down my girl so that, I am sorry for my girl.
>
> *Shaju., 28 Doe Tan (Maungdaw)*

It is worth noting that the actual incidence of sexual violence is likely much higher than reflected in this data set, as there is a culture of stigma and shame around sexual assault and rape could dissuade reporting, particularly by victims themselves.

Attacks on Children and Infants

An alarming, yet frequent category of incident was the targeted murder of children and infants as part of the attacks.

> In the morning around 8 am, the Burmese military were surrounding different villages including my own village. Several homes were burnt with petrol bombs; many people were brutally murdered by the Burmese military together with Rakhine extremists. Kids were slaughtered by the Burmese military.
>
> *Bitani, 48, Chein Khar Li (Rathedaung)*

A total disregard for life and dehumanisation of the Rohingya is demonstrated by such reports:

> The Burmese military ripped my baby from my arms and kicked him like a football
>
> *Azara, 29, Kyar Gaung Taung (Maungdaw)*

The use of fire was widespread in these attacks. The most common incident of this type reported by survivors involved babies being taken by the military and thrown into fires:

> In the morning the military and extremists killed more than a dozen and women were sexually abused. I witnessed more than 20 people being killed… my two sons were thrown into the fire and burnt alive.
>
> *Dil, 31, Dar Gyi Zar (Maungdaw).*

> The Rakhine extremists and military entered into people's houses to search for any valuable things, taking whatever they wanted. They used bombs to burn down houses and the village. They threw many children into the open fire.
>
> *Rofiq, 47, Remmyá Dáung fara (Maungdaw)*

In addition to being thrown into fires, other reports describe babies being thrown into rivers;

> "The Myanmar military and local Rakhines killed the children with a knife and threw the children into the river."
>
> *Shofika, 38, Kyun Gaung (Maungdaw)*

These incidents paint a picture of extreme dehumanization, where infants and younger generations of Rohingya may have been actively targeted for eradication by the Myanmar military and Rakhine extremists.

Other Violations

Although the violations described in this report are representative of some of the most commonly heard and extreme forms of violence carried out against Rohingya populations, since 25th August, this list is by no means exhaustive. As noted above, the structure of the survey question on incidents was descriptive and open-ended, to allow the respondent to describe, in their own words, what they had witnessed or experienced first-hand. Other categories of violence included:

Robbery and Looting

Robbery and looting was commonly conducted against Rohingya homes and businesses. Testimony indicated that the military was responsible for entering villages, shops, and homes and either demanding payment, or taking possessions without permission. These items commonly included cash, valuables, and cattle.

> "There had been gangs disturbing them since October 9th, and finally the military came with the gangs into the village searching for valuables and looting places. They demanded money from every person; whoever refused had to flee or was shot."
>
> *Hair, 25, Kyar Gaung Taung (Maungdaw)*

> "In the morning of September 4th, the military/extremists entered my village with five trucks. They were checking big houses, and found rice, potatoes, and other items. They looted whatever they found. After half an hour, another truck came with soldiers who started shooting at everyone."
>
> *Anwar, 31, Ah Lel Than Kyaw (Maungdaw)*



Kidnapping or arrest

Some testimonies report that the military and/or police arrested, kidnapped, or took away civilians without due cause or explanation. Some respondents reported the disappearance of their family members with some still unable to contact them, and others found dead.

> "The Military and Rakhine burned all the houses in my village. They took away my husband from my house. I do not have any news about him since arriving in Bangladesh with my two sons."
>
> *Layru, 30, Khamangsi (Maungdaw). Reported by enumerator*

> "The military came just one day after the violence occurred. They started arresting the people from the villages, accusing them of joining a terrorist group and threatening to take them to the police station, but they were killed by the military. The dead bodies were handed over to the families and their families could not even recognise their faces. After that day, my village was burnt down and I had to leave the country."
>
> *Mohammed, 50, U Daung [Kone Tan] (Maungdaw). Reported by enumerator*

Curfews and restrictions on movement

Restrictions on Rohingya freedom of movement have been in place since at least 2001, but restrictions increased in severity following the 2012 violence. These restrictions have also been imposed on other Muslim minorities across Rakhine State.[38] Respondents regularly described curfews or restricted movement from their villages imposed by security forces. Although such restrictions had been in place in Northern Rakhine for a long time, the events of August 25th and the subsequent crackdown resulted in their intensification.

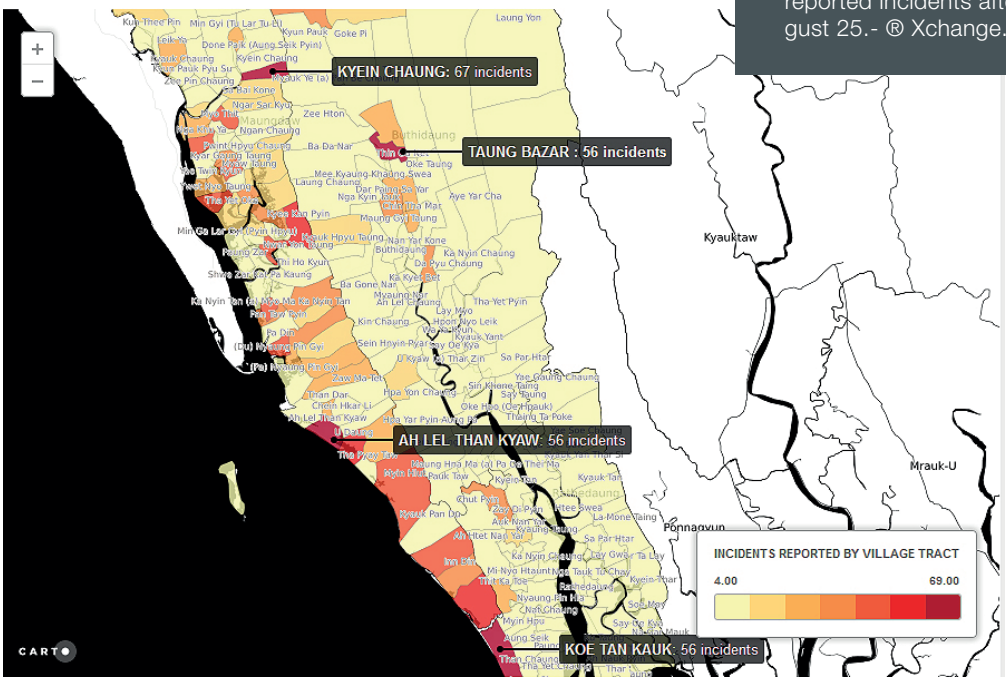
Respondents describe restrictions that amounted, in effect, to an existence under house arrest, enforced by a dense network of checkpoints and bureaucratic restrictions (such as permits) that limited their ability to move freely:

38 *Amnesty USA, Caged without a Roof: Apartheid in Myanmar Rakhine state (2017) https://www.amnestyusa.org/wp-content/uploads/2017/11/Caged-without-a-Roof-Apartheid-in-Myanmar-Rakhine-State.pdf,https://reliefweb.int/sites/reliefweb.int/files/resources/ASA1674842017ENGLISH.PDF*

> The military and Rakhine enforced a curfew on my village. I had a job but the military and Rakhine didn't give me permission to go to my job.
>
> *Faruk, 40, Min Gyi [Tu Lar Tu Li] (Maungdaw)*

> The military and Rakhine placed a curfew on my village and I couldn't move anywhere.
>
> *Abdumalek, 40, Thin Ga Net (Buthidaung)*

Map showing the village tracts where respondents reported incidents after August 25.- ® Xchange.or



Conclusion

As a result of the events of August 25th, a rapid mass migration of some 600,000 Rohingya occurred from Myanmar to Bangladesh. The Xchange team sought to understand the journeys they had taken in an attempt to reach safety, and to document the push factors that compelled them to leave. After conducting 1,360 surveys with Rohingya respondents between 15th September and 15th October, in seven different refugee camps in Cox's Bazar district, the team gained detailed insight into the types and extent of abuses the Rohingya were subject to that caused them to flee.

The respondents originated from 120 different villages across Maungdaw, Buthidaung, and Rathedaung townships in Northern Rakhine. Their journeys took a range of between 1-17 days, depending on the distance between their village of origin and the Bangladeshi border. These journeys were primarily conducted on foot, although many needed to pay Bangladeshi smugglers to transport them across the Naf River or the sea crossing via the Bay of Bengal. The price of these journeys varied considerably.

An overwhelming number of respondents (92%) either personally witnessed or directly experienced violence on or after August 25th. While the specifics of each incident were different, there were distinct trends and patterns of violence observable in collected testimonies. As such, there is strong evidence to suggest that violence targeting Rohingya communities has been both well-coordinated and systematic. In addition to this, the acts were often committed by more than one group of perpetrators, almost always by the Myanmar military (96%), often in collaboration with civilian vigilante groups.

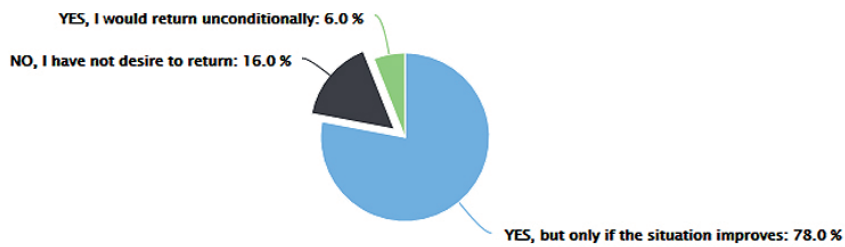
The most common category of incident reported was the destruction of property and mass-scale burning of villages (63%). By destroying Rohingya villages, perpetrators gave their erstwhile inhabitants no choice but to flee. These attacks were often accompanied by indiscriminate heavy shooting (40%), resulting in mass fatalities and serious injuries.

Other frequently recorded abuses were of a degrading and dehumanising nature, including sexual abuse committed against Rohingya women and girls (13%). Women and girls were subjected to rape and gang-rape by multiple perpetrators, often in public, in what appeared to be a coordinated campaign of sexual violence. These abuses acted to traumatise and create a culture of shame and stigma with an intent to break apart communities.

There were multiple reports of the targeted murder of children and infants (5%). These reports appeared to demonstrate a total disregard for human life, as the security forces and civilian perpetrators stand accused of murdering babies and children by burning or drowning. The frequency with which such incidents were reported may demonstrate an intent to eradicate younger generations.

The final question of the survey asked the respondents if they would consider returning to Myanmar in the future. Despite the atrocious incidents documented in this survey, 78% stated that they would willingly return if the situation improves; 16% had no desire to return; 6% would return unconditionally.

Would you return to Myanmar?



Though attitudes can change with time, these responses demonstrate that the Rohingya refugees would be open to returning to their homes if conditions in Myanmar were to improve. What constitutes an adequate improvement to conditions in Myanmar, however, is a question that lies outside the scope of this survey. The large number of respondents willing to return to Myanmar can, in part, be explained by the fact that there are very few opportunities for Rohingya refugees in Bangladesh. Generations of Rohingya refugees living in the camps following previous expulsions from Myanmar continue to live in poverty without access to adequate services, and have limited mobility rights or opportunities for advancement.

Annex 11



Project funded by **moas.eu**

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Annex 12

International State Crime Initiative, *Genocide Achieved, Genocide Continues: Myanmar's Annihilation of the Rohingya* (2018)
(additional excerpts to MG, Vol. IV, Annex 109)



GENOCIDE ACHIEVED, GENOCIDE CONTINUES:

MYANMAR'S ANNIHILATION OF THE ROHINGYA

Penny Green / Thomas MacManus / Alicia de la Cour Venning

The architect of the concept of genocide, Raphael Lemkin, makes clear that genocide or the extermination of an ethnic, racial, national or religious group, can be accomplished not solely by mass murder, but also by social, cultural, religious and economic destruction for example, through processes of forced mass exodus, population fragmentation and the social reconstruction of an ethnic identity.[7] With this in mind, it is clear that by the end of 2017, genocide of the Rohingya had been achieved: the Myanmar identity of its Rohingya people had been destroyed and the reshaping of society in Rakhine state was well under way. Of an estimated 1.2 to 1.4 million Rohingya living in Rakhine state in 2014:

- tens of thousands had been killed (an estimated 22,000 since 25 August 2017);[8]
- approximately 800,000 have fled to camps in Bangladesh;[9]
- over 350 (or 75%) Rohingya villages in northern Rakhine state had been torched and bulldozed, with many completely destroyed;[10]
- the vast majority of the estimated 150,000-200,000 Rohingya remaining in Myanmar were confined to 'no-man's land' on the Bangladesh/Myanmar border, prison villages, and concentrated in detention camps in central Rakhine state, and Sittwe's Aung Mingalar ghetto.

However, genocide is a process with no clearly defined end – and the genocide of the Rohingya continues:

- death stalks the Rohingya trapped in Myanmar as a result of violent intimidation, enforced starvation and untreated illnesses;
- Rohingya are still fleeing terror and enforced destitution in Myanmar;
- the mass expulsion of Rohingya to makeshift camps in one of the world's poorest countries, where the refugees face ongoing systematic weakening, including death, is part of Myanmar's strategy of genocide;
- the Myanmar state is erasing historical evidence of Rohingya culture and identity as it reshapes Rakhine society.

The genocidal 'clearance' of Rohingya from Myanmar in 2017 was both predictable and predicted. In 2015, the authors of this report issued *Countdown to Annihilation: Genocide in Myanmar*, which showed that a genocidal process was well under way. The report presented evidence of ongoing genocidal processes, their historical genesis and the political, social and economic conditions in which genocide had emerged. ISCI researchers identified the architects of the genocide as Myanmar state officials and security forces, Rakhine nationalist civil society leaders and Buddhist monks, pointing to a significant degree of coordination between those agencies in the pursuit of eliminating the Rohingya from Myanmar's political landscape. Leading genocide scholar Daniel Feierstein identified six stages of genocide: stigmatisation (and dehumanisation); harassment, violence and terror; isolation and segregation; systematic weakening; mass annihilation; and

7 Lemkin, R, 'Genocide - A Modern Crime', Free World, (4 April 1945), pp.39-43.

8 This estimate of Rohingya deaths is based on our own interviews and calculations combined with Médecins Sans Frontières' (MSF) six retrospective household mortality surveys covering the period 25 August to 24 September 2017. The MSF estimation of between 9,425 and 13,759 Rohingya deaths is equivalent to the death of 2.26% (between 1.87% and 2.73%) of the sampled population. MSF makes clear that its figures are likely to be an underestimate as the sampling focused on deaths resulting in just a one-month period (and we know killings continued in the months that followed), that not all refugee settlements in Bangladesh were surveyed, and that those instances where whole families were killed were not accounted for. Our own estimations suggest a final death toll of 22,000 to 25,000. There have been significant numbers of Rohingya deaths on the flight to Bangladesh as well as in the camps in Bangladesh. See, Médecins Sans Frontières, 'Myanmar/Bangladesh: MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar', 12 December 2017: http://www.msf.org/en/article/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks. Accessed 9 April 2018.

9 Bangladesh does not recognise the Rohingya as refugees; it designates them as 'forcibly displaced Myanmar citizens'.

10 Human Rights Watch, 'Burma: 40 Rohingya Villages Burned Since October', 17 December 2017: https://www.hrw.org/news/2017/12/17/burma-40-rohingya-villages-burned-october. Accessed 9 April 2018.

11 Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, (London: International State Crime Initiative,2015): http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf. Accessed 10 April 2018.

Annex 13

Amnesty International, *"We Will Destroy Everything": Military Responsibility for Crimes Against Humanity in Rakhine State, Myanmar* (June 2018)
(additional excerpts to MG, Vol. IV, Annex 112)



“WE WILL DESTROY EVERYTHING”

MILITARY RESPONSIBILITY FOR CRIMES AGAINST HUMANITY IN RAKHINE STATE, MYANMAR

AMNESTY INTERNATIONAL

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.

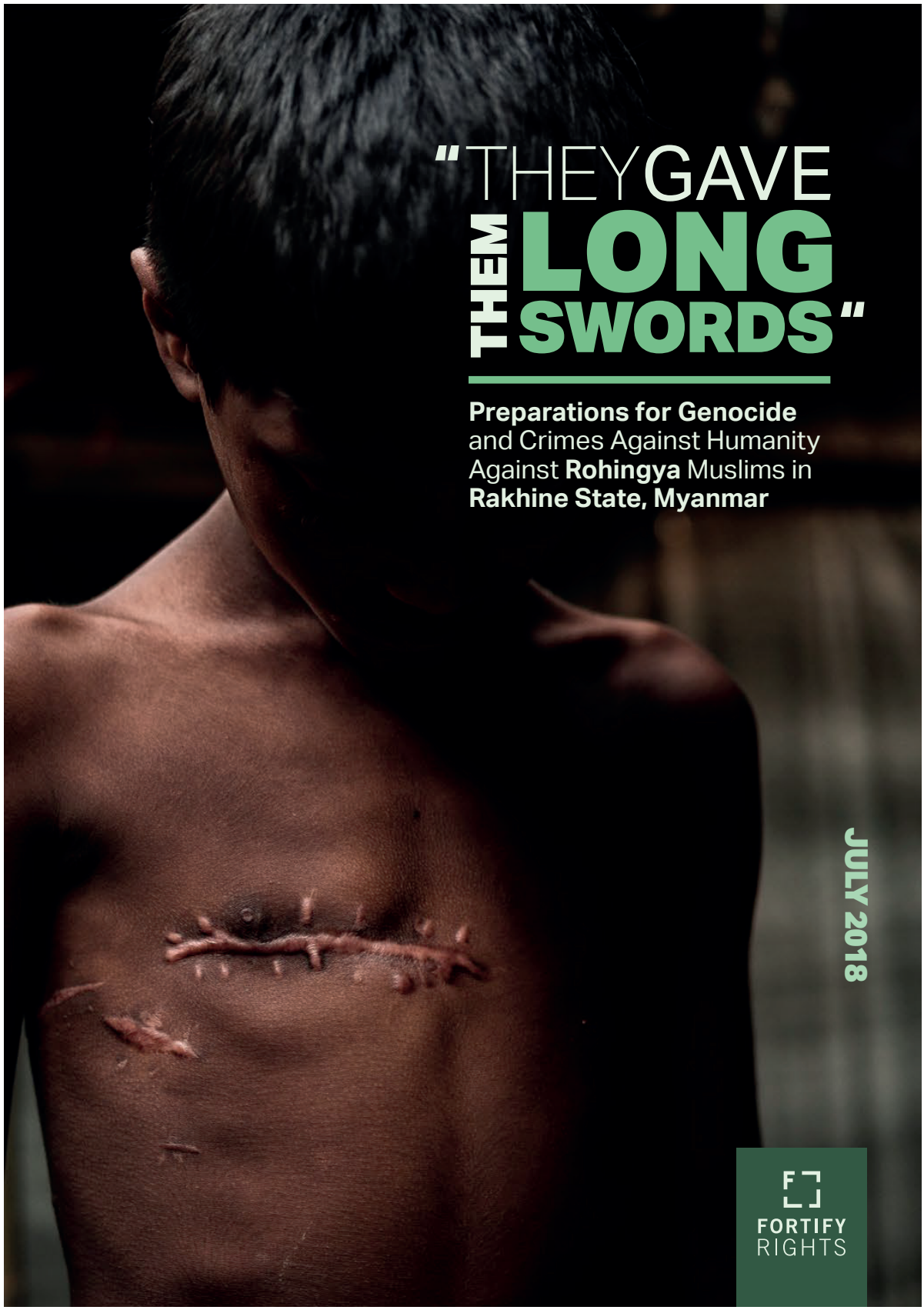
At a government meeting in Sittwe on 27 September 2017, the Union Minister for Social Welfare, Relief and Resettlement, Dr Win Myat Aye, said that under the country's Natural Disaster Management Law, "*burnt lands become a government managed lands*," arguing that the burning fit under "*natural disaster*" 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 Maungtaw 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.

Annex 14

Fortify Rights, *They Gave Them Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar* (July 2018)
(additional excerpts to MG, Vol. IV, Annex 114)



"THEY GAVE THEM LONG SWORDS"

Preparations for Genocide and Crimes Against Humanity Against **Rohingya** Muslims in **Rakhine State, Myanmar**

JULY 2018

FORTIFY RIGHTS

III. CRIMINAL ACTS AGAINST ROHINGYA BY CIVILIAN PERPETRATORS SINCE AUGUST 25, 2017

AFTER ARMING AND training local non-Rohingya citizens who had a demonstrated history of hostility toward Rohingya Muslims in northern Rakhine State, the Myanmar authorities activated them on August 25, immediately following the attacks by local militants described above. Groups of local non-Rohingya citizens, in some cases trained, armed, and operating alongside Myanmar security forces, murdered Rohingya men, women, and children, destroyed and looted Rohingya property, and assisted the Myanmar Army and Police in razing villages.

MURDER

Rakhine and other ethnic citizens of Myanmar citizens armed with swords, knives, and guns killed Rohingya men, women, and children during the military-led attacks on villages in Maungdaw, Buthidaung, and Rathedaung townships beginning on August 25, 2017.

Survivors of massacres in Chut Pyin village in Rathedaung Township, Tula Toli village in Maungdaw Township, and Maung Nu village in Buthidaung Township described witnessing sword-wielding Rakhine civilians slash and even behead Rohingya, including at least two children in Chut Pyin village, aged six and nine.[138] "Sultan Ahmed," 27, a Rohingya eyewitness of the Chut Pyin massacre on August 27, told Fortify Rights:

> Some people were beheaded, and many were cut. We were in the house hiding when they were beheading people. When we saw that, we just ran out the back of the house. Rakhine people were doing it. The military shot people, and the Rakhine were cutting heads. Some of the people were shot by the military first and, when they were lying down, the Rakhine came and cut their necks. Some were not yet shot, and the Rakhine came and cut their life away.[139]

Sultan Ahmed identified civilian perpetrators as residents from a neighboring Rakhine village.[140] Names of alleged perpetrators are on file with Fortify Rights.

138 Fortify Rights interviews with #4-2, #5-2, #23-2, #33-2, and #48-2, Cox's Bazar District, Bangladesh, September 2017.

139 Fortify Rights interview with #23-2, Cox's Bazar District, Bangladesh, September 1, 2017.

140 *Ibid.*

Annex 15

Physicians for Human Rights, *"Please Tell the World What They Have Done to Us": The Chut Pyin Massacre: Forensic Evidence of Violence against the Rohingya in Myanmar* (July 2018)
(additional excerpts to MG, Vol. IV, Annex 115)

Physicians for Human Rights

"Please Tell the World What They Have Done to Us"

The Chut Pyin Massacre: Forensic Evidence of Violence against the Rohingya in Myanmar

July 2018



intentionally causing great suffering or serious injury to body or to mental or physical health.

Overall, to determine whether acts constitute a crime against humanity, two main elements must be established: 1) that these acts were committed as part of a widespread or systematic attack directed against a civilian population; and 2) that the perpetrator participated in and had knowledge of the attack.[52]

Myanmar is not a party to the Rome Statute, so only the UN Security Council can refer Myanmar to the ICC for further criminal investigation.[53] Moreover, in June 2018, an ICC prosecutor asked the Court to consider whether prosecution could take place through Bangladesh, which is a party to the Rome Statute.[54]

PHR's research and analysis in this report indicate that the grave human rights violations committed in Chut Pyin should be investigated as potential crimes against humanity (namely murder and enforced disappearances, torture, rape and other sexual violence, and forcible transfer of populations).

Murder and Enforced Disappearances

> *"I saw they threw a two- or three-month-old baby into the fire. When the mother cried aloud, they shot the mother dead."*
> *Hala Banu, 35-year-old woman (Profile 19)*

All governments carry a duty to abstain from violating human rights and the positive obligation to protect human rights.[55] The International Covenant on Civil and Political Rights (ICCPR), a core international human rights instrument ratified by 171 UN member states, establishes that "every human being has the inherent right to life."[56] While Myanmar has not yet ratified the ICCPR, it is party to the Convention on the Rights of the Child,[57] the Convention on the Elimination of All Forms of Discrimination against Women,[58] and the Convention on the Rights of Persons with Disabilities,[59] all of which include the right to life. This right is also enshrined in the Universal Declaration of Human Rights, largely accepted as a common standard for all nations and adopted by all UN member states, including Myanmar.[60]

All Chut Pyin survivors interviewed by PHR reported having witnessed a relative or neighbor being killed, in some cases several people at once, pointing to the perpetration of mass killings. PHR research shows that 13 out of the 22 survivors lost 25 family members; in addition, a survivor who did not sustain injuries lost 10 relatives. According to a media report, one survivor from Chut Pyin has compiled a list of more than 350 missing or dead villagers, of whom 99 are young children or babies who were killed because they were unable to run fast enough to escape their attackers.[61] Another 50 men are disappeared and presumed to be detained or dead. Overall, this represents roughly one third of Chut Pyin's estimated Rohingya population of 1,400 people.

> *"My husband went missing [after] he went out for afternoon prayers. I still don't know whether … he was arrested or whether he was slaughtered."*
> *Nur Asha, 20-year-old woman (Profile 6)*

Profile 6: Nur Asha, 20-year old woman [94]

"I will never forget what happened to me. I am always thinking about it."

Nur Asha said that on the day of the Chut Pyin attack, four Myanmar security forces surrounded her house and ordered her to come out. When she came out with her four-month-old daughter and two-year-old son, they burned Nur's house down,

Nur managed to flee by running, but she and her son were shot when they reached the rice field. The bullet killed the child and then entered Nur's left wrist. After she was shot, she said military came and kicked her three times to check whether she was dead. Nur lay in the rice field and estimated that she was surrounded by roughly 100 other women doing the same. She said her sister-in-law, lying nearby, refused to surrender her baby boy when the military tried to wrest him from her; they shot the mother dead, and, when the baby fell from her hands, they shot the baby as well. "The bullet entered the head and it didn't exit." Nur said scores of people were killed in the rice fields around her. "People died like small fish in a dried pond…. I myself alone, had to cross 25 dead bodies." She made it to the next village and then walked approximately 11 days to reach Bangladesh, where she underwent surgery on her wrist.

PHR Medical Evaluation

Nur's clinical exam is highly consistent with her report of a surgically treated low-velocity gunshot wound, such as one that would have been caused by a bullet travelling through her son before striking her.

An examination of her left hand shows a hyperpigmented and raised lesion extending from the radial side of the forearm to the dorsum of the wrist. The dimensions of the wound are approximately 8 cm long x 2.5 cm wide. It has jagged borders and areas of skin contraction, indicating that the scarring pattern was irregular, consistent with the injury being caused by a lower-speed projectile. Nur has a grossly decreased sensation of her first, second, and third digits (thumb, index, and middle fingers) from the palm to the proximal interphalangeal (middle finger) joints, which is typical of a radial nerve injury. She rests her hands with over-flexion of the fingers and has limited range of motion and pain with active movement of the fingers and wrist.

While PHR did not conduct a full psychological evaluation, Nur displays an affect consistent with the psychological effects of trauma, crying throughout the interview and alternating between reporting what happened when asked and staring blankly for extended periods of time.



PHR's forensic medical examination of Nur Asha's left hand found a lesion highly consistent with her report of having been struck in the wrist by a bullet that first killed one of her children.
Photo: Physicians for Human Rights

Annex 16

Legal Action Worldwide, *"Every Day, I Rember They Destroyed My Life": Long-Term Physical and Pschosocial Consequences of Genocidal Sexual and Gender-Based Violence the Myanmar Military Committed against the Rohingya in its 2017 'Clearance Operations'* (November 2023)

LAW Legal Action Worldwide



Long-Term Physical and Psychosocial Consequences of Genocidal Sexual and Gender-Based Violence the Myanmar Military Committed against the Rohingya in its 2017 'Clearance Operations'

November 2023

About LAW

Legal Action Worldwide (**'LAW'**) is an independent, non-profit organisation comprised of human rights lawyers and jurists working in fragile and conflict-affected areas in the Middle East, Africa, and South Asia. LAW works to bring justice to individuals and communities that have experienced grave human rights violations and abuses, with a particular focus on gender equality and gender-based violence.

LAW's Rohingya Crisis programme seeks to ensure meaningful Rohingya participation in international justice processes pertaining to the serious international crimes committed against them in Myanmar. LAW provides information, legal assistance and representation to over 300 Rohingya, who are survivors of the 2017 'clearance operations'. One of the key pillars of our programme is the 'Survivor Advocates' network, which assists and provides peer support to individual clients, especially survivors of sexual and gender-based violence, and raises awareness within their community about the ongoing international justice and accountability processes.

This research focuses on the long-term consequences of sexual and gender-based violence perpetrated in Myanmar against Rohingya individuals and communities during the Myanmar military's 2017 'clearance operations'. It is based on the experiences of female, male and *hijra* (third-gender or transgender) survivors of sexual and gender-based violence, nearly six years after their deportation from Myanmar, currently living in the refugee camps in Cox's Bazar, Bangladesh. It will consider the impact of the historic sexual and gender-based violence on survivors' current reproductive and psychological health, and their relations with their children and kinship, with reference to the crime of genocide.

Trigger Warning:

This research contains graphic descriptions of sexual violence (including rape and genital mutilation) that may be upsetting to readers.

All participants in this research were informed about its purpose and how it would be used before they gave consent to participate. LAW verified the identities of interview participants, cross-checked the accuracy of their reported locations or villages of origin, and confirmed that they were survivors of sexual and gender-based violence in Myanmar. Please note the names of participants and locations have been removed for confidentiality. LAW has obtained consent of all persons photographed in this report.

Acknowledgments

LAW dedicates this research to the Rohingya victims and survivors of sexual and gender-based violence perpetrated in Myanmar. LAW is grateful to those who participated in this research, confided in us, and shared the harrowing experiences they suffered and continue to suffer. Their courage to speak out and pursue justice is deeply moving – we must have the courage to seek justice with them.

LAW is grateful to many other Rohingya survivors and witnesses of genocide who assisted in the research in numerous ways across all stages, from conceptualisation to implementation, and the contextual analysis of the data collected.

LAW is thankful to Justice Rapid Response for deploying the expert psychologists to Cox's Bazar for this research – their valuable support and expertise have been crucial to this multi-disciplinary research. The team of expert psychologists responsible for the interviews with survivors included Emilie Medeiros (PhD, D.ClinPsy, M.Sc), Lauriane Pfeffer (Psy.M), Dina Al Shafie (MD, Forensic Psychiatrist, Investigator), and Cynthia Grguric (PhD, LMHC), along with Richard Rechtman (MD, PhD), who provided clinical supervision to the psychologists.

LAW is also thankful to the humanitarian actors in Cox's Bazar for their contributions by sharing insights into their experiences as early responders in the Rohingya crisis and the challenges that survivors face in accessing medical and psychosocial services and support. LAW thanks the Bandhu Social Welfare Society, in particular, for their continued support in facilitating parts of this research with the Rohingya *hijra* population in the camps in Cox's Bazar.

This report was written by the LAW team comprising five lawyers, with the clinical analysis of the psychosocial data contributed by Dr Medeiros and Prof Rechtman. The findings presented in the report were strengthened from the review of the data on physical injuries by Ranit Mishori (MD, MHS, FAAFP, Senior Medical Advisor for Physicians for Human Rights). The data coding and qualitative analysis by Andrew Riley (MA) and Haley Ritsema (MPH) lent the necessary support to the team for identifying thematic patterns within the data collected.

The report benefitted greatly from the external review by recognized experts in international criminal law: Ms Patricia V. Sellers, Ms Sareta Ashraph, and Ms Erin Rosenberg.

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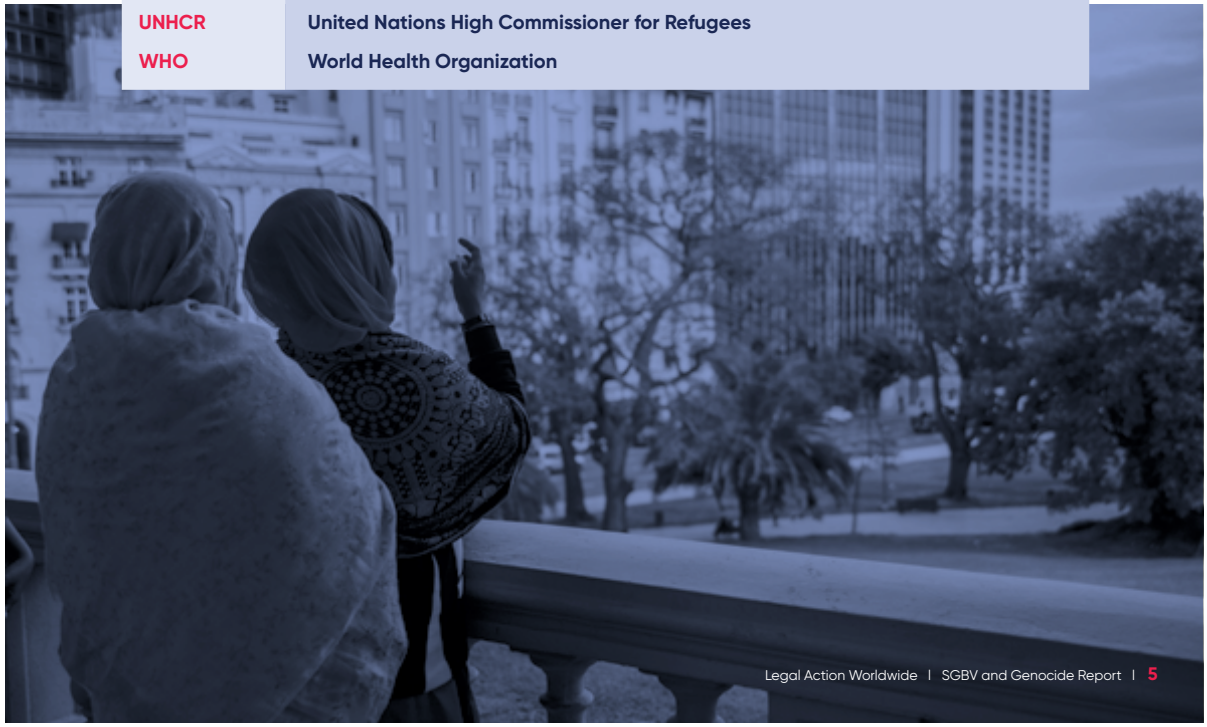
Acronyms

ARSA	Arakan Rohingya Salvation Army
ECCC	Extraordinary Chambers in the Courts of Cambodia
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IIFFMM	Independent International Fact-Finding Mission on Myanmar
IIMM	Independent Investigative Mechanism for Myanmar
NGOs	Non-Governmental Organisations
ISIL	Islamic State of Iraq and the Levant
KII	Key-Informant Interviews
MHPSS	Mental health and psychosocial support
NVC	National Verification Card
PTSD	Post-traumatic stress disorder
SAMHSA	Substance Abuse and Mental Health Services Administration
SGBV	Sexual and gender-based violence
SOGI	Sexual orientation and gender identity
Syrian COI	Independent International Commission of Inquiry on the Syrian Arab Republic
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization





Key terms	
Clearance operations	On 9 October 2016 and 25 August 2017, Myanmar authorities launched what they referred to as 'clearance operations' in response to attacks by the Arakan Rohingya Salvation Army. The reality of these 'clearance operations' was planned, widespread, and systematic violence against Rohingya civilians led by the Myanmar military and other security forces, which resulted in their large-scale displacement.
Hijra	A term used in South Asia to refer to an identity category for people assigned male at birth who develop a feminine gender identity.
Rape	A perpetrator invades the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion is committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent (Definition of 'rape' under article 7(1) (g)-1 of the Rome Statute of the International Criminal Court ('Rome Statute')).
Sexual violence	A perpetrator commits an act of a sexual nature against one or more persons or causes such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent (Definition of 'sexual violence' under article 7(1)(g)-6 of the Rome Statute).[1]
SGBV (Sexual and gender-based violence)	Violence that is directed at a person on the basis of their gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, as well as threats or coercion related to these kinds of harm. SGBV can include, but is not limited to, rape and sexual violence. Non-sexual forms of gender-based violence can include, for example, the attack on a girl's school, or the bombing of an LGBTIQ+ community centre.
Survivor/ victim	LAW uses the terms victim and survivor throughout this research to refer to individuals who have directly experienced or witnessed a violation or abuse. Both terms are used as LAW recognises that not all victims are survivors. Some do not survive the violation or abuse, whilst others do survive but identify as a victim, not a survivor.
Tatmadaw	The Myanmar Armed Forces are known as 'Tatmadaw', which literally translates into 'Imperial or Royal Armed Forces' with the suffix 'daw' or 'taw' denoting 'royal' or 'sacred'. In Myanmar, they are usually referred to as 'Sit-Tat', meaning 'Sit (Armed or Military), Tat (Forces).[2] Given the brutality of the Tatmadaw, including actions discussed in this research, LAW refers to them simply as the 'Myanmar military', in line with LAW's Rohingya clients who simply use the term 'military' or 'Burma military', except where quoting existing sources.

Executive Summary

During the 2017 'clearance operations', the Myanmar military subjected Rohingya civilians in Rakhine State, particularly women and girls, to brutal sexual and gender-based violence **('SGBV')**, including mass rape, gang rape, and genital mutilation – frequently in public spaces and in front of family and neighbours. This SGBV was a key part of the military's broader attack on the Rohingya civilian population which forced hundreds of thousands of them to flee to Cox's Bazar, Bangladesh, where they remain in refugee camps to this day.

Nearly six years later, LAW sought to understand if there is any continuing impact(s) of the SGBV that was committed by the Myanmar military on Rohingya survivors – men, women, and *hijra* - with a view to determining whether such SGBV can constitute genocide in and of itself. A multi-disciplinary team comprising psychologists, a medical doctor, and lawyers undertook the research and analysed the medical and psychosocial data collected from survivors and examined the findings within the applicable legal framework. The team undertook 30 psychological evaluations with SGBV survivors; four focus group discussions with 34 survivors and witnesses of SGBV and seven key-informant interviews to assess the impact of SGBV on current physical, reproductive, and mental health as well as biological relations and kinship. Forty-five public UN, NGO and academic reports were reviewed.

The research found that the scale of physical injuries from SGBV committed during the 2017 'clearance operations' resulted in long-term consequences, including permanent damage to survivors' genitalia, which has impacted their ability to procreate. Survivors described intense physical injuries to their genitals and secondary sex organs, which have a lasting impact today. They continue to suffer from chronic pain, recurring reproductive tract infections, dyspareunia (pain during sexual intercourse) and/or other forms of sexual dysfunction, such as loss of libido or erectile dysfunction, negatively impacting their ability to procreate.

All survivors described severe psychological injuries which has left them in a state of extreme emotional distress. Many survivors described a state of paralysis or numbness due to their emotional distress, which continues to make daily life extremely difficult. The clinical observations draw strong similarities with the clinical diagnosis of post-traumatic stress disorder**('PTSD')**. Coupled with living in a state of fear and hypervigilance for years before the 2017 'clearance operations', the cruel and public nature of the SGBV in 2017 violence has inflicted severe psychological harm on those who survived it. Those who witnessed SGBV continue to suffer psychological trauma – hence becoming both witnesses and survivors.

The SGBV also damaged individual survivors' intra-familial relationships including their ability to be intimate with their partner, their relationship with extended family networks, and with the broader community. In particular, the use of sexual violence negatively impacted survivors' parent-child relationships and their psychological capacity to procreate. Within the family, survivors' spousal relationships have been impacted due to their physical and psychological inability to have intimate relations, in turn impacting their capacity to procreate. Survivors' relations with their children have also been severely impacted in a number of ways: their physical and/or psychological inability to support the healthy early development of their children and the reversal of the caretaking role between parents and child, especially in cases where a child witnessed SGBV endured by their mother. For women who were impregnated due to SGBV or were already pregnant, their children are viewed by the community as no longer having the cultural-religious identity of Rohingya-Muslim but 'polluted' with that of the ethnic Rakhine or Myanmar military perpetrators. Moreover, female survivors' experiences of domestic violence and spousal abandonment (in cases where SGBV was disclosed) have further damaged the Rohingya family unit, with negative implications for these survivors' relations with their extended family.

The research also found that the systematic nature of the SGBV was destructive to the social fabric of the community in at least three ways. Firstly, severe ostracisation of the female survivors from family and kinship resulted in the loss of their cultural identity. Secondly, the real and symbolic emasculation of men by instilling powerlessness and diminishing their social role. Thirdly, the forced reorganisation of the Rohingya family unit and lineage, and erosion of future social alliances such as marriage within the community. The way the Myanmar military targeted the Rohingya community through SGBV has damaged the architecture of the Rohingya social life. There has been a breakdown of the traditional household structures and gender roles. The destroyed individual and collective *izzat* (social honour) that the female survivors and their children are believed to have brought to their households has obliterated the possibility for them to establish social alliances. This has resulted in fragmented households with single women-led family units along with their children, parted from their extended family relationships, and excluded from necessary protection and support.

Female survivors in particular are seen as a constant reminder of the horrors experienced, resulting in their severe ostracisation. Several female survivors' narratives illustrate that they have been reduced to a position of being

perceived as radically different from the rest of the community. They feel trapped in their identities as 'rape survivors', with no exit from their current state of suffering. This rejection reflects the diminished capacity of the Rohingya community to offer support to the survivors, heal itself, and the exacerbation of the impact of the SGBV committed by the Myanmar military. Further, the intrusion of perpetrators into the Rohingya families' compounds during the 'clearance operations' and the acts of SGBV inflicted on the women's bodies constituted a direct attack on men's social function as guardians, thereby enforcing powerlessness amongst them. This was a crucial dimension of the process of emasculation by the perpetrators. The emasculation is magnified for male SGBV survivors, evidenced in their difficulty in performing their core social and family roles in displacement due to their physical and psychological injuries.

These findings, specific to the 2017 'clearance operations', are made in the historical context of over five decades of Myanmar's state-sponsored discrimination, marginalisation, and violence (including SGBV) directed at their Muslim Rohingya minority population. It is also made in comparison to several other contexts where widespread SGBV has occurred with long-term mental health consequences for survivors: Namibia, Armenia, the Holocaust, Cambodia, Guatemala, Bosnia and Herzegovina, Rwanda, Darfur, and Iraq.

From this analysis, LAW found reasonable grounds to believe the Myanmar military's conduct in 2017 can be legally characterized as two acts of genocide against the Rohingya, in violation of Myanmar's obligations under the Genocide Convention: (1) causing serious or bodily harm to members of the group, and (2) imposing measures intended to prevent births within the group. This report substantiates that the participants' experience of SGBV aligns with the Myanmar military's broader operations against the Rohingya, as revealed in the desk research, and that this SGBV forms part of the military's larger genocidal plan targeting the Rohingya group for destruction.



Recommendations

1 Efforts to hold Myanmar accountable for the serious international crimes against the Rohingya including SGBV, must be advanced on an urgent basis.

- States must call upon Myanmar to immediately fulfil all provisional measures issued by the International Court of Justice (**'ICJ'**) in *The Gambia v. Myanmar* case on Application of the Convention on the Prevention and Punishment of the Crime of Genocide, including prevention of rape or other forms of sexual violence against Rohingya. Interim reporting by Myanmar on compliance with provisional measures should be made public and available to survivors, and an ad-hoc committee should be created/considered by the ICJ to monitor the implementation of the provisional measures by Myanmar.
- Additional states should file interventions in The Gambia v Myanmar case at the ICJ to support the interpretation of the Genocide Convention that leverages the developments in the international criminal law, and accounts for the systematic SGBV against the Rohingya as satisfying the elements of genocide.
- The UN Security Council should immediately refer Myanmar to the International Criminal Court (**'ICC'**) for investigation into violations of international criminal law against the Rohingya, including SGBV and genocide, that occurred fully on the territory of Myanmar.
- In light of the long-term consequences of SGBV on survivors' physical, reproductive, and psychological health, and the resulting destruction of their biological relations and family unit, SGBV should be a key part of any prosecutorial strategy to hold the Myanmar military and individual officials accountable for the crime of genocide against Rohingya.
- States should utilise principles of universal and extraterritorial jurisdiction, as in Argentina, and initiate structural investigations against the Myanmar military for its genocidal campaign against the Rohingya, paying special attention to the experiences of SGBV survivors.

2 Improved protection measures are necessary to ensure Rohingya SGBV survivors' continuous engagement in international justice proceedings.

- For SGBV survivors to participate in international justice proceedings safely, effective witness protection measures are essential. States and relevant institutions must ensure protection of identity, access to safe houses in countries of asylum, and fast-track third-country resettlement as necessary.
- Alongside witness protection, the Rohingya SGBV survivors must have access to accurate legal information, assistance, and representation that is trauma-informed, in order for survivors to effectively participate in international justice proceedings, and provide valuable evidence.

3 Fund and establish quality and long-term specialised support for Rohingya SGBV survivors across genders.

- Donors, humanitarian agencies, and service providers should engage with SGBV survivors across genders. The SGBV experiences of the Rohingya men and *hijra* in Myanmar, and its long term-impact in displacement should be mainstreamed.
- Donors, humanitarian agencies, and service providers must prioritise and adequately fund specialised sexual and reproductive health (**'SRH'**) services and psychological support to tackle the lack of comprehensive care available for Rohingya SGBV survivors.
- International justice mechanisms must pursue transformative reparations within judicial processes for survivors of SGBV and their communities. Survivor-centred approach should be adopted in the design and implementation of reparations programmes. This includes but not limited to access to appropriately trained (gender and sexual orientation and gender identity **('SOGI')** - competent) medical staff, and instituting psychological therapy programmes for victims and survivors.



Part I

Introduction

Introduction

In 2018, the UN Independent International Fact-Finding Mission on Myanmar ('IIFFMM') recommended the investigation and prosecution of senior Myanmar military leaders for genocide, among other serious crimes, in relation to the violence committed against Rohingya during the 2017 'clearance operations'.[3] Sexual violence perpetrated mainly by the Myanmar military was a hallmark of these devastating and horrific attacks against the Rohingya in 2017. The IIFFMM concluded, based on its investigation, that the scale and brutality of sexual violence against women and girls was one of the factors that indicated the Myanmar military's genocidal intent to destroy the Rohingya community.[4]

Nearly six years later, this research sought to understand if there is any continuing impact(s) of the SGBV that was committed by the Myanmar military on Rohingya survivors – men, women, and *hijra* - with a view to determining whether such SGBV can constitute genocide in and of itself.

Several international efforts since the 2017 'clearance operations' have documented the perpetration of SGBV against the Rohingya.[5] Separately, studies have analysed a broad range of mental health outcomes among the Rohingya population in the aftermath of the 'clearance operations' and during the accompanying humanitarian response.[6] Nevertheless, this research breaks new ground by exploring the connection between the SGBV experienced by Rohingya in Myanmar and their current psychological state. In essence, there is a lack of clinical evidence that delves into the enduring impact of the systematic SGBV committed against Rohingya in Myanmar, particularly in terms of its consequences for not only survivors' mental health but also their reproductive capacity and its impact on the community as a whole.

To shed light on these aspects, this research focused on three questions: (1) What is the physical and psychological impact of the SGBV during 2017 'clearance operations' on Rohingya victims and survivors? (2) What is the impact of such SGBV on the individual survivors' familial relations, and is there any impact on the Rohingya society? (3) Can SGBV against Rohingya – through its perpetration and long-term physical and psychosocial consequences – constitute a crime of genocide under the international law?

The research adopted a multi-disciplinary approach to answer these questions in a holistic, credible, and reliable manner – the research team comprising psychologists, medical doctor, and lawyers analysed the medical and psychosocial data collected from survivors and examined the findings within the applicable legal framework.

This research report is divided into the following six parts: the relevant contextual background on the Rohingya population, the SGBV they have endured, and efforts to seek justice, along with an overview of comparable contexts where the long-term impact of SGBV committed as part of genocide has been studied; the methodology of the multi-disciplinary research; summary of the applicable law; factual findings derived from the data on physical and psychosocial injuries collected from the survivors and its clinical analysis by the experts; legal analysis of the factual findings; and conclusions and recommendations.

Context

Myanmar's predominantly Muslim Rohingya minority population has faced over five decades of state-led marginalisation and violence perpetrated by the Myanmar military. This has led to tens and sometimes hundreds of thousands of Rohingya being displaced internally within Rakhine state and fleeing into neighbouring countries, mainly Bangladesh, on multiple occasions, including in 1978,[7] 1991-1992,[8] 2012,[9] and most recently during the 'clearance operations' in 2016 and 2017.[10]

On each occasion, serious human rights violations, including rape and other forms of SGBV, arbitrary executions and unlawful killings, torture and cruel, inhuman and degrading treatment and punishment, and the widespread destruction of property have been documented.[11] In 1978, the Myanmar immigration and military authorities conducted a 'national effort to register citizens and screen out foreigners prior to a national census', which led to the flight of more than 200,000 Rohingya to Bangladesh. Rohingya refugees reported that in addition to being forcibly evicted from their homes, they suffered widespread brutality, rape, and murder by the Myanmar military.[12] A similar mass exodus of approximately 250,000 Rohingya into Bangladesh occurred again in 1991 and 1992, prompted by discrimination, violence, and forced labour practices by the Myanmar authorities.[13] In 2012, violence erupted between ethnic Rakhine and Rohingya due to intensifying discrimination against the Rohingya.[14] Widespread sexual violence carried out against Rohingya by the Myanmar military, Border Guard Police and other security forces, including murder, arson attacks, arbitrary arrests, abductions and SGBV, have been extensively documented.[15] This violence was a precursor for the 2016 'clearance operations' perpetrated by the Myanmar military against the Rohingya. Between October and December 2016, the Myanmar military carried out rape, gang rapes and other forms of SGBV on a massive scale.[16] The 2016 'clearance operations' also involved killings of Rohingya men and boys who were violently rounded up[17] and indiscriminate firing against civilians by the Myanmar military soldiers accompanied by the police.[18]

Alongside the Myanmar military's targeted violence, Myanmar's domestic legal framework and state policies have long placed extensive discriminatory restrictions on the Rohingya, which has relegated them to the margins of society. Myanmar's 1982 Citizenship Law excludes Rohingya from the list of officially recognised national ethnic groups, rendering them ineligible for full citizenship. According to this legislation, those Rohingya seeking citizenship may apply for naturalised citizenship if they can provide conclusive evidence that they entered and resided in Myanmar prior to 4 January 1948.[19] However, this is an onerous requirement for populations that are repeatedly displaced, such as the Rohingya.[20]

Accordingly, many Rohingya have been effectively stateless since 1982. They are victims of a decades-long hate campaign, including incitement of anti-Rohingya sentiment, and have been deprived of their basic rights, including freedom of movement and religion.[21] They have suffered decades of violence and persecution, deep-rooted in a long-standing narrative that the Rohingya are not native to Myanmar and are an existential threat to the Burmese national identity.[22] This 'non-native' narrative has been embedded into government policies, such as the National Verification Card ('**NVC**') initiative, which, since its implementation in 2012, requires Rohingya to identify as 'Bengali'. Multiple instances of Rohingya being coerced by the Myanmar military to accept the NVCs, which confer no rights, have been documented.[23]

Denial of citizenship has also served as the basis for Myanmar to deprive Rohingya of basic human rights and freedoms. These encompass restrictions on many aspects of their day-to-day life, including restrictions on access to education and professional employment, registration of births of Rohingya children (a pre-requisite for obtaining identity documents, travel authorisations, marriage permissions, and enrolment in most government schools),[24] and marriage between Rohingya couples.[25] Additionally, there are restrictions on the permissible number and spacing of children, with specifically Rohingya couples prohibited from having more than two children and being forced to use contraception as part of the marriage permission procedure, or risk fines or imprisonment.[26] From 2015, national policies and practices were implemented to severely restrict the Rohingya movement and purportedly protect race and religion, which discriminate against women and girls.[27] For instance, in 2015, Myanmar adopted a package of four laws targeting Muslims and imposing restrictions on marriage, religious conversion, extramarital relations and population control measures respectively.[28] These rules caused long delays in obtaining marriage permissions and resulted in complex and humiliating procedures. Due to this, couples often choose to only marry religiously, which carries the risk of penalties. The lack of access to contraception contributed to a rise in unsafe abortions.[29]

The restrictions above, in addition to increasing the prospect of harassment at military checkpoints, have the effect of significantly restricting the Rohingya's access to essential services in Myanmar, including healthcare.[30]

Such embedded history of marginalisation, systematic discrimination and persecution creates the backdrop for the subsequent 'clearance operations', including widespread SGBV against Rohingya, and sets the context for any assessment of genocide.

2017 "Clearance Operations"

On 25 August 2017, the Myanmar military initiated 'clearance operations' in northern Rakhine state following an attack by the Arakan Rohingya Salvation Army ('ARSA') on a Myanmar military base and up to 30 security outposts.[31] For the next two months, the Myanmar military implemented one of the most devastating and horrific attacks on Rohingya civilians, resulting in the death of at least 10,000 people[32] and the mass exodus of at least 720,000 survivors – half of them children[33] – to escape the violence. The 2017 'clearance operations' caused the largest displacement of Rohingya into neighbouring Bangladesh to date.[34]

The IIFFMM, which was appointed by the UN Human Rights Council in March 2017 to establish the facts and circumstances of the alleged human rights violations and abuses by military and security forces in Myanmar, described the 'clearance operations' as a 'human rights catastrophe' and as 'foreseeable and planned'.[35]

No meaningful accountability processes have taken place within Myanmar related to crimes perpetrated against the Rohingya during or prior to the 2017 'clearance operations',[36] nor is it likely that such a domestic process will take place in the foreseeable future.[37] In February 2021, the Myanmar military sought to implement an unlawful coup d'état in Myanmar, resulting in international condemnation. The Myanmar military has brutally suppressed peaceful protests through patterns of human rights violations,[38] some constituting international crimes.[39] Notably, many of the same battalions and divisions alleged to have perpetrated criminal conduct during the 2017 'clearance operations' in Rakhine state have been redeployed in Myanmar's cities. Over time, the political violence has escalated, with the Myanmar military attacking and raiding villages suspected of harbouring resistance forces, and as of June 2023, at least 6,337 civilians have been killed.[40] There is no evidence to suggest that the culture of impunity will be addressed – indeed, the coup d'état makes the prospect of ending impunity even less likely. Since the attempted coup, the situation of more than 400,000 Rohingya remaining in Rakhine state has deteriorated. It is reported that the Rohingya 'languish in closed villages and in now nine[-year-old] decrepit "temporary" detention camps'.[41]

SGBV perpetrated against Rohingya

In the context of military operations in Myanmar, patterns of rape and sexual violence against civilians, particularly ethnic minority populations, have been reported for at least three decades by the UN and local and international civil society organisations.[42] In 1995, the Special Rapporteur on the human rights situation in Myanmar reported indications that 'soldiers view rape as a right, and that sometimes it is encouraged by officers'.[43] In its 2018 report, the IIFFMM concluded that 'rape and other sexual violence have been a particularly egregious and recurrent feature of the targeting of the civilian population in Rakhine, Kachin and Shan States since 2011'.[44]

The use of SGBV against civilians in these operations with long-standing tolerance and impunity, where military personnel have no reason to fear punishment or disciplinary action,[45] culminated in the widespread and systematic use of SGBV during the 2017 'clearance operations' against the Rohingya, which has been described as 'brutal and grossly disproportionate'.[46] The rapes and other forms of sexual violence perpetrated against the Rohingya have been identified as part of a deliberate strategy to intimidate, terrorise and punish a civilian population as a tactic of war.[47] The SGBV perpetrated during the 2017 'clearance operations' was a significant factor indicating the Myanmar military's genocidal intent in light of the extent and scale of violence, along with its impact on foreseeable impact on individuals, families and communities.[48]

'I was raped by the Rakhine and the military, they were five of them. They tied up my mouth, and I was bleeding a lot. They held sharp knives with them and pulled a gun on my head and threatened to kill me if I was to shout. That is why I could not shout and had to accept when they were doing. They cut me under my breast whilst they were raping me`.

J, female SGBV survivor

Rohingya women and girls

The Myanmar military perpetrated widespread and systematic SGBV against Rohingya women and girls during the 'clearance operations',[49] such as abduction, rape (including mass gang rapes), acts of sexual humiliation, forced nudity, mutilation, and physical and mental torture. Such SGBV against women and girls was often accompanied by the killing of their children.[50]

During the 2012 violence and the 2016 and 2017 'clearance operations', sexual violence was committed by the Myanmar military, Border Guard Police and other security forces, as well as members of ethnic Rakhine communities.[51] 80% of incidents of rape corroborated by the IIFFMM were gang rapes, and 82% of these gang rapes were perpetrated by the Myanmar military.[52] Such experiences led the IIFFMM to describe women and girls as becoming the conflict's 'frontline victims'.[53]

'When I regained my senses, I saw that the military was also raping other women and one of my sister-in-law, who was so young and attractive. They raped her and cut her vagina. She was next to me, so I saw this with my own eyes. I also saw a lot of dead bodies around me near the pond by my house. There was another woman who was a newly wedded relative who had a 3-month-old baby and was breastfeeding. The military came to try to rape her. She said to them, "I have to breastfeed, so please don't torture me!" They then cut her breasts, tortured her a lot, killed her and raped her'.

MK, female SGBV survivor



In the aftermath of the 'clearance operations', in April 2018, the Office of the United Nations High Commissioner for Human Rights (**'OHCHR'**) estimated there are over 40,000 pregnant women and girls among the Rohingya refugee population, a significant number of which pregnancies are the result of rape.[54] The KII also noted that there was a high incidence of births during April/May 2018 post-influx, suggesting large-scale SGBV during the 'clearance operations'.[55]

While the actual number of women who died secondary to the sexual violence committed during the 'clearance operations' is unknown, Médecins Sans Frontières estimates that at least 2.6% of women and girls died from or after sexual violence between 25 August and 24 September 2017.[56] Reportedly, the majority of the victims of sexual violence who arrived in Bangladesh (estimated at over 58,000 according to a data analytical study [57]) were not able to receive post-assault medical care such as emergency contraception or obstetric care. As a result, they faced high risk of sexually transmitted diseases, placing women and girls, in particular, at increased risk of morbidity and mortality.[58] Media reports at the time noted that amongst those who survived the rape, there was an overwhelming number of reports of severe gynaecological injuries and complications, including but not limited to cervical lacerations and vaginal tearing resulting from the insertion of objects like guns/nails, and severe vaginal bleeding.[59] The IIFFMM, in its 2019 report, concluded that the attacks on pregnant women, the mutilation and other injuries to their reproductive organs, and the severity of injuries to victims was such that they may be unable to have sexual intercourse or to conceive, leaving them concerned that they would no longer be able to have children.[60]

Rohingya men and boys

There are credible, consistent reports of Rohingya men and boys being subjected to SGBV prior to and during the 'clearance operations',[61] attributable to members of the Myanmar military, NaSaKa border forces (prior to its disbandment in 2012), Border Guard Police, prison authorities and members of ethnic Rakhine communities.[62] Instances include anal and oral rape, forced nudity, genital mutilation and sexualised torture, as well as being forced to witness SGBV, taking place in detention facilities (notably Buthidaung Prison).[63]

'I suffered much torture oppression [zulum nijjaton]. During the genocide, the Myanmar police arrested me and kept me for 14 days. In the night, five or six people used to come to our room and torture us in many ways. They took hot iron and burned on our backs, beating us with sticks and raping us time and time again`.

NB, male SGBV survivor

SGBV perpetrated against men and boys was intentionally inflicted to cause severe mental and physical suffering on a scale so large that it was found to meet the contextual elements of crimes against humanity in that it constituted part of the military's widespread and systematic attack against the Rohingya civilian population.[64] The scale of SGBV perpetrated against Rohingya men and boys is believed to be significant; the representative study conducted with Rohingya refugees in Bangladesh showed that 34.3% of male respondents had experienced 'sexual abuse, sexual humiliation, or sexual exploitation'.[65]

'They took me, tied my wrists and ankles with rope, then they hit me with the back of the gun, two men stood on my back, two men stood on my legs and the fifth man raped me. I was so tired, senseless, weak, and feeling pain all over my body. I felt I was almost dying [Ai abbe o`ran oi geilamgoi, beshi norom oi geilam goi, a`ar shara ga bish oi geilgoi. A`ttu ai mori jargoi Fan laiggil]`.

AU, male SGBV survivor

The impact of physical and psychological impacts of SGBV against Rohingya men has also been documented. This includes stigma and taboo associated with SGBV, as well as a decreased sexual desire and feelings of being emasculated, hindering their ability to contribute productively to society, impacting not only their personal well-being but also their families and communities.[66] Myanmar military forces reportedly forced Rohingya men to witness SGBV against Rohingya women 'to inflict terror, humiliation, and anguish on both the female victims and the male observers, and to damage familial bonds, destroy the social fabric, and subjugate communities as whole'.[67]

'After arresting me, they asked for 800,000 (kyat). When my wife heard about the incident and the bribe, she gathered 600,000 (kyat) and went to release me. When they saw that my wife could not fulfil their demands, they raped me first and then they raped my wife`.

MS, male SGBV survivor



Rohingya with diverse SOGI

Rohingya with diverse SOGI have been subjected to sexual violence by the Myanmar military, both before and during the 'clearance operations'.[68] Consistent accounts have been documented from transgender women 'who authorities targeted with sexual violence because of their gender and sexual orientation, in addition to their ethnicity as Rohingya'.[69] Civil society has documented that discrimination against persons with diverse SOGI is commonplace in Burmese society, but vulnerabilities are increased in conflict-affected contexts, such as the Rakhine state, due to the collapse of social protections and increased violence and impunity.[70]

'I was raped very badly during the three days of detention in Myanmar. They were seven men, soldiers. They did everything to me, raped "from the back" [Hitara a*re bura ham goijje ar fisottu ow zulum goijje]. They did everything they wanted to me. They left me as I was like a dead body [A*re mora mainshordoil felai di gilgoi]'.

MN, hijra SGBV survivor

'When we fled the village to the jungle, there was a group of Rakhine militaries. They had masks on their face; I could only see their eyes. I was with another hijra friend. They tied our hands, they blindfolded us, and forcefully raped us. When we tried to escape, they tried to slice our throats (actual marks visible on the neck)'.

MY, hijra SGBV survivor



Seeking justice for SGBV experienced by Rohingya

'Sometimes I feel weak [norcom], but I am strong enough to seek justice. Whatever they did to the women and children, and killing people, I am ready to seek justice. I will never forget how they killed children'.

F, female SGBV survivor

In 2018, the IIFFMM concluded that the acts committed in Myanmar 'undoubtedly amount to the gravest crimes under international law' and recommended that 'named senior generals of the Myanmar military should be investigated and prosecuted in an international criminal tribunal for genocide, crimes against humanity and war crimes'.[71] In subsequent years, numerous international efforts to secure justice for the crimes experienced by the Rohingya in Myanmar have been underway.

The establishment of the IIMM in 2018 to collect, consolidate, preserve, and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 was an important component for facilitating criminal proceedings and accountability efforts for the Rohingya.

The ICC's Office of the Prosecutor is currently investigating alleged crimes against humanity, such as deportation, acts of persecution and other inhumane acts, committed against Myanmar's Rohingya population on or after 1 June 2010. Whilst Myanmar is not a State Party to the Rome Statute, Bangladesh ratified the Rome Statute in 2010. In 2019, the ICC Pre-Trial Chamber found there to be a reasonable basis to believe widespread and/or systematic violence against the Rohingya population, including their deportation into Bangladesh, may have been committed at least in part on the territory of Bangladesh, which suffices to permit ICC jurisdiction to investigate these matters.[72]

In 2019, proceedings before the ICJ were also brought by The Gambia against Myanmar, arguing that, through its treatment of the Rohingya, Myanmar failed to meet its obligations in respect of the Convention on the Prevention and Punishment of the Crime of Genocide (**'Genocide Convention'**).[73]

In December 2019, during hearings on provisional measures in the case, The Gambia included evidence of SGBV documented by the IIFFMM in its oral submissions. These proceedings are an essential component in determining state responsibility and finding a long-term solution for the wider Rohingya crisis, as well as in duly acknowledging and addressing the horrific experiences of the Rohingya in Myanmar, including the perpetration of SGBV. After rejecting Myanmar's objections to its jurisdiction, the ICJ judges allowed the case to proceed to its current stage: briefing on the merits.[74] Notably, the Maldives,[75] Canada and the Netherlands,[76] and more recently, the UK,[77] Germany,[78] and France[79] have indicated their intention to intervene formally in the case, in support of the Gambia's submissions.

Also in 2019, a criminal complaint was filed in federal court in Argentina on the basis of 'universal jurisdiction', which resulted in local authorities opening an ongoing investigation into international crimes committed against the Rohingya in Myanmar during the 2017 clearance operations, including SGBV, crimes against humanity, and genocide.[80] In June 2023, an Argentine federal prosecutor conducted closed-door confidential investigative hearings, including taking testimony from witnesses.[81] LAW supported these witnesses in travelling to Argentina and helped prepare their testimony. In 2022, the United States Secretary of State announced that the Myanmar military committed the crime of genocide and crimes against humanity against Rohingya in Rakhine State.[82]

The courts within Myanmar have been politicised to the point where due process is impossible, and domestic initiatives have not resulted in genuine, independent, or effective investigations or prosecutions.[83] Accordingly, victims of the Myanmar military's crimes have no credible recourse to domestic justice. There has, therefore, been significant enthusiasm within the displaced Rohingya population for the ongoing international justice proceedings.[84]

More recently, as the Rohingya crisis has entered its sixth year, the levels of insecurity, violence, and intra-community tensions in the camps in Cox's Bazar have significantly risen.[85] These rising tensions are occurring amid increased food insecurity with the reduction of rations from the World Food Programme.[86] Even within this complex environment, the current grass-roots perceptions among the Rohingya community indicate that returning to Myanmar without 'achieving justice' is unthinkable for many. The importance of justice is especially paramount for those who faced incidents of severe SGBV and physical harm, as well as for those who lost family members in the violence. Therefore, the value of justice is not a simple question of accountability for past crimes but should also address the long-term impacts of the violence that impact Rohingya refugees' physical and mental health, as well as the fact of their being in 'limbo' given their sustained displacement and deportation until the present day in dangerous conditions in crowded refugee camps in Cox's Bazar.



SGBV as genocidal acts with long-term effects

Rohingya SGBV survivors are not alone in their experience. From the 20th century, victims and survivors in some contexts, such as Namibia, Armenia, former German-occupied Europe, Cambodia, Guatemala, Bosnia and Herzegovina, Rwanda, Darfur, and Iraq, have suffered long-term psychological, physical, and social consequences of SGBV, which amounted to an international crime, including as a constitutive act of genocide. This section provides a brief overview of these contexts where severe long-term consequences of SGBV have been studied, showing how the perpetration of genocidal SGBV can have a devastating effect on the health, welfare, social fabric, and the existence of the community. A review of these studies further merited undertaking the present research to reflect on whether and how the nature and extent of harm inflicted on Rohingya survivors and communities due to the SGBV by the Myanmar military is comparable to that documented in other genocidal contexts.

1 Herero and Namaqua ('Nama') (1904-1908)

In 1904, the German imperial military forces defeated the Nama and Ovaherero peoples after several months of clashes in the former colony of German South West Africa, present-day Namibia.[87] Referred to as the first genocide of the twentieth century,[88] between 1904 and 1908, German imperial military forces systematically targeted indigenous Ovaherero and Nama peoples, using physical violence, establishing conditions of malnutrition, sickness, starvation and thirst, and implementing an official extermination policy.[89] Sexual violence was common during German colonial rule, particularly against women and girls who were raped, subjected to sexual slavery, or killed when they refused sexual advances of the Germans.[90] Ovaherero and Nama women and girls were subject to rape and physical violence during this period, with the reported knowledge and consent of German colonial authorities.

The UN experts, as part of their joint communication to the German Government in February 2023 expressing their concern over the lack of effective reparative measures by Germany for the genocide survivors, noted in particular the long-term effects of the genocide in Namibia, stating that 'the impact on the loss of tribal organisation, practices, names, and religion has resulted in the loss of cultural identity and belonging [and that] the concentration and slave labour camps led to institutional sexual violence and trauma that was never addressed and which is visible in contemporary Namibia through gender-based violence'.[91]

2 Armenia (1915-1916)

A nationalist reform group called the 'Young Turks' sought to strengthen, modernise and 'Turkify' the empire in 1908.[92] This nationalistic ideology ignited a campaign against the Ottoman Armenians, leading to the implementation of a set of measures targeting the Armenian population that was seen as a barrier to the unification of the Turkic people.[93] The measures implemented included a law authorising the military and government to deport anyone deemed as a security threat and to confiscate abandoned Armenian property. Consequently, Armenian men were arrested and killed in mass executions, whilst women, children, and the

elderly were removed from their homes and deported to the desert of modern-day Syria by way of 'death marches' for hundreds of miles without food or water.[94] Sexual violence against women and girls took place at the outset and at every stage of the massacre and expulsion of Armenian villages in 1915. Women and girls were abducted, sexually abused, and raped before being killed or left to die from severe injuries. Some were forcibly converted and married to Muslim Turks, Kurds and Arabs, whilst some lived in sexual servitude.[95] The horrific nature of the sexual violence led to some committing suicide.[96] Many survivors were pregnant, infected with sexually transmitted diseases and/or traumatised by physical abuse.[97] The enduring trauma passed down through generations included the cultural eradication of the Armenian people from their historic communities in Western Armenia, their conversion into Muslim households and destruction of their own civilisation, and the dispersal of the survivors around the globe.[98]

After the war, international pressure for accountability led to several courts martial applying the Ottoman military code to convict several Ottoman leaders for massacre, plunder and pillage.[99] Some of the tribunals or military courts invoked the principle of 'crimes against humanity' in the trials, and although sexual violence was rarely expressly charged, it surfaced in many indictments and trials due to the widespread nature of the crimes.[100] Reflecting on the role of sexual violence in the pattern of crimes against Armenians, the Turkish Military Tribunals found that the honour of women and girls was violated by forcing them into marriages or servitude, with the aim of subjecting them to poverty and ruin through abuse.[101]

3 The Holocaust (1933–1945)

The Nazis, who assumed power in Germany in 1933 and its collaborators, carried out systematic and state-sponsored persecution, which led to the murder of an estimated 6 million European Jews.[102] The Nazis (a shortened name for the 'National Socialist German Workers' Party')[103] was a racist regime who believed that the Aryan were racially superior and regarded the Jews, Romas (sometimes derogatorily known as 'gipsies'), those physically or mentally disabled, LGBTIQ+ persons, and other ethnic groups[104] as inferior to the Germanic race. The Holocaust (also known as 'Shoah' in Hebrew)[105] unfolded in stages over time and during World War II, beginning with the passing of the Nuremberg Laws in 1935, which sought to exclude the Jewish population from German society, including stripping them of citizenship.[106] Following the invasion of Poland in 1939, the Jewish community was segregated into ghettos where poor living conditions caused many to lose their lives due to diseases, starvation, and murders.[107] In 1941, the last stage of the Holocaust was implemented with the deliberate and systemic mass murders on an unprecedented scale of the Jewish community, which the Nazis called 'Final Solution to the Jewish Question'.[108] Mass shooting operations took place in more than 1,500 cities, towns, and villages across Eastern Europe, in broad daylight and in full view of the local residents. Specially designed 'extermination camps' were built where the primary means of murder was poisonous gas released into sealed chambers. In the final months of World War II, Jewish detainees were forced into 'death marches' by the Germans in an attempt to evacuate the concentration camps to prevent the prisoners from being liberated by the Allied troops.[109]

Sexual violence during the Holocaust was inflicted not just against women but men and boys,[110] and LGBTIQ+ individuals.[111] During 'routine procedures' in the ghettos or in the extermination camps, women were subjected to sexual humiliation and rape, forced prostitution or sexual barter in exchange for food,[112] forced abortions, forced sterilisations and medical experiments.[113] Mass sterilisation experiments were conducted, including through injecting reproductive organs with chemical solutions or through exposure to X-ray radiation.[114] Many victims died from complications that arose from these unethical medical experiments. The experiences of imprisonment in the extermination camps resulted in long-term psychological trauma amongst survivors,[115] in combination with psychosis leading to lifelong illnesses.[116] The majority of women stopped menstruating in the extermination camps, and survivors later described experiencing difficulties in fertility.[117]

4 Cambodia (1975–1979)

From 1975 until early 1979, the Khmer Rouge regime ruled Cambodia as a totalitarian state, abolishing civil and political rights, private property, religious practices, and minority languages.[118] It subjected the Cambodian population to forced transfer and evacuation, forced labour, torture, imprisonment and execution.[119] In terms of deaths per total population, it ranks very high among genocidal regimes.[120] After an estimated 1.5 million – a quarter of the then population – died under the regime from execution, overwork, or starvation,[121] survivors were left with multiple and long-standing psychiatric disorders.[122] During the three years and eight months that the Khmer Rouge was in power, gross acts of sexual violence were committed against both men and women, including: rape, forced marriage and sexual humiliation.[123] With an aim to control sexuality and increase population, forced marriage, in particular, was a cornerstone of SGBV under the Khmer Rouge. Marriage ceremonies involved 3-160 couples who usually had no choice in their partner and had never met each other before. Refusal to marry and later consummate the marriage often resulted in imprisonment, torture, or death.[124] The Khmer Rouge targeted ethnic minorities, especially Chinese, Vietnamese and Muslim Cham, and regulated their family building and marriage. For example, the regime considered the Vietnamese ethnicity to be matrilineal, and as a result, in mixed families, targeted

Vietnamese mothers and their children whilst sparing Khmer fathers, as well as targeted Vietnamese fathers whilst sparing Khmer mothers and children.[125] Decades later, victims and witnesses, including SGBV survivors, had the opportunity to testify before the Extraordinary Chambers in the Courts of Cambodia (**'ECCC'**), a special court set up to try those responsible for serious violations committed during the Khmer Rouge regime. ECCC found that crime of genocide and persecution on racial grounds were committed against the Vietnamese.[126] Despite the significant passage of time, studies show that Cambodian residents and refugees still have psychiatric symptoms associated with trauma.[127]

A 2015 study (with 222 interviewees who experienced SGBV under the Khmer Rouge either directly or indirectly, and all of whom were civil parties of Case 002 of the ECCC) states that women continue to suffer from the violence they experienced during the Khmer Rouge era through today.[128] The study found that 51.1% of respondents reported that the violence has affected their psychological well-being. The vast majority reported that they are still suffering from feelings of shame (50.0%) and guilt (87.5%). A considerable number of interviewees described symptoms of baksbat (literally, broken courage, Cambodian idiom of distress), including nervousness, sleeping problems and headaches. 20.4% of respondents said that the experience of violence had affected their physical well-being, whilst 15.2% reported that it had harmed their sexual functioning. Nine female respondents reported feeling ongoing pain in the vagina and uterus, whilst five respondents reported feeling uncomfortable when having sex. Thirty female respondents reported feeling discriminated against and enduring a bad reputation due to the gender-based violence they suffered during the regime. Six victims of forced marriage stated that they suffer from a lack of respect in their community because members of the community believe their marriage went against tradition. Among the 119 victims of forced marriage interviewed, 68.9% revealed that they are still worrying about what others may think of them in light of the sexual violence they have experienced.[129]

5 Guatemala (1980 -1983)

During the Guatemalan civil war between 1960 and 1996, an estimated 200,000 people were killed by the military, including in more than 600 documented massacres around the country.[130] More than 80 per cent of the victims were indigenous Maya civilians, and more than 100,000 women suffered brutal rapes.[131] In 1980, the army instituted 'Operation Sophia', which sought to undermine anti-government guerrilla by terrorizing or killing civilians, primarily descendants of the Maya, whom the army suspected were supporting the insurgents.[132] The most intense genocidal period took place during the military dictatorship of Efrain Ríos Montt between 1982-1983, where the murder of 1,771 people of the Ixil Maya ethnic group was ordered and a further 29,000 individuals were displaced and subjected to subhuman conditions, torture, rape and sexual abuse.[133] Ríos Montt was found guilty of genocide and crimes against humanity in 2013,[134] though the Constitutional Court overturned the verdict ten days later and ordered a retrial.[135] In 1994, a UN-supported Guatemala's Commission for Historical Clarification - La Comisión para el Esclarecimiento Histórico (**'CEH'**) was formed to clarify human rights violations related to the internal conflict from 1960 to the United Nations brokered peace agreement of 1996, and to foster tolerance and preserve the memory of the victims.[136] The CEH investigation demonstrated that the rape of the Mayan women, during torture or before being murdered, was a common practice aimed at destroying dignity. Most of the women suffered profound trauma and stigma as a result of the sexual violence.[137]

6 Bosnia (1992-1995)

During the conflict in Bosnia and Herzegovina, up to 50,000 Muslim women are estimated to have been raped. 'Rape camps' were established to oversee the authorities' policies of gang rapes and forced impregnation, as militias sought to impregnate Bosnian women to bear 'Serbian' children.[138] Bosnian men were also victims of brutal SGBV, particularly in detention settings, and were subject to castrations.[139] Between 2,000-4,000 children are estimated to have been born out of SGBV during the conflict.[140] In a similar manner to Rwanda, during and immediately after the genocide, Bosnia and Herzegovina experienced a rapid reduction in the birth rate due to factors such as spousal separation, increased miscarriages, and delayed births.[141] In 1993, the International Criminal Tribunal for the Former Yugoslavia (**'ICTY'**) was established to prosecute war crimes, crimes against humanity, and genocide committed during the conflicts in the Balkans.[142] As detailed in Part V of this report, the court handed down several relevant judgments documenting widespread SGBV. The Appeals Chamber in Krstić held that evidence introduced at trial supported the finding that with the majority of the men killed officially listed as missing, their spouses are unable to remarry and, consequently, to have new children.[143] Hence, the physical destruction of the men had severe procreative implications for the Srebrenica Muslim community, potentially consigning the community to extinction.

A study of former Bosnian refugees in the region found that 45% of all respondents who were originally classified as having depression, PTSD, or both remained symptomatic after three years, and that 16% of respondents who were asymptomatic had developed PTSD, depression, or both.[144] A 2006 study of 68 Croatian and Bosniak women who were victims of rape during the genocide found that, despite none of the women having a psychiatric history before being raped, 52 women later suffered from depression, 51 from social phobia, 21 from PTSD and 17 had sexual dysfunctions. Further, out of 29 women who became pregnant after

being raped, 17 had an artificial abortion, with this decision strongly predicated on suicidal thoughts and impulses. The study concluded that the wartime rapes had deep, immediate, and long-term consequences on the mental health of women victims and their social and interpersonal functioning.[145]

7 Rwanda (1994)

From April until mid-July 1994, the genocide in Rwanda resulted in the deaths of an estimated 800,000 people, most of whom were members of the Tutsi minority community.[146] In the run-up to the genocide, much of the propaganda was directed at Tutsi women, deriving from patriarchal societal structures and the view that Tutsi women are sexual objects requiring subjugation.[147] It is estimated that 90% of surviving Tutsi women and girls were sexually molested in some manner during the genocide, and nearly 70% of women raped contracted HIV/AIDS. There were widespread reports of forced sexual penetrations, mutilations, burnings, mass rape and sexual slavery.[148] Potentially, over 10,000 children were born as a result.[149]

Prior to the genocide, Rwanda had one of the world's highest birth rates (6.2 per woman).[150] During and immediately after the genocide, Rwanda experienced a progressive reduction[151] in the birth rate due to factors such as spousal separation, widespread killing, increased miscarriages and delayed births.[152] Children born as a result of SGBV suffered high infanticide rates, abandonment, neglect and cultural obstacles.[153] Once rendered unmarriageable by sexual violation, women's societal values became marginal.[154] A decade later, a survey of adults in four Rwandan communes found that 24.8% of participants met the symptom criteria for PTSD. It also found that respondents who met PTSD criteria were less likely to develop a shared vision and sense of a collective future.[155] In the direct aftermath of 1994, the International Criminal Tribunal for Rwanda (**'ICTR'**) was established to prosecute those considered most responsible for war crimes, crimes against humanity, and genocide.[156] As detailed in Part V, the ICTR handed down several judgements, including for the use of SGBV as a genocidal act.

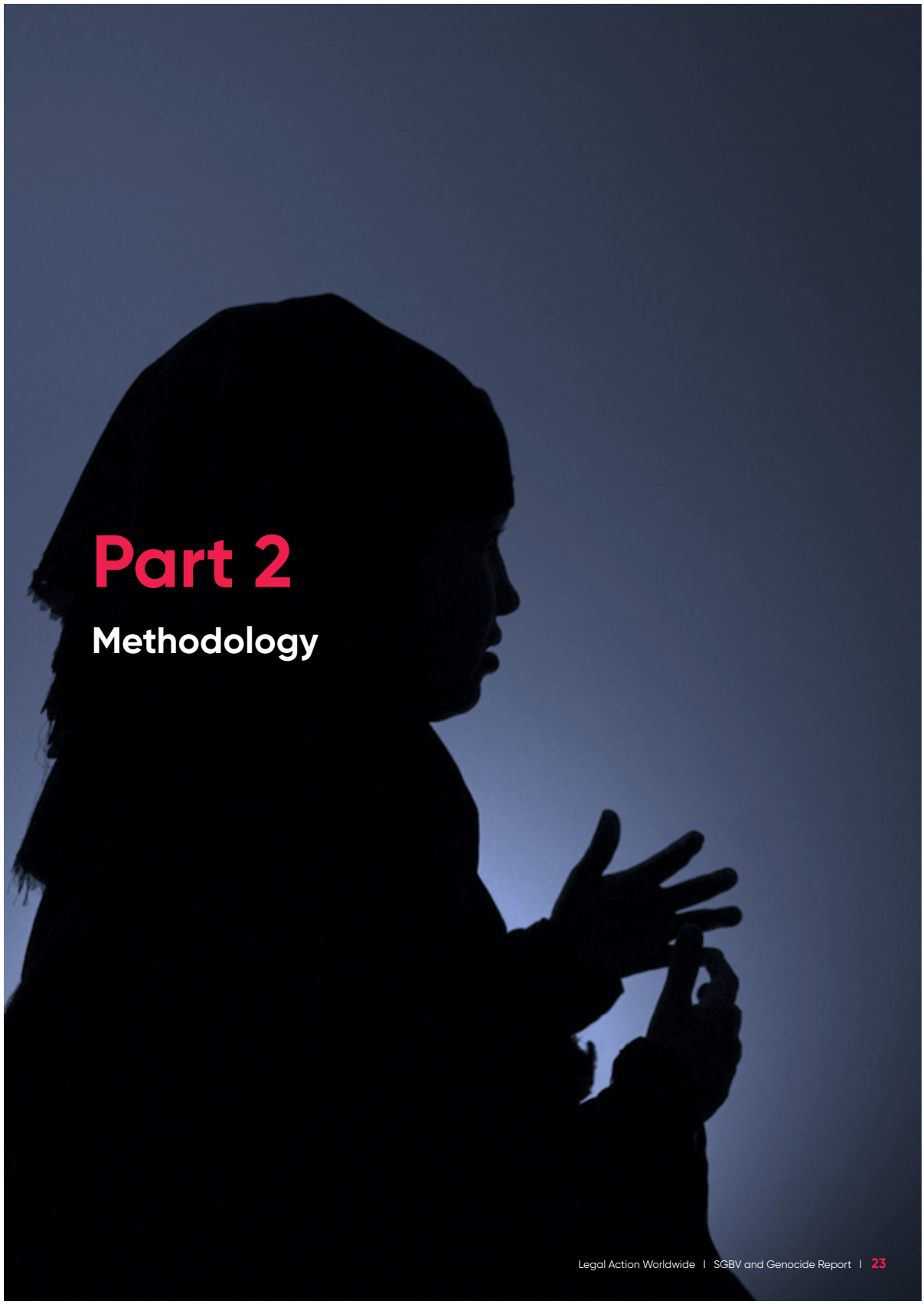
8 Darfur (2003)

Since early 2003, Janjaweed militias and the Sudanese government forces have been responsible[157] for the killing of at least 300,000 men, women, and children.[158] The UN International Commission of Inquiry on Darfur concluded that the serious violations of human rights include indiscriminate attacks, including the killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement.[159] Deliberate aggression against women and girls, including gang rape, was widespread,[160] occurring during the attacks on the villages and during flight or in internal displacement camps.[161] The ongoing Darfur conflict led the UN Security Council in 2005 to refer the situation to the ICC for investigations.[162] The ICC issued warrants of arrest against several individuals for crimes against humanity, rape, forced transfer, torture, and specifically against Bashir, for the crime of genocide.[163] Survivors of sexual violence and their family members suffer long-term trauma, with some being blamed for disgracing their families due to conservative cultural belief that pregnancy can only happen between consenting individuals.[164] Children born out of rape were not readily accepted by the community, and they faced ostracisation, trauma, and abuse of their rights.[165]

9 Yazidi (2014-ongoing)

Following the rise of the so-called Islamic State of Iraq and the Levant (**'ISIL'**) militant group, the estimated 400,000 Yazidi population in northern Iraq experienced severe human rights violations. In August 2014, ISIL committed what was described as a crime of genocide[166] against the ethno-religious minority group, leaving approximately 3,100 dead and 6,800 abducted.[167] Women and girls were the primary targets for abduction, sexual slavery and mass sexual violence,[168] with targeted acts against Yazidi women's reproductive capacity, including forced contraception and abortions.[169] Significant stigma was attached to children born from this SGBV, with many Yazidi women and girls forced to choose between their children or their community.[170] An estimated 200,000 Yazidis remain displaced and in camps, whilst thousands of others are missing.[171]

Thousands of Yazidis were held captive in the Syrian Arab Republic, and the Independent International Commission of Inquiry on the Syrian Arab Republic (**'Syrian COI'**) was established in 2011 to investigate all alleged violations of international human rights law in the territory.[172] Yazidi women and girls who escaped ISIL captivity were found to be in a situation of acute emotional distress,[173] which led some to subsequently refuse to procreate.[174] Whilst high levels of severe physical and mental health problems have been found among the displaced Yazidi population,[175] particularly high rates of trauma exposure, PTSD, and depression are reported for female survivors of the attacks and abductions.[176] In a 2020 study, among 326 displaced Yazidi women with high levels of war exposure, enslavement experience and intimate partner violence, PTSD and depression were found.[177] The Syrian COI noted that 'female survivors of sexual slavery have been shattered, with many experiencing suicidal thoughts and intense feelings of rage interspersed with periods of deep depression and listlessness'.[178] It further observed that some Yazidi women were so tr aumatised by SGBV that they 'did not want to marry, or to contemplate relationships with men now or in the future. This was compounded by a sense that they had lost their honour'.[179]



Part 2

Methodology

The research was undertaken between August 2022 and April 2023 by a multi-disciplinary team and comprised of four phases:

Phase 1 (August to November 2022)

Desk research, participant identification, and screening

Desk research involving review of 45 documents (UN, NGOs and academic publications focusing on SGBV against Rohingya in Myanmar and its impact, mental health outcomes among Rohingya refugees living in Cox's Bazar, studies on medium and long-term impact of SGBV on survivors in other contexts, and the applicable international criminal law) was undertaken.

Participants for the interviews were identified and selected through a 'purposive sampling' approach, meaning the participants were known to have experienced SGBV in Myanmar. Participants for the focus group discussions were selected through a 'convenience sampling' approach, i.e., based on their availability to participate in the discussions. All participants interviewed were survivors of SGBV in Myanmar, whilst all focus group discussion participants were survivors or witnesses of SGBV in Myanmar. The research confirmed that survivors' and witnesses' accounts of SGBV were in line with the broader patterns of SGBV against Rohingya in Myanmar found in the desk research. All participants were screened to verify their identity and suitability to participate in the research, and for any protection concerns that may result in the prospective participant being exposed to further harm as a result of them sharing their experiences of violence.

Phase 2 (November 2022)

Exploratory mission

The exploratory research in Cox's Bazar was undertaken by an expert psychologist to test the appropriate methods for the research, which could elicit the widest array of features of the current subjectivity of the participants and the multi-dimensional impact of their experience over time in an emotionally safe manner. Following this, a template of reporting was conceptualised to consistently capture the clinical documentation of the current psychosocial functioning of the participants interviewed. In parallel, KII were initiated with service providers. Individuals who work(ed) with the key UN agencies, humanitarian organisations, and I/NGOs which are responsible for implementing sexual and reproductive health programmes for the Rohingya community, and at the community healthcare clinics set up in Cox's Bazar since 2017, were identified for the KII. They were selected based on their roles, which *inter alia* involve antenatal care, clinical management of rape, supervising reproductive health operations, midwifery, supporting the sexual and reproductive health and rights program, and community-based health outreach program for the Rohingya. The names and affiliations of the individuals with whom KII were conducted are not disclosed in the report for security reasons.

Phase 3 (January – February 2023)

Data collection

Data collection was undertaken by psychologists through semi-structured interviews and focus group discussions alongside the ongoing KII.

Phase 4 (March – April 2023)

Analyses

Clinical analysis of the data collected by psychologists and review of the information on physical injuries by a medical doctor was done along with data coding and qualitative analysis to prepare the findings. This was followed by the legal analysis of the findings.

The data collection comprised of the following:

- Four focus group discussions with eight women, 11 men and 15 *hijra* individuals who are survivors or witnesses of SGBV;
- Thirty in-depth interviews with survivors of SGBV (22 female, six male and two *hijras*). Prior to undertaking interviews and focus group discussions, the research team received training on informed consent procedures, Do No Harm practices and interviewing techniques.
- Seven KII, including with doctors, psychologists, and community health workers that currently or previously worked with Rohingya survivors of SGBV in Cox's Bazar during or subsequent to, the influx of Rohingya into Bangladesh in 2017.

A team of four expert psychologists conducted the focus group discussions and the 30 in-depth interviews in Cox's Bazar. They assessed the psychological and social impacts of SGBV on survivors and the community. Also, a medical doctor reviewed the medical information collected from participants. This expert analysis was supplemented by two external researchers and a team of Rohingya refugees who coded the raw data for qualitative analysis and compiled a glossary of key Rohingya constructs based on the interview transcripts. Additionally, KII were carried out by the legal team, focusing on early responders in the Rohingya crisis and assessing the findings in terms of genocide.

The expanded methodology is further detailed in **Annexe 1.**

Snapshot of participants interviewed

22 - 59
current age range of participants

21 of 22
female participants were of childbearing age (15-49 years old) at the time of the SGBV

20 of the 30
participants experienced SGBV by multiple perpetrators, who are either Myanmar military or security forces

10 of 30
participants, mainly men, also experienced SGBV in years prior to the 2017 'clearance operations'. **All interviewees experienced SGBV during the 2017 'clearance operations'**

23 of 30
participants experienced torture and other violent acts alongside SGBV

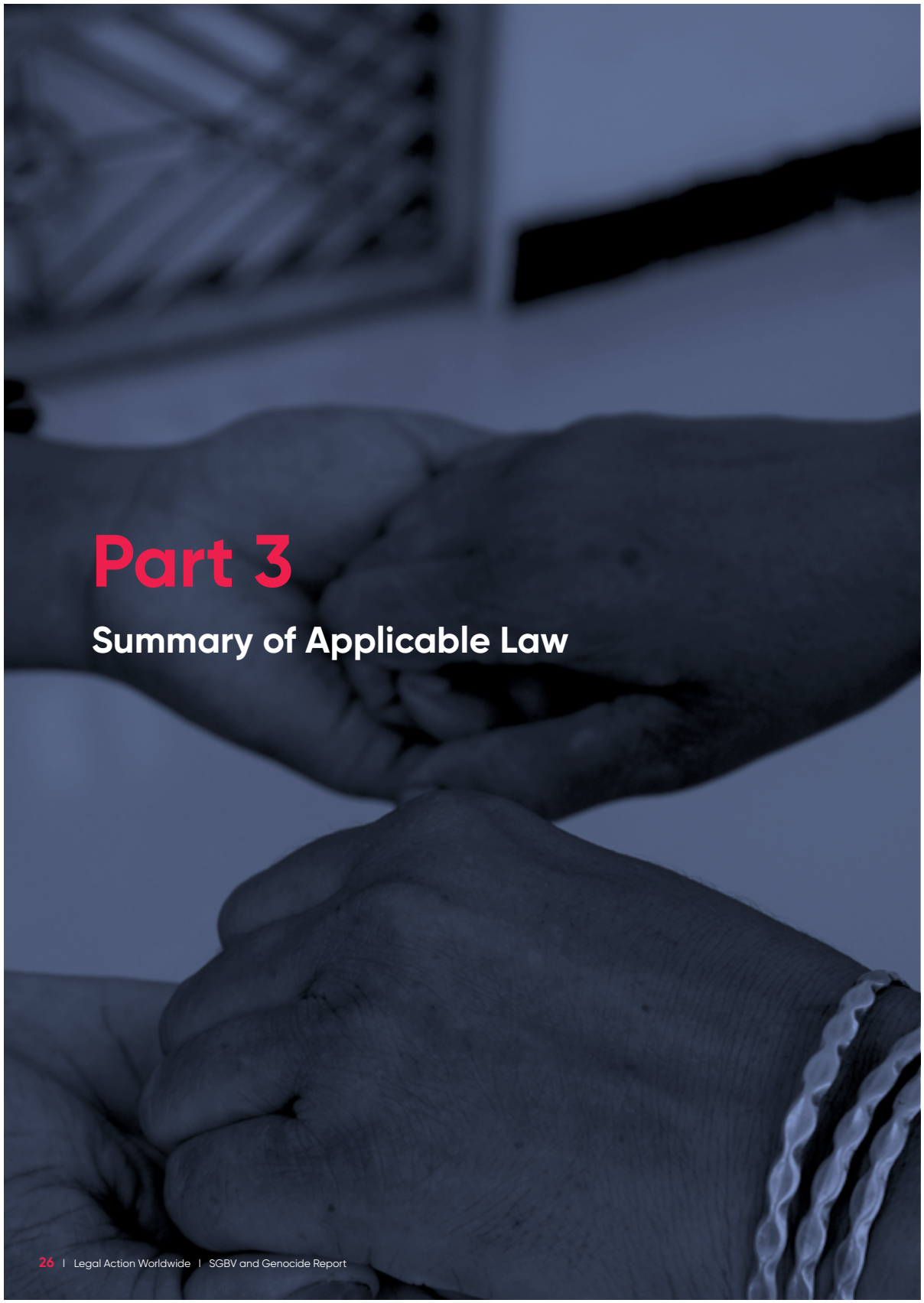
9
participants experienced SGBV in the presence of family members, partners, or children

8
female participants lost their husbands (separated and killed) and were then raped.

4
participants witnessed violence toward their children during SGBV

In undertaking this research, the principles below were followed:

- **Do No Harm –** A Do No Harm approach was applied throughout the research. All efforts were made to ensure that no participant or prospective participant was exposed to further harm as a result of the research undertaken or their participation in the research. Steps were taken to avoid or minimise any adverse effects of the intervention, including the risk of exposing people to increased danger or abuse of their rights.
- **Trauma-informed and survivor-centric –** The research was grounded in a trauma-informed approach, fundamentally intertwined with a survivor-centric approach. The principles underpinning this were informed by key references in the field, including the World Health Organization **('WHO')** ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies;[180] Substance Abuse and Mental Health Services Administration **('SAMHSA')** principles;[181] Inter-Agency Standing Committee **('IASC')** Guidelines on Mental Health and Psychosocial Support in Emergency Settings,[182] and Recommendations for Conducting Ethical Mental Health and Psychosocial Research in Emergency Settings;[183] International Protocol on the Documentation and Investigation of Sexual Violence in Conflict,[184] Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence,[185] and the UN High Commissioner for Refugees **('UNHCR')** cultural and contextual analysis of Rohingya refugees' mental health.[186]
- **Openness and transparency –** The purpose of the interviews and how information gathered will be used was made clear to all participants during their pre-screening interviews, which were held prior to their in-depth interviews with the psychologists.
- **Voluntary participation and informed consent** All participants in this research were informed about its purpose and how it would be used before they gave consent to participate. Participants were informed about their right to withdraw their consent to participate, whether during or after the interviews. No participant was paid for their involvement in this research. All participants consented to having their accounts included in the research.
- **Confidentiality and anonymity –** Survivors interviewed as part of this research are not named, and their right to privacy, dignity and confidentiality has been respected.
- **Ensuring appropriate referral to available survivor services –** Participants were informed about available services following the interviews for those who wished to be referred. LAW assisted and continues to assist them in accessing these services.



Part 3

Summary of Applicable Law

Crime of Genocide

The crime of genocide was codified in 1948 by the Genocide Convention in the aftermath of the Second World War and, more specifically, the Holocaust. The Genocide Convention defines genocide as '...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group'.[187]

Article 6 of the Rome Statute replicated this definition of genocide.[188]

The Genocide Convention recognises that genocide can be committed through either lethal or non-lethal acts - as only the first of the five constitutive acts of genocide require killing. Prior to the ratification of the Convention, the concept of genocide, as defined by Raphael Lemkin was applied in practice by The Supreme National Tribunal in Poland in trials of war criminals between 1946-1947.[189] This tribunal found that reproductive experiments conducted on detainees in concentration camps were intended as elaborate methods of destruction of reproductive capabilities. The findings of the tribunal and, in particular, their practical application of the early concept of genocide, contributed significantly to the consideration of SGBV in the definition of genocide under the Convention.

SGBV as a genocidal act

Over the past sixty years, domestic and international courts have added helpful guidance on interpreting these acts of genocide, showing how they can include a broad range of SGBV, including rape, acts of sexual violence, and regulations against births.

For instance, at the domestic level, the Eichmann trial in Germany in the early 1960s, upheld the conviction of Eichman for 'imposing measures intended to prevent births among Jews' because Eichman had directed that births should be banned and pregnancies terminated among Jewish women in the Terezin Ghetto, with the intent to exterminate the Jews.[190] More recently, in Guatemala, in the re-trial of Jose Mauricio Rodriguez Sanchez, a former head of military intelligence, despite acquitting the defendant, the Court held that the military's attacks on Mayan Ixil people amounted to genocide, and that in relation to 'imposing measures intended to prevent births', it held that rapes, mutilations, feticide, forced nudity, and other forms of sexual violence were measures aimed at preventing births within the group, affecting their reproductive organs, which also led to trauma and terror, and to ostracism, creating social and personal barriers to reproduction.[191]

On the international level, courts and tribunals are consistent that SGBV can be acts of genocide. The ICTR and ICTY have recognised the second prohibited act of genocide – 'causing serious bodily or mental harm' – as inclusive of physical or mental torture,[192] cruel, inhumane or degrading treatment or punishment,[193] persecution,[194] deportation and forcible transfer,[195] as well as rape and other acts of sexual violence.[196] The ICTR also recognised the fourth prohibited act of genocide – 'imposing measures intended to prevent births within the group' – as inclusive of sexual mutilation, sterilisation, forced birth control, separation of the sexes, prohibition of marriages, deliberate impregnation during rape of another group, and rape when the person raped refuses subsequently to procreate.[197] The ICTR and ICTY have repeatedly and increasingly recognised SGBV as a measure that can be, and has been, perpetrated with intent to physically or biologically destroy, in whole or in part, a national, ethnic, racial or religious group, thus constituting genocide.[198]

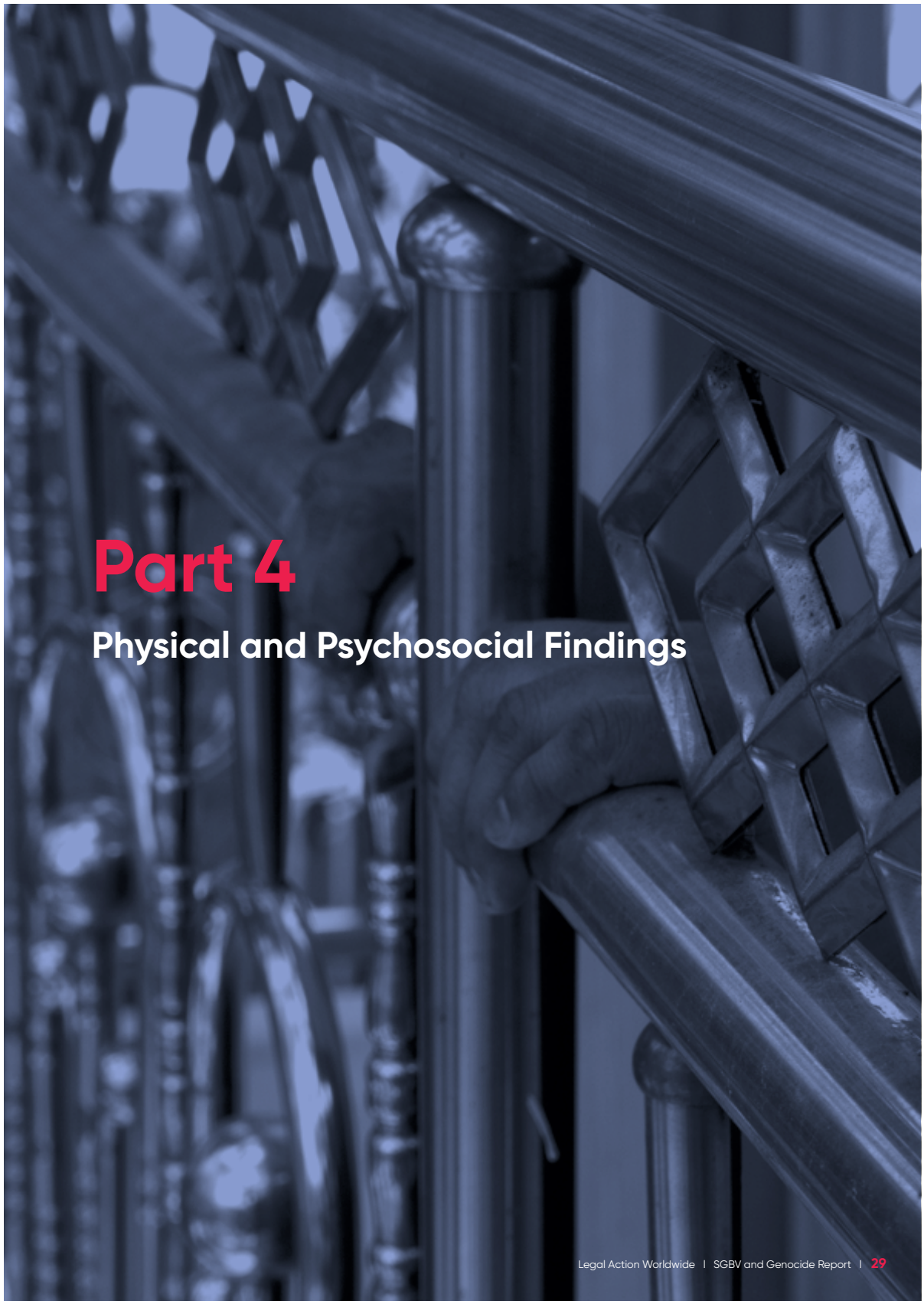
As recognised by the ICC's Office of the Prosecutor, in relation to genocide under the Rome Statute, all the underlying genocidal acts may have a sexual and/or gendered element.[199] If committed with intent to destroy a national, ethnic, racial, or religious group, in whole or in part, such acts may amount to genocide. The ICC's Office of the Prosecutor further confirms that the serious bodily or mental harm associated with rape and other forms of sexual violence among targeted groups, can cause significant and irreversible damage to individual victims and to their communities. Thus, acts of rape and other forms of sexual violence can be an integral component of the pattern of destruction inflicted upon a particular group of people, and in such circumstances, may be charged as genocide.[200]

Sexual violence, including acts that inflict physical, mental, or sexual harm or suffering, thereby 'causing serious bodily or mental harm', can constitute a genocidal act regardless of the victim's gender if committed with the requisite intent. Gender-based violence committed against members of a particular national, ethnic, racial, or religious group, such as an attack on a girl's school,[201] can constitute a genocidal act if committed with the requisite intent.

Whilst an act does not need to have been contemplated by the drafters of the Convention, it must satisfy the definition's special intent requirement, namely the 'intent to destroy' the protected group in whole or in part, in order to constitute a genocidal act. The drafters of the Convention indicated,[202] and international jurisprudence has upheld, that the special intent requirement encompasses the intent to destroy the protected group either physically or biologically. Importantly, the perpetrators do not have to succeed in destroying the group – rather, they must commit a genocidal act with the intent to destroy the group in whole or in part.

Part V on Legal Analysis explains genocide jurisprudence in further detail and applies it to the Myanmar military's conduct against the Rohingya documented in this research.





Part 4

Physical and Psychosocial Findings

A clinical approach to examining the medium and long-term physical, psychological and social consequences of SGBV for the survivors has provided a unique window into the violence that the Myanmar military perpetrated against the Rohingya during the 2017 'clearance operations'. The analysis of the survivors' physical and psychological functioning over time and nearly six years after their experiences, and across gender identities, offers crucial insights into their individual experiences of extreme violence and how the Rohingya community as a whole was simultaneously injured. Psychologists who conducted the interviews analysed survivors' accounts and testimonies, beyond the initial clinical observation of the impact on individuals, to understand the collective impact on the social fabric of the Rohingya community.

Key findings:

1 **The scale of physical injuries from SGBV committed during the 2017 'clearance operations' resulted in long-term consequences, including permanent damage to survivors' genitalia, which has impacted their ability to procreate.**

2 **All survivors described severe psychological injuries which has left them in a state of extreme emotional distress.**

3 **The SGBV also damaged individual survivors' intra-familial relationships including their ability to be intimate with their partner, their relationship with extended family networks, and with the broader community. In particular, the use of sexual violence negatively impacted survivors' parent-child relationships and their psychological capacity to procreate.**

4 **The systematic nature of the SGBV was destructive to the social fabric of the community in at least three ways. Firstly, severe ostracisation of the female survivors from family and kinship resulted in the loss of their cultural identity. Second, the real and symbolic emasculation of men by instilling powerlessness and diminishing their social role. Thirdly, the forced reorganisation of the Rohingya family unit and lineage, and erosion of future social alliances such as marriage within the community.**

Section 1: Physical injuries

Summary Overview

Survivors interviewed described multiple acts of SGBV causing substantial physical injury and their acute and long-term consequences in a manner that is highly consistent and well-documented in the medical and psychological literature. Their accounts are particularly consistent with the existing documentation of immediate and chronic physical effects of actions reported to have been carried out by the Myanmar military against Rohingya civilians (Annexe 2).

The survivors experienced intense physical injuries to their genitals and secondary sex organs during the acts of SGBV, which were often accompanied by other violent acts. For many, injuries to the genitals and secondary sex organs have a lasting impact today, including a negative impact on their ability to have sex and reproduce.

This finding is corroborated by the medical doctor's analysis, who notes that infertility has been associated with a history of SGBV, for both women and men, due to a variety of reasons, including sexual dysfunction (e.g., loss of libido) or erectile dysfunction related to the psychological impact of the violence, as well as the physiological impact related to fistula formation, sexual organ injuries, genital mutilation, and pelvic inflammatory disease due to untreated sexually transmitted infections.[203]

In addition, the SGBV caused serious injury to survivors' other external and/or internal organs, which has a long-lasting impact on individuals' ability to lead a normal and constructive life.

This section illustrates the depth and breadth of the physical injuries of Rohingya SGBV survivors interviewed, including the impact on their ability to procreate. It is important to note that the physical injuries suffered cannot be viewed in isolation from the psychological impact.

1.1 Scale of serious bodily harm inflicted

All survivors who were interviewed reported that the Myanmar military or security forces committed acts of violence whilst perpetrating the SGBV. Often, multiple perpetrators committed SGBV on a single Rohingya individual. The survivors experienced intense physical injuries to their genitals and secondary sex organs during those violent acts, as well as to other parts of the body.

For many, injuries to the genitals and secondary sex organs have had a lasting impact today, as have the chronic pain and recurrent reproductive tract infections believed to be linked to the SGBV. Upon fleeing Myanmar into Bangladesh, the immediate medical and humanitarian response available struggled to provide urgent care during the influx, let alone specialised care for SGBV survivors. Whilst the most pressing medical issues, such as bleeding either from gunshot wounds or rape were treated during the 2017 influx of Rohingya survivors into Bangladesh, specialised healthcare services in the camps remain limited till today, leaving many long-term injuries or sufferings unresolved.

1.1.1 Serious physical injuries to the genital and secondary sex organs

Twenty-two out of the 30 survivors interviewed reported physical injuries to their genitals and secondary sex organs. Among the female survivors interviewed, injury to their vagina, uterus, abdomen, and breasts, including genital mutilation, was commonplace. Women who were pregnant at the time of 2017 'clearance operations' described difficult births afterwards due to vaginal pain and prolonged labour. Men suffered injuries to their penis and anus with lasting effects.

The serious physical injuries to the genital and secondary sex areas include:

- **Injuries to the vagina, uterus, and abdomen:** Survivors interviewed were raped violently and forcefully, with 20 of the 22 female survivors interviewed revealing that the rape was committed by multiple perpetrators at a time. The survivors reported experiencing severe pain in their vagina [*shorom zaga* (inside the private parts)] contemporaneous to these rapes, which continues today, with some describing the ongoing pain as 'burning from the inside'.
- **Excessive bleeding, immediately after the SGBV:** Six of the 22 female survivors interviewed stated that they suffered from continuous and excessive bleeding for several days after the rape, which has been described as a common acute medical effect of SGBV by the medical doctor who reviewed the survivors' testimonies. The excessive bleeding caused some to

lose consciousness and weakened their bodies, making difficult to walk. One survivor stated,

'one (perpetrator) held me down while another raped me, then the next did the same, then the third did the same. I felt so much pain on my body and [suffered] severe bleeding. I cannot describe anything worse'.

- **Genital mutilation and injuries to the breasts:** At least five of the 22 female survivors interviewed experienced injuries to their breasts or genital mutilation during the SGBV. One survivor reported that she has experienced pain in her breasts ever since the SGBV in Myanmar because of the brutal force inflicted on her when she was being raped. Another reported that she was cut under her breasts whilst being raped, and the perpetrators threatened to kill her if she screamed. Another survivor reported that after the rape, she experienced extreme pain in her chest and breasts that prevented her from breastfeeding her baby. One survivor continues to feel extreme pain in her abdomen and breasts nearly six years later, preventing her from moving her body too much. One survivor described the constant and daily pain in her lower abdomen area and genitals, which intensifies when she urinates or has sexual intercourse (dyspareunia).

'My sister and I were taken outside to the paddy field and raped there. I was raped by two military men, and when I was screaming, they cut my lips and face with a knife. My sister died after the rape'. I saw some girls were mutilated, had genitals and breasts cut, and the military showed them to us as a warning. Many other women our age were in the paddy field and similarly raped'.

M, female SGBV survivor

Another survivor who regained consciousness after being raped saw her young sister-in-law being raped, and the perpetrators mutilated her vagina. Another survivor reported witnessing a relative who had a three-month-old baby pleadinig with the military not to be tortured as she had to breastfeed her baby. The military ignored her pleas, raped her, cut her breasts, and then killed her. According to the medical doctor, the intentional mutilation and amputation of body parts outside of a medical facility, without anaesthesia, and using non-sterile tools, such as knives and machetes, can cause severe pain, bleeding, hemorrhagic shock, and death in the immediate period. It can also cause infection, possibly leading to gangrene and sepsis (disseminated infection).

- **Injuries whilst pregnant:** Four out of 22 female survivors interviewed were pregnant at the time of the SGBV. One survivor who was at an advanced stage in pregnancy during the 2017 'clearance operations' suffered significant physical injuries due to the rape she experienced. This caused her body to become very swollen, which made her physically immobile at the time, and she was unable to flee the violence on her own. Another survivor described the acute pain in her vagina since the incident and believes that this injury has had negative implications on her ability to give birth. She stated that her labour lasted for five days, and the doctor who assisted her expressed concerns about her ability to give birth, considering her physical injuries. The medical doctor who reviewed the survivors' testimonies confirmed that pregnancy, labour, and delivery complications, as well as adverse birth outcomes such as low birthweight and preterm delivery, have been associated with SGBV in multiple scientific and medical studies.[204]

- **Injury to penis and anus:** Two of the five male survivors interviewed reported injuries to their penis and anal area during rape and sexual torture, which led to severe consequences in the immediate aftermath. For example, a male survivor was raped by the military whilst he was fleeing Myanmar, causing him to lose consciousness. After that, he felt pain all over his body, and experienced severe pain in the anal area for five days. There was blood in his faeces, and he was in severe pain, making it difficult to go to the toilet. Another male survivor described how he bears a scar on his penis due to the burning of his penis with cigarettes by the perpetrators in Myanmar. The male survivors, and to a certain extent the *hijra* survivors, reported being forcibly detained or enslaved, for varying lengths of time, where they underwent various forms of sexual violence throughout their enslavement. The torture endured usually included degrading treatment and physical injuries to the genital areas. For example, burning of the penis with a melted plastic pen, firecrackers lit in their private areas, and insertion of a bamboo stick in their urethra. The physical injuries of the male and the *hijra* survivors resulted in long-lasting effects on their sexual reproductive organs that sometimes radiated through their internal organs, their lower back, rectum, and anus and resulted in what most likely were, according to the medical doctor, infections from their descriptions. During the focus group discussions and interviews, several *hijra* survivors also disclosed suffering from bleeding when they urinate and defecate, usually following sexual intercourse.

1.1.2 Serious physical injuries to other body parts

Survivors interviewed experienced injuries in nearly all parts of the body due to the severe beatings and torture by the Myanmar military during the SGBV. Frequently mentioned injuries include pain in their hands, wrists, and chest from being forcibly restrained during the SGBV event, as well as pain in their abdomen, kidneys, back, and neck that is often attributed directly to the SGBV and other violence experienced.

Survivors also suffered from serious injuries to the head or had broken teeth, as the Myanmar military beat or kicked them in the head. Beyond that, many survivors' accounts also noted that the military inflicted cuts and mutilated their victims.

Some of the physical injuries to other body parts include:

- **Chest pain, lower back, abdomen, and kidneys:**[205] Seven of the 30 survivors interviewed described having pains in their chest, lower back, abdomen, and kidneys as a result of acts carried out in the course of the SGBV against them. One described experiencing chest pain [*zubum*] due to pressure on her from the Myanmar military men who pinned her down so she could not move. Several survivors described how pain in these areas persists today due to the pressure the perpetrators inflicted on their bodies. One survivor who was gang-raped by the Myanmar military during the 2017 'clearance operations' (and pre-clearance operations was held captive for almost six months by an ethnic Rakhine village chairperson and raped, leading to her forced pregnancy) described the pain she experienced in her abdomen to date as 'unbearable', particularly in the early mornings and when she sits down. Though she was able to undergo surgery for the tear in her vagina upon arrival in Bangladesh, she described lower back and upper thigh pain since she was raped had affected her ability to move or straighten both of her legs. Another male survivor experienced deteriorating back pain since the SGBV, which also affected his breathing.

  For some, the pain is not localised to particular body areas. For example, one survivor experienced pain in both the abdomen and chest areas, which has obstructed her breathing. The pain continues today despite seeking treatment in the camp health facility, as she was only provided with painkillers

- **Upper back and neck:** One male survivor who was subjected to sexualised torture by the Myanmar police during his imprisonment in Myanmar described having severe pain in the neck and the back, specifically in the top right shoulder on the upper side of his back. He can no longer move his right arm and shoulder. He believes the pain is a direct result of the torture, including severe beating and insertion of an iron rod into the anus, and forced labour that he endured in prison in Myanmar for nearly two years without any access to medical care. Another survivor suffered from wounds on the neck when the perpetrators who gang-raped her attempted to slice her neck as she tried to escape.

- **Face and head injury:** One survivor, who was raped and subjected to forced nudity in detention, had broken teeth as a result of being hit in the head by the military. Another, who was detained for 10 days and raped in a military outpost after trying to flee, said that during this detention, she was violently struck on the head and then suffered a stroke, causing her face to be paralysed. Today, her mouth remains partially distorted, and it is suspected that she suffered a concussion when she was hit. She has never received any medical care. One survivor who was kicked in the head by the perpetrators continues to experience frequent headaches today.

- **Pain in the hands and wrists:** Two survivors described how the rape happened very forcefully, with their hands tied and their eyes covered. As a result, they still suffer from pain in their hands and wrists.

- **Cutting and mutilation:** One survivor described how she and her sister were raped, and as she screamed, the perpetrators cut her face and lips with a knife so she would stop resisting them. Another survivor was stabbed during the rape, and she now bears a 7cm length, 2cm wide scar in her lower abdomen.

Survivors reported their mental distress presenting itself as numerous psychosomatic symptoms. They attribute these physical manifestations to the idea of a brain-body connection. The psychosomatic complaints described by the survivors are listed in Box 2 under Section 2 below.

1.2 Physical injuries and impact on reproductive capacity/ability to procreate

The SGBV experienced during the 2017 'clearance operations' by survivors interviewed had significant and long-lasting impacts on the sexual and reproductive health of survivors, affecting their ability to have and care for children, their sex life, and their personal health. For survivors who could still conceive post-SGBV, pregnancy was often complicated and dangerous or they faced difficulty breastfeeding due to the pain or physical injury inflicted on their chests during the rape.

As noted above, survivors experienced physical injuries resulting in chronic pain and infections in their genitals and secondary sex organs. For female survivors, menstrual irregularities have also been common since the SGBV. These problems have had direct impacts on their sexual

relations with partners and their marriages, which affected procreation. Sex is often painful and, therefore, avoided, which has caused marital problems. Male survivors expressed struggling with erectile function. Moreover, inadequate access to sexual and reproductive healthcare in the camps has left many of these conditions untreated, causing some of them to deteriorate over time.

- **Difficulties in post-SGBV pregnancy and childbirth:** Three of the 22 female survivors interviewed experienced difficulties or complications with their pregnancy or during childbirth since the SGBV. As noted earlier in Section 1.1.1, the medical doctor who reviewed the survivors' testimonies confirmed that SGBV could result in 'pregnancy, labour, and delivery complications, as well as adverse birth outcomes such as low birth weight and preterm delivery'. One survivor who was violently gang raped by being pinned down by two men and was also shot in the arm for trying to resist, described constant pain daily in her lower abdomen and genitals. Her pregnancies (with her husband) after the SGBV and earlier abortion post-SGBV were extremely difficult: *'After the rape, for first six months of both pregnancies, I could not walk properly, I could not eat, I was very weak. I could not even sit. The doctors convinced me to be on contraceptives after the fourth pregnancy, as my physical condition now puts me at high risk'.*

  Another survivor who was gang raped and suffered vaginal bleeding and painful swelling in her genitals en route to Bangladesh, described her current pregnancy as complicated due to the constant vaginal infections that she has faced since SGBV. *'I used to take a lot of medicine for the infection, but since I am pregnant, I cannot take this heavy medication...I am now almost eight months pregnant. My husband has left me because of my (rape) incident and because I had diseases in my private parts'.*

- **Difficulty breastfeeding:** Three of the 22 female survivors stated that they had difficulties breastfeeding since experiencing SGBV due to injuries suffered on their chest and breasts. One survivor shared how she had to feed her newborn baby with formula milk instead as her breasts were 'damaged' and ached.

- **Chronic pain in genitals and/or secondary sex organs:** Eleven of the 30 survivors interviewed are still experiencing chronic pain as a result of injuries to their genitals or secondary sex organs. One survivor continues to take painkillers for recurring pain in her private parts since the SGBV. Another survivor said he is still experiencing pain in the anal area and is no longer able to have an erection. Yet another survivor also shared how her chest and lower back/hip pain would also trigger abdominal pain to this day, which affects her daily life, including her ability to defecate.

- **Difficulty or pain during sexual intercourse:** At least six of the 11 survivors mentioned above shared how the severe pain in their genitals, as a result of the SGBV, prevented them from having sexual intercourse with their partners (dyspareunia). One survivor shared how she did not experience such pain in Myanmar prior to the SGBV; thus, this has now caused unhappiness and confusion in her marriage. Another survivor shared how she would refuse sex due to the pain she experiences, and as a result, her husband would beat her out of frustration. One survivor recounted how she was raped, tortured, and kicked in her belly, and to date, feels intense pain in her private parts. *'Even though I want a child, I do not want to be intimate because of the pain...I never told my husband about the rape; he would kill me, he would blame me that I was raped by the military men and that's why I can't bear children because of my injury'.*

  Yet another survivor shared how the 'burning pain' in his genitals prevented him from sexual intercourse with his wife.

- **Sexually transmitted disease or infection:** At least four of the 30 survivors have sexually transmitted diseases or infections as a result of the SGBV. Female survivors have experienced recurring yeast infections since the SGBV, leading to spousal abandonment due to unhappiness in their marriage. The medical reviewer states that the chronic effects of intentional genital trauma and mutilation (not associated with harmful cultural practices) carried out by combatants from Myanmar against Rohingya civilians include difficulty with survivors' normal genitourinary function, chronic urinary tract infections and kidney dysfunction. Further, male survivors shared that they experience a discharge during urination, which they believe to be a semen loss. The discharge experienced among the male survivors reported in this research could be a result of an infection, although further medical tests are needed for any conclusion. According to the medical reviewer, however, it is unlikely to be semen discharge. This perception of semen loss among male survivors has been understood to be associated with psychological/emotional distress by psychologists – also known as Dhat syndrome in South Asia (see Section 2.2 below).

'She is still complaining of infections in her private parts, where she needs to pour hot water with salt in order to urinate, she feels her genitals are itchy, which led her second husband to abandon her as he was not happily sexually with her`.

PSS evaluation report for L, female SGBV survivor

'Around eight or 10 days after he was detained, he started to experience an enduring injury in his urethra where he lost his ability urinate without the presence of a white discharge`.

PSS evaluation report for NB, male SGBV survivor

- **Loss of libido/erectile dysfunction:** Two of the five male survivors have experienced loss of libido or erectile dysfunction since the SGBV. One survivor recounted how he lost all sexual desire and could not maintain an erection since his sexual torture, which included his penis being burnt several times with a cigarette. He also shared how he currently has no sexual relationship with his wife due to the loss of libido. Another survivor shared how he is deeply affected by his injured and now scarred penis, as it prevented him from having an erection. As a result, he is unable to have sexual intercourse with his wife. Further, several *hijra* survivors and some male survivors disclosed during focus group discussions that they are suffering from erectile dysfunction as a result of the violence inflicted onto their penis, which is consistent with the medical doctor's analysis that erectile dysfunction can result as a psychological or physiological impact of SGBV.[206]

Section 2: Psychological injuries

Summary Overview

The Myanmar military's use of SGBV during the 2017 'clearance operations' resulted in identifiable long-term psychological harm to survivors across all gender identities. This long-term impact on their mental health is varied based on their experiences and idioms of distress. The psychological impact of being systematically persecuted in Myanmar before the 2017 'clearance operations' had already led the survivors to live in a state of fear and hypervigilance. The cruel and public nature of the SGBV during the 2017 violence instilled further fear and severe psychological harm to those who survived it.

Many survivors describe being in a state of paralysis or numbness due to their emotional distress, the extent of which has made the performance of the tasks necessary for their subsistence extremely difficult to complete. Notably, the witnessing of SGBV perpetrated on others caused psychological trauma for the witness-survivors, and psychologists have noted its impact on their sense of everyday safety.

The extreme psychological distress documented in this research evidences severe post-traumatic reactions as well as predominantly depression-like signs that emerged after the SGBV experiences in Myanmar, which frequently continue, even today. Related studies covering a wide range of extreme violence, including sexual violence perpetrated against the Rohingya and the impact of those acts on individual survivors, corroborate the specific narratives and impact shared by the survivors interviewed in this research. For instance, a 2019 study that interviewed 114 Rohingya refugees (mainly those with physical sequelae) noted that survivors described 'persistent post-traumatic symptoms such as insomnia, intrusive thoughts, strained relationships, depression, and anxiety'.[207] Other reports studying the impact of exposure to direct and indirect trauma (based on experiencing and witnessing violence) on mental health outcomes among Rohingya living in Bangladesh note 'PTSD and depression'[208] and 'impaired mental health and everyday functioning'[209] as outcomes.

Further research would be required to be able to provide a culturally valid psychiatric diagnosis. In the absence of the latter, the conclusion that can be drawn from this research is that clinical observations documented draw very strong similarities with the clinical diagnosis of PTSD.[210]

Systematic rape remains a terror tactic deployed to instil fear in victim communities across the globe. Whilst the effect of such acts on the human body and the acute physical injuries is well understood, the ultimate goal of perpetrators is often to destroy human dignity and profoundly disrupt human psychology.[211] Considering the importance of studying the psychological impact on survivors in discussing systematic sexual crimes, this section illustrates how the Myanmar military's use of severe SGBV during the 2017 'clearance operations' resulted in identifiable long-term psychological harm to survivors across gender identities.

2.1 Psychological impact of systematic discrimination of the Rohingya prior to 2017 'clearance operations'

The psychological impact recorded during the interviews was first grounded on the atmosphere of fear across genders that pre-dated the 2017 'clearance operations' and built up over many years within Myanmar. Most survivors repeatedly reported the psychological impact of living in a chronic state of fright for a sustained period of time, with the constant fear that the threat of the complete destruction of their community may imminently materialise. They explained feeling extreme fear of being sexually harassed, killed, or tortured, which was also fuelled by daily instances they had witnessed, threats they had heard, harassment they had experienced with disproportional fines and

penalties, and cruel stories of rape and torture they had heard through their close social networks.

The very heavy restrictions around Rohingyas' daily lives in Myanmar made it impossible for survivors to live safely. They were restricted or deprived from accessing places of worship (e.g., roadblocks to prevent accessing mosques) and from maintaining their livelihood (e.g., being prevented from accessing the markets to sell their products), which are crucial dimensions of their resilience and well-being, spiritual and financial safety. Prior to the 'clearance operations', many survivors would hide with their families in their homes by remaining in the dark with the hope that the military forces would not knock at their doors and abuse them. Several survivors, across gender identities, articulated their fear in similar ways: *'We lived in the fear that the violence would become true, and finally, it became a reality!'.*

Living in a chronic state of fear for one's life manifested itself through a post-traumatic clinical presentation of a diminished sense of safety, hypervigilance, physiological reactions (e.g., profuse shaking or sweating), sleep disturbances such as nightmares, and a diminished capacity to envisage a safe future, particularly as their ultimate fear materialised during the 'clearance operations'.

2.2 Cultural and gender-specific idioms of distress to describe survivor experiences

Idioms of distress within a culture enable the communication of distress through a common language; offer an acceptable way to explain collective suffering and offer a way out of a shaming experience.

For example, during the Indian-Pakistan partition, men who had endured extreme violence developed their own idioms of distress to express their suffering. In contrast, during the same period, female victims of SGBV were unable to have their community accept the reality of the abuse they had undergone and to take responsibility for the suffering they were continuing to endure.[212] The victims were unable to find an acceptable expression of their distress, not because they were too traumatised and unable to speak, but rather, because no language (or idioms) was available for them to make the expression of their suffering acceptable to the wider community.[213]

Similarly, in this research, the data highlighted gender-specificities in the experience of psychological distress. Male SGBV survivors[214] were able to reframe their individual suffering through cultural idioms of distress that represent collectively endorsed ways of suffering, but this was not available to female survivors whose only outlet is through physical pains and numbness.

Much of the suffering shared during the interviews around the idioms of distress was usually accompanied by a narrative **related to the experience of sexual violence, particularly involving the physical consequences of severe injuries to sexual reproductive organs.**

Rohingya survivors used two phrases to explain their emotions, suffering, and overall unhappiness:[215]

- ***Dil or mon* [heart-mind]:** is the area of their mind or experiential system used to designate the seat of the range of their emotions.
- ***Demage* [brain]:** is the area of the mind located in the head that encompasses the cognitive functions of the individuals such as memory, processing of thoughts, their connection to the outside world and their consciousness. The experiences of suffering involving demage are usually indicative of a mental illness.

A glossary of common Rohingya terminologies used by survivors and witnesses to convey emotions and experiences of suffering has been developed through this research. **See Annexe 3.**

The idioms of distress documented with male survivors were namely:

- **Stroke (said in English):**[216] was explained as originating from the heart-mind [*dil*] and the brain [*demage*] when there is a block of painful thoughts that causes the build-up of too much psychological pressure within the individual, particularly when they cannot share their suffering with others. This makes them feel as if their brain has stopped, similar to symptoms of a neurological stroke during which clots in the brain actually interrupt blood flow. The survivors described one side of the body becoming numb, paralysed, and/or paraesthesia (i.e., tingling, pins and needles) lasting until today.
- **Semen-loss' (known across South Asia as *Dhat* syndrome):** the emotional distress associated with the perceived (or fear of) semen being lost. In the case of Rohingya male survivors of SGBV, the issue was described as the experience of white discharges associated with sperm, usually when passing urine. The physiological cause for the physical discharges is most likely related to an untreated infection and unlikely to be sperm. Nonetheless, the male survivors interpret the white discharge through the prism of severe emotional consequences of their SGBV experience and the devastating loss of their masculinity, virility, and strength following the event(s).

The small *hijra* sample in this research makes it difficult to establish a possible formulation indicative of a cultural idiom of distress among *hijra* survivors. However, in their narratives of their suffering from SGBV perpetrated during both pre-2017 and the 2017 'clearance operations', the underlying themes were the feelings of being degraded, being relegated to the status of 'half-men', being belittled or considered 'as nothing'. Violence and dehumanising attacks took place whilst they were being gang raped by the military alongside other *hijras* from their village during the 2017 'clearance operations'. For example, forcibly

cutting their hair post-rape, ripping apart their nose-ring and jewellery, and attempting to slash their throat which damaged their sense of integrity and dignity.

With a few exceptions, women did not make use of the cultural idioms of distress that men endorsed. Their experience of distress mostly took a somatic form with an overall sense of paralysis, numbness, and lethargy. Many complained about suffering from chronic physical and emotional pain with an overall difficulty to physically function to the extent of leaving them bedridden at times (the psychosomatic symptoms documented amongst survivors are detailed in Box 2 below) – symptoms which continue today.

2.3 Beyond suffering: emotional distress from 2017 'clearance operations' resulting in paralysis

The findings suggest that the survivors across gender identities have been suffering from an extreme state of emotional distress as a result of their SGBV experiences and witnessing extreme violence in 2017. This was described as 'beyond suffering' and takes an overarching shape of a paralysis of the individual.

The clinical presentations documented during the interviews evidenced an extreme state of psychological distress common among the survivors across gender identities:

- During, and immediately after the incident(s): an extreme mental anguish so intense that the survivors described becoming numb, not feeling anything, losing consciousness, or becoming mad, senseless, and incoherent. For example, one survivor reported a traumatic dissociation with short-term amnesia for five days that required his hospitalisation in a psychiatric unit in a Bangladeshi hospital for several weeks.

- Many survivors reported how the extreme emotional and physical pain they have endured has led them to experience forms of physical paralysis or psychological numbness, even today. Since they left Myanmar, they have suffered from the following complaints: their body or one part of their body becoming unconscious or numb, also expressed as their blood becoming 'frozen' [*besut*], feeling that they are losing their mind or their brain [*demage*] stopped functioning properly, which led them to lose their senses or to become unconscious, feeling they have to withdraw from the interactions with the outside world, and many mentioned specifically feeling that their mind had 'already died after the rape'.

- Several survivors also shared experiencing 'beyond (emotional) suffering' in a context where the extent of their psychological distress is such that it has become unbearable to them. In this instance, many explained they had contemplated committing suicide as an exit strategy to be able to withstand their sorrows. Their descriptions suggest a desperate attempt to find a way to assert some agency over their overwhelming sense of powerlessness in the face of their extremely distressing situation. Many survivors shared passive thoughts of suicide[217] with quite precise plans (e.g., poisoning, hanging, using a knife). With two exceptions reported during the female focus group discussions, however, the survivors interviewed seemed to have no intent and no history of acting upon these thoughts. The protective factors cited were mostly their feeling of responsibility towards their children since they had often become the sole carers for their children (e.g., not wanting them to become orphans), as well as their attachment to the moral-religious principles of Islam that prohibits the act of suicide and states the erasure of all of the good deeds of one's life as a punishment for such act in the afterlife.

'Often, whenever I remember what happened to me, I cry when I am by myself. It happens more when I go to sleep. Sometimes, I can`t even go out of my bed. I only forget when I speak with people... When I am alone, the scenario comes in front of my eyes. Every day, I remember my life is destroyed because I have no husband (...) We lost our home, my family members were killed, we had to leave our country, I was raped in my own land, and I still can`t even live there`.

S, female SGBV survivor

'I cannot stop worrying, I cannot stop the tension. I keep seeing my husband, and a lot of painful memories, I think that I become crazy. I see again all the scenarios. It`s not so much my body. It`s the Demage. I cannot express with words how painful that is. I`m stuck in my head. Sometimes I want to bang my head on the wall to make it stop because it is so painful`.

FK , female SGBV survivor

BOX 1 Psychological distress resulting from the SGBV during the 2017 'clearance operations'

An array of clinical signs of psychological distress were documented during the interviews with the survivors, many of which resonate with typical signs of post-traumatic stress. The psychologists who conducted the interviews argue that an attempt to formulate a clinical diagnosis of PTSD raises several challenges in this context. There are significant issues around cultural validity that have been extensively documented in the literature, and formulating a clinical diagnosis of PTSD would not only truncate the reality of the depth and complexity of the survivors' suffering, but it would also fail to encapsulate their experiences of suffering as a community post-event. In other words, a clinical diagnosis in itself cannot seize the collective dimensions of the impact of the violence perpetrated towards the social fabric of a community. This is the reason why the findings use the term 'post-traumatic psychological distress' instead of PTSD in order to avoid any misunderstanding with the diagnosis itself.

Survivors reported feelings of guilt, shame, anger, sleep disturbances, dissociation, and intrusive thoughts after the SGBV. Some of the clinical signs, such as nightmares, flashbacks, and intrusive thoughts, referred explicitly to the sexual violence experienced during the 'clearance operations', with many stating that they constantly relive the violence endured. Other psychological reactions have a unique cultural framing, such as the experience of 'mental death' [*Antu soit no assil*]. This feeling of senselessness comes from physical and psychological exhaustion that is rooted in a profound emotional state of 'peacelessness' [*Ashanti*] related to the trauma they have experienced. The glossary in Annexe 3 details the Rohingya terminologies and categories of experiences of distress gathered during the interviews.

Below are examples of post-traumatic reactions documented, which, taken individually together with a cluster of specific signs, could often be consistent with an individual clinical diagnosis:

- **Flashbacks and intrusive thoughts:** Most survivors described the experience of vivid and overwhelming memories of their experience of SGBV, with often uncontrollable intrusions of the memories of the extreme violence they underwent unfolding 'before their eyes' as if this was still happening to them during unexpected moments of their everyday lives such as when completing their household chores. Some survivors described at times feeling like they are 'losing their minds' and suffering incessant headaches, which for some last for 15-20 days continually. They described continuing to feel physically and psychologically exhausted by the recurrence of these intrusive thoughts and a sense of helplessness in navigating the intensity of these emotions.

- **Sleep disturbances:** Survivors suffer from severe sleep difficulties, such as experiencing recurrent nightmares, which, at times, replayed in a repetitive manner the extreme violence they endured in Myanmar.

> 'I have dreams, sometimes I see the exact scenarios of the day and suddenly wake up and I believe it will only stop when I die`.
>
> *AB, female SGBV survivor*

- **Guilt, shame and anger:** Survivors narrated feelings of extreme shame and guilt as a result of experiencing rape in Myanmar. Female survivors believe that their SGBV experiences led to their husbands abandoning them or to the destruction of their children's future, as they are no longer 'clean' or pure women since they have been 'touched' by Myanmar men. Extreme anger and a desire for revenge was reported among survivors.

- **Anxiety, disassociation and "mental death":** Survivors narrated moments where they often feel dull or emotionless in their daily lives and in social situations. They also described how they have had a tough time processing cognitively some of the information due to an overall feeling of emotional numbness, which could resonate with a process of disassociation (i.e., a coping mechanism to disconnect yourself from emotions and/or from your body or from the outside world causing the sorrow).

> 'Mentally, I have died inside because of the rape and torture`.
>
> *RK, female SGBV survivor*

- **Post-traumatic reactions in survivors' children:** Of the 30 survivors interviewed, nine shared how they were raped in front of family members, which included children. Survivors shared how their children are possibly affected as well. One survivor shared how her daughter has vivid nightmares of the violence she witnessed and would often shout and cry in her dreams.

BOX 2 Psychosomatic complaints reported by the SGBV survivors following the 2017 'clearance operations'

Survivors described extensive experience of ongoing suffering that, according to the psychologists, takes a shape similar to a form of traumatic anhedonia or a reduced ability to experience pleasure. The distress reported among the survivors interviewed resonates with depression, takes a somatic shape, and is rooted in their experience of trauma and loss. Notably, a study examining the accounts of 26 healthcare workers who cared for the Rohingya survivors of sexual violence between August 2017 and August 2020 found that survivors 'commonly presented to healthcare workers with psychosomatic complaints (which) upon further probing, were presumed to stem from trauma'.[218]

In this research, the physical or somatic manifestation of survivors' emotional distress is attributed to the idea of a brain-body connection. The survivors described the extent of their distress as being such that they can no longer function physically in their everyday lives, making the performance of the tasks necessary for the survival of their household extremely difficult to complete, particularly when they no longer have their spouse or their in-laws to support them. Some survivors express this ambiguously, stating that their emotional distress has made them feel physically sick. Others shared bodily complaints more explicitly when reporting a loss of appetite, chronic fatigue or physical pain, difficulty sleeping, and lightheadedness. Male survivors seemed more likely to report experiencing 'stroke'-like symptoms, such as numbness or a sense of loss of control over their body. Intense headaches and migraines are also very common among all survivors. These physical manifestations of their mental distress have caused many survivors to feel 'peaceless', 'hopeless', purposeless, and useless in the community, and 'depressed', to have difficulty leading a productive life, and, in some instances, to experience suicidal ideation.

- **Brain-body connection:** Some survivors expressed how keeping the pain inside their brain [*demage*] and having no one to talk to affects them severely. One survivor expressly verbalised that she holds on to the belief that the pain she keeps inside affects her brain and, therefore, her body.

- **Lightheadedness, headaches, and migraines:** Many female survivors expressed feeling intense pressure in their brain (side of their head), making them constantly dizzy. This impacted their vision and their ability to focus, do daily work, sleep, and eat. Headaches and migraines are common, particularly among the male survivors, all of whom described feeling severe pain in their head that is intolerable, lasting several days. One female survivor shared how the intense pain in her head sometimes made her lose consciousness, and she believes her brain has become unstable and abnormal [*halba*]. The survivors attribute the source of such headaches or migraines to the stress whenever they remember their experience of sexual violence.

> 'Sometimes after a lot of headaches, I feel my brain [demage] is not working properly. I feel not peaceful [ashanti] in my body. I become senseless if I feel more pressure of [household work] when I have to go to the distribution centre and deal with all the things by myself at home or in the family. I feel pain in the side of my head that is intolerable, and I do not feel good. My brain [demage] becomes unstable`.
>
> *MK, female SGBV survivor*

- **Chronic physical pain:** Many survivors shared how the extent of the mental pressure experienced in their brain-mind and the overwhelming emotional sorrows took a physical manifestation of chronically diffused forms of physical pain in different parts of their body since being their SGBV experience in Myanmar. For them, the distinction between an emotional and physical pain is irrelevant and counter-productive. In the case of Rohingyas, they suffer from different forms of physical pains that may or may not have a neurological correspondence from a biomedical point of view. Both physical and emotional dimensions of their extreme pain appeared to be the result of their SGBV experience in Myanmar. They often sought help to alleviate their pain in the health camp facilities, where the treatments accessed were usually limited to pain relief.

- **Loss of appetite:** Many survivors shared how their pain, constant worry and stress relating to their experiences of SGBV made them lose their appetite. One female narrated how she felt her life was ruined; she could not eat or sleep, hence why she sometimes feels that it would be easier if her life ended. Another female survivor similarly shared that she has had a low appetite since she fled Myanmar due to her traumatic experiences.

> 'Because of the tension, I cannot eat or sleep; that`s why I think that it would be easier for me to kill myself)'.
>
> *RK, female SGBV survivor*

- **Feeling like one is having a stroke:** As noted earlier in Section 2.2, male survivors expressed feeling uncontrollable symptoms of 'stroke', manifesting as eyes feeling 'heavy' and feeling numbness or being 'frozen' [*besut*] in parts of their body. Survivors believe this 'stroke' and the associated stress or depression may eventually lead to their death.

2.4 Psychological trauma: Instilling fear within survivors

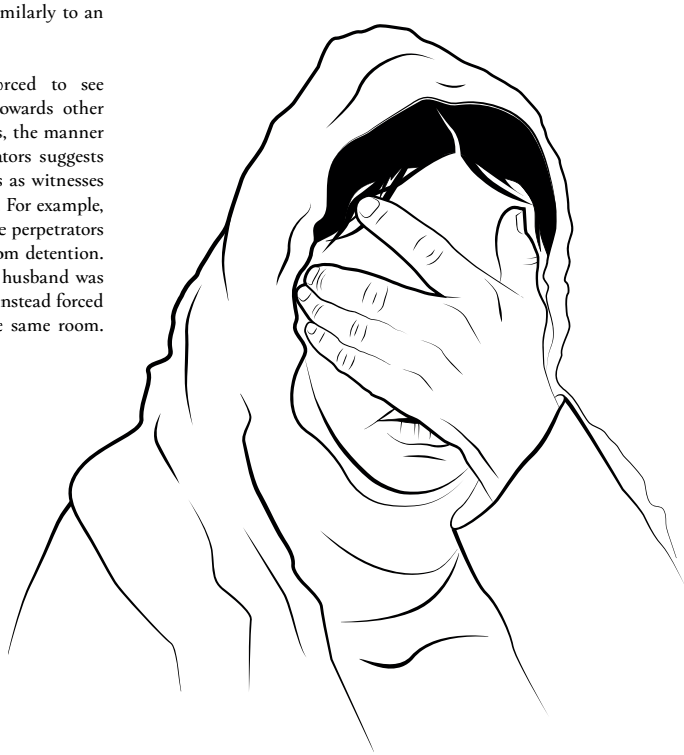
The witnessing of SGBV and other extreme violence perpetrated on others caused psychological trauma for the witness-survivors, prolonged and exacerbated by the intense fear it instilled in them. All the survivors described witnessing the cruelty of the open violence conducted against them during the attacks on their villages and as they fled towards Bangladesh. The perpetrators' methods instilled extreme fear within the witnesses of this violence.

- All the survivors reported having witnessed extreme violence during the 'clearance operations' perpetrated towards members of their community in public and/or in a way that they could see it. For example, they described: women being raped, tortured, and killed in front of them; babies being burnt alive or thrown in the field; shooting and throwing of bodies in mass graves or paddy fields; and mass executions or men's throats being slit. One male survivor shared how he was deeply affected by being raped by multiple Myanmar perpetrators, and how he shook with fear whilst witnessing other women being raped and then killed before his eyes.

- Many survivors reported that their immediate post-traumatic reaction was 'shutting down' to protect themselves from the unbearable acts they had witnessed or endured themselves, usually as the event unfolded or very soon afterwards. Some survivors fainted or lost consciousness, and some thought they were already dead, but they were not, similarly to an altered state of consciousness.

- Several survivors were deliberately forced to see and/or hear the violence perpetrated towards other community members. In some instances, the manner of the violence enacted by the perpetrators suggests that the presence of selected individuals as witnesses of the violent acts was purposely sought. For example, a husband and wife were extorted by the perpetrators in exchange for the husband's release from detention. When the wife brought the money, the husband was not released immediately, but they were instead forced to watch each other being raped in the same room. In other instances, survivors recalled how a daughter was raped, killed, and burnt in front of her own mother; male survivors in detention centres witnessing the rape of other fellow Rohingyas; or public executions in some of the military camps. Thus, the psychological impacts and trauma resulting from the forced witnessing of SGBV against others damaged the various psychosocial relationships of the participants involved in the scene, such as: the relationship between parent and child; the relationship between partners (if still alive); and the relationship between members of the Rohingya community.

- Across all survivors, the interviews documented typical post-traumatic reactions (as noted above in Box 1) not only linked to their individual experiences of sexual violence but also from their witnessing of the same, which many have been suffering from for several years since including at the time of the interview: intrusive thoughts and memories of these events, reoccurrences during their dreams, and, for some, a survivor's guilt. Additionally, a major psychological impact recorded was the experience of a chronically overwhelming sense of fright that has coloured the survivors' and witnesses' sense of safety for themselves, as well as for the Rohingya community, in their everyday life, and in their capacity to envisage a future.



Section 3: Impact of the SGBV on survivors' families and extended kinship

Summary Overview

The interviews with survivors and the analysis by psychologists reveal how their relationships within their families and extended kinship were destroyed as a result of their SGBV experiences. The injuries sustained to their reproductive organs, the psychological distress, along with the negative impact on the social status of the women, in particular, impaired survivors' ability to be intimate with their partner, thereby impacting their capacity to procreate to sustain their family line. These SGBV-related consequences also impacted survivors' ability to support the healthy early development of their children due to difficult labour and delivery, difficulty in breastfeeding, or the poor psychological state of Rohingya mothers.

Further, the family structure of the Rohingya was affected by the SGBV inflicted, for example, through the birth of children following the sexual violence. These children are viewed by the community as no longer having the cultural-religious identity of Rohingya-Muslim but 'polluted' with that of the ethnic Rakhine or Myanmar military perpetrators. Moreover, survivors' experiences of domestic violence and spousal abandonment caused dramatic losses or shifts in the caring figures of the children, further destroying the Rohingya family unit. The ostracisation of survivors and their children also led to the inability of female survivors to remarry, which in turn affected their children's marriage prospects, damaging the future alliances within the Rohingya community.

This section demonstrates the ways in which the parent-child relationship, or filiation,[219] of the survivors interviewed, was particularly destroyed in relation to the continuity of the Rohingya community. In this research, filiation is understood as the relationship between a child and their parents, which establishes an ancestral unit and bond over generation(s). The way in which the sexual violence was perpetrated in Myanmar reshaped the survivors' biological filiation in multiple ways, which forced a reorganisation in the familial organisational structure of their direct lineage.

The section further demonstrates how the Rohingya kinship structure was severely damaged. Kinship is understood in this research as the network of relationships between members of the same family, including extended family networks such as the in-laws, grandparents, and other significant members.[220] The sexual violence perpetrated against the survivor destroyed their relationships with the extended family network and obliterated the possibility of establishing the necessary social alliances (through marriage) and, thus, the continuation or genealogy of the community.

3.1 Destruction of capacity to procreate or maintain parent-child relationship (filiation)

The findings demonstrate that, across gender identities, the sexual violence perpetrated in Myanmar severely destroyed many of the survivors' biological relationships through forced pregnancies, through their inability, following the SGBV experiences, to procreate and maintain children, as well as through the difficulty they have to sustain intimacy and engaging in sexual intercourse.

- **Unwanted pregnancies and abortions:** Many female survivors interviewed across all ages reported that the sexual violence endured in Myanmar during the 'clearance operations' led to unwanted pregnancies and the need to perform abortions. Some survivors described explicitly that the rapes resulted in them conceiving a child. Several survivors narrated having undergone abortions when they could; some accessed abortive pills offered in emergency clinics in the refugee camps upon arrival in Bangladesh, and others improvised abortions with traditional medicine. One survivor, who was seven months pregnant when she was raped, was asked to perform an abortion by her husband since her foetus was subsequently perceived as having the biological filiation of the non-Rohingya perpetrators. However, she could not go through with the abortion due to the lack of clinical facilities. Other survivors also mentioned that they kept the baby as they became too advanced in their pregnancy or due to the health facilities being inaccessible to them at the time in the camps in Bangladesh.

- **Impact on the capacity to procreate:** Most survivors interviewed reported injuries to their sexual reproductive organs that affected their capacity to conceive. As detailed in the above Section 1 on physical injuries, 22 out of the 30 survivors interviewed reported that the sexual violence led to severe injuries to their sexual reproductive organs. These injuries caused reproductive tract infections that resulted in a loss of libido across all genders, which impaired the survivors' ability to be intimate with their partner, thereby negatively affecting the necessary conditions to conceive in order to sustain their family line.

  Additionally, the data also highlighted that the overall capacity to procreate was, in many cases, (15 out of 22 women interviewed) affected by the social status of women after the assaults, which prevented the possibility for them to access a sexual partner to be able to conceive. Some young women were unmarried, and their husband was killed or abandoned them following their SGBV experiences. Across these social scenarios, the survivors became single or have kept their single status since the cultural barriers prevented them from establishing a partnership that could have allowed them to establish their biological filiation

- **Impact on the survivors' ability to support their child from birth:** The findings also showed the impairment in women's ability to support the healthy early development of their offspring, from pregnancies and

births, to the survival of their infant through their breastfeeding capacities.[221] Three out of the 22 female survivors interviewed explained that the injuries to their sexual reproductive organs, such as vaginal tears, inflammation and swelling, and excessive bleeding, were such that they subsequently struggled to give birth safely. Their labour was unusually long, they often had difficulty with having a vaginal delivery, and in some instances, the doctors considered their labour was placing them at very high risk of harm altogether. As noted earlier in Section 1.1, the medical doctor who reviewed the survivors' testimonies confirmed that pregnancy, labour, and delivery complications, as well as adverse birth outcomes such as low birthweight and preterm delivery, have been associated with SGBV in multiple scientific and medical studies. In fact, a few survivors reported having to remain bedridden for several months after giving birth.

- One survivor who was raped when she was seven months pregnant narrated how she had failed to follow her husband's request to abort the foetus whose paternal identity was redefined as the Rakhine perpetrators; she recounted how her husband became verbally and physically abusive as a result and how he continued the abuse during her contractions and labour.

- A few survivors interviewed revealed how their physical and psychological injuries seriously affected their psychological state and specifically concurred in how the injuries affected their ability to establish breastfeeding with their infant.

3.2 Destruction of the familial organisational structure and intra-familial relationships

The findings show that the SGBV perpetrated on Rohingya women often damaged or undermined their status in the familial organisational structure. The psychologists' clinical analysis of the survivors' experiences is that due to severe cultural barriers, the SGBV 'stained' Rohingya bodies which often harmed parent-child relationships and diminished their physical and psychological capacities to care for their children.

- **Undermining of cultural identity and parent-child relationship (filiation):** As mentioned in Section 3.1 above, the rapes perpetrated by Myanmar military and security forces, including ethnic Rakhine, sometimes led to pregnancies and to children being born when abortions could not be performed. The cultural-religious identity of the child within the patriarchal Rohingya-Muslim cultural system is provided through the paternal bloodline. As a result, the children conceived through rape reshape the bloodline of the mother and her family unit, as they are perceived to have become children of the 'Rakhine' or 'Myanmar militaries'. The findings documented five female survivors (often mothers) who were severely ostracised after being raped in Myanmar, thereby damaging their cultural identity. This was particularly the case in instances where children were conceived from rape: the women, not only became the mothers of the children now perceived to belong to a different biological line, but were considered 'unholy', 'dirty', and 'impure' within their original community. These women were denied a parent-child relationship within the Rohingya community and excluded from their perpetrator's culture, thereby depriving them of a cultural identity with which to raise their children.

- **'Contamination' by the perpetrators:** The clinical data underlined crucial cultural constructions around the perpetrators' semen. The psychologists' clinical analysis of the five female survivors' experiences is that the perpetrator's semen, which belonged to another cultural-religious identity than the Rohingya, operated as a 'contaminating' or 'polluting' agent when touching and occupying the uterus of Rohingya women. In other words, the substance had the social power to 'stain' women's bodies with the group identity of the perpetrator, thus creating a fracture within the Rohingya community.

'They (the neighbours) are saying: Oh, she is the raped woman from the Rakhine military. She is not "holy" [impure, not religiously in a good position] because I was raped by another religion'.

S, female SGBV survivor

This effect can be evidenced through the severe social ostracisation of female survivors after the perpetration of the SGBV.

'My husband, when he was violent with me, was saying 'Don't tell anyone, or don't seek justice (about the rape)! It is (source of) shame for me, why are you seeking justice!?'.

S, female SGBV survivor

'Even in Bangladesh, women around me can do multiple jobs and volunteer with organisations. I cannot participate in anything because people say 'she's not a good woman!' or I have a bad character [libettu beda loibar dosh ase (meaning morally dirty or corrupted, has different tastes of men). If I work, I would ruin the environment. So, I have no earnings. Life is really difficult and in poverty'.

RK, female SGBV survivor

Similarly, becoming the mother of the perpetrators' child appears to have further contaminated the bodies of their children. As reported by three of the female survivors interviewed, the children born of rape were largely denied their natural affiliation to the Rohingya community. The children became reduced to being the children of the enemy (e.g., 'son of the Rakhine'), but since they do not have a recognised affiliation from the paternal line and their mothers have largely been disaffiliated from their community, they are often left without any possible affiliation, as is often the case in other post-conflict settings.[222] Most children will never have access to a filiation of substitution; therefore, there will not be an established relationship between the previous and future generations.

- **'Contagion' of perpetrators and impact on children:** In the five instances where female survivors were already pregnant during the rape, the psychologists have clinically analysed from the survivors' experiences that the semen of the perpetrators is viewed by the broader community as having 'polluted' the women's bodies and thus the uterus holding the foetus, opening up the original biological paternity of the foetus to questioning. The contagious property attributed to the semen often appeared to have attributed a sense of impurity to the children conceived after sexual violence as well, resulting in their social ostracisation by the Rohingya community. Whilst these children's biological identities might not have been completely lost or reshaped, making it possible for some female survivors to marry or remarry Rohingya men after experiencing SGBV, the contagion of the perpetrators has had a far-reaching impact.

  This can be evidenced by the children born from a subsequent marriage after the SGBV experience in Myanmar. The filiation of the father within the new family unit was also 'contaminated' (affected) by association through their mother's SGBV experience prior to the marriage. In this instance, the children were also subjected to verbal abuse from their peers and from the wider Rohingya community that associates them with their mother, her alleged moral qualities, and her (forcefully) undermined cultural identity. Their mothers are referred to derogatorily as 'the woman who was raped by the Rakhine'. Some survivors also referred to this to explain the abandonment of their children by their second husbands and usually by their in-laws, leaving them in a social vacuum.

'They used to call me and my son "You are the monks!" or "You are a raped woman!". They refused to accept me. Because of that, I could not work, and I couldn't meet people. It was so suffocating'.

RK, female SGBV survivor

'It hurts in my heart [dil]. If the military had not raped me, my husband would have not left us... The neighbours got to know about my rape because sometimes my husband, when beating me, would say: "You are a raped woman", so they could hear it through the hut as they are close to each other. My suffering is too much, and as a woman, it is not easy to survive alone with three children'.

S, female SGBV survivor

- **Abandonment by husbands post-SGBV:** In addition to the killing and enforced disappearances of men during the 2017 'clearance operations', the paternal identity within the family unit was also damaged, and sometimes destroyed, in other ways. Where their husbands remained alive, eight female survivors narrated that their husbands abandoned them after their arrival in Bangladesh, when their SGBV experiences in Myanmar were exposed.

'[He always shouts] that 'I told you to have an abortion! Why did you keep the baby?! That is why I cannot help you'.

R, female SGBV survivor

In the rare situations where their husbands did not leave the household, many survivors reported experiencing significant domestic violence. Some survivors described their husbands emotionally disinvesting their role as fathers, and, in those cases, it appeared that the paternal role of fathers in the filiation was ruptured.

'When my husband knew I was raped, he reacted badly, and I was not able to have normal sexual relations like before. He would scream at me, and he was ashamed of me. So there are a lot of issues in my family, and he is looking for other women for a second marriage. I cried every day because my husband would abuse me verbally and physically, especially when I refused a sexual relationship with him. He would force himself on me, and it is painful'.

RK, female SGBV survivor

- **Filiation of *hijra*:** As for the *hijra* survivors interviewed, they do not have children of their own. Due to the small number of *hijra* survivors interviewed, further study is needed to explore this.

3.3 Impact on children

In addition to the typical inversion of the parent-child role often observed in the context of displacement, the data highlighted major consequences on the parent-child relationship as a result of children witnessing sexual violence against their parent in Myanmar, the destruction of the family unit and the impact of the violence on parental mental health.

- **Trauma from witnessing and enduring violence during SGBV acts against their parent:** Although the research did not include direct interviews with the children of the survivors, the interviews conducted with their parents provided important insights into their psychological state. They suggested their children were suffering from significant psychological traumas as a direct result of the extreme violence they had endured or witnessed during the 'clearance operations'. Some children directly experienced violence themselves, for example, by being hit with a gun, being violently pushed across the house, being thrown away from their mother's arms as infants into the paddy fields and left to die, or being forced to witness the SGBV acts on their mothers and female family members. The children also witnessed what was being perpetrated in the open for all to see during the attacks of their villages, as well as during their journey to the Bangladesh border with all the threats and consequences of the violence (e.g., dead bodies, blood, people screaming and crying of pain). The traditional roles in the parent-child relationship were forcibly reversed as children witnessed their parents being harmed, sexually violated and, thus, being helpless in performing their expected role of protecting their own children and themselves. This was particularly an issue when, as some survivors narrated, their children had tried to save them or to look after them after the sexual violence, for example, by dragging their unconscious mother out of their house that had been set on fire or by drying the blood on their mother's body. Several interviews described the perpetrators' reprisals against children who tried to save their parents during the violence.

  The exposure of children to such extreme violence (endured directly or by way of witnessing) resulted in psychological trauma and instilled fear within them. In fact, the parents interviewed reported they noticed an array of signs suggesting severe psychological trauma in their children immediately after the event and that have often lasted through the time of the interview, five to six years later. The signs of trauma ranged from: often feeling very fearful, significant sleep disturbances (including nightmares of the events), feeling very low in mood (e.g., often crying a lot), separation anxiety (e.g., feeling very scared to leave their parent), hypervigilance to the possible hurt or disappearance of their mother (who has often become their sole carer), and the reshaping of their view of the future as an uncertain and scary prospect. The severe impact on their mental health is also possibly exacerbated by the insecurity and difficult conditions of life they endure at a young age in the refugee camps.

- **Impact of the destruction of family unit on children:** The clinical findings stressed that the magnitude of survivors' children's psychological difficulties was also intertwined with the destruction of their family unit that followed the violence since it led to the very painful reorganisation of their relationships and positions in that social unit. Indeed, interviews with 18 of the female survivors with children during the 2017 'clearance operations' suggest that their children had undergone traumatic grief and dramatic losses and/or shifts in the closest attachment and caring figures[223] who were the most significant in their lives. Their father had been either killed or made to disappear during the 'clearance operations', had permanently abandoned the household after their arrival in Bangladesh, or had become emotionally and physically abusive towards their mother; their father's family (i.e., paternal uncles/aunts, paternal grandparents, cousins) often stopped any engagement with them because of the societal stigma inflicted upon them due to the rape of their mother). In one example, a female survivor narrated that when she remarried, she gave away her children to her sister living in the nearby camp to protect herself and her children from the domestic violence of her second husband.

- **Impact of parental mental health:** The severe physical and mental health impact of the experiences of SGBV and other extreme violence on the survivors also had negative implications on their abilities and ways of parenting their children, which, in turn, had an effect of reversing further the traditional roles in the parent-child relationship. As mentioned in Section 3.1 and earlier discussed in detail under Sections 1.2 and 2, the parent-survivors interviewed reported how their physical and psychological injuries frequently impaired their physical functioning in their daily lives, which was necessary to maintain the survival of their household and to provide care for their children. A key feature of their narratives was that, in addition to often being sole carers for their children, their physical and psychological traumas, their grief, and their low mood had the effect of making their minds overwhelmed with these complex emotions.

  Research in the field of child development and child psychology, particularly after conflicts, has for the past 70 years documented the severe impact of poor parental mental health and traumatic experiences in disrupting the quality of parent-child interactions that are necessary to the psychological grounding and emotional bonds of the healthy development of children.[224] These constructs provide useful lenses through which the findings pertaining to Rohingya survivors' children can be understood. The medical doctor who reviewed the survivors' testimonies in

this research confirmed that mental health conditions due to having experienced sexual violence, such as depression, anxiety, and PTSD, could have effects on the survivor's coping, interactions and relationship-building with others, including children. This, in turn, could have an impact on children's development. The inversion of the traditional roles in the parent-child relationship due to SGBV-related trauma has been a key finding in the research, which manifested itself in (as understood through the survivors' narratives): significant separation anxiety with their carer; taking over the logistics of running the household chores; looking after their younger siblings (in a disproportionate manner in contrast to the expected norm); frequently fearing that their parent would get hurt or would disappear; and taking over their parents' responsibility towards them by positioning themselves in the role of the guarantor of the protection and the well-being of their parent through a very protective attitude towards the (emotionally) struggling parent. In instances where children were born out of rape, and this was known to the family and to their community, the narratives shared indicated a very strong, almost fusional attachment between the child and their mother. The narratives from the survivors indicated that their severe ostracisation from their family and their community reinforced their need to protect one another.

'I get sick. I have a lot of pain in my body. I can't eat anything. My head is very bad. Sometimes, I can't get out of bed for five days, and I can't do anything. (...) I think about my husband and my sons, and the life we should have had. I worry so much that I become sick in my head [matha horaf oizagoi/ matha ham nogore - lit (my brain doesn't function well - my brain becomes crazy)]. I become dizzy, and I can't sleep; everything becomes dark. My kids worry a lot for me in these moments. (...) I am having such a difficult time with my children. When I die, the sorrow will end. It's the only option. I can't provide for them. My older daughter is helping a lot; she takes care of her sisters. She is doing everything. But, they all worry a lot about the future'.

NK, female SGBV survivor

'When I cry, my daughter asks if someone has beaten me up. I tell her that nobody did, and she wipes the tears from my cheeks. (...) I felt worried/anxious [chinta] sometimes, I get high blood pressure [mathat maze loo uri zagoi (the pressure goes up on my head)] and get sick, so then I try to seek help from my mum to look after the children'.

S, female SGBV survivor

3.4 Destruction of the relationships with the extended family network and kinship structure

The interviews evidenced that, whilst the SGBV endured had dramatic and long-standing social consequences for men, women, children, and *hijra*, important features of the Rohingya social fabric were specifically destroyed through the sexual violence perpetrated towards women during the 2017 'clearance operations'. The SGBV against women damaged women's individual *izzot* [social honour],[225] which, in turn, threatened their collective family *izzot* and seriously damaged the relationship between women and their extended family network.

As a result, the findings indicate that SGBV experienced by women has often severely fragmented their household structures by creating a rift with their families, which has resulted in the creation of newly organised single women-led households alone with their children.

- **Loss of social honour [*izzot*] of female SGBV survivors and their children:** The women SGBV survivors interviewed lost their individual *izzot* and perceived sexual purity as a result of: having (forced) sexual intercourse outside their marriage, experiencing sexual violence, and having their body and their uterus 'polluted' by non-Rohingya perpetrators. This has had devastating consequences on their physical and psychological health, as well as on their relationship with their children. Six female survivors reported experiencing frequent domestic violence from their husbands once they found out about the SGBV experienced in Myanmar, often blaming the women for what happened and shaming them for having sex with Myanmar military men. Physical violence against the female survivors was usually perpetrated by their husbands and actively encouraged by the husband's siblings and parents. The interviews suggested that the damage to the women's individual *izzot* often had similar consequences on their children's social standing. They reported that their children, both born and not born of rape, had also been 'morally polluted', which meant that they had also lost their collective family *izzot* through their mother's inherited lineage. This can be evidenced in the way they were ostracised and verbally abused by their extended family and by their peers after their mother's experience of SGBV.

'My in-laws used to say negative things at the time, that's when my husband would become rude to me and misbehave (...) His parents used to tell him "You should not live with this woman because she was raped by the military"'.

S, female SGBV survivor

'I wanted my eldest daughter to marry someone in the camp, but the other people said not to marry her because I was raped and her family is (therefore) bad'.

J, female SGBV survivor

'People even say to my children that if they go to play with them, they should not interact with other children because they are the children of the Rakhine!'.

J, female SGBV survivor

- **Social honour [*izzot*] of male SGBV survivors:** The experience of SGBV faced by male survivors resulted in serious consequences for them individually and in their relationship with the wider Rohingya society, mainly in terms of loss of virility, tremendous social shame, and a severe sense of emasculation. However, the interviews with male survivors were not indicative of a direct impact on the social fabric of the Rohingya community as a whole in the way they were with female survivors. The context of the sexual violence perpetrated against men (i.e., usually during their stay in Myanmar detention facilities where sexual violence was used as a form of torture) contributed in part to a different framing than for the women in terms of their experience within Rohingya society. Nevertheless, a gendered analysis of the data demonstrates that, although the male survivors experienced tremendous suffering individually and socially that resulted in a strained position within the community, the consequences endured did not have the damaging ramifications on the social fabric itself as it had with female survivors. For example, although there is a lack of data from the experiences of the spouses of male survivors to confirm this, the male survivors suggested that the collective family *izzot* of their wives and of their children did not fundamentally shift after their SGBV experience, nor did the wider household structure or their extended kinship. Further research is needed to explore this area.

- **Social honour [*izzot*] of *hijra* SGBV survivors:** The *hijra* survivors interviewed, on the other hand, already had a fragile relationship with their household members and with their community. They are viewed as individuals who are transgressing the behavioural norms within the Rohingya society. The *hijra* survivors mostly continued to share the household with their parents and siblings, as per the Rohingya patriarchal structure, and none of the *hijra* survivors had children. Despite this, *hijra* survivors often experienced increasingly strained relationships with their families. Their existing vulnerability and SGBV experiences in Myanmar led to severe ill-treatment from their community or repeated experiences of sexual violence in the refugee camps, which often created significant rifts within their households. They narrated increased conflicts with their immediate families that have led them, on occasion, to encourage their departure from their family household in order to protect the rest of the family members. One interviewee narrated the frequent abuse, neglect, and rejection within the household. Another mentioned that these tensions had forced her to move into her current 'real (*hijra*) sister' household.

In sum, the destroyed individual and collective social honour [*izzot*] that most female SGBV survivors interviewed and their children are believed to have brought to their households have fundamentally destroyed the relationships within the Rohingya kinship network, as has the killing of many Rohingya men. This has resulted in many fragmented households with a single women-led family unit along with their children, parted from their extended family relationships and, thus, from the necessary protection and support that they would have otherwise received. *Hijra* survivors have heightened vulnerabilities that create rifts within the household.

3.5 Destruction of future alliances and the continuity of the community

The data suggests that the SGBV perpetrated towards women and the killing of men also had severely damaged the Rohingyas' kinship structure by obliterating the possibility for them to establish social alliances with the extended social networks, such as marriage, that are necessary for pursuing the genealogy of their community.

- **Ostracisation leading to inability to remarry:** A crucial consequence of the SGBV experience for women has been the reduced possibility to create the social alliances, such as marriage, necessary to restore and extend their social networks.
  - **Women SGBV survivors:** Many female survivors explained the significance of creating new family alliances as a crucial social coping mechanism for them to access physical, social, and emotional protection, support for their children, economic opportunities, and a means to restore, at least in part, their social status framing them as 'impure' and 'polluted'. Some used this social coping mechanism for themselves after the loss of their husbands with success, depending on whether they had managed to maintain the secrecy around their past SGBV experience in Myanmar. Indeed, several survivors interviewed had not been successful in finding a partner when their experience had become public knowledge, whether they were single at the time of the assaults or whether their husbands had abandoned them in Bangladesh. On one occasion, the inability to find a partner was reinforced by their neighbours or their in-laws' active discouragements of the social

alliance due to the survivors' history of sexual impurity and highly damaged individual *izzot*. As a result, several survivors shared deep feelings of loneliness and longing for an emotional connection with a partner with whom they could share their worries and sorrows, particularly when they would see other couples in their neighbourhood.

- **Children of SGBV survivors:** Many female survivors, often with older children, reported the consequences of their SGBV experiences on their children's marriage prospects. Where a father was killed by the Myanmar military or had abandoned the family due to their wife's SGBV experiences, the family lost not only the main breadwinner of the family but also the socially needed presence of an emblematic male figure that could have expanded the collective family prestige or honour [*izzot*]. Further, the women's experience of SGBV has meant that the family is deemed lacking 'purity'.

"The community knows that I was raped. They ignore or tease or say bad things about my children. They say: "Oh, they are the daughters of the woman who was raped". If someone comes and visits to propose to the eldest, the community will talk them out of it; they gossip. They would say, "They are unholy, the mother was raped". So, the shame has passed to my daughters. It`s not only about me`.

NK, female SGBV survivor



Section 4: Impact of the SGBV on the Rohingya social existence

Summary Overview

The clinical analysis of the survivors' testimonies demonstrate that the sexual violence perpetrated against men, women, and *hijra* has impacted the foundations of Rohingya society. Male survivors felt their social position as protectors and providers was diminished, whilst the female survivors felt trapped in their identities as 'rape survivors', with no exit from their current state of suffering, leaving them in a state of 'social death'. For the female survivors, the loss of social honour ('*izzot*') inflicted upon them by the society impaired the honour of their spouse and children.

The psychologists note that such real and symbolic emasculation of the Rohingya men and the erasure of the female survivors from their cultural affiliation has lasting consequences on the wider community. Female survivors in particular were seen as a constant reminder of the horrors experienced, resulting in their severe ostracisation and thereby reflecting the diminished capacity of the Rohingya community to offer support to the survivors, and heal itself. The findings documented the collective psychological state of 'beyond suffering', that the community believes will lead to their inevitable extinction.

This section illustrates how the sexual violence perpetrated against men, women, and *hijra* has resulted in devastating consequences for the survivors as well as the rest of the Rohingya community and its social existence and architecture.

4.1 Destruction of the social existence within the community

The Rohingya society is patriarchal, where the traditional gender roles mean that 'the men are the breadwinners and decision-makers of the household, while the women are absent from public spaces and hold responsibilities limited to childcare, food preparation, cleaning, laundry and caring for the elderly'.[226] The consequences of SGBV on survivors and the community documented in this research are intrinsically linked to the breakdown of these traditional roles in the Rohingya society.

- **Male SGBV survivors:** Through a process of emasculation of their role as protectors and as providers for the community, the extreme SGBV perpetrated on Rohingya men in Myanmar attacked and impaired their social position, if not their very existence.

- Men's potency was attacked by the Myanmar military's perpetration of SGBV and other acts of violence. The male survivors, and to a certain extent the *hijra* survivors, who were interviewed, reported being forcibly detained and enslaved for varying lengths of time, where they underwent various forms of sexual violence throughout their confinement. The extreme violence endured usually included degrading treatments and physical injuries to the genital areas (e.g., burning of the penis with a melted plastic pen, firecrackers lit in their private areas, insertion of a bamboo stick in their urethra). The physical and psychological injuries of the male and the *hijra* survivors resulted in long-lasting effects on their sexual reproductive apparatus that sometimes radiated through their internal organs, their lower back, rectum, and anus and resulted in what most likely were infections from their descriptions. As mentioned in Sections 1.3 and 2.2, the continued discharges when they urinate and defecate, as well as the difficulty in sexual intercourse, serve as an unavoidable traumatic reminder of their powerlessness and their diminished sense of virility.

- The narratives collected by male SGBV survivors in this research suggest that the violence endured had seriously affected Rohingya men's core masculinity by obstructing their ability to perform their crucial social role of guarding, enhancing, and protecting the collective (family) *izzot*; thus, intrinsically injuring their role as provider of the family *izzot* [social standing]. In fact, the intrusion of outsider males into the family compound and the acts of physical and sexual interaction with the women's bodies during the 'clearance operations' constituted a direct attack on men's social function as guardians of the practice of purdah[227] so intrinsic to the upholding of the Rohingya collective identity. The attack on the sexual purity of women and their families constituted an unimaginable transgression of the cultural practice that men's social role is to preserve. In doing so, the collective (family) *izzot* was damaged at the same time that men's core social function was seriously injured.[228] As noted in Section 3.2, the SGBV perpetrated against the women led to spousal abandonment, which also damaged the paternal identity within the family unit. Additionally, the resulting psychological trauma described in Section 2.4, such as forcing Rohingya to witness extreme violence of their loved ones, enforced powerlessness among male survivors and constituted a crucial dimension of the process of emasculation by the perpetrators. For example, one of the male survivors interviewed was forced to witness the rape of his wife and was himself raped in front of her. Survivors reported that this trauma and sense of impotence manifested for them in various ways, including: semen-loss anxiety, erectile dysfunction, physical paralysis and numbness (e.g., '*stroke*'), and 'frozen' blood ('*betur*').

- Rohingya men's substantial emasculation, which is magnified for male SGBV survivors, was evidenced in their inability to perform their social and family roles following the violence in Myanmar. The conditions of forced displacement in the refugee camps have meant that women have had to take on roles that men were traditionally assigned.[229] In addition, studies have indicated that Rohingya men's difficulties pertain to: their inability to develop or complete their education, the loss of their land and their wealth when they were forcibly displaced,[230] and their inability to remain breadwinners or, at least, to provide for their families (particularly in instances where men continued to sustain physical impairments to their functioning). The interviews highlight how this emasculation is exacerbated for male SGBV survivors due to not being able to elevate their own social honour [*izzot*], which is derived from religious piety, financial wealth, and educational achievement. The male survivors resonated with the loss of virility as central to their struggles. As a result, many men no longer have a social role through which they can contribute to the family or the Rohingya society as a whole.

- **Women SGBV survivors:** The findings documented that the presence of Rohingya women in the public spaces after they had been raped by members of the Myanmar military operated as a traumatic reminder to the community of their collective injury that it needs to be purged. Women who have survived sexual violence may be considered 'defiled', especially in societies in which the perception of 'sexual purity' is corrupted by the stigma around rape.[231] Considering this, the societal treatment of the female survivors after experiencing SGBV provides crucial insight into the sociological consequences of the perpetrators' acts.

  - All survivors converged in their description of intense and persistent social ostracisation from most of their community whenever they occupied public spaces (i.e., outside their tent, in their neighbourhood within the camps). They reported severe verbal abuses that ranged from nagging and insults, being banned from social and family events (e.g., celebrations, weddings, funerals), to enforced physical distancing where the survivors and their children are forbidden to touch other community members and their belongings. The content of the derogatory comments has mostly referred to: their 'stained' moral-religious status and, thus, to the 'sinful' nature of the sexual experiences they have now come to embody; them having become emblematic of the persecutions done to the community in Myanmar; and their loss of cultural affiliation 'polluted' by the perpetrators' group. The content of the verbal abuses implies that many survivors are no longer viewed as being the 'pure' members of the Rohingya community that they were before the SGBV was perpetrated against them. (note Section 3.2 above for relevant excerpts from survivors' testimonies)

    Survivors have narrated that when they occupy the public space, they have become emblematic of a painful reminder to the community of their collective wound: its destruction that culminated with the 2017 'clearance operations'. Their extreme social marginalisation reflects this, and how the female survivors became, for the community, a reminder of the traumatic memories of the extreme violence they had to endure, and the consequences all have had to suffer.

  - The increased rates of domestic violence in the aftermath of conflicts, particularly of men towards their spouses, is an extensively documented phenomenon[232] and has been widely analysed in scholarly literature,[233] although to a lesser extent in its relationship with the experience of SGBV. Notwithstanding that the pre-existing Rohingya gendered social norms have been grounded in a rigid patriarchal structure that has placed Rohingya women and girls in a disempowered position within domestic power dynamics,[234] the accounts of the survivors interviewed demonstrate the progression of violence by the extended Rohingya family unit (e.g., husbands, parents, and siblings-in-law) towards the women as a direct consequence of the women's SGBV in Myanmar.

    Thus, the targeting of women during the 2017 'clearance operations' was a precursor to the destruction of the Rohingya community as a whole, as it resulted in continued victimisation and destruction of the social fabric of Rohingyas even after fleeing Myanmar. As explained in Section 3.2, the semen of the perpetrators in Rohingya women's bodies acted as a contagion which emasculated their partners. The psychologists' clinical analysis of the survivors' experiences is that the female survivors' reproductive system appeared to be a symbolic extension of the social body of the community and, thus, a marker of the social-religious ownership and identity of the wider community. The sperm inside female Rohingya bodies not only negated the women's previous social affiliation/cultural identity but also, in the process, impaired or destroyed their partners' social honour, belonging and ownership through their wives' bodies. Several survivors illustrated this in their narratives when they were pressured by their husbands to undergo abortions, and even if they had the procedure performed, most of them were still subsequently either abandoned by their husbands or victims of a newly developed or enhanced dynamic of domestic violence. In the latter instance, the shift in the intimate relationship manifested itself through an increase in verbal abuse

(e.g., humiliation, insults), physical abuse (e.g., heavy battering) and minimal physical contact limited to irregular visits for the purpose of violent sexual intercourse. The upsurge in domestic violence from female survivors' spouses after their SGBV experience suggests men's sense of emasculation in the face of the experience of their wives.

'My husband is blaming me because I was raped by the military and saying, "Your body was touched by others, you were used, I feel ashamed to touch you"'.

M, female SGBV survivor

'My husband is abusive to me because of the rape I experienced and has now remarried and is living with another wife. (...) He visits our children sometimes but he is not supporting us financially. Whenever he comes to our house, I face a lot of verbal and physical abuse. He insults me in front of others and tells everyone about what happened to me'.

M, female SGBV survivor

The continuous emotional and physical violence that some of the survivors reported indicates that they became reduced within the Rohingya community to a traumatic emblem of the community's powerlessness and failure to protect itself. The female survivors became a constant reminder to the community of something, which they did not want to see, hear, or be reminded of. As a result, the suffering described by many survivors seems to be related to what they came to represent for the community rather than what the women experienced or their lived experience of suffering.

'In the camp, I cannot go to anyone or anywhere, even if I touch something, they say that this becomes "unholy" [Nafaak (impure, in a religious way)] because I was raped. (...) My life is destroyed; there is no peace any more [ashante and gom nalage] in my life. I cannot remarry because people hate me and would never marry me. (...) I cry every night, and I cannot make any friends because they don't want to be my friends'.

J, female SGBV survivor

'Even in Bangladesh, women around me can do multiple jobs and volunteer with organisations. I cannot participate in anything because people say, "She's not a good woman!" or I have a bad character [ibettu beda loibar dosh ase (meaning morally dirty, has different tastes of men)] or if I work, I will ruin the environment. So I have no earnings. Life is really difficult and in poverty... 'Everyone [my children] them that their mother is not a good person because she was kept by the monks. They also witnessed their mother's house burning. All these things are behind the stress [In begginor harone chinta goredde]. Sometimes I feel like my life is ruined, so it would be better if I died so everything would be ended'.

RK, female SGBV survivor

Such a community dynamic indicates that the damage to the social fabric of the community is so extensive that it is no longer able to empathise, receive, and take into consideration the survivors' experiences of extreme suffering. Importantly, the domestic violence enacted following the SGBV experiences (or its disclosure) is indicative of a symptom of men's extreme frustration when facing their destroyed masculinity through their loss of power, place, and purpose in Rohingya society.

- Further, the analysis of the narratives highlighted that the blaming and social ostracisation of the female survivors reveal the impossibility for the community to offer them the status of victim and, therefore, to engage with their suffering. The necessity for the community to exclude many female survivors with such resolve demonstrates how much the SGBV survivors have come to represent something extremely triggering and unbearable to the wider Rohingya community. The social process captures the necessity for the community to use extreme mechanisms, such as repudiating survivors no matter their pre-existing relationship with them, to enable its survival or, rather, to protect the survival of the rest of the community. The daily verbal abuses received from the community demonstrate how much the members of the community actively seek to be seen as different from the survivors and their children. Indeed, the interviews suggested that the female survivors became emblematic of the trauma that took place in Myanmar for Rohingyas and that the community has not had the capacity to hear or to receive these experiences. Instead, the women are blamed, scapegoated and kept at a distance, similar to what has been documented with SGBV survivors from other conflicts or genocides in India, Cambodia, and Rwanda.[235]



'My personal life is not good, and my husband cannot accept me, for six years, he (...) always blames me and makes me feel low, always quarrels with me and beats me; there is no peace in my home'.

M, female SGBV survivor

'When I gave birth to my baby girl, I had to hear a lot of negative comments from my in-laws, like "You are a raped woman!" (or to my husband) "Why did you marry her?! She is a dirty [fo*sa (dirty, not holy, she is used-like a prostitute - woman by another man not Muslim)] girl'.

S, female SGBV survivor

4.2 Destruction of the physical and symbolic architecture of social life

The ways in which the Myanmar military targeted the Rohingya community through SGBV destroyed the physical and symbolic architecture of the Rohingya social life. Data from the survivors interviewed, across gender identities, underscored the feelings of being 'trapped' in their living conditions, bound to a cycle of violence caused by the Myanmar military and without an exit, destined to endure suffering and death.

- An important finding among SGBV survivors interviewed has been their collective feeling of entrapment and the vicious cycle of the social death and alienation that ensued from their experiences.
  - The extreme social ostracisation of the female survivors interviewed led to them feeling trapped in their bodies and in their shelter in the camp, unable to live within their community; *'Everywhere I go, I am a rape victim!'* one interviewee stated. The survivors shared the impossible socially oppressive position in which they have found themselves: they could not leave their tent or the camp without being insulted; many could not remarry; and they and their children are verbally abused and reminded not only of their traumatic experiences in Myanmar but also of their 'polluted' social honour [*izzot*]. The survivors' descriptions indicate that they were severely ostracised by their larger Rohingya community - which the community did to protect itself (See Section 4.1). Faced with the impossibility of accepting the fate of these raped women and their inaction in protecting them, the community members excluded them.

    The survivors were not only blamed for what had happened to them, but also reduced to a position of being perceived as radically different from the rest of the community. The effect of this process of rejection through the creation of a category of 'radical otherness' is devastating for these women and for the future of the community as a whole. Indeed, by seeking to protect itself through the exclusion of these women, the community has exacerbated the impact of the Myanmar military's SGBV against these women by further challenging the community's survival.

  - Consequently, many of the survivors interviewed explicitly depicted a social positioning that has trapped them in a vicious cycle of discrimination, with no exit, that has bound them to an enduring state of suffering from which the only alternative is death.

> 'When I remember the rape and the negative comments, I feel like I should die'.
>
> *J, female SGBV survivor*

> 'Sometimes I feel like killing myself with a knife, or I feel like taking some poison to kill myself [bish hai (feel like taking poison) suri hai (suicide with a knife)]. (...) When I hear negative comments from my community saying that I am a raped woman, so I should not be there with them, it really hurts me!'.
>
> *MK, female SGBV survivor*

  - This psychosocial state is evidenced in the survivors' somatic complaints (see also Box 2 under Section 2 on Psychological injuries). For example, many survivors interviewed described their ill-being with the use of metaphors of paralysis with diffuse chronic physical pains and metaphors of being locked or trapped in their (raped) body and in their pain. Their community has forced them into a social position where their femininity, sense of belonging, and recognition of their family lineage have been severely undermined. In this instance, many of the female survivors contemplated suicide, as described in Section 2.2. In addition to the severe physical and psychological injuries they have had to endure, their extreme suffering is further exacerbated by their social alienation. This psychosocial state captures their experience of helplessness in the face of the inescapable violence they continue to endure, with no exit in sight.

    Some survivors captured this emotional state in their clinical presentation when they were being interviewed for the research. They presented with emotional disinvestment of their bodily and physical appearance and a disconnect from their emotional lives or unfelt emotions (i.e., very sad and careless demeanour, appearing hopeless and 'battered' or defeated by life). In fact, a few survivors were able to verbalise this psychological state as 'feeling beyond crying' or '(since) having cried so much that I no longer have tears in my eyes to cry'. Others went further in explaining their experience of persecution in formulating that their emotional heart-mind [dil] had already died inside themselves: 'We have already mentally died'.

- A similar theme of social death dominated the narratives of the *hijra* survivors interviewed and, to a certain extent, of the male survivors. With life in the refugee camps described as 'worse than prison', the *hijra* survivors complained about an overwhelming feeling of fright that resulted from not having a safe place to exist and no escape from their fate. They expressed feeling not only social death but also being locked inside their male bodies, inside their tents, and inside and outside their camp, with the pending (objective) threat of being sexually violated again. Several survivors stated that their suffering was so agonising that they 'had lost the meaning of life' and constantly anticipated their death to be imminent. As a result, a few of the survivors explained that they had already prepared their will and had shared it with their children, since they were often unsure whether they would wake up and remain alive the following morning. Other male survivors explained that their children were afraid that the unbearable suffering or the 'stroke' of the heart-mind they witnessed their father enduring might actually kill them.

- Lastly, some of the survivors interviewed described how much they have felt locked in their pains, their minds, their bodies, and their social existence, unable to heal: 'We live together, but we are separated'. Many disclosed that no one would listen to them because each community member was too preoccupied with their own tremendous sorrows. The informal healing mechanisms are unavailable and have contributed towards the destruction of their social life and the community itself. These findings underscore the extent to which the violence perpetrated against the Rohingya community fundamentally impaired the community's capacity to heal collectively. When a community undergoes extreme violence and collective traumas of various natures (e.g., armed conflicts, earthquakes, pandemics), crucial functions of the community that are often shattered are the informal social coping mechanisms (e.g., solidarity, informal gatherings), the social resources (e.g., rituals), and the healing mechanisms (e.g., access to spiritual or religious healers) that the community and its members were previously using to recover from their sorrows.[236] These informal mechanisms are not only seriously damaged during the extreme violence, but the collective system is usually overwhelmed by the volume and the seriousness of the psychosocial needs presented by its members.[237]

4.3 Destruction of the collective fate of the community

The Myanmar military's SGBV against Rohingyas impacted the architecture of the community by threatening its collective fate.

- The findings documented survivors' perception that the violence against them destroyed their collective fate as a community, as the violence shaped its future as existing within an unending state of suffering that will lead to their inevitable extinction.

  - The survivors' interviews evidenced that the various levels of destruction brought against the survivors and their community severely damaged their ability to project themselves into a collective destiny. As previously detailed, the survivors described their lives as being suspended in space and time and in a state of unbearable suffering that has no ending and no solution in sight. Although each gendered trajectory had some specificity, the finding was predominant across the survivors interviewed – in that there was no future for themselves or for their descendants. This perception was further exacerbated by their various injuries that seriously damaged their capacity to procreate, to bring their children up (safely) into the world, and to provide them with a future outside the camp with land to live on, an education, and without being ostracised.

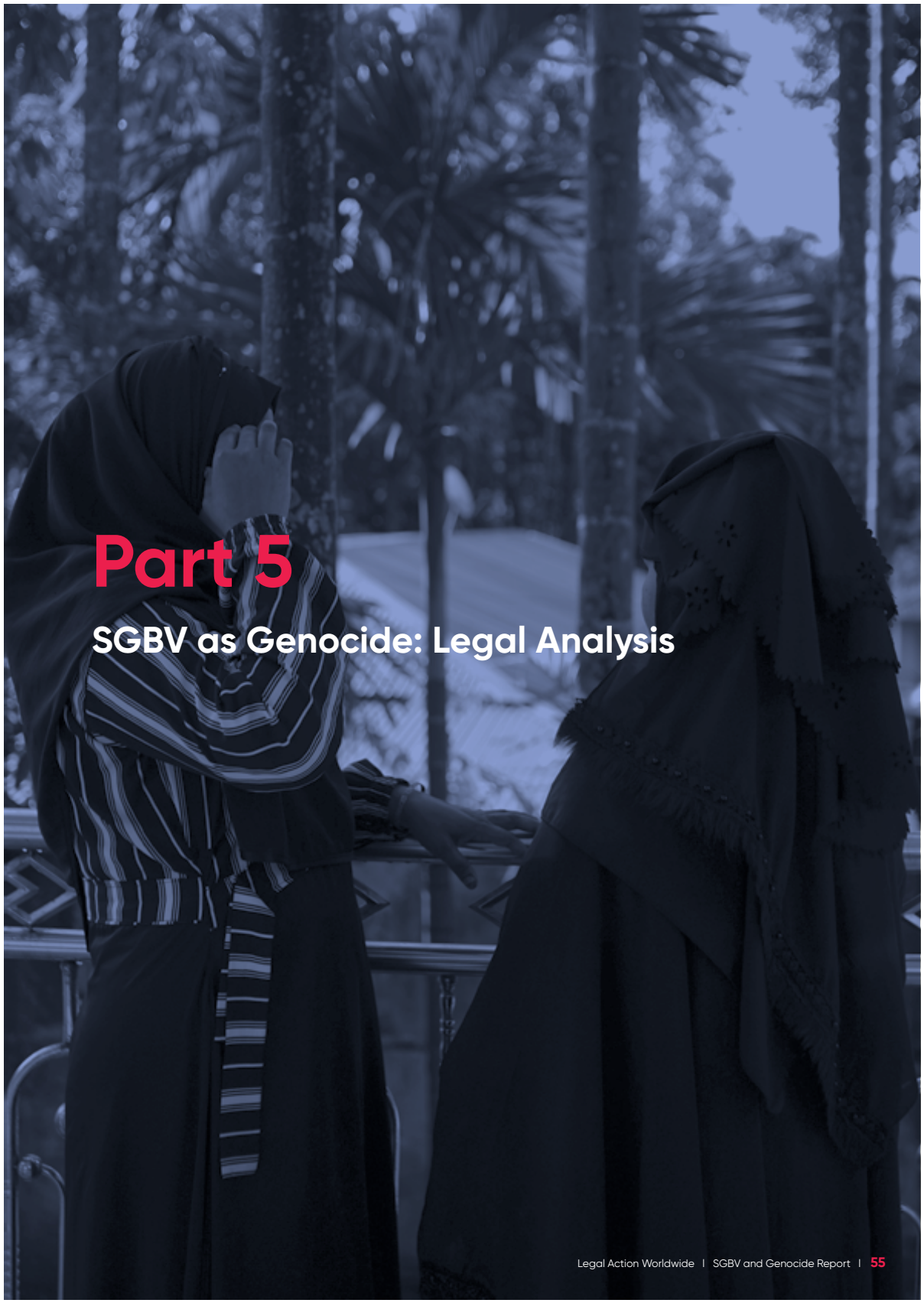
  - One male survivor stated during the focus group discussions: 'The life of our children is like death'. In fact, the impact of the violence endured similarly destroyed survivors' ability to envisage a transgenerational transmission of the community. Section 3 described the various attacks on their filiation and kinship that had obstructed possibilities for them to set up the necessary social alliances (marriages) for their children, and this underpins the inability for them to continue their lineage that would constitute the next generation and, therefore, a future for the Rohingya community.

  - Furthermore, the psychological state of feeling 'beyond suffering' often reported during the research was also intertwined with the survivors' loss of capacity to imagine an end to their and the community's suffering. They described feelings of extreme helplessness, loss of agency in their fate, and their inability to envisage a place for Rohingya to exist. All concurred for them to perceive that they (as Rohingyas) are bound to become extinct. Consequently, the survivors' narratives highlighted that the process of destruction undermined the foundations of the collective construction of a common future.

- The findings concurred in evidencing a collective experience of a state of perpetual and extreme agony without a possible exit for Rohingyas other than a collective fantasy of suicide to alleviate the community's unbearable suffering.

  - Across focus group discussions conducted with men, women, and *hijra*, as well as some of the interviews, the survivors disclosed a shared fantasy of collective suicide to end their agonising suffering. Some have mentioned all Rohingyas being killed (with no specificity of means), whilst others have referred to the idea of a collective intake of poison or to the idea of a bomb being dropped above the refugee camps to decimate all Rohingyas once and for all. The scenarios have also been contemplated by the survivors when they have felt the threats of a forced repatriation to Myanmar, where their death would have very likely awaited them. In this instance, it is the three expert psychologists' clinical analysis of the survivors' experiences that the survivors' rumination around the community's suicide is not linked to a depression-like state or a form of melancholia.

    The collective fantasy around the death of Rohingyas was a way to express the impasse in which the community finds itself with no solution to end the community's unbearable suffering caused by the Myanmar military and is a way to feel empowered to be able to live differently. Therefore, suicide, when shared through this collective framing, demonstrates that alternative solutions were unavailable within the collective functioning of the Rohingya community.



Part 5

SGBV as Genocide: Legal Analysis

The physical and psychosocial findings in Part IV above are analysed within the international legal framework applicable to the crime of genocide. This section examines how SGBV has been considered under international criminal law, specifically as an act of genocide, showing how several domestic and international courts and tribunals (ICTR, ICTY, ICJ, ICC) and mechanisms (IIFFMM, Syrian COI) have found that SGBV can constitute different genocidal acts. Through its foreseeable and long-term health and psychosocial impacts, the Myanmar military's commission of SGBV against the Rohingya constitutes the following two genocidal acts: causing serious bodily or mental harm to members of the group, and imposing measures intended to prevent births within the group.

The ICTR and ICTY jurisprudence supports the analysis that the serious bodily or mental harm endured by Rohingya SGBV survivors and witnesses constitutes an act of genocide. The survivors and witnesses suffered serious injuries, including those to the genital area, and from psychological trauma, which appear to have significant and long-term ramifications on their ability to lead a normal and constructive life. Survivors described the continuing impact on them as 'beyond suffering'. The data gathered was consistent and corroborates available documentation that the Rohingya were targeted for their ethnic and religious identity, and with genocidal intent by the Myanmar military, as shown by the systemic nature of the violence inflicted upon them.

The perpetuation of SGBV by the Myanmar military to deliberately prevent births is evidenced in the findings of the destruction of the physical capacity of many Rohingya to reproduce, the psychological damage affecting their ability to maintain procreative relationships, separation and killing of Rohingya men and the forcible impregnation of Rohingya women by non-Rohingya men, and unsafe abortions sought by Rohingya women.

The ICTR, ICJ, and ICTY jurisprudence support the analysis that such severe procreative implications as a result of the SGBV perpetration on a community can constitute an act of genocide.

5.1 Standard of Proof

This research applies the 'reasonable grounds to believe' standard in reaching its legal conclusions. This standard is typically used by UN fact-finding missions, commissions of inquiry, and in the preliminary stage of criminal investigations.[238] The psychosocial findings detailed in this research clearly show that the Myanmar military met each of the genocide elements listed below during its 2017 'clearance operations' targeting Rohingya, including through the use of SGBV.

5.2 Genocide

Genocide is an international crime with a foundation in both international treaty law and customary international law. It is a peremptory norm of international law, from which no derogation is permitted. First codified under the Genocide Convention[239] and then the Rome Statute,[240] it is defined as '...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group'.

Myanmar signed the Genocide Convention in 1949 and further saw its ratification on 14 March 1956.[241] Accordingly, Myanmar has been, and remains, bound by its legal obligations under the Genocide Convention to prevent and punish genocidal acts, whether committed in peacetime or war. Pursuant to Article 3 of the Genocide Convention, Myanmar must also prevent and punish the conspiracy to commit genocidal acts, direct and public incitement to commit them, attempts to commit them, and complicity in committing them. In January 2020, the ICJ held that Myanmar must, in accordance with its obligations under the Genocide Convention, take all measures within its power to prevent the commission of all acts of genocide in relation to members of the Rohingya group.[242] Notably, Myanmar is also bound by its obligations under customary international law to prevent and punish genocide.[243]

5.3 SGBV as a genocidal act

As detailed earlier in Section I, comparative historical analysis shows that SGBV is an integral part of genocidal plans across time. This pattern exists despite the prohibition of rapes in early sources of international humanitarian law.[244] Military codes and treaties such as the 1863 Lieber Code, the Hague Convention of 1899, Article 46 of the Hague Convention IV of 1907, and Article 3 of the 1929 Geneva Conventions were early authorities implicitly outlawing sexual violence, though they did not end impunity for these crimes.[245]

Sexual violence only began to be seriously investigated and prosecuted as an international crime after World War II. Whilst the International Military Tribunal at Nuremberg (1945-1946) did not expressly prosecute sexual violence, and the Tokyo Tribunal (1946-1948) ignored the Japanese army's enslavement of 'comfort women',[246] the UN War Crimes Commission (1943-1948)[247] broke ground in pursuing prosecution[248] for conflict-related sexual violence.[249] The national trials supported by the UN War Crimes Commission resulted in the successful prosecution of 'rape' and 'enforced prostitution' as war crimes.[250] Furthermore, the landmark Geneva Conventions in 1949 stated: 'Women shall be especially protected ... against rape, enforced prostitution, or any form of indecent assault'. One important domestic trial from World War II touching on genocide was the Eichmann trial in Israel in the early 1960s, whose conviction was upheld for 'imposing measures intended to prevent births among Jews' because he directed births be banned and pregnancies terminated among Jewish women in the Terezin Ghetto, with the intent to exterminate the Jews.[251] Later in the 1990s, the ICTR and ICTY developed jurisprudence on the prohibition of rape and sexual violence, with Akayesu[252] being the first case to render a charge of sexual violence as a component of genocide. It is noteworthy that in both the ICTR and ICTY statutes, whilst rape is enumerated as a crime against humanity, the broader crime of sexual violence is absent such that this behaviour was sometimes prosecuted as an 'other inhumane act'.

The Akayesu judgment at the ICTR was ground-breaking in that it held that rape and sexual violence could constitute genocide, in the same way as any other act, as long as those acts were committed with the specific intent to destroy, in whole or in part, a particular group, targeted as such.[253] The ICTY in Furundzija confirmed rape could be an act of genocide and considered the Akayesu definition of 'rape', ultimately convicting the defendant of the war crimes of torture and outrages upon personal dignity for aiding and abetting the rape of a female detainee.[254] The ICTY in Kunarac prosecuted rape as a crime against humanity.[255] At the ECCC, rape during forced marriage was not prosecuted as an element of genocide.[256] The ICJ in Croatia v. Serbia found that sexual violence could constitute genocide by 'imposing measures intended to prevent births' but found that there was insufficient evidence in that case to make such a finding.[257]

At the ICC, the holding in Akayesu was solidified in the Elements of Crimes for Article 6(b) of the Rome Statute - the genocidal act of causing serious bodily or mental harm – which recognises that such harm may be caused by torture, rape, sexual violence, or inhuman or degrading treatment.[258] Whilst several cases at the ICC have sought charges or charged SGBV as crimes against humanity or war crimes (See, e.g., Bosco Ntaganda,[259] Dominic Ongwen,[260] Jean-Pierre Bemba,[261] Joseph Kony,[262] Al-Hassan,[263] and Germain Katanga[264]) charges including rape as genocide have only been brought against Omar Hassan Ahmad Al Bashir for his conduct in Darfur.[265]

Whilst killings of Rohingya women and children during acts of SGBV are well-documented and analysed within the framework of genocide,[266] this research focuses its legal analysis on SGBV against Rohingya – through its perpetration and enduring impact - as a genocidal act under the second prohibited act, 'causing serious bodily or mental harm to members of the group', and the fourth prohibited act, 'imposing measures intended to prevent births within the group'.

5.3.1 Causing serious bodily or mental harm to members of the group

The data gathered clearly shows that the Myanmar military inflicted serious bodily harm and mental harm on Rohingya civilians of all genders, including through SGBV, as part of their genocidal plan. Under the ICC's Elements of Crimes Article 6(b), genocide by causing serious bodily or mental harm includes the following four elements:

1. **the perpetrator caused serious bodily or mental harm to one or more persons;**
2. **such person or persons belonged to a particular national, ethnical, racial or religious group;**
3. **the perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and**
4. **the conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.**

Notably, this fourth element is not part of the customary international law definition of genocide or the definition under the Genocide Convention – a relevant factor to consider, for example, at the ICJ or in domestic courts under the principle of universal jurisdiction. Specifically, in Croatia v. Serbia, the ICJ determined that evidence of intent can alternatively be found in an explicit state policy or inferred from a pattern of conduct, thus allowing cases to proceed without such a pattern.[267] Regardless of jurisdiction, the psychosocial findings detailed above clearly show that the Myanmar military met each of these four elements during its 2017 'clearance operations' targeting Rohingya, including through the use of SGBV.

Element 1: Causing serious bodily or mental harm

The ICTR found that 'serious bodily harm' refers to serious injury to health, disfigurement, or serious injury to the external or internal organs, or senses.[268] In the landmark Akayesu case, the ICTR found rape could constitute a genocidal act and confirmed that causing serious bodily or mental harm does not require the harm to be permanent and irremediable.[269] This was reaffirmed by the Chamber in the Prosecutor v. Rutaganda and Prosecutor v. Musema judgments, which both noted that serious bodily or mental harm includes 'acts of bodily or mental torture, inhumane or degrading treatment, rape, sexual violence, and persecution'.[270] Rape and sexual violence have been recognised as steps in the destruction of a group: the 'destruction of the spirit, of the will to live, and of life itself', and recognised as demonstrating an intent to destroy a group 'while inflicting acute suffering on its members in the process'.[271]

In the Rohingya context, the data gathered corroborates the depth and breadth of the SGBV survivor's physical injuries, including those to their genitals that impact their ability to procreate. Additionally, it evidenced the physical injuries resulting from SGBV that were witnessed by survivors of now-deceased SGBV victims. The serious bodily harm endured was the result of brutal sexual violence, torture, and inhuman or degrading treatment.

Whilst Akayesu has confirmed that causing serious bodily or mental harm does not necessarily mean that the harm is permanent and irremediable,[272] in the case of the Rohingya, the SGBV's impact clearly has significant long-term ramifications. Many survivors suffer from prolonged or chronic pain today, as well as infections that were unable to be properly treated. The extreme state of emotional distress was described by survivors interviewed as 'beyond suffering', leaving them in a 'state of paralysis, overall numbness', unable to function in their daily lives, making the performance of the tasks necessary for their household survival extremely difficult. Notably, the ICTY recognised that the fear and uncertainty of fate, the appalling conditions of the journey, the continuation of profound trauma, and the emotional difficulties faced by the survivors of the 1995 Srebrenica killings in their drastically changed lives, supported the conclusion of having suffered serious mental harm.[273] The Rohingya survivors, especially women who faced SGBV and had a particularly difficult journey to Bangladesh, had drastically changed lives upon arrival in Bangladesh. They continue to suffer psychological trauma not only on account of their SGBV experiences but also as a result of being severely ostracised from familial relations and future social alliances. The survivors' 'diminished capacity to envisage a safe future', as documented in the findings above, reflect the 'fear and uncertainty of fate' and constitute serious mental harm.

The ICTY in Prosecutor v. Krstić observed that serious harm must go 'beyond temporary unhappiness, embarrassment or humiliation' and result 'in a grave and long-term disadvantage to a person's ability to lead a normal and constructive life'.[274] In the Rohingya context, in addition to the lasting impact on the female survivors' psychosocial well-being, as explained above, targeted torture and sexual humiliation impacted men's long-term well-being. The Myanmar military reasserted their own supremacy whilst instilling a sense of powerlessness in Rohingya men, which further contributed to their psychological emasculation.[275] As such, it reaches the Krstić threshold of mental harm, going 'beyond temporary unhappiness, embarrassment or humiliation' and resulting 'in a grave and long-term disadvantage to a person's ability to lead a normal and constructive life'.[276]

The ICTY further held that the abrupt separation of men from women and children could result in serious mental harm.[277] The findings in this research acknowledge (through the survivors' accounts) that Rohingya children were suffering from significant long-term psychological trauma as a result of SGBV their parents endured or witnessed, as well as the trickle-down impact of parental mental health and their ongoing conditions of life in Bangladesh. There are ongoing challenges around children assuming a parental role and, in some instances, looking after their mothers as SGBV survivors, intertwined with the destruction of their Rohingya family unit. Such long-term mental harm to the next generation of Rohingya necessarily impacts the group's future hopes and prospects and can sow the seeds for future intergenerational trauma in the community.

This research's findings on genital mutilation and other injuries inflicted on reproductive areas, as well as the psychological trauma manifesting in nightmares and flashbacks, provide clear evidence of the substantial and long-term impact of SGBV on the Rohingya's intimate relationships and ability to procreate, both physically and mentally. This mirrors the Rwandan comparative context and Akayesu in SGBV's 'destruction of the spirit, of the will to live, and of life itself'.[278]

Element 2: Membership in a national, ethnic, racial, or religious group

It has been well documented that the persons targeted during the 2017 'clearance operations' were members of a (Rohingya) ethnic and (Muslim) religious group – in this sense, targeted for their intersectional identity.[279] The evidence collected from survivors in this research clearly shows that survivors were part of this group, and that the Myanmar military targeted them because of their membership to this group.

Element 3: Perpetrator intended to destroy that group in whole or in part

The ICC Pre-Trial Chamber in Bashir[280] considered the mental elements of the crime of genocide – the general requirements of 'intent and knowledge' under Article 30 of the Rome Statute, and the additional intent specific to genocide under Article 6 of Elements of Crime whereby it must be committed with intent 'to destroy, in whole or in part, a national, ethnical, racial or religious group, as

such'. Special intent has historically been inferred from the scale and nature of atrocities committed and perpetrators' conduct, including statements directed at one group to the exclusion of others.[281] For example, it can be inferred from the perpetrators' 'deeds and utterances considered together, as well as from the general context of the perpetration of other culpable acts systematically directed against that same group'.[282] Relevant conduct can include the physical targeting of the group, the use of derogatory language towards them, and the methodological way of planning violence against them.[283] Case law has associated intent with the existence of a State or organisational plan or policy as an important factor, though not a legal ingredient of the crime.[284]

In the Rohingya context, an analysis of genocidal intent must consider the totality of the violence committed by the Myanmar military, the systematic nature of the violence and its direction at the Rohingya as a specific protected group. Each violent act, such as SGBV, does not need to have been carried out with specific intent; instead, genocidal intent can be reflected in the existence of a larger plan. In the years preceding the 'clearance operations', Myanmar had already established a very targeted atmosphere of extreme fear among Rohingya, with the incitement of anti-Rohingya sentiment and the State laws and policies designed to coerce Rohingya to identify as 'Bengali' (through the National Verification Card initiative in 2012), and severely limit their freedoms, including their marriage and reproductive rights,[285] to marginalise them further in Myanmar society. During the 'clearance operations', Rohingya were subjected to extreme forms of SGBV in conjunction with other forms of widespread violence, including mass arbitrary executions and unlawful killings, torture, arbitrary detentions, and destruction of property.[286] Thus, the SGBV carried out by Myanmar were varied acts used in different manners and against different genders in the context of a broader plan to annihilate the Rohingya population, specifically.

Evidence of the military's genocidal intent can also be found in their methods of SGBV used on Rohingya men, women, and *hijra* victims that demonstrate a broader plan to physically or biologically destroy the Rohingya population. For example, the Myanmar military's acts of SGBV were intended to and did, in fact, cause biological destruction by negatively impacting many Rohingya's reproductive capacities. By deliberately and systematically carrying out extreme acts of SGBV against the Rohingya population specifically, leaving Rohingya women, girls, men and *hijra* physically mutilated and unable to reproduce or so traumatised that they can no longer contemplate a procreative relationship even if they were accepted in the Rohingya community, there is reasonable cause to believe the Myanmar military knew of the consequences of their conduct and intended to prevent the continued existence of the Rohingya population.[287] In committing this violence, the perpetrators were aware of their Rohingya neighbours' social and cultural constructs and were aware that in the ordinary course of events, their acts of SGBV would result in severely negative social and reproductive implications for the group. The military's intent to commit widespread and systematic SGBV and its awareness of its long-term consequences, should be viewed in light of the Myanmar authorities' explicit and premeditated plans to control Rohingya population growth. A review of thousands of pages of Myanmar government documents 'set out at length a series of plans to control every facet of the lives of the Rohingya, restricting their physical movement and reproductive freedoms, emphasizing the use of pre-existing policies to restrict marriage and imposing contraception amongst Rohingya women were put in place'.[288] Moreover, it is noteworthy that '[d]ocument after document revealed the intrinsically bureaucratic character of the Tatmadaw, where senior commanders maintained a detailed awareness of all subordinate activity, controlling every aspect of decision making and operating procedures. Lower-level commanders were not trusted to make improvised decisions on the battleground, meaning that actions were always approved by the highest echelons of the armed forces. [...] The documents showed that senior military officials met frequently with their subordinates, where they would propose, discuss, adopt and assign security measures as part of the clearance operations, discipline subordinates who disobeyed such orders and remain well-informed of actions and results during operations'.[289] Given the large scale and widespread nature of the SGBV committed during clearance operations, there is reasonable cause to believe that the SGBV against Rohingya was controlled and overseen as part of the formal command structure with the intent to bring about their physical destruction.

The brutality of the military's violence, in particular, shows an intent to cause the destruction of the Rohingya group through both physical and mental harm. Trauma from the SGBV resulted in many survivors being unable to contemplate a procreative relationship is further evidenced by survivors' reports of witnessing brutal SGBV against others. They report many instances of being forced by members of the Myanmar military to watch or listen to this conduct, such as rapes of loved ones, including children. Many survivors expressed the severe resulting psychological trauma they continue to endure, which in many cases has damaged psychosocial relationships, including between parents and children, partners, and community members. The fact that most of the violence was performed by the Myanmar military in the open and in a way that the Rohingya group would most likely have to witness is indicative of the perpetrators' knowledge that severe psychological trauma on the witness-survivors would occur in the ordinary course of events, which underlines a strategy of physical destruction. In a similar manner to some comparable contexts, the Myanmar military knowingly used SGBV on a large scale (in combination with other severe forms of physical violence, including murder and deportation) in order to destroy Rohingya family structures. The Srebrenica massacre is another classic case of how gender-based violence can result in damage to the future reproductive capacity of the group. In Krstić, the ICTY Appeals Chamber Judge Shahabuddeen affirmed in a separate opinion that the long-term impact of the elimination of the men and transferring the women and children of a group of Bosnian Muslims from Srebrenica was sufficient proof of the intent to destroy the group in whole or in part, due to the detrimental consequences for

the community's physical survival.[290] As detailed in Section V (Section 3.2) above, this research provides reasonable grounds to believe the Myanmar military's use of violence, including SGBV, against Rohingya had similarly disastrous consequences on the family structures of the Rohingya group.

In addition to the murder and deportation of civilians, forced pregnancies of Rohingya women and girls demonstrate the Myanmar military's intent to significantly change the demographics of and, ultimately, biologically destroy a protected group.[291] By systematically raping and impregnating Rohingya women and girls, the Myanmar military forcibly increased the population of Rohingya women who would no longer be allowed to procreate with Rohingya men.[292] Even in circumstances where these pregnancies did not continue to term, the biological impact on the group was severe given its patrilineal culture, where ethnicity and religion are strictly derived from the biological father. Sexual violence deployed against Rohingya men, including causing harm to their genitals, also impacted the reproductive capacity of the group. Aware of the crucial social and cultural constructs in which the Rohingya operate, the Myanmar military's acts of SGBV against the Rohingya were specially intended to destroy Rohingya's capacity to regenerate.

The Myanmar military's deliberate policy of utilising SGBV against the Rohingya population on a massive scale left the group with the sense of their inevitable extinction. The overriding context of the SGBV acts,[293] coupled with the large-scale and brutal nature of the SGBV and other atrocities committed in the context of a larger plan,[294] provides reasonable grounds to believe that the Myanmar military knowingly and systematically carried out these acts against the Rohingya population to target their future regenerative abilities and, therefore, their destruction. These physical and psychological injuries caused by Myanmar's SGBV against the Rohingya were foreseeable, based on the Myanmar military's knowledge of the crucial social and cultural constructs in which the Rohingya operate[295] and on a common sense understanding of how, in the ordinary course of events, systematic and brutal identity-based violence can impact a group both physically and mentally. The foreseeability of the impact of their conduct illustrates the Myanmar military's use of SGBV as an integral part of their attack on the Rohingya[296] and an incremental and deliberate step in effectuating long-term psychosocial and physical destruction of the individual, family, and ultimately the group,[297] 'while inflicting acute suffering on its members in the process'.[298]

Element 4: Conduct took place in the context of a manifest pattern of similar conduct directed against that group, or was conduct that could itself effect, such destruction

The fourth contextual element laid out in the ICC's Elements of Crimes (that is not part of the customary international law definition or the definitions at the ICJ, ICTY or ICTR) indicates that genocidal acts must be connected to a larger scale or pattern of conduct against a group. The Pre-Trial Chamber's decision in Bashir marks a departure from the ICTY approach[299] by acknowledging that recognition of the contextual element in the Elements of Crimes remains controversial but interpreting the requirement of a 'context of a manifest pattern' to indicate that 'the crime of genocide is only completed when the relevant conduct presents a concrete threat to the existence of the targeted group, or a part thereof', and that the threat must be 'concrete and real, as opposed to just being latent or hypothetical'.[300] Although the Pre-Trial Chamber in Bashir initially declined to issue an arrest warrant for genocide (instead issuing one for war crimes and crimes against humanity only), the Appeals Chamber found the Pre-Trial Chamber incorrectly applied the 'reasonable grounds to believe standard' and remanded for the correct application of the standard of proof.[301] In doing so, the Pre-Trial Chamber confirmed Bashir's conduct was part of this larger manifest pattern and issued a warrant for acts of genocide, including SGBV.[302]

Whilst this element is part of the ICC's definition of causing serious bodily or mental harm as a genocidal act, it is important to note that it does not have to be met under customary international law. Nonetheless, there are clear grounds to believe it has been met in the Rohingya context. It has been well documented that the Myanmar military committed SGBV against the Rohingya in the 2017 'clearance operations' as part of a larger genocidal campaign of violence – and thus, in the context of a manifest pattern of conduct directed against them.[303] The Myanmar government's conduct before the 2017 'clearance operations', as detailed above in Part I on background, also demonstrates the long-standing and thorough legalised oppression the Rohingya faced in Myanmar that in and of itself could constitute a manifest pattern of similar conduct. These decades of oppression culminated in the 2017 'clearance operations', where the Myanmar military used widespread and systematic violence against the Rohingya civilian population that targeted them on the basis of their ethnicity and religion.[304] The SGBV used during the 2017 'clearance operations' was one component of the larger pattern of violent conduct directed against the Rohingya, which also included killings, torture, detention, deportation, forcible transfer, property destruction, and other crimes.[305]

In sum, as the above findings illustrate, there are reasonable grounds to believe that the Myanmar military's brutal SGBV against the Rohingya during the 2017 'clearance operations' constitutes serious bodily or mental harm as an act of genocide under the Genocide Convention, customary international law, and the ICC Elements of Crimes for Article 6(b). The perpetrators left permanent, dehumanising, physical reminders of the crimes on the Rohingya survivors and on their families and community. The psychosocial findings in this research further evidenced a pattern of significant cruelty in the SGBV acts that manifested in long-term physical and mental scars. Long-term physical consequences for survivors include injuries to reproductive organs and chronic pain, whilst the lasting post-traumatic reactions include disassociation and depression, lending to what survivors describe as a state

of 'mental death'. Through SGBV, the Myanmar military damaged various familial and interpersonal relationships of the Rohingya survivors. Rohingya survivors were hurt in the multiple spheres of their psyche, their self, and their family lives, and in their position in the greater community. Lastly, this organised violence took place in the context of a manifest pattern of similarly violent conduct, including decades of violence and disenfranchisement, directed at the Rohingya before the 2017 'clearance operations'.

5.3.2 Imposing measures intended to prevent births within the group

The findings clearly show that Myanmar imposed measures intended to prevent births within the Rohingya group, meeting the threshold of the conditions in the elements of genocide under Article 6(d) of the Rome Statute. Under the ICC Elements of Crimes, genocide by imposing measures intended to prevent births contains the following elements:

1. **the perpetrator imposed certain measures upon one or more persons;**
2. **such person or persons belonged to a particular national, ethnical, racial or religious group;**
3. **the perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such;**
4. **the measures imposed were intended to prevent births within that group; and**
5. **the conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction**

Only the first and fourth elements are dealt with below, as the remaining elements are analysed above, with respect to the genocidal act of causing serious bodily or mental harm. The psychosocial findings detailed in this research clearly show that the Myanmar military met each of these elements during its 2017 'clearance operations' targeting Rohingya, including through the use of SGBV.

Elements 1 and 4: Perpetrator imposed certain measures upon one or more persons, and those measures were intended to prevent births within the group

The physical and psychosocial findings above demonstrate reasonable grounds to believe that during the 2017 'clearance operations', the Myanmar military imposed certain measures on Rohingya that were intended to prevent births within the Rohingya group. Preventing the targeted group from procreating is often a 'fixation of genocidaires',[306] and the IIFFMM correctly identified Myanmar's 'obsession with the procreation of the Rohingya'.[307] Historically, Article 6(d) has not been utilised as a basis for the criminal prosecution of genocide in international tribunals. Yet, in terms of measures to prevent births within the Rohingya community, Akayesu[308] and subsequent ICTR cases confirmed that this could include acts such as sexual mutilation, forced birth control, separation of the sexes, prohibition of marriages, impregnation of a woman to deprive her of group identity and mental trauma resulting in a reluctance to procreate.[309] The IIFFMM found that Myanmar authorities actively propagated a narrative of 'uncontrollable' Rohingya birth rates, claiming that they constituted a threat to the nation. For years prior to the 'clearance operations', Myanmar's policies placed significant legal restraints on Rohingya marriage and reproductive rights,[310] thereby limiting the community's reproductive capacity. Given the severe legal consequences of any Rohingya pregnancy, many women felt obliged to take long-term contraceptives to prevent conception, often with little choice but to use them unmonitored.

The Myanmar military imposed the following measures against the Rohingya population that were intended to inhibit their capacity to procreate (and did, in fact) prevent births: restrictions on marriage and spacing of children, rape and sexual assault, causing serious physical injury to sex organs and other parts of the body, causing serious mental harm through experiencing or witnessing sexualised or gender-based violence, detention and sexualised torture, unsafe abortions, extensive physical and/or psychological trauma that has made sexual intimacy impossible and ruined chances of success for fundamental social alliances like marriage. The Appeals Chamber in Krstić[311] confirmed the trial findings that the physical destruction of one-fifth of the men in the group had severe procreative implications for the Srebrenica Muslim community, potentially consigning the community to extinction. In the Rohingya context, the targeting of men for killings and disappearances during the 'clearance operations' has been well-documented by the IIFFMM.[312] In this research alone, eight female survivors lost their husbands (separated and killed) and were then raped. The psychologists' analysis of the survivors' accounts in Section 3.4 above captured the negative impact of the killings of men on future social alliances and kinship structure.

Further, as detailed above in Part IV - Sections 1 and 3.1, the Myanmar military's acts of SGBV impaired female survivors in their physical capacity to create and maintain life across all stages. Women and girls reported severe injuries to their sexual reproductive organs, to the extent that doctors discouraged some from conceiving due to their risk to life. The findings evidence impact on women's capacity to conceive and struggle to safely give birth, making reproduction impossible or highly dangerous. The findings also documented the impact on their capacity to care for infants. For example, as a result of injuries such as bitemarks on their breasts, coupled with their deteriorated psychological state, women reported an impact on their ability to establish breastfeeding with their infant. The brutal SGBV at the hands of the Myanmar military during the 2017 'clearance operations' – destroying the physical capacity of many Rohingya to reproduce, damaging the psychological willingness of many Rohingya to form procreative relationships, separating Rohingya men and

women through mass killing and detention, and forcibly impregnating Rohingya women by non-Rohingya men, thereby damaging community support of remarriages within the community, as detailed in Part V – constitutes a clear pattern of SGBV intentionally imposed to prevent births within the Rohingya community.

As found by a court in Guatemala, the military's rape, mutilation, feticide, forced nudity, and other forms of sexual violence committed against Mayan Ixil people were genocidal measures aimed at preventing births within the group, affecting their reproductive organs, which also led to trauma and terror, and to ostracism, creating social and personal barriers to reproduction.[313] Similarly, the Myanmar military's extensive use of SGBV against Rohingya civilians, including rape, gang rape, mutilation, forced nudity, and other forms of sexual violence, constitutes the genocidal act of imposing measures intended to prevent births within the Rohingya group. As detailed above, survivors are still suffering both the physical and psychosocial consequences. When considering the same SGBV's psychological consequences, the findings evidence a diminishment in survivors' emotional availability as parents to respond to their children's needs in a way that would enable the emotional containment and reciprocity needed for healthy psychological development.

'I get sick. I have a lot of pain in my body. I can't eat anything. My head is very bad, the dimage. Sometimes I can't get out of bed for five days, and I can't do anything. (...) I think about my husband and my sons, and the life we should have had. I worry so much that I become sick in my head [matha horaf oizagoi/ matha ham nogore - lit. my brain doesn't function well - my brain becomes crazy] I become dizzy, and I can't sleep; everything becomes dark. My kids worry a lot for me in these moments. (...) I am having such a difficult time with my children. When I die, the sorrow will end. It's the only option. I can't provide for them. My older daughter is helping a lot; she takes care of her sisters; she is doing everything. But they all worry a lot about the future'.

NK, female SGBV survivor

'When I cry, my daughter asks if someone has beaten me up. I tell her that nobody did, and she wipes the tears from my cheeks. (...) I feel chinta [worried, anxiety] sometimes, I get high blood pressure [mathat maze loo uRi zagoi (the pressure go up on my head)] and get sick, so then I try to seek help from my mum to look after the childre'.

S, female SGBV survivor

Article 6(d) has often been presumed, in practice, to be mainly concerned with the reproductive capacity of women and girls to the exclusion of the lived experiences of men, boys and individuals with diverse SOGI.[314] However, the Myanmar military inflicted severe physical injuries on Rohingya men and *hijra's* genital areas, as well as psychological humiliation and emasculation. While the IIFFMM has not explicitly linked the acts of SGBV against men with the Myanmar military's alleged intention to prevent births, the consistent findings in this research demonstrate this SGBV had such an effect on men and *hijra* survivors. These findings further justify analysing all Rohingya survivors' testimonies with a gender-expansive understanding of the genocidal SGBV. In arguing the same, one analyst notes that the analysis of the IIFFFM Sexual Violence Report (2019) shows that 'nearly identical acts of sexual violence—for instance, gang rape or genital mutilation—can be labelled as "genocidal" for cis-gender women and "non-genocidal" for other people. Such an omission discounts the suffering of victims and needlessly weakens attempts to identify, prevent, and punish the crime of genocide'.[315] Men and *hijra* survivors reported long-lasting conditions resulting from the SGBV, such as erectile dysfunction and being left unable to reproduce. Male survivors interviewed asserted that the SGBV they endured by the Myanmar military led to the destruction of their masculinity and their potency or virility.[316]

'I told my wife about what happened to me. We don't have a sexual relationship anymore. I would have had four or five more children if we were sexually active. (...) I can barely have an erection'.

H, male SGBV survivor

'I felt very bad when he came to me, I couldn't share my feelings to anyone. I was scared and used to cry, I used to cry loudly, and I used to refuse him, but he did all this at gunpoint. (...) They (my family) don't know about my rape, nor does my wife'.

SA, male SGBV survivor

'My mental health is not good. I told my family and my wife what happened to me, but I can't share it with anyone else. If I did, people will look at me in a bad way'.

AU, male SGBV survivor

The Syrian COI determined that the perpetration of rape could constitute a measure to prevent births within a group where Yazidi survivors were too traumatised to engage in procreative relationships.[317] Akayesu outlined how SGBV may act as a measure to prevent births where individuals are so traumatised that they develop anxieties around any sexual contact or an unwillingness to procreate.[318]

As demonstrated in Section 3.1, across all Rohingya gender identities, the SGBV seriously impaired survivors' abilities to sustain intimacy and engage in sexual relationships with their partners, thereby negatively affecting the necessary conditions to conceive.

The overall capacity to procreate was further negatively affected by the diminished social status and rejection of many women SGBV survivors. This communal rejection often manifested in increased rates of domestic violence from their husbands and extended family unit and precluded them from restoring social alliances, continuing in existing marriages or engaging in new ones, and consequentially accessing a sexual partner. The IIFFMM specifically noted that perpetrators, namely members of the Myanmar military and their commanders, would be aware of this dynamic of cultural barriers,[319] and there may be strong arguments to support a finding of genocide where survivors would not be permitted to form relationships through which the protected group could regenerate.[320] Female survivors interviewed felt they had entirely lost their individual *izzot* and perceived sexual purity, which in turn impacted their collective family *izzot* and wider social networks. The ICTY Trial Chamber in Popović found that the killing of male members of a population sufficed to infer the intent to biologically destroy the entire group and have a detrimental impact on the group's physical survival.[321] Where a child's ethnic and religious identity is inherited from its father, this very act of separating men and women through mass killing can have 'severe procreative implications', as acknowledged in Karadžić,[322] and constitute a measure to prevent births. As similarly observed in Krstić, this may consign the protected community to extinction.[323] It is not surprising, then, that female Rohingya SGBV survivors report similar feelings, including those whose husbands were killed during the 'clearance operations'.

As observed by the ICTR in Akayesu, in patriarchal societies where membership of a group is determined by the identity of the father, when a woman is deliberately impregnated by a man of another group with the intent to have her give birth to a child who will consequently not belong to its mother's group, this amounts to a measure intended to prevent births within that protected group.[324] The survivors' accounts detailed above indicate that some Rohingya women had the same experience. The breadth, scale and systematic nature of rape of Rohingya women and girls in the context of the Myanmar military's 'narrative of 'uncontrollable' Rohingya birthrates that constitute a threat to the nation', in addition to the Myanmar government's legal measures to restrict Rohingya procreation, indicate an intention to prevent births within the Rohingya community in part through SGBV.[325] Many women impregnated as a result of the SGBV sought unsafe abortions.

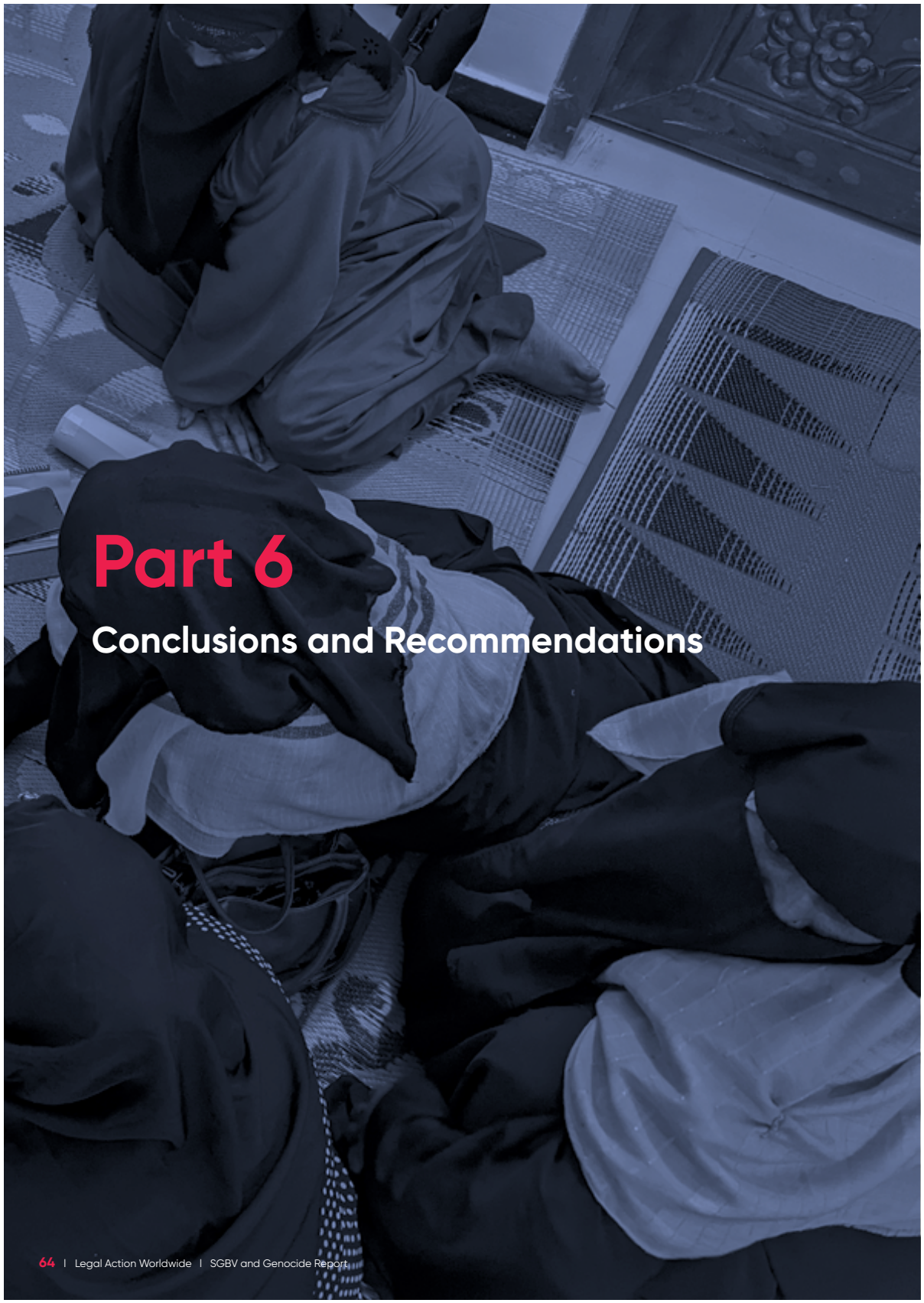
Others were too advanced in their pregnancy or unable to access appropriate health facilities in either Myanmar or Bangladesh. The resulting births of children born from SGBV and their biological filiation are perceived by survivors and the wider community as reshaping and limiting future Rohingya lineage. With the cultural-religious identity of the child within the patriarchal Rohingya Muslim system provided through the paternal bloodline, the perpetrators were aware that in the ordinary course of events, children conceived through SGBV would be inherently perceived as biological children of the Rakhine, Buddhists or Myanmar militaries.

'They used to call me and my son 'You are the monks!' or 'You are the raped woman!' They refused to accept me'.

RK, female SGBV survivor

The SGBV's multigenerational impact can already be evidenced, with the findings highlighting impediments from loss of *izzot* to loss of marriage prospects for SGBV survivors' children. Myanmar's attacks obstructed possibilities for creating the necessary social alliances for their children's marriages. Blockages also arise in relation to dowries and inheritance, with land and property ownership following the paternal lineage. This further hinders Rohingyas' ability to re-establish social roots for their children and grandchildren, and ensure appropriate procreation to protect the wider group's continuity.

In sum, as the above findings illustrate, there are reasonable grounds to believe that the Myanmar military's brutal SGBV against the Rohingya during the 2017 'clearance operations' constitutes the imposition of measures intended to prevent births within the Rohingya group under the Genocide Convention, customary international law, and the ICC Elements of Crimes for Article 6(d). This pattern of SGBV deployed by the Myanmar military had the marked consequence of preventing the birth of children in two key ways. The first was through physical and psychological injuries that impaired the ability of the group to procreate. For instance, the findings document that 22 out of 30 survivors suffered injuries to their genitals/secondary sex, resulting in a range of consequences in the long term, such as difficulty in sexual intercourse, reproductive tract infections, and loss of libido. At least six Rohingya expressly shared having great difficulty in sustaining intimacy and engaging in the sexual intercourse necessary to procreate. The second was by forcing the births of children the Rohingya community would not identify and accept as Rohingya. The findings document how biological and societal filiations of survivors and their offspring have been severely impaired, if not destroyed, through both the initial acts of violence and the arising forced conceptions. The intergenerational impact of SGBV appears to ensure the ongoing preclusion or restriction of marriage and, accordingly, the reproductive abilities of Rohingya generations to come. Well aware of the crucial social and cultural constructs in which the Rohingya operate, and thus the foreseeable impacts of their acts in the ordinary course of events on the individual, familial, and communal levels, there are reasonable grounds to believe the perpetrators' SGBV against the Rohingya population was deliberately carried out to prevent births within the group, and thus aided in the physical and biological destruction of the group.



Part 6

Conclusions and Recommendations

This research's findings demonstrate reasonable grounds to believe that the Myanmar military's perpetration of SGBV during the 2017 'clearance operations' amounted to acts constitutive of genocide, as set out in Article 2 of the Genocide Convention, to which Myanmar is a party. Through its long-term physical, psychological and social impacts, documented nearly six years later, the SGBV committed against the Rohingya constitutes the following two genocidal acts: (1) causing serious bodily or mental harm to members of the group, and (2) imposing measures intended to prevent births within the group.

Understanding the historic state-sponsored persecution and violence against the Rohingya is an important part of understanding the genocidal intent behind the perpetrators' acts in 2017. The extent and scale of the violence in 2017 alone, however, and its foreseeable impact on the individual, familial, and communal levels, demonstrates an intent to destroy the Rohingya group in whole or in part.

This research's findings on SGBV and genocide against Rohingya in Myanmar and the ongoing barriers to care and justice for survivors require immediate and sustained action. In line with state and international actors' responsibilities and legal obligations to support justice and accountability for survivors, LAW recommends the following to support the Rohingya community:

1 Efforts to hold Myanmar accountable for the serious international crimes against the Rohingya including SGBV, must be advanced on an urgent basis.

- States must call upon Myanmar to immediately fulfil all provisional measures issued by the International Court of Justice in *The Gambia v. Myanmar* case on Application of the Convention on the Prevention and Punishment of the Crime of Genocide, including prevention of rape or other forms of sexual violence against Rohingya. Interim reporting by Myanmar on compliance with provisional measures should be made public and available to survivors, and an ad-hoc committee should be created/considered by the ICJ to monitor the implementation of the provisional measures by Myanmar.

- Additional states should file interventions in The Gambia v Myanmar case at the ICJ to support the interpretation of the Genocide Convention that leverages the developments in the international criminal law, and accounts for the systematic SGBV against the Rohingya as satisfying the elements of genocide.

- The UN Security Council should immediately refer Myanmar to the International Criminal Court for investigation into violations of international criminal law against the Rohingya, including SGBV and genocide, that occurred fully on the territory of Myanmar.

- In light of the long-term consequences of SGBV on survivors' physical, reproductive, and psychological health, and the resulting destruction of their biological relations and family unit, SGBV should be a key part of any prosecutorial strategy to hold the Myanmar military and individual officials accountable for the crime of genocide against Rohingya.

- States should utilise principles of universal and extraterritorial jurisdiction, as in Argentina, and initiate structural investigations against the Myanmar military for its genocidal campaign against the Rohingya, paying special attention to the experiences of SGBV survivors.

2 Improved protection measures are necessary to ensure Rohingya SGBV survivors' continuous engagement in international justice proceedings.

- For SGBV survivors to participate in international justice proceedings safely, effective witness protection measures are essential. States and relevant institutions must ensure protection of identity, access to safe houses in countries of asylum, and fast-track third-country resettlement as necessary.
- Alongside witness protection, the Rohingya SGBV survivors must have access to accurate legal information, assistance, and representation that is trauma-informed, in order for survivors to effectively participate in international justice proceedings, and provide valuable evidence.

3 Fund and establish quality and long-term specialised support for Rohingya SGBV survivors across genders.

- Donors, humanitarian agencies, and service providers should engage with SGBV survivors across genders. The SGBV experiences of the Rohingya men and *hijra* in Myanmar, and its long term-impact in displacement should be mainstreamed.
- Donors, humanitarian agencies, and service providers must prioritise and adequately fund specialised sexual and reproductive health services and psychological support to tackle the lack of comprehensive care available for Rohingya SGBV survivors.
- International justice mechanisms must pursue transformative reparations within judicial processes for survivors of SGBV and their communities. Survivor-centred approach should be adopted in the design and implementation of reparations programmes. This includes but not limited to access to appropriately trained (gender and sexual orientation and gender identity - competent) medical staff, and instituting psychological therapy programmes for victims and survivors.



Afterword

Destruction in Genocide: The case of SGBV against Rohingyas

By Prof. Richard Rechtman
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Since the publication of the Genocide Convention, the notion of destruction has become part of the legal language to designate the objective intent and effects of genocidal violence. It is found at all levels of the penal definition of the crime of genocide, specifically to describe the requisite intention of the perpetrator(s) and the physical or psychological damages, after-effects, or harm.

Unlike wounds, even the most serious ones, destruction leaves a blank, a void, a 'nothingness', instead of a scar. And it is precisely these traces of destruction that constitute the proof of the actualisation of the extermination process, whether completed or not. This ultimate form of radical violence constitutes the basis of genocidal intent.

The intent to destroy can be difficult to evidence; conducting an empirical observation of destruction is not straightforward since it involves being able to evidence how the violence inflicted on individuals was intended to destroy the group as a whole. In this respect, the case of Rohingya is one of the most exemplary. It demonstrates that the radical destruction of a group does not necessarily involve the physical elimination of an entire population. Even if a large number of individuals are murdered, tortured, and mutilated, the targeted and extensive SGBV (particularly on women or young mothers, in front of their families, and the accompanying sexual mutilations) reflected the perpetrators' desire to transform the surviving women into means of dramatic social decomposition. As such, the long-term consequences of SGBV could be likened to a kind of 'secondary weapon' used at a distance by their torturers to destroy the community as a whole.

The rejection of the already heavily traumatised women by their group of origin is not merely a result of pre-existing cultural sexism that accuses sexually abused women of being 'impure'. Whilst it is true that Rohingya society, like many other cultural groups, is grounded on highly conservative patriarchal gendered social norms that have resulted in cultural obstacles imposed on women through the framing of sexually 'morally polluted' women as 'impure', the extent of the rejection, discrimination, and violence inflicted upon female survivors of the 2017 'clearance operations' is clearly the product of a distinct phenomenon. As the research demonstrates, the impurity that is associated with female survivors is not limited to the assumed 'defilement' of their own bodies or of their offspring but, rather, extended to the transmittable defilement that they are believed to carry, and to have the capacity to spread through anything they touch or approach. They are not only considered 'polluted', but also carriers of defilement to anyone in their vicinity.

Whilst pre-existing male-dominating discriminatory norms may have played a role, the new wave of violence reported is driven by a different and more complex dynamic. Research demonstrates that other victimised populations have faced similar rejection by their communities at a time where sexual violence in conflicts was not yet recognised as a serious issue in the international scene. For instance, the Vietnamese 'boat people', who were repeatedly raped by pirates in the China Sea, were never accepted back into their communities and faced, at a smaller scale than for the Rohingya female survivors, a fear of contagious defilement.[326] This pattern has also been observed more recently following the genocide of the Yezidis by ISIS, which was accompanied by widespread sexual violence.[327] The surviving women were abandoned by their original group, including their children, and were further distanced from other refugees for the sake of the same fear of contamination. In each scenario, the issue is not simply linked to pre-existing gender discriminatory norms but, rather, to a genocidal strategy of instilling the poison of defilement into each victimised body, transforming each woman into a 'fantasised' vehicle for the ultimate destruction of the targeted group across the generations to come.[328] Such strategy was also documented in the genocidal contexts of Rwanda, in Iraq under the domination of ISIS, and during massacres of Muslim populations by Serbian nationalists. The aim was to destroy the future of a given group of people through the generalised 'defilement' of women's bodies.

The Rohingya population in the vast Cox's Bazar refugee camps is undoubtedly experiencing a dire situation of radical subalternisation. The term 'subaltern' was first coined by post-colonial philosophers following the work of Spivak (1988),[329] in order to describe populations who have been completely marginalised due to the violence, exclusion, and poverty they face. The Rohingya women who have 'survived' the sexual violence in Myanmar also face a form of secondary subalternisation within their own community afterwards. This form of subalternisation is not solely the product of the refugee condition but is a direct consequence of the genocidal sexual violence they endured. They lack a social existence and collective support.

The individual consequences of sexual violence on men and *hijra* among the Rohingya population are similar to those of women. The violence endured not only causes physical and psychological damage but also destroys their prospects. Men lose their position as males, both through physical alteration and through symbolic emasculation. As a result, whilst men and *hijra* who were victims of SGBV

also experience subalternisation in a similar manner to the rest of the Rohingya refugee group in Cox's Bazar, female survivors also suffer from a secondary subalternisation that is more severely detrimental to both them and their community. Such secondary subalternisation is a direct result of the large scale of extremely violent SGBV perpetrated against them as well as, more importantly, a result of the genocidal intent behind the acts that were likely to have been carried out through a planned and organised execution of the violence.

The data collected in this research provides crucial evidence as to destruction and the genocidal intentionality it reveals. It is noteworthy to present the methodological principles adopted to inquire into the elements constituting genocidal intent based on psychological investigations.

1. **The process of destruction is continuous and still empirically observable.** Empirical observation over time and across all spheres of their lives is crucial. From a psychological point of view, the Rohingya survivors interviewed as part of this research remain the object of the process of destruction, even in the refugee camps in Bangladesh, far from the Myanmar military and security forces. The destruction did not stop with their deportation and escape; it continues every day, instilling the same effects on their bodies and on their environment. It is not just the consequences of what happened to them on the other side of the border, but more fundamentally, an extension of the destruction process itself. The difference between consequences (which indicates the idea of a time that has passed) and the continuation of a process is essential, since it is precisely the continuation of this process that evidences the implementation of the ambition to destroy. The process of destruction is still empirically observable in the daily lives and narratives of the survivors. This is what this research is all about.

2. **The clinical notion of psychological trauma is important but insufficient for analysis in this context.** As the research will demonstrate, the magnitude of the traumatic signs and the extent of the violence experienced by the Rohingya are indisputable across the sample of survivors, particularly in the direct aftermath of their experience of SGBV. Nevertheless, the traumatic signs elicited at the individual level alone are not sufficient to demonstrate the genocidal nature of the violence perpetrated during the 2017 'clearance operations'. There are several reasons for this, which have to do with the clinical definition of PTSD on the one hand, and the social history of the recognition of these disorders on the other. Forged at the end of the 19th century but only recognised as proof of an encounter with an extraordinary event from the 1970s onwards, the use of psychological trauma (i.e., PTSD in the Diagnostic and Statistical Manual of Mental Disorders) remains problematic.[330] Furthermore, the construct only provides information on the individual and singular consequences for each victim, and accounts very little for the extent of the violence inflicted on a population.[331] Whilst this research highlights the reality of individual traumas, the analysis goes beyond the initial observation to demonstrate the collective destruction of the entire social fabric of Rohingyas. This is based on accounts, testimonies, and clinical observations of the psychological after-effects that extend far beyond the signs of PTSD. The narratives collected during this research are filled with crucial information about the desired outcome underlying the violence, which this research seeks to highlight.

3. **Factual accounts and expressed emotions can provide insight into the extent of Destruction of a group.** Beyond the wounded bodies and the psychological or traumatic after-effects onto individuals, the research highlights the direct effect of genocidal violence onto the social fabric of Rohingya. Even within their original group, the suffering of the female survivors is not recognised. On the contrary, the women and their children now find themselves facing cultural obstacles and thus excluded. The violent reaction of their husbands and their family-in-law, as well as of the entire neighbourhood, does not simply tell us about the existence of condemnable norms and practices reflecting male domination. Rather, at a deeper level, all these violent reactions and rejections indicate the extent of the disintegration of the social space, which proves it is no longer capable of providing the support that it would usually offer to its members to recover. The issue for this research, therefore, was to focus on eliciting the traces of the destruction through the analysis of factual accounts and expressed emotions. The latter permeated through the entire social fabric and translated into an internal corrosion, intentionally induced through the magnitude of the SGBV perpetrated towards Rohingyas in Myanmar.

In conclusion - whilst we anticipated that these victims would have difficulty in confiding in us and, thus, in exposing their intimate wounds, all the women, men, and *hijra* survivors interviewed agreed to speak freely and at length, stipulating that no one else wanted to listen to them. For women in particular, the lack of possibility to express their suffering within their community, whilst their pain is clearly visible and known by all creates a subcategory of subalterns.[332] The violent social ostracisation of the group towards the female survivors, as captured in the findings of this research, uncovers crucial elements concerning what was intended to be attacked through the perpetration of the SGBV. This continuing process of 'secondary subalternisation' of survivors exacerbates the already subaltern nature of the Rohingya refugee community and demonstrates how the SGBV was used as a weapon to destroy the community as a whole.



Annexes

Annexe 1: Expanded Methodology

This research is the result of a multi-disciplinary study undertaken between August 2022 and March 2023 into the long-term consequences of SGBV experienced by Rohingya in Myanmar, with reference to the crime of genocide. The research's methodology is explained in-depth below.

A. Research team

The following individuals formed the team responsible for producing this research.

- LAW's legal team was comprised of five lawyers who were responsible for the overall research, analysis and drafting of the report. The legal team includes lawyers with extensive experience in sexual and gender-based violence and international criminal law. The legal team was also responsible for the identification and screening of Rohingya individuals to be interviewed for the research and conducting KII. The legal team was assisted by one project officer who provided coordination support. LAW undertook client identification and ensured peer support.

- The team of clinical experts included four psychologists (Emilie Medeiros, Lauriane Pfeffer, Dina Al Shafie, and Cynthia Grguric) and a psychiatrist/professor of anthropology who provided clinical supervision (Richard Rechtman). Members of this team have extensive clinical experience practising in various humanitarian crisis contexts or have worked with survivors of extreme violence (including genocide and crimes against humanity). In addition to their educational background, clinical training, and extensive work experience, the deployed psychologists received additional training from Justice Rapid Response to qualify as an expert on their roster of psychologists who assess and treat survivors of human rights violations and international crimes.

- A medical doctor (Ranit Mishori) conducted an expert review of the underlying data produced during this research. She has extensive experience at the intersection of medicine, public health, and human rights, including experience in forensic documentation of sexual violence in the Rohingya context since 2017.

- A team of four interpreters assisted during the screenings, interviews, and focus group discussions. All had significant knowledge of the Chittagonian or Rohingya languages and were experienced in performing translations with the Rohingya population, including with SGBV survivors.

- Two researchers with significant experience with the Rohingya (Andrew Riley and Haley Ritsema) developed a coding framework to analyse the raw data collected for the research through individual survivor interviews and provided qualitative and quantitative analysis within the Rohingya context. The research team also provided a glossary of the Rohingya terminologies based on the data, through local consultations.

Three international criminal law and SGBV experts (Patricia V. Sellers, Sareta Ashraph, and Erin Rosenberg) were consulted in the drafting of the research. All three experts have extensive experience in the investigation and documentation of sexual and gender-based violence and the legal analysis of the crime of genocide. The experts provided their views in a personal capacity, and these do not necessarily represent the views of their respective organisations.

B. Phases of research production

The research was developed in four phases:

Phase 1 (August - November 2022) Desk research, participant identification, and screening

Desk research was conducted to study the existing literature linked to understanding the long-term consequences of SGBV experiences by Rohingya in Myanmar, with reference to the crime of genocide. Publicly available materials from the UN, NGOs, and academic materials related to SGBV against Rohingya in Myanmar and its impact, mental health outcomes among Rohingya refugees living in displacement in Cox's Bazar, the medium and long-term impact of SGBV on survivors' mental health, reproductive health impact, and physical impact in other genocidal contexts were reviewed. Participants for the interviews were identified and selected through a 'purposive sampling' approach, meaning these participants were known to have experienced SGBV in Myanmar. Participants for the focus group discussions were selected through a 'convenience sampling' approach, i.e., based on their availability to participate in the discussions. All interview participants were survivors of SGBV in Myanmar, whilst all focus group discussion participants were survivors or witnesses of SGBV in Myanmar. The research confirmed that survivors' and witnesses' accounts of SGBV were in line with the broader patterns of SGBV against Rohingya in Myanmar found in the desk research. All participants were screened for suitability to participate in the research, and for any protection concerns that may result in the prospective participant being exposed to further harm as a result of them sharing their experiences of violence

Phase 2 (November 2022) Exploratory mission and data collection

Exploratory research was conducted in November 2022 in Cox's Bazar by one psychologist to test the appropriate methods for the research, which could elicit the widest array of features of the current subjectivity of the participants and the multi-dimensional impact of their experience over time in an emotionally safe manner. Whilst context and preliminary information were provided by LAW, further data to inform the interview process and direction of the

research was obtained through the following:

i) **Three individual clinical interviews and three focus group discussions with Rohingya participants. The interviews also captured cultural-psychological constructs of distress shared in the Rohingya language to form the preliminary mental health and psychosocial support ('MHPSS') findings.**

ii) **Meetings conducted with key professionals in the field of MHPSS and SGBV within Cox's Bazar's humanitarian response to strengthen the existing referral pathways and to find ways to address existing gaps to ensure safe engagement with each survivor.**

Following the above, a template of reporting was conceptualised to consistently capture the clinical documentation of the current psychosocial functioning of the survivors interviewed and the impact of the experiences of violence in Myanmar over time in the realms of physical health, psychological health and social well-being. The template was reviewed and validated by the clinical supervisor (see template in **Annexe 4**).

Phase 3 & 4 (February to March 2023)
Data collection and analysis

In total, 30 semi-structured interviews (22 female, six male and two *hijras*) and four focus group discussions (eight women, 11 men and 15 *hijras*) were conducted in Cox's Bazar by four psychologists. The psychologists undertook a clinical analysis of the information collected on the psychological impact and social consequences for survivors and the community as a whole. Alongside this, the medical doctor reviewed the medical information collected through survivors' testimonies. This analysis by the psychologists and medical doctors was supported by the data coding and qualitative analysis by the two external researchers who, along with their team of Rohingya refugees, also refined the understanding of key Rohingya constructs from the transcript of the interviews.

Seven KII were conducted by the legal team for insight into the experiences of humanitarian actors serving as early responders in the Rohingya crisis, focusing on survivors of SGBV. Individuals who work(ed) with the key UN agencies, humanitarian organizations, and I/NGOs which are responsible for sexual and reproductive health programmes for the Rohingya community, and at the community healthcare clinics set up in Cox's Bazar since 2017, were identified for the KII. They were selected based on their roles, which inter alia involve clinical management of rape, antenatal care, supervising reproductive health operations, midwifery, supporting the sexual and reproductive health and rights program, and community-based health outreach program for the Rohingya. Individuals in these specific roles were able to give contextual information about the kind of injuries observed at the time of influx and subsequent common health complications amongst the Rohingya (mainly, pregnant women) whom they have attended to over the years since 2017. In parallel, the legal team undertook a legal analysis of the findings in relation to the crime of genocide.

C. Principles and Approach

In undertaking this research, the principles mentioned in Part II Methodology above were followed.

D. Limitations

Burden of proof: The interviews were conducted by psychologists whose aim was to elicit an understanding of the long-term physical and mental health consequences. As noted above, all interviewees were selected based on purposive sampling, meaning the research participants were known to have experienced SGBV in Myanmar. The survivors were not asked to recount all events that took place in Myanmar also to prevent re-traumatisation, and as these events were already widely documented by various fact-finding efforts, including the IIFFMM. Notably, this research applies a 'reasonable grounds to believe' standard used in the preliminary stage of criminal investigations[333] in reaching its legal conclusions on whether, through its long-term health and psychosocial impacts, the SGBV against the Rohingya constitutes genocide. It also notes where the evidence collected clearly demonstrates or supports a particular conclusion.

Survivor participation challenges: Whilst many Rohingya survivors of SGBV are keen to participate in international justice efforts in hopes of seeing the Myanmar perpetrators brought to justice, some are hesitant to participate in this research due to safety concerns, the associated cultural barriers and obstacles, reluctance as the events in Myanmar took place nearly six years ago and worry that discussing their experiences again will affect their chances of marrying or their spouses finding out. This affected the quantitative interviews that could be carried out, though the interviews sought to gain an in-depth perspective on the long-term consequences suffered at an individual and collective level.

Camp security: Violence and security incidents inside the Cox's Bazar refugee camps have significantly risen since late 2022. As such, Rohingya refugees, including those interviewed for this research, faced movement restrictions in the camps and escalation of harassment at checkpoints and, in some cases, were not able to attend interviews due to security concerns.

Medical records access: UN statements and studies in the aftermath of the 'clearance operations 'and the KII during this research indicate the high incidence of births in the second quarter of 2018, suggesting large-scale SGBV during August-September 2017. However, due to the confidentiality obligations of the relevant agencies, the KII were not able to offer medical records of the SGBV survivors (either of the interviewees or of the larger community). Although it is understood that in most cases, the cause of pregnancy was not necessarily recorded due to the focus on delivering life-saving assistance when attending to survivors, these records would have been useful in analysing the sexual and reproductive health ('SRH') and birth rates of the community.

Annexe 2: Immediate and chronic effects of actions reported to have been carried out by combatants from Myanmar against Rohingya civilians and their documented impact on individuals and communities.

Prepared by Dr Ranit Mishori (Senior Medical Advisor, Physicians for Human Rights)

Type of Intentional Trauma	Acute medical effects	Chronic medical effects	Chronic mental health effects	Individual vocational, family effects	Societal Effects
Burning	• Pain • Disfigurement • Infection • Death	• Difficulty range of motion • Scarring • Chronic infections • Disfigurement	• Anxiety • Depression • PTSD • Isolation due to cosmetic effects	• Loss of work due to inability to use limbs normally	• Isolation • Fear
Dismemberment, disembowelment; mutilation of body parts (breasts, abdomen)	• Bleeding, hemorrhage • Severe pain • Psychological trauma • Infection, gangrene, sepsis • Death	• Difficulty range of motion • Scarring • Chronic infections • Disfigurement • Infertility	• Anxiety • Depression • PTSD • Isolation due to cosmetic effects	• Loss of income, ability to work, due to chronic medical effects; • Inability to reproduce • Challenges accessing medical/mental health services	• Instill Fear • Stigma • Isolation • Societal Branding
Castration and intentional genital trauma and mutilation (not associated with harmful cultural practices)	• Bleeding • Infection • Death • Pain • Humiliation	• Chronic pain • Scarring • Need for surgical follow-up • Difficulty with normal genitourinary function • Chronic urinary tracts infections • Kidney dysfunction • Infertility • Humiliation	• Depression • Anxiety • PTSD	• Loss of income, ability to work, due to chronic medical effects; • Inability to reproduce • Challenges accessing medical/mental health services	• Stigmatisation
Rape, sexual assault associated with violent physical assault	• Pain • Bleeding • External genital injuries (lacerations, tears and bruises of the vulva) • Internal genital injuries including fistula • Urinary tract injuries • Skin, musculoskeletal injuries • Psychological trauma • STIs, including HIV • Unwanted pregnancy	• Chronic pain • Chronic infections • Chronic scarring • Dyspareunia • Vaginismus • Infertility • Sexual dysfunction	• Depression • Anxiety • PTSD	• Exclusion • Stigma • Discrimination against survivor and offspring • Economic exclusion • Inability to reproduce • Challenges accessing medical/mental health services	• Exclusion, isolation • Shame and stigmatisation
Amputation and mutilation of limbs	• Bleeding, haemorrhage • Severe pain • Psychological trauma • Infection, gangrene, sepsis • Death	• Chronic pain • Phantom pain • Scarring • Need for surgical follow-up • Difficulty with ambulation • Difficulty w normal limb function	• Depression • Anxiety • PTSD	• Cannot work; loss of income, poverty • Cannot provide for family • Need for rehabilitation and prosthesis	• Exclusion and isolation • Lack of access to rehabilitation needs • Lack of access to pain specialists

Annexe 3:
Rohingya social constructs and terminologies

	Rohingya Term	Definitions
A	**Ada fol**	"Half mad". Deranged, Becoming quite demented, Crazy *Other: Mental deficiency. Imbecile remark/behavior*
	Affeen beshi horaf loiggil	"I felt very bad". Expression of very bad feeling/deep depression, felt so sad
	Ai besut ashilam	"I was at senseless/unconscious state" *(See the definitions of 'Anttu suth No Achill')*
	Ai bihush oi giyilam goi	Felt senseless, being unconscious. *Other: Expression of craziness*
	Ain Beshi doror maje asilam	"I was so afraid to say something". Being in fearful situation, in a scary moment, be terrified of... *Other: Refer to being under pressure*
	Ambure Ambure	"By crawling" (Amburon: Crawl). By crawling, became too weak to move. *Other: Also used to refer physical weakness.*
	Anrttun julum son sara ar ki goittam	"What could I do except seeing/bearing the violation".
	Anttun mori jaito mone hoil	"I wished/wanted to die". Extreme feeling of psychological/ mental pain which forces someone to want to end their life. When suicidal ideation comes to someone's mind due to extreme psychological pain.
	Antu soit no assil	"Numb". Become senseless, become unconscious, comatose. *Other: Refers to Numb/ numbness*
	Ar beshi shorom lage ai nijor hota in hoiyi	Expression of shyness, discomfort. *Other: Feel embarrassed*
	Ara bicharollai hota hoili itara aro beshi hosh to debo, arare mari felaibo	"If we raise our voice for justice, they will make more troubles for us, will kill us". Feeling of worry, anxiety, fear
	Arnttu hush nuaish shil	"I was unconcious or I became senseless". (See above)
	Ashanti	Shantid nai -"Sad, not at peace". Disappointed, Despondent, Depressed, Saddened, Dejected, not at peace *Other: Downhearted, worry, upset*
	Ashanti gom nalage	"Not feeling peace and happy anymore". Expression of being spoiled/ ruined/ devastated
	Attun beshi shorom lage iyan.	Expression of shyness, being ashamed
	Attun dor laggil beshi:	"I was so scared ". Being so scared, shocked, appalled *Other: Frightened, afraid, feeling of panic*

	Rohingya Term	Definitions
A	**Attun monot laggil de itara arey mari felaibo arr Kundi Kundi gori felaibo**	"I felt that they will kill me and cut me into pieces". Feeling of desperate and fearful situation, hopelessness
	Attun oshanti lage	Feeling sad, feeling sorry, feeling unhappy
	Attun mori jaitogoi mone hoiye, beshi sorom laigge, aatun nigore Hingsha laiggil. Attun laiggil de an-dilla sorom loi ziyanta takatuare mori Jon goi gom oibo.	"I wished I could die, felt very shameful, I hated myself, I felt it would be better dying than living with such shame".
B	**Besut**	Become numb, frozen (See more at "Anttun Suth No Achill")
	Beshi dom laito, dukhi laito ar shinta goittam ar ware keallai in hoiye.	"I was so scared, felt bad and was thinking why did this happen to me."
	Beshi dor laigge, beshi Chita goijji.	(Beshi dorlaigge, beshi Sinta goijji). Expression of fear and anxiety
	Biosh (Bihush)	Unconscious, senseless, crazy (See the meaning of "Ai bihush oi giyilam goi")
	Bish hai	A suicidal feeling (Expression of feeling to die by suicide, feeling of desire to drink/ take poison)
	Biyush oizaigoi	(Bihush oizaigoi) Becoming unconscious, losing senses
	Biyush oigiyigoi	Becoming unconscious (See the meaning of "Ai bihush oi giyilam goi")
	Bol beggun harai felailam	"I lost all the strength". Refers to a physically weak position, vulnerable, emaciated, exhausted *Other: Poverty. This also used to express becoming empty handed/poor.*
	Burai gore	(Burai: Being bad) (Gore: Use to do). Torture, rape, if someone was being raped, he/she would say 'anre burai gojje,' I was raped) *Other: Refer to someone's bad habits.*
	Burmar Military arar foati beshi karf goijje	"Myanmar military did all things very badly to us".
C	**Chinta**	(Sintha) Worry, Anxiety, Depression *Other: Sad*

	Rohingya Term	Definitions
D	**Dhor**	Fear, Worry, Terror, Horror *Other: Cringe, being scared, afraid*
	Dil	Heart, mind, heartmind
	Dimagh	Brain
	Dimaghe	State of brain, brain, brain-mind, mentality, soul *Other: Failed brain, mentally ill*
	Doro oi taikki	Frozen mood, caused to be immobile with terror *Other: Feeling shocked.*
E	**Eilla hilla vabitum ar ware jin oiye in loi**	"Thinking like this and that about what has happened to me."
F	**Farane shoit gore**	Experiencing severe agitation and anxiety. Expression of unrest inside heart, increase heartbeat, palpitations in heart *Other: To feel uneasy in heart. Excitement.*
	Folen doilla	Like a fool, like a crazy man, like mentally insane person *Other: Refer to eagerness, wanting something too much.*
	Foran hosho Da/Ra	Refers to express discomfort in chest/heart. *Other: It's kind of a feeling of disgust came out from heart, mind, chest that caused to vomit or stool.*
G	**Gom no laga**	Not feeling good , self-blame, being ashamed of something
	Gujuri hander	Crying loudly, Screaming out, Shouting
H	**Hafedde giri gir**	Trembling with fear, the whole body shaking with anger. *Other: Caused by addiction*
	Halha	(also use as "Halka") Dull mind, light, torpid *Other: Also use to express feeling of relief.*
	Hamsha dilot kujon de	Stored in heart, Keeping saved in heart
	Harahare	Chopping, killing, butchery, massacre *Other: cutting*
	Hedun jala hin shoi nofaijjilam	Expression of unbearable pains

	Rohingya Term	Definitions
H	**Hede keo modot gorib-alla no asil**	"No one was there to help". Expression of helplessness
	Hingsha Gore	Abhor, hate, disdain, looking down to other people
	Hode loi jaibo, kigor-ibo, ki oibo hono dish no aissil	**Hode loi zaibo** - "where would we be taken", **Kigoribo** - "what would they do", **Kioibo** - "what will happen", **Hono dish no achill** - "nothing was certain"
	Horaf lage	(Similar meaning of 'Gom no lage' and also see the meaning of 'Atteen beshi horaf laiggil') Feeling bad
	Hoilla gila musori ude/ure	Her heartmind, heart, liver, had become shocked and turned upside down with severe anxiety when remembering the incident. Occurring a sudden bad feeling from inside heartmind (same word as liver)
	Hoilla sikkut sikkut gore	Heartbeat become faster /palpitations
	Hotahin mathat goli thaikke/mathat gati roiye	Stuck in mind, stored in mind, memorized, sticking in head
K	**Karf goijje**	Victimized *Other: Used to express any bad commitment*
	Kicchu buji No	Confused, perplexed *Other: Refer to immaturity*
	Kisu gom nalage	Feeling not good at all (See 'Gom no laga') Feeling unwell, frustrated, not at peace
L	**Loo Udi zagoi**	(Blood pressure goes up) Feeling a raise in blood pressure.
M	**Maghreb**	(Moghrib is an Arabic word but generally Rohingya also use this similar term for same meaning which is "Mowgorif") Referring to a specific time of evening - sunset, dusk, evening
	Mata haraf lage	Mental suffering, feeling disturbed, getting headache *Other: Irritant, tension coming from anxiety, halfwit*
	Mata Shanti nalage	"My head is not at peace". Suffering in brain, headache
	Matha kuitta de	Suffering in head, headache *Other: Used to express being under pressure*

	Rohingya Term	Definitions
M	**Mog golaiye**	"Slept with Rakhine". Morally to blame (the term is used to abuse or cause discrimination or hate)
	Mon	(mawn). (dimagh = brain , Dil = heart , Mon = desire) Desire, will, wish *Other: Heartmind, heart*
N	**Nafaak**	Impure, unholy, sinful *Other: A belief, a negative perception that someone is impure/sinful*
	Norcom	(Norom - "I feel weak"). Weak, soft *Other: Poor*
O	**Oshanti**	Sad (See 'Oshanti' at 'Ashanti' above)
P	**Pain in her Dil**	"Heartmind" (See Dil above) Trauma, distress, worry, felt hurt
	Paksaf	(Opposite of Nafaak -"I was raped and shouldn't marry as I am not pure") Pure, clean *Other: Related to someone's dignity*
S	**Shinta goittam ar ware keallai in hoiye**	"I was thinking, why did this happen to me?".
	Shok lage	Disgusting, loathsome, abhorrent *Other: Discriminate, hate.*
	Shorom laga	(See 'Anttu beshi shorom lage iyan' and 'Ar beshi shorom lage ai nijor hota in hoiyi')
	Shorom zaga bish/ tolfeth	"Still suffers from pain in low abdomen in her hips, because the rape was very brutal" Vaginitis, pain at lower abdomen
	Sikkut gori ure	Feeling shock, shocked in a quiet way, feeling bad inside (See more at 'Hoilla sikkut sikkut gore'. A sudden feeling of shock, excitement in heart
	Suri hai	Suicide with knife stab. A suicidal intent, intent to die by suicide by stabbing oneself with a knife
V	**Vamgiye**	Broken down, heartbroken
Z	**Zuhum**	Wounds, pain (both mental and physical)
	Zulum	Any kind of violations including rape, cruelty, power abuse, physical torture, etc.

Annexe 4: Psychosocial Report Template

Psychosocial Report

1. Identifying data		
Name/Identification:		
Age:	**Gender identity:**	**Date/time of meeting(s):**
Address/Current living arrangement:		
Names and roles of all present: - **Name here (Job title)** - -		

2. Interview context
2.1 Information made available from LAW pre-screening
2.2 Consent ☐ Provided (verbal/ written) ☐ Withdrawn ☐ Did not consent
2.3 Availability of clinical records ☐ Existing ☐ With NGOs ☐ Private clinical care

3. Information provided around the crimes (Extracts from verbatim written retrospectively from notes and triangulation from the interpreter)

4. Physical health
4.1 Condition prior to SGBV incident in Myanmar
4.2 Condition post-SGBV incident in Myanmar
4.3 Current condition

5. Social context
5.1 Condition prior to SGBV incident in Myanmar
5.2 Condition post-SGBV incident in Myanmar
5.3 Current condition

6. Physical health
6.1 Condition prior to SGBV incident in Myanmar
6.2 Condition post-SGBV incident in Myanmar
6.3 Current condition
6.4 Mental Status Examination

General appearance and behaviour		
Physical presentation	☐ Adapted ☐ Not adapted	Explain:
Eye contact	☐ Sustained ☐ Partially sustained ☐ Avoidant	Explain:
Interaction	☐ Appropriate ☐ Partially difficult ☐ Difficult to sustain	Explain:
Cooperation	☐ Engaged ☐ Reluctant	Explain:
Mood and affect		
Level of distress	☐ Low ☐ Partial ☐ Significant	Explain:
Affect /Mood	☐ Congruent ☐ Partially congruent ☐ Dissonant	Explain:
Cognitive functioning		
Speech	☐ Adequate ☐ Partially adequate ☐ Inadequate	Explain:
Attention and concentration	☐ Appropriate ☐ Partially appropriate ☐ Limited	Explain:
Long and short-term memory	☐ Adequate ☐ Partially adequate ☐ Difficult(ies)	Explain:
Orientation in time, space, person, or situation	☐ Adequate ☐ Partially adequate ☐ Difficult(ies)	Explain:

Thoughts and Perception		
Clarity and relevance of thoughts (logic)	☐ Adequate ☐ Partially adequate ☐ Inadequate	Explain:
Detachment from immediate surroundings	☐ None ☐ Partially detached ☐ Detached	Explain:
Hallucinations	☐ None ☐ Partially present ☐ Present	Explain:
Insight and Judgment		
Insight into their difficulties	☐ Insight ☐ Partial insight ☐ None	Explain:
Judgment – ability to make decisions	☐ Capable ☐ With difficulty	Explain:

7. Conclusion

7.1 Interview conducted

☐ Completed ☐ Partly completed ☐ 2nd interview ☐ Not completed

7.2 Recommendations for referrals

For interviewee

☐ Protection ☐ Medical ☐ MHPSS ☐ Legal

For other family members

☐ Protection ☐ Medical ☐ MHPSS ☐ Legal

Name: _____	**Job title:** _____
Signature:	**Date:** _____

Endnotes

1 The ICC definition of rape is a mixture of the ICTY and ICTR jurisprudence. The ICC definition combines *Akayesu* (the ICTR Trial Chamber defined rape as 'a physical invasion of sexual nature, committed on a person under circumstances which are coercive) and *Furundzija* (the ICTY Trial Chamber defined rape as vaginal or anal penetration, or oral penetration with the perpetrator's penis, obtained by 'coercion or force or threat of force against the victim or third person'). In jurisdictions that do not recognise the Rome Statute definition, the customary law definition of 'rape" put forward in the *Kunarac* appeals decision is instructive in that it confirms there is no requirement to show that a victim resisted, or that a perpetrator used force or the threat of force – rape can occur because of the coercive circumstances in which the penetration is committed (ICTR, Prosecutor v. Akayesu, ICTR-96-4-T, *Judgment*, para. 598 (2 September 1998) ('Akayesu, 1998'); ICTY, Prosecutor v. Anto Furundzija, IT-95-17/1-T, *Judgment*, para. 184 (10 December 1998); ICTY, Prosecutor v. Kunarac, IT-96-23 & 23/1, *Appeals Judgement*, para. 129 (12 June 2002) ('Kunarac, 2002'). *See also* Patricia Viseur Sellers, *The Prosecution of Sexual Violence in Conflict: The Importance of Human Rights as a Means of Interpretation* (2018).

2 Wilson Center, *One Year On: The Momentum of Myanmar's Armed Rebellion*, page 3 (May 2022).

3 *See*, IIFFMM, *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, A/HRC/39/CRP.2, page 1 (17 September 2018) ('IIFFMM, Detailed Findings, 2018').

4 *See*, IIFFMM, *Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts*, A/HRC/42/CRP.4, para. 96 (22 August 2019) ('IIFFMM, SGBV, 2019').

5 *See, for instance*, IIFFMM, SGBV, 2019 *supra* note 4; Amy Rosenberg, *Sexual and Gender-Based Violence in the Robingya Genocide: A Feminist Situational Analysis*, LSE INTERNATIONAL DEVELOPMENT REVIEW 2(2) (April 2022); Annekathryn Goodman & Iftkher Mahmood, *The Robingya Refugee Crisis of Bangladesh: Gender Based Violence and the Humanitarian Response*, OPEN JOURNAL OF POLITICAL SCIENCE 9(3) (July 2019).

6 *See, for instance*, Andrew Riley *et al., Systematic human rights violations, traumatic events, daily stressors and mental health of Robingya refugees in Bangladesh*, CONFLICT AND HEALTH 14 (August 2020); Lindsey Green *et al., Most of the cases are very similar: Documenting and corroborating conflict-related sexual violence affecting Robingya refugees*, BMC PUBLIC HEALTH 22 (April 2022); Haley Ritsema & Mari Armstrong-Hough, *Associations among past trauma, post-displacement stressors, and mental health outcomes in Robingya refugees in Bangladesh: A secondary cross-sectional analysis*, FRONTIERS IN PUBLIC HEALTH 10 (January 2023).

7 In 1978, General Ne Win's military junta launched the infamous military operation, 'Nagamin' (Operation Dragon King) to purge Burma's Rakhine State of foreigners. Nagamin resulted in 200,000 Rohingya fleeing into neighbouring Bangladesh reporting widespread army brutality, rape and murder. It is noteworthy that within three years of the mass return of the Rohingya to Myanmar, who had fled in 1978, the 1982 Citizenship Law was promulgated (See Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution* (2000), https://www.hrw.org/report/2000/05/01/burmese-refugees-bangladesh/still-no-durable-solution).

8 Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, E/CN.4/1993/37, para. 235 (17 February 1993).

9 See IRIN, *Myanmar's Robingya Crisis* (16 November 2012), https://www.refworld.org/docid/50bf11d32.html.

10 The IIFFMM found that the 2016 'area clearance operations' triggered by an ARSA attack on three Border Guard Police posts in October 2016 involved extreme SGBV and were a precursor to the 2017 violence (IIFFMM, SGBV, 2019, *supra note* 4, at para. 84).

11 *See generally* UN High Commissioner for Human Rights, *Situation of human rights of Robingya Muslims and other minorities in Myanmar,* A/HRC/32/18 (20 June 2016); Special Rapporteur on the situation of human rights in Myanmar, *Progress Report of the Special Rapporteur on the situation of human rights in Myanmar*, A/HRC/19/67 (7 March 2012); Special Rapporteur on the situation of human rights in Myanmar, *Situation of human rights in Myanmar*, A/66/365 (16 September 2011); Human Rights Watch, *All You Can Do is Pray - Crimes Against Humanity and Ethnic Cleansing of Robingya Muslims in Burma's Arakan State* (22 April 2013), https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims.

12 Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution* (1 May 2000), https://www.hrw.org/report/2000/05/01/burmese-refugees-bangladesh/still-no-durable-solution#:~:text=Persons%20found%20to%20have%20a,summary%20deportation%20of%20undocumented%20Rohingya.&text=The%20Bangladeshi%20government%20must%20seek%20durable%20solutions%20to%20the%20crisis; Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, *supra* note 8, at para. 235.

13 Human Rights Watch, *supra* note 12.

14 IRIN, *supra* note 9; IIFFMM, SGBV, 2019, *supra* note 4, at para. 69.

15 IIFFMM, SGBV, 2019, *supra* note 4, at paras. 90-92.

16 *Id.*, at paras. 14, 84-88.

17 IIFFMM, Detailed Findings, 2018, *supra* note 3, at para 808.

18 *Id.*, at para 884.

19 IRIN, *supra* note 9; IIFFMM, Detailed Findings, 2018, *supra* note 3, paras. 472-476.

20 Burmese Rohingya Organisation UK, Myanmar's 1982 *Citizenship Law and Robingya* (December 2014).

21 Fortify Rights, *Policies of Persecution: Ending Abusive State Policies Against Robingya Muslims in Myanmar* (25 February 2014), https://www.fortifyrights.org/mya-inv-rep-2014-02-25.

22 IIFFMM, *Report of the independent international fact-finding mission on Myanmar*, A/HRC/39/64, paras. 25, 73 (12 September 2018).

23 Fortify Rights, *Tools of Genocide: National Verification Cards and the Denial of Citizenship of Robingya Muslims in Myanmar* (September 2019), https://www.fortifyrights.org/downloads/Tools%20of%20Genocide%20-%20Fortify%20Rights%20-%20September-03-2019-EN.pdf.

24 IIFFMM, Detailed Findings, 2018, *supra* note 3, at para. 463

25 *Id.*, at para. 463

26 *Id.*, at paras. 596-598; Human Rights Watch, *Burma: Revoke 'Two-Child Policy' for Robingya - Coerced Birth Control Reflects Broader Persecution of Muslim Minority* (28 May 2013), https://www.hrw.org/news/2013/05/28/burma-revoke-two-child-policy-rohingya.

27 IIFFMM, Detailed Findings, 2018, *supra* note 3, at para. 1409

28 UN High Commissioner for Human Rights, *Situation of human rights of Robingya Muslims and other minorities in Myanmar*, A/HRC/43/18, para. 17 (11 November 2020). *See also* Library of Congress, *Burma: Four "Race and Religion Protection Laws" Adopted* (14 September 2015), https://www.loc.gov/item/global-legal-monitor/2015-09-14/burma-four-race-and-religion-protection-laws-adopted/.

29 IIFFMM, Detailed Findings, 2018, *supra* note 3, at para. 1409.

30 Independent Rakhine Initiative, *Freedom of Movement in Rakhine State*, THE ROHINGYA POST (13 April 2020), https://www.rohingyapost.com/freedom-of-movement-in-rakhine-state-report-by-independent-rakhine-initiative/#:~:text=The%20Independent%20Rakhine%20Initiative%20is,other%20communities%20across%20Rakhine%20State.

31 IIFFMM, Detailed Findings, 2018, *supra* note 3, at paras. 749-750.

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32 United Nations, *Head of Human Rights Fact-Finding Mission on Myanmar Urges Security Council to Ensure Accountability for Serious Violations against Rohingya* (24 October 2018), https://press.un.org/en/2018/sc13552.doc.htm.

33 UN Children's Fund (UNICEF), *Rohingya Crisis*, https://www.unicef.org/emergencies/rohingya-crisis#:~:text=Those%20fleeing%20attacks%20and%20violence,exile%20from%20their%20home%20country.

34 *Id.*

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217 This means suicidal ideations involving the desire to die without a plan to reach that result.

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222 Emilie Medeiros, *Back but not home: supporting the reintegration of former LRA abductees into civilian life in Congo and South Sudan*, CONCILIATION RESOURCES (August 2014), pages 13-15.

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224 This research explores healing processes of attunement, emotional containment, and reciprocity. *See* Hazel Douglas, *Containment and Reciprocity: Integrating Psychoanalytic Theory and Child Development Research for Work with Children* (1st ed. 2007); *The Collected Works of D.W. Winnicott: Volume 2, 1939-1945* (Lesley Caldwell & Helen T. Robinson eds. 2016).

225 Note on *izzot* [social honour, reputation, standing]: Across South Asia, the concept (termed *ijjat* [in Nepal] or *izzat* [in India]) is a crucial dimension of the psychological construction of individuals that is instrumental to understanding the long-term psychological impact of structural violence and of conflict-related experiences of violence (*see* Emilie Medeiros *et al., Life after armed group involvement in Nepal: A clinical ethnography of psychological well-being of former "child soldiers" over time*, TRANSCULTURAL PSYCHIATRY 57(1), page 191 (2019)). A recent study on gender relationships among Rohingyas refugees in Bangladesh documented the social significance of *izzot*, conceptualised as 'acquired through public performance of various actions, cultivation of specific qualities, and general adherence to religious and social norms. In this way (...) personal and collective forms of *izzot* place individuals within larger collectives like *gusshis* [clan] and give them social standing and purpose. (...) It represents a critical intersection of gender and power through which the social reputations and actions are assessed, governed, and punished for non-compliance' (*see* Daniel Coyle *et al., Honour in Transition: Changing gender norms among the Rohingya*, IOM & UN WOMEN, pages. 7, 14, 22 (April 2020). Each individual carries their individual *izzot* conceived through their individual actions and history that can also affect the collective or the collective *izzot* carried by this individual's extended kinship network.

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Annex 17

Republic of the Union of Myanmar, *The Special Marriage Act [India Act III 1872]* (18 July 1872)

THE SPECIAL MARRIAGE ACT

[India Act III, 1872.]

(2nd March, 1872.)

[Amendment : 04.08.2017]

Whereas it is expedient to provide a form of marriage for persons who do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion, and for persons who profess the Hindu, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful; It is hereby enacted as follows:-

1.* * * * *

2. Marriages may be celebrated under this Act between persons neither of whom professes the Christian or the Jewish, or the Hindu or the Muhammadan, or the Parsi or the Buddhist, or the Sikh or the Jaina religion. Special Marriage, [1] or between persons each of whom professes one or other of the following religions, that is to say, the Hindu, Buddhist, Sikh or Jaina religion, upon the following conditions:-

(1) neither party must, at the time of the marriage, have a husband or wife living;

(2) the man must have completed his age of eighteen years, and the woman her age of fifteen years, according to the Gregorian calendar;

(3) each party must, if he or she has not completed the age of twenty-one years, have obtained the consent of his or her father or guardian to the marriage;

(4) the parties must not be related to each other in any degree of consanguinity or affinity which would, according to any law to which either of them is subject, render a marriage between them illegal.

First Provisio- No such law or custom, other than one relating to consanguinity or affinity, shall prevent them from marrying.

Second Provisio- No law or custom as to consanguinity shall prevent them from marrying, unless a relationship can be traced between the parties through some common ancestor, who stands to each of them in a nearer relationship than that of great- great-grandfather or great-great-grandmother, or unless one of the parties is the lineal ancestor, or the brother or sister of some lineal ancestor, of the other.

<Amendment 04.08.2017>

3. The President of the Union may appoint Registrars-General of Marriages and Registrars of Marriages, for specified areas in the Republic of the Union of Myanmar, under this Act. The area for which any such Registrar of Marriages is appointed shall be deemed to be his district.

<Amendment 04.08.2017>

4. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar before whom it is to be solemnized. The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for fourteen days before such notice is given. Such notice may be in the form given in the First Schedule to this Act.

5. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of every such notice in a book to be for that purpose furnished to him by the President of the Union, to be called the “Marriage Notice Book under the Special Marriage Act,” and such book shall be open at all reasonable times, without fee, to all persons desirous of

explained to the person making the objection, and shall be signed by him or on his behalf.

7. On receipt of such notice of objection the Registrar shall not proceed to solemnize the marriage until the lapse of fourteen days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of fourteen days from the opening of such Court.

The person objecting to the intended marriage may file a suit in any civil Court having local jurisdiction for a declaratory decree declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2.

<Amendment 04.08.2017>

8. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within fourteen days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within fourteen days of the opening of such Court, the marriage shall not be solemnized till the decision of such Court has been given and the period allowed by law for appeals from such decision has elapsed; or, if there be an appeal from such decision, till the decision of the appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, or if the decision of the Court be that such marriage would not contravene any one or more of the conditions prescribed in clauses (1), (2), (3) Or (4) of section 2, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section 2, the marriage shall not be solemnized.

9. Any Court in which any such suit as is referred to in section 7 is filed may, if it shall appear to it that the objection was not reasonable and bona' fide, inflict a fine, not exceeding one hundred thousand kyats, on the person objecting, and award it , or any part of it, to the parties to the intended marriage.

<Amendment 04.08.2017>

10. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the Second Schedule to this Act. If either party has not completed the age of twenty – one years, the declaration shall also be signed by his or her father or guardian, except in the case of a widow, and in every case, it shall be countersigned by the Registrar.

11. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses. "I,[A], take thee, [B], to be my lawful wife (or husband)."

12. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire :Provided that the President of the Union may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon.

13. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the "Marriage Certificate Book under the Special Marriage Act," in the form given in the Third Schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses.

13A. The Registrar shall send to the Registrar-General of Marriages, at such intervals as the President of the Union from time to time directs, a true copy certified by him, in such form as the President of the Union from time to time prescribes, of all entries made by him in the said Marriage Certificate Book since the last of such intervals.

extract-

15. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section 494 or section 495 of the Penal Code, as the case may be; and the marriage so solemnized is void.

16. Every person married under this Act who, during the lifetime of his or her wife or husband, contracts any other marriage, shall be subject to the penalties provided in sections 494 and 495 of the Penal Code for the offence of marrying again during the lifetime o! a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage.

17. The Burma Divorce Act shall apply to all marriages contracted under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clauses (1), (2), (3)or (4) of section 2 of this Act.

18. The issue of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriages by reason of consanguinity and affinity, and the provisos to section 2 of this Act shall apply to them.

19. Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage; but, if the validity of any such mode shall hereafter come into question before any Court, such question shall be decided as if this Act had not been passed.

20.* * * *

21. Every person making, signing or attesting any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section 199 of the Penal Code.

22. The marriage under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance front such family.

23. A person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act shall have the same rights and be subject to the same disabilities in regard to any right of succession to any property as a person to whom the Caste Disabilities Removal Act applies:

Provided that nothing in this section shall confer on any person any right to any religious office or service, or to the management of any religious or charitable trust.

24. Succession to the property of any person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act, and to the property of the issue of such marriage, shall be regulated by the provisions of the Succession Act.

25. No person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under this Act shall have any right of adoption.

26. When a person professing the Hindu, Buddhist, Sikh or Jaina religion marries under this Act, his father shall, if he has no other son living, have the right to adopt another person as a son under the law to which he is subject.

Footnote

[ပင်ရင်း- The Burma Code Volume (XI) မှ ကူးယူတင်ပြသည်။]

Annex 18

Republic of the Union of Myanmar, *The Christian Marriage Act [India Act XV, 1872]* (18 July 1872)

THE CHRISTIAN MARRIAGE ACT

[INDIA ACT XV, 1872]

(18th July, 1872)

[Amendment : 18.08.2017]

PRELIMINARY

1. * * * *

2. * * * *

3. In this Act, unless there is something repugnant in the subject or context,-

"Church of England" and "Anglican" mean and apply to the Church of England as by law established;

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow;

the expression **"Christians"** means persons professing the Christian religion;

and the expression **"Native Christians"** includes the Christian descendants of natives of India or Pakistan or the Union of Burma converted to Christianity, as well as such converts;

"**Registrar-General of Marriages**" means a Registrar-General of Marriages appointed under this Act, 1886.

<Amendment 18.08.2017>

PART I

THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED

4. Every marriage between persons, one or both of whom is or are a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

5. Marriages may be solemnized in Bangladesh-

(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;

(2) by any clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;

(3) by any Minister of Religion licensed under this Act to solemnized marriages;

(4) by, or in the presence of , a Marriage Registrar appointed under this Act;

(5) by any person licensed under this Act to grant certificates of marriage between Native Christians.

6. The President of the Union may, by notification in the official Gazette, grant licenses to Ministers of Religion to solemnize marriages in the Union of Burma and may, by a like notification, revoke such licenses.

Registrar-General of Marriages and Registrars of Marriages.

7. The President of the Union shall appoint Registrar-General of Marriages and Registrars of Marriages. The President of the Union may

vacancy.

<Amendment 18.08.2017>

8. Repeal

<Amendment 18.08.2017>

The President of the Union may, by like notification, revoke any such appointment.

9. The President of the Union may grant a license to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificate of marriage between Native Christians.

Any such license may be revoked

Any such licence may be revoked by the President of the Union and every such grant or revocation shall be-notified in the Gazette.

[If any person licensed under this section solemnizes or affects to solemnize any marriage under Part VI or grants any certificate as therein mentioned, knowing that one of axe parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his licence cancelled, and in addition thereto he shall be deemed to be guilty of an offence under section 73, and shall be punishable accordingly.]

PART II

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED

10. Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening:

Provided that nothing in this section shall apply to-

(1) a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or

(2) a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license, or

(3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.

11. No Clergyman of the Church of England shall solemnize a marriage in any place other than a church where worship is generally held according to the forms of the Church of England, unless there is no such church within five miles distance by the shortest road from such place, or unless he has received a special license authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

For such special license, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorizes.

PART III

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT

12. Whenever a marriage is intended to be solemnized by a Minister of Religion licensed to solemnize marriages under this Act, one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein-

(a) the name and surname, and the profession or condition, of each of the persons intending marriage,

(b) the dwelling-place of each of them,

(c) the time during which each has dwelt there, and

But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person who delivered it to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section 12, shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own office.

15. When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of section 13, send by the post or otherwise a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

16. The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

17. Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made: Provided-

(1) that no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister;

(2) that no lawful impediment be shown to his satisfaction why such certificate should not issue; and

(3) that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf.

18. The certificate mentioned in section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration-

(a) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and, when either or both of the parties is or are a minor or minors,

(b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in Bangladesh having authority to give such consent, as the case may be.

19. The father, if living, of any minor, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in the Union of Burma.

20. Every person whose consent to a marriage is required under section 19 is hereby authorized to prohibit the issue of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

21. If any such notice be received by such Minister, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice withdrawn by the person who gave it.

22. When either of the persons intending marriage is a minor, and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by section 19 has been obtained, such Minister shall not issue such certificate until the expiration

effect.

25. After the issue of the certificate by the Minister, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt:

Provided that the marriage be solemnized in the presence of at least two witnesses besides the Minister.

26. Whenever a marriage is not solemnize within two months after the date of the certificate issued by such Minister as aforesaid, such certificate and all proceedings (if any) thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in manner aforesaid.

PART IV

REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION

27. All marriage hereafter solemnized in Bangladesh between persons one or both of whom professes or profess the Christian religion, except marriages solemnized under Part V or Part VI of this Act, shall be registered in manner hereinafter prescribed.

28. Every Clergyman of the Church of England shall keep a register of marriages and shall register therein, according to the tabular form set forth in the third schedule hereto annexed, every marriage which he solemnizes under this Act.

29. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnized at any place where he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such place is situate.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be sent by such Clergyman within two weeks from the expiration of each of the quarters above specified.

The said Registrar upon receiving the said returns shall send one copy thereof to the Registrar-General of Marriages.

<Amendment 18.08.2017>

30. Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is solemnized, and such person shall forward quarterly to the Registrar-General of Marriages returns of the entries of all marriages registered by him during the three months next preceding.

<Amendment 18.08.2017>

31. Every Clergyman of the Church of Scotland shall keep a register of marriages, and shall register therein, according to the tabular form set forth in the third schedule hereto annexed, every marriage which he solemnizes under this Act, and shall forward quarterly to the Registrar-General of Marriages, through the Senior Chaplain of the Church of Scotland, returns, similar to those prescribed in section 29, of all such marriages.

<Amendment 18.08.2017>

32. Every marriage solemnized by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriges, shall, immediately after the solemnization thereof, be registered in duplicate by the person solemnizing the same; (that is to say) in a marriage-registrar-book to be kept by him for that purpose, according to the form contained in the fourth schedule hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil.

33. The entry of such marriage in both the certificate and marriage register book shall be signed by the person solemnizing the

be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Registrar-General of Marriages.

<Amendment 18.08.2017>

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which he receives each certificate.

36. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the Registrar-General of Marriages.

<Amendment 18.08.2017>

37. When any marriage between Native Christians is solemnized by any such person, Clergyman or Minister of Religion as is referred to in clause (1), clause (2) or clause (3) of section 5, the person solemnizing the same shall, instead of proceeding in the manner provided by sections 28 to 36, both inclusive, register the marriage in a separate register-book, and shall keep it safely until it is filled, or, if he leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

Whoever has the control of the book at the time when it is filled, shall send it to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Registrar-General of Marriages, to be kept by him with the records of his office.

<Amendment 18.08.2017>

PART V

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule hereto annexed, or to the like effect, to any Marriage Registrar of the District within which the parties have dwelt; or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized:

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

39. Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same district, who shall likewise affix the copy in some conspicuous place in his own office.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the Government and to be called the “Marriage Notice Book”; and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

41. If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if

that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

42. The certificate mentioned in section 41 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath-

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and

(b) that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar, and, where either or each of the parties is a minor,-

(c) that the consent or consents to such marriage required by law has or have been obtained thereto, or that there is no person resident in Bangladesh authorized to give such consent, as the case may be.

43. ****

44. The provisions of section 19 apply to every marriage under this Part, either of the parties to which is a minor;

and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her position with respect to either of the parties, by reason of which he or she is so authorized.

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the person who entered it.

45. If any person whose consent is necessary to any marriage under this Part is of unsound mind, or if any such person (other than the father) without just cause withholds his consent to the marriage, the parties intending marriage may apply by petition, to the District Judge;

And the said District Judge may examine the allegations of the petition in a summary way: And, if upon examination such marriage appears proper, such District Judge shall declare the marriage to be a proper marriage.

Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage; and, if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden.

46. Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition to the District Judge.

The said District Judge may examine the allegations of the petition in a summary way, and shall decide thereon.

The decision of such District Judge shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Repeal

<Amendment 18.08.2017>

48. Whenever a Marriage Registrar, acting under the provisions of section 44, is not satisfied that the person for-bidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, to the District Judge.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said District Judge shall examine into the allegations of the petition and the circumstances of the case; and if, upon such examination, it appears, that the person forbidding the issue of such certificate is not authorized by law so to do, such District

such Marriage Registrar, under section 44 or the District Judge, under section 45 or 46, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

50. The certificate to be issued by the Marriage Registrar under the provisions of section 41 shall be in the form contained in the second schedule to this Act annexed or to the like effect, and the Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

51. After the issue of the certificate of the Marriage Registrar, or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties shall declare as follows, or to the like effect:-

"I do solemnly declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C, D."

And each of the parties shall say to the other as follows or to the like effect:-

"I call upon these persons here present to witness that I, A. B., do take thee, C.D., to be my lawful wedded wife [or husband]."

52. Whenever a marriage is not solemnized within two months after the copy of the notice has been entered by the Marriage Registrar, as required by section 40, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void; and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the person to be married the several particulars required to be registered touching such marriage.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate; that is to say, in a marriage-register-book, according to the form of the fourth schedule hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil.

The entry of such marriage in both the certificate and the marriage-register-book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnized by him, and also by the parties married, and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register-book.

55. The Marriage Registrar shall forthwith separate the certificate from the marriage-register-book and send it, at the end of every month, to the Registrar-General of Marriages.

The Marriage Registrar shall keep safely the said register-book until it is filled, and shall then send it to the Registrar-General of Marriages, to be kept by him with the records of his office.

<Amendment 18.08.2017>

56. Repeal

<Amendment 18.08.2017>

the solemnization, translate, or cause to be translated, to such Native Christian, into a language which he understands, the declarations made at such marriage in accordance with the provisions of this Act.

59. The registration of marriages between Native Christians under this Part shall be made in conformity with the rules laid down in section 37 (so far as they are applicable), and not otherwise.

PART VI

MARRIAGE OF NATIVE CHRISTIANS

60. Every marriage between Native Christians applying for a certificate shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:-

(1) the age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed fifteen years;

(2) neither of the persons intending to be married shall have a wife or husband still living;

(3) in the presence of a person licensed under section 9, and of at least two credible witnesses other than such person, each of the parties shall say to the other-

"I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, C. D., to be my lawful wedded wife [or husband]" or words to the like effect:

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section 19 has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

<Amendment 18.08.2017>

61. When, in respect to any marriage solemnized under this Part, the conditions prescribed in section 60 have been fulfiled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of one thousand kyats, grant a certificate of the marriage.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

<Amendment 18.08.2017>

62. Every person licensed under section 9 shall keep in English, or in the 8 [Bangla language], and in such form as the Government, by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar-General of Marriages for the territories under the administration of the said Government in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts form his register-book of all entries made therein since the last of those intervals.

<Amendment 18.08.2017>

63. Every person licensed under this Act to grant certificates of marriage, and keeping a marriage-register-book under section 62, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the proper fee, give a copy, certified under his hand, of an entry therein.

64. The provisions of sections 62 and 63, as to form of the register-book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall, mutatis mutandis, apply to the books kept under section 37.

65. This Part of this Act, except so much of sections 62 and 63 as are referred to in section 64, shall not apply to marriages between Roman Catholics.

shall be deemed to have committed the offence punishable under section 193 of the Penal Code with imprisonment of either description for a term which may extend to three years and , at the discretion of the Court, with fine.

67. Whoever forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Penal Code.

Solemnizing marriage without due aughority.

68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes, or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to seven years.

<Amendment 18.08.2017>

69. Whoever knowingly and wilfuly solemnizes a marriage between persons one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

This section does not apply to marriages solemnized under special licenses granted by the Anglican Bishop of Diocese or by his Commissary, not to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section 10.

Nor does this section apply to marriages solemnized by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland.

70. Any Minister of Religion licensed to solemnize marriages under this Act, who, without a notice in writing, or, when one of the parties to the marriage is a minor, and the required consent of the parents or guardians to such marriages has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

71. A Marriage Registrar under this Act, who commits any of the following offences:-

(1) knowingly and wilfuly issues any certificate for marriage, or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act;

(2) after the expiration of two months after the copy of the notice has been entered as required by section 40 in respect of any marriage, solemnizes such marriage;

(3) solemnizes, without any order of a competent Court authorizing him to do so, any marriage, when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar;

(4) issues any certificate the issue of which has been prohibited, as in this Act provided, by any person authorized to prohibit the issue thereof, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

72. Any Marriage Registrar knowingly and wilfuly issuing any certificate for marriage after the expiration of two months after the notice has been entered by him as aforesaid, or knowingly and wilfuly issuing, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which has been forbidden as aforesaid by any person authorized in this behalf, shall be deemed to have committed an offence under section 166 of the Penal Code.

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part III of this Act, or after the expiration of two months after the certificate has been issued by him;

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district;

or knowingly and wilfully issues any certificate the issue of which has been forbidden, under this Act, by any person authorized to forbid the issue;

or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same;

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

74. Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to ten thousand kyats.

<Amendment 18.08.2017>

75. Whoever, by himself or another, wilfully destroys or injures any register-book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom, or falsely makes or counterfeits any part of such register-book or counterfoil certificates, or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

76. The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

PART VIII

MISCELLANEOUS

77. Whenever any marriage has been solemnized in accordance with the provisions of sections 4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:-

(1) any statement made in regard to the dwelling of the persons married, or to the consent of any person whose consent to such marriage is required by law:

(2) the notice of the marriage:

(3) the certificate or translation thereof:

(4) the time and place at which the marriage has been solemnized:

(5) the registration of the marriage.

78. Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

<Amendment 18.08.2017>

80. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate, required to be kept or delivered under this Act, of an entry of a marriage in such register, or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate, or of any entry therein, respectively, or of such copy.

81. Repeal

<Amendment 18.08.2017>

82. Fees shall be chargeable under this Act for-

receiving and publishing notices of marriages;

issuing certificates for marriage by Marriage Registrars, and registering marriages by the same;

entering protests against, or prohibitions of, the issue of certificates for marriage by the said Registrars;

searching register-books or certificates, or duplicates of copies thereof;

giving copies of entries in the same under section 63 and 79.

The Government shall fix the amount of such fees respectively, and may from time to time vary or remit them either generally or in special cases, as to him may seem fit.

83. The President of the Union may make rules in regard to the disposal of the fees mentioned in section 82, the supply of register-books, and the preparation and submission of returns of marriages solemnized under this Act.

84. ****

85. The President of the Union may, by notification in the official Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.

86. ****

87. Nothing in this Act applies to any marriage performed by any Minister, Consul or Consular Agent between subjects of the State which he represents and according to the laws of such State.

88. Nothing in this Act shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.

Footnote

[ပင်ရင်း- The Burma Code Volume (XI) မှ ကူးယူတင်ပြသည်။]

[ATTACH LIST 1] 01 SCHEDULE I (See sections 12 and 38) NOTICE OF MARRIAGE

[ATTACH LIST 2] 02 SCHEDULE II (See section 24 and 50) CERTIFICATE OF RECEIPT OF NOTICE

[ATTACH LIST 3] 04 SCHEDULE IV (See sections 32 and 54.) MARRIAGE REGISTER BOOK

[ATTACH LIST 4] 04 SCHEDULE IV (See sections 32 and 54.) MARRIAGE REGISTER BOOK

[ATTACH LIST 5] 05 CERTIFICATE OF MARRIAGE

THE CHRISTIAN MARRIAGE ACT

Annex 19

Republic of the Union of Myanmar, *The Child Marriage Restraint Act [The India Act XIX 1929]* (1 April 1930)

THE CHILD MARRIAGE RESTRAINT ACT.

THE CHILD MARRIAGE RESTRAINT ACT.

[INDIA ACT XIX, 1929.]

(1st April, 1930.)

1. * * * *

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) **"child"** means a person who, if a male, is under eighteen years of age, and if a female, is under fourteen years of age;

(b) **"child marriage"** means a marriage to which either of the contracting parties is a child;

(c) **"contracting party"** to a marriage means either of the parties whose marriage is thereby solemnized; and

(d) **"minor"** means a person of either sex who is under eighteen years of age.

Punishment for male adult below twenty-one years of age marrying a child.

3. Whoever, being a male above eighteen years of age and below twenty-one contracts a child marriage shall be punishable with fine which may extend to one thousand rupees.

Punishment for male adult above twenty-one years of age marrying a child.

4. Whoever, being a male above twenty-one years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment for solemnizing a child marriage.

5. Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

Punishment for parent of guardian concerned in a child marriage.

6. (1) Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized, shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both:

Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnized.

Imprisonment not to be awarded for offences under section 3.

7. Notwithstanding anything contained in the Burma General Clauses Act, or section 64 of the Penal Code, a Court sentencing an offender under section 3 shall not be competent to direct that, in default of payment of the fine imposed, he shall undergo any term of imprisonment.

Jurisdiction under this Act.

8. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, no Court other than that of a District Magistrate shall take cognizance of, or try, any offence under this Act.

Mode of taking cognizance of offences.

THE CHILD MARRIAGE RESTRAINT ACT.

11. (1) At any time after examining the complainant and before issuing process for compelling the attendance of the accused, the Court shall, except for reasons to be recorded in writing, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure; and if such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed.

(2) A bond taken under this section shall be deemed to be a bond taken under the Code of Criminal Procedure, and Chapter XLII of that Code shall apply accordingly.

Footnote

[ပင်ရင်း- The Burma Code Volume (XI) မှ ကူးယူတင်ပြသည်။]

Annex 20

Response *from* Lieutenant General Ko Ko, Union Minister of Foreign Affairs *to* U Tun Aung Kyaw, Representative of Pyithu Hluttaw, Ponnagyun constituency, Rakhine State (6 August 2012)

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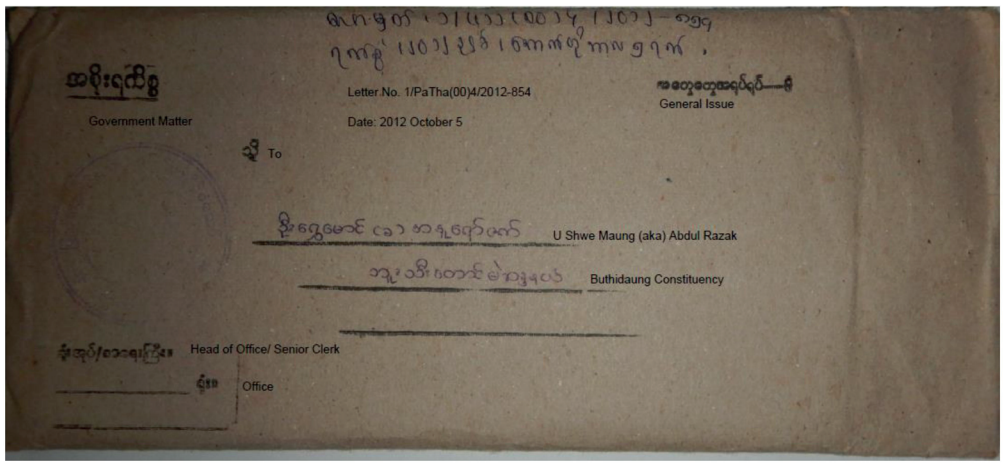



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The Republic of Union of Myanmar

The Office of Hluttaw

Pyithu Hluttaw Division

Nay Pyi Taw

Letter No. - 1/ PaTha(SaWa) 4/2012-686

Date - 2012, October 1

To

U Tun Aung Kyaw

Ponnagyun Constituency

Pyithu Hluttaw Representative

Subject: **Sending Answer in Response to the Question**

1. In the fourth regular session of First Pyithu Hluttaw Assembly, a letter contained starred question was received from U Tun Aung Kyaw, the representative of Ponnagyun constituency.
2. The response from union level organizations/ relevant organizations to the question is sent for informing.

Attachment – Response letter (1) sheet

(Signed dated on 1/10/2021)

Deputy Head of Director (Acting)

(Myo Win Zaw, Deputy Director)

Copy to

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The Audit Committee for Insurance, Commitment, and Accountability of the Government Office

The Republic of Union of Myanmar
Ministry of Home Affairs
Minister Office



Parliament
20/8/12
(Handwritten note)

Letter No. – PaHtaYa/YaAhPha(702)/Oo 1
Date : 6 August 2012

To

Office of the President

Office of the Union Government

Subject: **Matter with Submitted Proposal and Question from Hluttaw Office**

Reference: The letter No. 38/ 445-Hluttaw (1)/AhPhaYa (2012) dated on 20-7-2012 from Union Government Office

The explanatory response from the Ministry of Home Affairs to the starred question raised by U Tun Aung Kyaw, representative of Pyithu Hluttaw, Ponnagyun constituency, Rakhine State is sent, herewith, as to whether there is any plan for security arrangement with ethnic community participation in Maungdaw, Buthidaung, Rathedaung and Sittwe townships or not; whether there is any plan for resettlement of Rakhine ethnic and Bengalis separately setting an in-between buffer zone, or not; whether there is any plan for scrutinizing, discovering and taking actions against illegal Bengalis spreading across the entire Myanmar so as to identify citizens or non-citizens.

Attachment (1) Question (4) documents
(2) Response (7) documents

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Lieutenant General Ko Ko
Union Minister

Copy

Office Copy

The explanatory response from the Ministry of Home Affairs to the starred question raised by U Tun Aung Kyaw, representative of Pyithu Hluttaw, Ponnagyun constituency, Rakhine State as to whether there is any plan for security arrangement with ethnic community participation in Maungdaw, Buthidaung, Rathedaung and Sittwe townships or not; whether there is any plan for resettlement of Rakhine ethnic and Bengalis separately setting a buffer zone in between, or not; whether there is any plan for scrutinizing, discovering and taking actions against illegal Bengalis spreading across the entire Myanmar so as to identify them as citizens or non-citizens.

1. There were incidents of, murdering Ma Thida Htwe who was from Thapyae Chaung village, Kyauk Ni Maw village tract, Ramree township which happened, on 28 May, 2012 in Rakhine State, murdering (10) followers of Islamic Faith, onboarding passengers of Yoma Thitsar Express on 3 June at Toungup town and group attack of No. 1 police station in Sittwe. To discover the truth related to the incidents and to take necessary legal actions in line with existing law, an investigation team with (16) members including Deputy Minister Brigadier General Kyaw Zan Myint as the chair was formed and assigned functions with an issue order, No. (43/2012) dated on 6 June 2012 by the Union Government which investigated, discovered, and took actions.

2. While legal actions were taken against the persons involved in violent unrest activities by investigating in accordance with law, on 8 June 2012 (Friday) in Maungdaw, Islamic Bengalis gathered in group after their ritual worship, and committed violent acts such as murdering ethnic people, ransacking houses, torching, and destroying which resulted in exchange of attacks between Bengalis and Rakhine ethnic and spread into other townships of Rakhine State. An order was issued in Sittwe, Maungdaw, Buthidaung, Kyauk Phyu, Ramree and Thandwe as per the criminal code Section to control overall situation resulting from violent unrests. Albeit preventive

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order as per penal code 144, the violent unrests had escalated increasingly, therefore the state of emergency was declared by the President Office with an issue order No. (1/2012) in line with the constitution law section 413, paragraph (a) to control security situation and to accelerate peace and stability.

3. On 22 June 2012, the President Office formed (2) working committees and assigned functions which, to oversee restoration of destructed peace and stability in Rakhine State and to implement rehabilitation activities. The aforementioned (2) working committees are –

(a) the team led by Lieutenant General Hla Min, the Union Minister from the Defense Ministry and comprised of the Commander of Western Command, deputy minister from Ministry of Home Affairs and relevant officials from Rakhine State Government which was tasked with overseeing the conduct of security forces and the State Government in implementing activities for restoring peace and stability.

(b) the team led by Lieutenant General Thein Htay, the Union Minister from the Ministry of Boarder Affairs and comprised of deputy minister from Social Welfare, Relief and Resettlement Ministry, deputy minister from the Ministry of Immigration and Population and relevant officials from Rakhine State Government which was tasked with overseeing resettlement program activities such as monitoring service provision in camps for internally displaced people, auditing and ensuring systematic rehabilitation.

4. The above-mentioned (2) working committees went to Rakhine State, observed the ongoing situation and carried out the following (3)-step activities in coordination with the Rakhine State Government and relevant officials –

(a) as first step, by establishing camps, provision of temporary service to people affected by violent incidents, and the displaced people due to fear,

(b) as second step, distribution of emergency items - raincoats, food, water, medicine, and clothing based on lost-and-damage assessment,

(c) as third step, development of needs response program based on need-assessment from the ground to sustain sustainable livelihood.

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5. The working committee for implementing peace and stability led by the Union Minister from the Defense Ministry ensures no reoccurrence of unwanted incidents and violent incidents like violent unrests which took place in June 2012 in Rakhine, no illegal entrants through cross-border entry, discovering illegal entrants (migrants) and taking actions against them in line with existing law, and peace and security for local residents so that they could have their day-to-day life peacefully. In doing so, by developing policies in respective areas, the actions, to ensure no deviation from the path to democracy which is, at present, being implemented by the government and all citizens, to prevent illegal entrants (migrants) to the country observing other nations in contemporary setting, to prevent further occurrence of social and religious unrests, to tackle issues adapting to Myanmar democratic transition without violation of human rights, to create more job opportunities, and to address issues emphasizing ethnic people's desires, are carried out. In taking these actions, the working group for implementing peace and stability led by the Union Minister from Defense Ministry collaborates with relevant government officials from Rakhine State Government Office for ensuring no occurrence of unwanted incidents like violent unrests happened in June 2012 in Rakhine. For area stability after violent unrests and for rule of law, preventive order was issued as per penal code 144 of criminal proceeding procedure and the President Office issued a state of emergency as per section 413, para (a) on constitution – an order which rules as law. As rehabilitation and development can be fully implemented only when security can be ensured, the assigned working group for implementing peace and stability collaborates with relevant officials from Rakhine State Government and ensures that legal actions are taken against perpetrators, there is no illegal cross-border entrants (migrants), and legal actions, in line with existing law, are taken against illegal entrants (migrants) by discovering them.

6. Program activities for implementing rehabilitation and area development, in balance, have been developed by the lead of the Union Minister from Border Affair Ministry in collaboration with Rakhine State Government. Rakhine State Government, relevant local agencies and NGO, INGO are working together to maintain peace and security, and to provide livelihood and basic needs to local residents. Furthermore, there are on-going activities for building relief camps, reconstructing houses, distributing food and ensuring resumption of livelihood.

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7. In response to allegations on human rights violation made by some Nations/some agencies from Rakhine state, there is on-going collaboration with Myanmar Human Rights Commission. Moreover, for transparency, individuals and representatives from the United Nations and respective organizations, local and international organizations, diplomats, military attaches etc., were invited to places in Rakhine State where violent incidents took place and given explanations. Moreover, press conferences were organized, news media agencies were invited to the place of incidents and presented ongoing rehabilitation activities in the ground so that true news are released.

8. To ensure sustainable safety and area stability for ethnic people residing in the townships in Rakhine State, program development for emergency and rehabilitation have been carried out, periodically and step-by-step, in collaboration of the Union government and the State government. At present, to increase security in Rakhine State, Myanmar Police Force, in collaboration with Rakhine State Government, has expanded security areas, increased the number of security forces, upgraded Myanmar Police Force stations/outposts and opened new ones.

9. Fencing border area which crosses Maungdaw District, starting from northern part of Maungdaw reaching to the southern part of Maungdaw, Tone Chaung Wa, has been completed. Furthermore, to prevent illegal entry from other country by using modernized security system, detectors, and modernized communication system, the State Government is developing a proposal which will be submitted to the Union Government. To ensure free illegal migrant in the country, relevant departments are conducting ad hoc checks in respective townships, security check at security gates such as land road, water ports, airports and sea entry/exit, and ad hoc checks in the river. To ensure no illegal entry/exit, the relevant departments are speeding up activities of mapping wards and villages, registering buildings and checking population.

10. In terms of security and development, to respond urgent needs, emergency program for relief activities is being developed by forming the working committee, mentioned in the above, with collaboration of security forces and the State Government, while preparing for development of long-term program by considering potential issues and all possible situations in the future. To respond relief activities, once security is stabilized, relief programs are being developed with

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assistance of NGO and INGO agencies while developing long-term programs for area development with collaboration of relevant government officials and Rakhine State Government.

11. Furthermore, agencies working for area peace and stability, and area development are addressing the issues and challenges in collaboration with Rakhine State Government, on the other hand, whenever any issue arise, the State Government and those agencies bring the issues to the attention of the President Office and the Union government.

12. To prepare security arrangements with ethnic people's participation in Rakhine State, short-term program for urgent response is being developed by forming the working committees, as mentioned in the above, coordinating with security forces and the State Government, to address potential issues in the future considering all possible situations, necessary actions for developing long-term program are also carried out. Meanwhile, defense wall has been built in Taung-up, Kyauk Taw and Buthidaung to stabilize security for ethnic people in Maungdaw, Buthidaung, Rathaedaung and Sittwe in Rakhine State. (3) outposts in Sittwe township and (3) in Pauktaw township have been increased under Boarder Immigration Headquarter which has shared responsibility for protection and security. Moreover, in addition to (75) police outposts of Rakhine State Police Force, (30) more police outposts were opened and (8) outposts are to be upgraded. To combat crimes and criminal attempts, (1) Maritime Sub-unit at Kyauk Phyu harbor and (1) Maritime Unit in Sittwe and (1) in Thantwe have been established part of Myanmar Maritime Police Force of Myanmar Police Force.

13. Pertaining to resettlement of Rakhine Ethnic and Bengalis separately by setting a buffer zone, there is on-going plan for security arrangement to ensure no reoccurrence of similar incidents in the townships of Rakhine State, and peaceful co-existence. As lesson learnt from countless violent conflicts, to ensure no reoccurrence of those, activities for security, peace, stability and rule of law and separate resettlement are being implemented.

14. While discovering illegal Bengalis migrants spreading across the country and scrutinizing their citizenship in line with existing law, there are ongoing activities carried out by relevant township officials and village groups such as ad hoc checking in respective townships across the country to prevent permeation from one township to another, entry checks at express gate, bridge gate, harbor, jetty including sea entry route and river route. Area police outposts have been

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established in border villages with collaboration of people and Police Force, mobile patrol and hidden patrol are undertaken, hence the response to the question is that actions are taken in compliance with legal procedures.

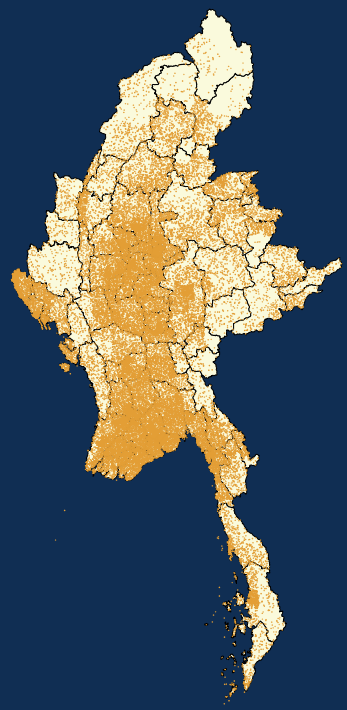
Annex 21

Republic of the Union of Myanmar, Ministry of Labour, Immigration and Population, Department of Population, (with the technical assistance of UNFPA), *Census Atlas Myanmar: The 2014 Myanmar Population and Housing Census*

The Republic of the Union of Myanmar

CENSUS ATLAS
MYANMAR

THE 2014 MYANMAR POPULATION AND HOUSING CENSUS



Department of Population
Ministry of Labour, Immigration and Population
With technical assistance from UNFPA

CENSUS ATLAS
MYANMAR

THE 2014 MYANMAR
POPULATION AND HOUSING CENSUS

Foreword

The 2014 Myanmar Population and Housing Census (2014 Census) was conducted with midnight of 29 March 2014 as the reference point. This is the first Census in 30 years; the last was conducted in 1983. Planning and execution of this Census was spearheaded by the former Ministry of Immigration and Population, now the Ministry of Labour, Immigration and Population, on behalf of the Government, in accordance with the Population and Housing Census Law, 2013. The main objective of the 2014 Census is to provide the Government and other stakeholders with essential information on the population, in regard to demographic, social and economic characteristics, housing conditions and household amenities. By generating such information at all administrative levels, it is also intended to provide a sound basis for evidence-based decision-making, and to evaluate the impact of social and economic policies and programmes in the country.

The results of the 2014 Census have been published so far in a number of volumes. The first was the *Provisional Results* (Census Volume 1), released in August 2014. The Census Main Results were launched in May 2015. These included *The Union Report* (Census Report Volume 2), *Highlights of the Main Results* (Census Report Volume 2-A), and the reports for each of the 15 States and Regions (Census Report Volume 3[A - O]). The reports on *Occupation and Industry* (Census Report Volume 2-B), and *Religion* (Census Report Volume 2-C) were launched in March 2016 and July 2016, respectively.

The current set of the 2014 Census publications comprises 13 Thematic Reports and a Census Atlas. They address issues on Fertility and Nuptiality; Mortality; Maternal Mortality; Migration and Urbanization; Population Projections; Population Dynamics; the Elderly; Children and Youth; Education; Labour Force; Disability; Gender Dimensions; and Housing Conditions and Household Amenities. Their preparation involved collaborative efforts with both local and international experts as well as various Government Ministries, Departments and research institutions. The first set of Thematic Reports (Fertility and Nuptiality; Mortality; Maternal Mortality; Migration and Urbanization; Population Dynamics; and Population Projections) has been published.

Data capture for the Census was undertaken using scanning technology. The processes were highly integrated, with tight controls to guarantee accuracy of results. To achieve internal consistency and minimize errors, rigorous data editing, cleaning and validation were carried out to facilitate further analysis of the results. The information presented in these reports is therefore based on more cleaned data sets, and the reader should be aware that there may be some small differences from the results published in the earlier set of volumes.

This Census Atlas is somewhat different in its concept, approach and content from the set of Thematic Reports. Rather than focusing in-depth on one particular topic and examining the variations in the socio-demographic characteristics of different subgroups of the population in Myanmar, the Atlas attempts to present a broader picture of the population as a whole over a wide range of topics, such that the geography of the Census – the way that different characteristics vary in different parts of the country, and among urban and rural populations - is shown graphically in the form of a range of figures and, most importantly, maps. It is often said that a picture tells a thousand words, and that is certainly true of maps, which are an effective way of getting sometimes statistically subtle messages across to a wider audience. Moreover, while the Thematic Reports generally analyse Census data only at the State/ Region and District levels, this Atlas probes deeper into Myanmar society by looking at the profiles of the population at the finer and more detailed Township geography, revealing, on the way, some interesting results.

The main geographic feature of the distribution of Myanmar society drawn out by this Atlas is the difference in the demographic characteristics of the people living in the central corridor of Districts and Townships that runs between Yangon and Mandalay compared with those residents living in the surrounding outer ring of areas whether they be to the north, east, west, or south of the corridor. This pattern is persistent across a wide range of Census variables such as school attendance, literacy, prevalence of disability, employment, quality of housing, household size, and access to household services and amenities, such as safe drinking water and electricity. Though some comparisons are made between the profiles of males and females, more emphasis has been put here on comparing the long-standing traditional rural areas, with the more dynamic, demographically diverse and growing urban populations.

Many of the observations made will have an impact on the progress that Myanmar makes in its attempt to meet several of the Sustainable Development Goals. The Atlas thus serves as a visual reminder of not only what has already been achieved, but also the extent of the work that is still necessary over the coming years.

It should be noted, however, that this publication should not be regarded as the *definitive* Census Atlas. It is just one atlas that can be produced from the Census data. To keep the publication to a practicable size, the set of data presented has had to be highly selective. This is inevitable because of the breadth and depth of the Census data now available. The Myanmar Government encourages other researchers, programme managers and policymakers to explore the geography of the 2014 Census data themselves; to do their own spatial analysis and to integrate the results of the Census with their own data; and to make their own maps and observations.

On behalf of the Government of Myanmar, I wish to thank the teams at the Department of Population, the United Nations Population Fund (UNFPA) and the authors for their contribution towards the preparation of this Atlas. I would also like to thank our development partners, namely: Australia, Finland, Germany, Italy, Norway, Sweden, Switzerland, and the United Kingdom for their support to undertake the Census, as well as the technical support provided by the United States of America.



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List of Acronyms

DoP	Department of Population
FAO	Food and Agriculture Organization of the United Nations
GAD	General Administration Department
GIS	Geographic Information System(s)
ISCED	International Standard Classification of Education
Lao PDR	Lao People's Democratic Republic
LFPRS	Labour Force Participation Rates
SDGs	Sustainable Development Goals
S-T	Sub-Township
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs

Introduction

Background - Why a Census Atlas?

Myanmar's 2014 Population and Housing Census is the most recent in a long series of countrywide surveys that goes back to the 19th Century. Initially conducted every 10 years, censuses became more sporadic during worldwide armed conflicts and periods of political turbulence in the mid-20th Century. Myanmar did conduct population and housing censuses in 1973 and 1983, but then there was a gap of 31 years when none were undertaken. With Myanmar now embarking on a period of wide-ranging social and political transformation, the signs are encouraging that the successful enumeration in 2014 marks the resumption of decennial population and housing censuses for the country.

National population and housing censuses are important for several reasons. Firstly, the geographic scope of censuses is the entire territory of a country. Secondly, censuses attempt to collect information about every resident and every housing unit in the country on a particular date. Most other social and demographic surveys are forced to limit their geographic coverage and to enumerate only a sample of individuals and households. For providing a comprehensive snapshot of the social and demographic characteristics of the entire population of a country, censuses are invaluable and unique. Consistency in design is a third characteristic that sets censuses apart from other types of surveys. National censuses throughout the world strive to collect a standard set of basic social and demographic indicators. When different countries ask the same questions in the same way at the same time, it becomes possible to make valid comparisons between them. The fourth aspect of censuses that makes them uniquely important is contingent upon them being conducted on a regular basis over a long period of time. Repeatedly updating the socio-demographic profiles of entire national populations allows users to see how people have changed, both as individuals and collectively as members of families and communities. By maintaining consistency from year to year and from country to country, it is possible both to monitor the nature and rates of change in different parts of Myanmar, and also to make international comparisons to see how changes happening in Myanmar compare with changes occurring in other countries.

The process of conducting population and housing censuses follows a similar pattern around the world. The basic phases are planning and preparation, enumeration, data processing and dissemination, and analysis and evaluation of the data. In early 2017, Myanmar is in the fourth of these phases, with the Department of Population actively engaged in making the data it collected during enumeration accessible to as wide an audience as possible. It is disseminating information through a variety of channels, including: (a) websites such as http://www.dop.gov.mm/moip/ and http://myanmar. unfpa.org/node/4308/; (b) workshops in different parts of the country; (c) a data-on-demand service operated from its offices in Nay Pyi Taw; and (d) a series of technical reports, of which this atlas is a part.

The first few technical reports, published in 2015, were a quick means of making basic census indicators available in tabular form. It was not intended that they would provide much in the way of analysis and interpretation. This is being presented in the set of publications called the "Thematic Reports", the first of which were launched in the second half of 2016. Thematic reports on fertility and nuptiality, mortality, and maternal mortality were the first to be launched, followed by migration and urbanization, population dynamics and population projections. Releases will continue into 2017, with reports on disability, the labour force, children and youth, the elderly, education, housing conditions and household amenities, poverty and gender dimensions. Though very different in terms of size, format, content and structure, this atlas is also part of the series of Thematic Reports. But why an atlas? What does this publication offer that other Department of Population Census reports do not?

There are three main differences. Firstly, whereas the Thematic Reports focus on variations in the social and demographic characteristics of different groups in society, the atlas is primarily concerned with the geography of the Census data. In the Thematic Reports, the emphasis is on describing and explaining differences in, for example, fertility, mortality, literacy and migration rates among groups categorized by age, sex, employment status, educational attainment, marital status and mobility. The atlas presents similar kinds of analyses, but adds a geographic perspective by showing how socio-demographic characteristics vary for different groups of society in different parts of the country. And while geographic comparisons presented in the Thematic Reports are largely limited to State/Region level, the atlas delves much deeper, presenting maps, data, figures and critical analyses of differences among Districts and Townships.

Secondly, each Thematic Report presents in-depth analyses of a limited set of indicators related to a single theme. In contrast, the atlas provides a general overview of a selected group of indicators covering all the main social and demographic themes. In this sense, it is a compendium of Census highlights, summarizing the main findings and conclusions of the Thematic Reports and presenting them in a single, abridged form.

The third characteristic that sets the atlas apart from the Thematic Reports is its heavy reliance on graphics, and especially on maps. It is widely recognized that maps are powerful tools for communicating information, especially when that information is wide-ranging and complex, as it is with census data. Maps are also widely understood and very popular, and so using them is an effective way of reaching a large audience and presenting the Census data in a user-friendly and easy to understand format. The 96 maps presented in this atlas show regional patterns and local variations in the distributions of a large number of indicators covering all the main social and demographic themes. The goal is to portray the thematic breadth and geographic depth of the entire 2014 Census in a single, accessible publication.

Chapter 1, Myanmar - Land of Diversity, gives an overview of Myanmar's physical landscape and reflects on how populations have adapted and organized themselves to live in that physical environment. It also describes the administrative structure of the country, which is the framework within which the 2014 Census was first undertaken and is now being reported. The maps in Chapter 1, showing the locations of States/Regions, Districts and Townships, are the same as those on the fold-out poster, and are intended to provide a reference for identifying specific administrative areas on the thematic maps in other chapters of the atlas.

The General Demographic Characteristics explored in Chapter 2 include how the population is distributed in 2014 and how this distribution has changed since 1973. The chapter also looks at geographic variations in population density, age and sex composition, degree of urbanization, and religious affiliation.

Chapter 3 presents key findings on fertility and mortality, with a particular emphasis on geographic differences in rates among children and youth. Fertility rates among adolescent females and estimated mortality rates for the under-fives are two of the topics explored in this chapter.

Education is the theme of Chapter 4, which compares geographic variations among males and females and among urban and rural populations for indicators related to school attendance, educational attainment and adult literacy.

The analysis of labour force and employment indicators in Chapter 5 also looks at male/female and urban/rural differences. It also explores aspects of child work and child labour. Labour force participation, unemployment and employment in different industry sectors are the main topics discussed in this chapter.

Chapter 6 looks at internal migration, presenting a summary analysis of the most significant flows of both lifetime and recent migrants. It also shows how net rates for recent migrants vary considerably among the Districts, and how differences in net rates for the two sexes are causing some Districts to become 'more male' and some to become 'more female'.

With disability as its theme, Chapter 7 shows that, for all four indicators analysed (disability among individuals; disability as it affects households; and the prevalence of multiple and single disability) differences among the Districts and between urban and rural populations are more substantial than differences between males and females.

Finally, Chapter 8 looks at geographic variations in household characteristics and housing conditions. It shows that parts of the country have marked differences in the average size of households and in the extent of their access to basic amenities such as safe drinking water, hygienic sanitation facilities and electricity. In general, households are found to be larger, and housing conditions worse, in rural areas than in urban areas.

The Department of Population hopes that this atlas will help raise awareness about the current social and demographic landscapes of Myanmar, and the opportunities and challenges inherent in these landscapes. If it informs and encourages further research by social scientists, academics and students; if it provides some guidance to policymakers, community leaders and planning authorities in their efforts to shape and steer socio-economic development; and if the general public finds it interesting, informative and, in some instances, surprising and even controversial, then the 2014 Myanmar Census Atlas will have achieved the results expected by the authors.

Data, Methods and Techniques

Enumerated and Estimated Populations

For the last three censuses undertaken in Myanmar, in 1973, 1983 and 2014, it was not possible to visit all parts of the country and conduct enumeration in 100 per cent of its territory. Reasons for this included inter-communal tensions, disagreements between government and community leaders over how the census was to be conducted, and security-related concerns. In the 2014 Census, some communities in Kachin and Kayin were not counted as some areas could not be accessed by Census enumerators. In Rakhine State, members of some communities were not counted because they were not allowed to self-identify using a name that was not recognized by the Government. For the 2014 Census, in an effort to include at least headcounts of the people who were not enumerated, the Census Office made estimates from information collected during pre-enumeration activities such as enumeration area mapping and pilot testing. The table below shows the numbers estimated for the Union as a whole and for the individual States/Regions where the entire population was not counted, for each of the last three censuses.

Enumerated and Estimated Populations from 1973, 1983 and 2014 censuses

Names in parenthesis are the terms that were used for administrative areas at the times of the 1983 and 1973 censuses.

	Population			
	Administrative Area	Enumerated	Estimated	Estimated + Enumerated
2014	**UNION**	**50,279,900**	**1,206,353**	**51,486,253**
	Kachin State	1,642,841	46,600	1,689,441
	Kayin State	1,504,326	69,753	1,574,079
	Rakhine State	2,098,807	1,090,000	3,188,807
	Other States/Regions	45,033,926	0	45,033,926
1983	**UNION**	**34,124,908**	**1,183,005**	**35,307,913**
	Kachin State	819,774	85,020	904,794
	Kayah State	159,661	8,768	168,429
	Kayin *(Karen)* State	632,962	422,397	1,055,359
	Sagaing Region *(Division)*	3,825,158	37,014	3,862,172
	Tanintharyi Region *(Tenasserim Division)*	913,943	3,304	917,247
	Shan State	3,090,339	626,502	3,716,841
	Other States/Regions	24,683,071	0	24,683,071
1973	**UNION**	**28,084,513**	**836,713**	**28,921,226**
	Kachin State	687,218	50,721	737,939
	Kayah State	107,342	19,232	126,574
	Kayin *(Karen)* State	660,244	198,185	858,429
	Chin State	318,112	5,183	323,295
	Tanintharyi Region *(Tenasserim Division)*	716,441	3,000	719,441
	Bago Region	3,177,464	2,140	3,179,604
	Mon State	1,307,680	6,544	1,314,224
	Rakhine State	1,700,506	12,332	1,712,838
	Shan State	2,640,170	539,376	3,179,546
	Other States/Regions	16,769,336	0	16,769,336

Unless explicitly stated in the text, all data and indicators presented in this atlas are calculated based on the population that was enumerated in the 2014 Myanmar Population and Housing Census.

Myanmar People Living Overseas at the time of the 2014 Census

Population counts given in this atlas only include people living in Myanmar at the time of the 2014 Census. They do not include Myanmar people living overseas, with the exception of those who were working in Myanmar diplomatic missions abroad. This group of 972 people is included in the population count for Nay Pyi Taw Union Territory (Department of Population, 2015).

Townships and Sub-Townships

When the 2014 Myanmar Census was conducted in March/April 2014, the country's Districts were sub-divided into Townships, some of which were further divided into Sub-Townships. At that time there were 330 Townships and 83 Sub-Townships, giving a combined total of 413 administrative units.

In November 2014, the Government passed legislation to reorganize the administrative structure of the country. The Sub-Township level was removed, and units that previously had Sub-Township status were absorbed into the adjusted Townships. The number of Townships under the current constitutional arrangement is 330.

Since the 2014 Census provides a snapshot of the demographic characteristics of Myanmar in March/April 2014, this atlas generally presents the results according to the administrative structure at that time. However, in light of the subsequent reorganization and the absorption of Sub-Townships into Townships, it does not distinguish between the two levels – maps and analyses at sub-District level include data for all 413 of the Townships and Sub-Townships.

The terms 'Townships' or 'Township level' as used in this atlas refer to the combined total of 413 Townships and Sub-Townships that existed in March/April 2014.

Order for Listing States/Regions, Districts and Townships in Tables of Census Data

The order in which administrative units appear in the 2014 Census publications was determined based on two considerations. At the State and Region level, the order is as outlined in the Constitution of the Republic of the Union of Myanmar, Chapter II: State Structure, Article 49. The names of the seven States, the seven Regions and the Union Territory are listed under this article

At the subnational administrative levels, the names and order was sourced from the yearly publication, *List of Districts, Townships, Sub-townships and Towns, Wards, Village Tracts and Villages*, published by the Ministry of Home Affairs on February 25, 2011 (Ministry of Home Affairs, 2011). This was the basis for the naming and ordering of administrative units as presented in this atlas. Subsequently, the list was updated with editions published in 2012 and 2013, when new administrative units were created. In most cases, the sequencing of administrative units within each higher unit is in alphabetical order when written in the Myanmar language. Since it is assumed that most readers of the 2014 Census reports will be from Myanmar, and will be familiar with the administrative structure of the country in their own language, this order of presentation has been retained in this atlas and in all official Department of Population 2014 Census publications.

Data Classification Techniques

For the purposes of preparing the thematic maps presented in this atlas, values had to be classified. Classifying data is a common practice in thematic mapping because, by grouping administrative units with similar data values into a limited number of classes, it makes the map easier to interpret. Taking Myanmar as an example, it would be quite difficult for a reader to tell the difference between data values for the States/Regions if all 15 of them were mapped using a different colour; distinguishing between 74 different colours for the Districts and 413 different colours for the Townships would be impossible. Healthy human eyes have little difficulty distinguishing between six or eight different colours, but with any more than this, colour tones begin to look too similar and readers find it hard to tell the difference between one administrative unit and another. The more colours used on a map, the more difficult it becomes to understand and interpret.

To overcome this problem, cartographers classify datasets to show regional patterns and clusters of administrative units with similar characteristics. There are several different ways of classifying data, three of which were used to prepare the maps presented in this atlas. The three classification techniques used are called ‘equal intervals’, ‘quantiles’ and ‘natural breaks’.

Equal intervals - This is the technique most commonly used for preparing the maps in this atlas. With equal intervals, the difference between the minimum and maximum value in each class is the same. The main advantages of equal interval classifications are that computing the class intervals is very simple, map legends are easy to interpret, and there are no gaps between classes or missing values within classes. Equal intervals portray datasets that are evenly distributed very well, but the technique does not work well for distributions that are skewed and in which values are grouped together in clusters separated by sizeable gaps (Slocum, T, 2009).

Quantiles - This classification technique puts an equal number of data values in each class. Using the 15 States and Regions of Myanmar as an example, a quantiles classification would assign, as closely as possible, an equal number of States/Regions to each class; the number depending on how many classes are used. If there were three classes, for example, there would be five States/Regions in each class. If there were five classes, there would be three States/Regions in each class. Where the number of data values does not divide equally into the number of classes, classes will be of a slightly different size. Classifying the States/Regions into four quantiles would produce three classes with four States/Regions and one class with just three States/Regions.

Natural breaks - One of the most commonly used classification techniques in thematic cartography – using natural breaks - groups values into classes based on clusters and gaps inherent in individual datasets. It seeks to minimize variance within classes and maximise variance between classes. Mapping data using this method works very well when, for example, neighbouring Townships in one part of the country have similar scores for a particular indicator, but are much higher or lower than scores for Townships in other parts of the country. Where marked regional patterns exist, the natural breaks method is often the best technique for showing them clearly on maps.

Technical Specifications of Geographic Data

The maps presented in this atlas are generally compiled from two kinds of data - geographic data and Census variables and indicators (attribute data). The geographic data defines the areas that make up Myanmar’s national territory, and also the boundaries of its administrative sub-divisions – the States/Regions, Districts and Townships. Geographic data used also includes the lines that define rivers and roads, and the points that define the locations of cities, towns and smaller settlements.

Census data is collected at the individual level, and for households and housing units, but it is both impractical and not generally useful to disseminate information at this level. It would also breach regulations concerning the protection of personal confidentiality. For this reason, census data are generally aggregated up to, and presented at different levels of, the administrative hierarchy which, in the case of Myanmar, are Village Tracts and Wards at the lowest level, and Townships, Districts, States/Regions and the Union at higher levels. Different users of Census data are interested in different levels of geographic detail; thus, while national policymakers, primary school teachers and the media might be most interested in general differences at the State/Region or perhaps District level, scientists, researchers, programme managers and local service providers will generally need more detailed information, and will therefore be looking for differences at lower geographic area levels.

Since the expected readership of this atlas is likely to include a very broad spectrum of users with interests in a wide range of topics to varying degrees of detail, the atlas attempts to strike a balance between presenting a broad regional overview and specific local detail. It does this by presenting geographic distributions at State/Region, District and Township levels but not for any smaller geography. This balance is evident on most of the two-page spreads covering specific Census themes or indicators. The main geographic patterns and distributions are explained in the text and summarized in graphs and figures; detailed spatial variations are revealed in District and Township level maps; and the numbers behind the maps and figures are presented in tables. Practical considerations of space and legibility limit the amount of data that can be given on each page, but most tables present data for States/Regions and Districts.

Map Scales and Resolution

The thematic maps in this atlas are at different scales, depending on the level of administrative unit for which data are being presented. The range of scales used for the different administrative levels are as follows:

State/Region maps: between 1:11,000,000 and 1:15,000,000.
District maps: between 1:7,000,000 and 1:14,000,000.
Township maps: between 1:7,000,000 and 1:8,000,000.
Insets showing detail for Yangon, Mandalay and Nay Pyi Taw: between 1:500,000 and 1:600,000.

Map resolution - the degree to which elements can be discriminated by the human eye - was established at the scale of 1:10,000,000. Taking into consideration the international accepted standard that two lines cannot be differentiated if they are less than 0.5 millimetres apart, the adopted map resolution at the scale of 1:10,000,000 is 5,000 metres, or 5 kilometres. This is the cartographic standard error in terms of positional accuracy at scales close to 1:10,000,000.

The minimum size of the features represented on the maps in this atlas is 25 km². Therefore, islands with a surface area smaller than 25 km² were not mapped as independent features and were not considered in the classification of Census data. They do, however, appear in the elevation model layer presented as background to the thematic maps.

The vector dataset representing administrative units on the maps in this atlas originally came from the Ministry of Home Affairs' General Administration Department. Since it was digitized from very detailed, large-scale source maps, the original dataset had to be generalized to make it suitable for the atlas's small-scale thematic maps. The generalization process included reducing the number of vertices to simplify coastlines and administrative boundaries, removing all features smaller than the minimum mapping unit size of 25 km², and checking that the topological integrity of the original dataset was retained in the modified version. Coding the geographic data so that it could be linked with data from the Census database was done by the Geographical Information System team in the Ministry of Labour, Immigration and Population's Department of Population.

Data Sources and References

The primary source for the data analysed and presented in this atlas was the official Department of Population (DoP) database for the 2014 Myanmar Population and Housing Census. In addition, reference was also made to the Census Thematic Reports that the DoP is in the process of producing. At the time this atlas was compiled and written (May 2016-February 2017), some of these reports had already been published and some were still in the process of preparation. Where the atlas presents material based on the contents of a report that has already been published, the name of the report and the publication date are given. Where unpublished reports are used as a source, citations are dated '2017' in anticipation of them being published and launched this year.

In conceptualizing and designing the 2014 Myanmar Census Atlas, the authors looked to atlases already published based on censuses in other countries for ideas and inspiration. The following were the most useful in this respect:

People and Places; a 21st-Century Atlas of the UK (published 2016, based on the 2011 census).
Census Atlas Albania (published 2014, based on the 2011 census).
Kosovo Census Atlas (published 2013, based on the 2011 census).
Timor-Leste Population and Housing Census Atlas, 2010 (published 2013, based on the 2010 census).
Socio-Economic Atlas of Kenya (published 2014, based on the 2009 census).
Socio-Economic Atlas of the Lao PDR (published 2008, based on the 2005 census).

See the list of references at the end of this atlas for full citations of these and all other sources.

Rounding

Most of the percentages given in this atlas are rounded to one decimal place. This might mean that, in a very few cases, proportions do not total to exactly 100 per cent but to either 99.9 per cent or 100.1 per cent. These rounding 'errors' do not reflect data inaccuracies but result from a simplification of numbers to make them easier to read and easier to compare.

Urban and Rural

Urban population includes all people living in Wards; rural population includes all people living in Village Tracts. According to the official designations released by the General Administration Department of the Ministry of Home Affairs, there were 3,071 Wards and 13,620 Village Tracts in Myanmar at the time of the 2014 Census (General Administration Department, 2013). Townships are comprised, in most cases, of a combination of both.

Institutional Households

The 2014 Census considered the following to be 'institutions': old-people's homes, orphanages, hospitals, boarding schools, hotels, hostels, guest houses, homes for people living with disabilities, prisons, monasteries, convents, military and police barracks, and camps for workers. Homeless persons were also enumerated and included in the institutional population. Individuals living in institutions such as these on Census Night (29 March 2014) were considered to be living in 'institutional households'. The questions asked of individuals living in institutional households were a subset of those asked of people living in conventional households. They included questions on sex, marital status, religion, ethnicity, disability, type of identity card, educational attainment and activity status as members of the labour force.

Glossary of Technical Terms and Definitions

Adolescent Fertility Rate — The age-specific fertility rate for women aged 15-19. Adolescent fertility rates presented in this atlas were calculated as the number of births to women aged 15-19 in the 12 months prior to the 2014 Census, divided by the number of women in the same age group, multiplied by 1,000.

Adult Literacy — The ability to read and write in one or more languages with reasonable understanding. Adult literacy rates presented in this atlas are based on the total enumerated population aged 15 years and above.

Average Size of Household — The number of people enumerated in a conventional household as being present on Census Night (between 29th and 30th March 2014). This may not necessarily be the same as the number of household members usually resident in the household.

Census Night — The night of 29/30 March 2014.

Conventional Household — The 2014 Census defined 'conventional households' as being comprised of one or more persons who are either related or unrelated and share living quarters in either a stand-alone unit or a compound. Members of a conventional household eat meals together, usually prepared from the same cooking pot. In most cases, one person is acknowledged by household members to be the head of the household.

Crude Birth Rate (CBR) — The number of births that occur in a particular year per 1,000 persons. CBRs presented in this atlas were calculated as the number of births that occurred during the 12 months prior to the Census, divided by the enumerated population.

Dependency Ratios — Express the relationship between the number of people of non-working age and the number of people of working age. Non-working ages include children aged 14 years and younger and elderly people aged 65 years and older. The working-age population includes all people aged 15-64 years. The dependency ratios presented in this atlas were calculated as follows:

Child Dependency Ratio: (population 0-14 years / population 15-64 years) x 100
Old-Age Dependency Ratio: (population 65 years and over / population 15-64 years) x 100
Total Dependency Ratio: (population 0-14 years + population 65 years and over / population 15-64 years) x 100

Disability — Physical or mental conditions which put a person at greater risk than the general population of experiencing restrictions in performing routine activities (including activities of daily living) or participating in roles (such as work) if no supportive measures are offered. The difficulties covered in the 2014 Census included:

a. Seeing difficulties (low vision, blind)
b. Hearing difficulties (partially or completely deaf)
c. Walking difficulties (use of wheel chairs or crutches, limping, problems climbing steps)
d. Mental/intellectual difficulties (slow learning development making it hard to compete with counterparts at school, other mental conditions).

District — The 2nd administrative level in Myanmar. Groups of Districts combine to form States, Regions, Self-Administered Divisions and Self-Administered Zones. Nay Pyi Taw Union Territory is comprised of two Districts.

Durable Housing — A housing unit is generally considered to be 'durable' if it is built in a non-hazardous location, is considered to be a permanent structure and is capable of protecting its inhabitants from the extremes of climatic conditions. The indicator for housing quality presented in this atlas gives the proportion of households that live in 'non-durable' housing. Houses were classified as 'non-durable' if the walls, roof or floors were mainly constructed from non-woody vegetation including dhani, theke, in phet and other leaves.

Economically Active — Includes all people who were enumerated as either 'employed' or 'unemployed'. The expression 'labour force' is sometimes used interchangeably with the term 'economically active'.

Educational Attainment — The highest grade/standard/diploma/degree completed in the education system of Myanmar. It covers both public and private institutions accredited by government.

Employed — Refers to those people who worked for more than 6 months in the 12 months prior to the Census, for pay or profit, such as a wage, salary, allowance, business profit, etc. Also included in this category were people working in family businesses on a farm, in a store, in a private hospital etc., even though they were not paid any wages.

Enumeration Area — The smallest geographic unit used traditionally in a census operation. In the 2014 Myanmar Census, enumeration areas included about 100 conventional households. Each enumeration area was enumerated by a single enumerator.

Geographical Information System(s) (GIS) — A computer system for capturing, storing, checking, and displaying data related to positions on the earth's surface. GIS can show many different kinds of data on one map. This enables people to see, analyse and understand geographic patterns and relationships more easily.

High School Level Attainment — Those who reported high school in this atlas as the highest grade completed includes all individuals who had received some higher education (college or undergraduate diploma), but who had not graduated, as well as those who had only completed the last grade in high school (upper secondary level) (Grade 11).

Improved Sanitation — Refers to sanitation facilities that allow for the hygienic disposal of human excreta without it coming into contact with humans. For the 2014 Myanmar Census, improved sanitation facilities included flush toilets and water-sealed pit latrines.

Infant Mortality Rate	The ratio of the number of deaths of infants aged under one year that occurred during the 12 months prior to the Census, to the number of live births in the same year. This rate is expressed per thousand live births.
In-Migrant	A person who has moved into one area from another area. As defined in Myanmar's 2014 Census, people who had moved into one Township from another Township were considered to be in-migrants. Migration data presented in this atlas only includes internal migrants - people who moved within Myanmar.
Institutional Households	The 2014 Census considered the following to be 'institutions': old people's homes, orphanages, hospitals, boarding schools, hotels, hostels, guest houses, homes for people living with disabilities, prisons, monasteries, convents, military and police barracks, and camps for workers. Individuals living in institutions such as these on Census Night, including homeless persons, were considered to be living in 'institutional households'.
Internal Migration	Movement of people involving a change of usual residence between Townships within Myanmar.
International Migration	Movement of people involving a change of country of usual residence.
Labour Force	A general term to mean those persons who were, collectively, 'employed' or 'unemployed' at the time of the Census. The expression 'economically active' is sometimes used interchangeably with the term 'labour force'.
Labour Force Participation Rate	The ratio between the number of people in the labour force in a particular age group and the overall size of the total population in the same age group. This is an important indicator as it represents the proportion of the population that is economically active.
Life Expectancy at Birth	The average number of years that a newborn can be expected to live if he or she were subject to the age-specific mortality rates of the 12 months prior to the Census.
Lifetime Internal Migration	The total number of people who, at some time in their lives, lived in a Township different to the one they were born in. This includes people who moved to live in a different Township for a period of time, but later returned and were living in their Township of birth when they were enumerated.
Literacy	The ability to read and write in one or more languages with a reasonable level of understanding.
Median Age	The age that divides a given population numerically in half. Fifty per cent of the population is younger than the median age and 50 per cent of the population is older than the median age.
Migrant	A person who has changed his/her usual place of residence from one 'migration-defining' area (in the case of the 2014 Census, the Township) to another, at least once during the migration-defining period.
Net Internal Recent Migration Rate	For any given administrative unit: the number of in-migrants in the five years prior to the Census minus the number of outmigrants during the same five-year period, divided by the total enumerated population in 2014, multiplied by 1,000.
Outmigrant	A person who has moved from one area into another area. As defined for Myanmar's 2014 Census, people whose usual residence moved from one Township to another Township were considered to be outmigrants. Migration data presented in this atlas only includes internal migrants - people who moved within Myanmar.
Population Average Annual Growth Rate	Average amount of population change per year. The formula is: r = 100 x (P2 - P1) / (t2 - t1) Where P1 and P2 are the number of persons at times t1 and t2, 1983 and 2014 respectively, and the time interval (t2-t1) is expressed in years; 31 in the case of Myanmar. It is conventionally expressed in percentage units.
Population Density	A measure of the number of people living in a given amount of space, expressed as the number of people per unit area of land. The units used for land areas in this atlas are square kilometres, or km². The formula used to calculate the population density is: number of people / number of square kilometres of the territorial unit they live on.
Population Growth	An increase in the number of people that lives in a given territory between two points in time, depending on fertility, mortality and migration rates. As presented in this atlas, population growth between 1983 and 2014 was calculated as a percentage as follows: [(population in 2014 – population in 1983) / population in 1983] x 100.
Population Pyramid	Representation by means of a histogram of the age distribution of a population at a specific point in time, showing the proportion of the population by age and sex.
Primary School Level Attainment	Persons reported as attaining primary school level education in this atlas are those who reported completing primary school (Grade 5) and the first three grades of lower secondary school (Grades 6, 7 and 8), but who had not gone on to complete upper secondary level (Grade 11).
Recent Migration	For the 2014 Myanmar Census, it refers to the movement of people between Townships during the five-year period prior to the Census.
Rural Area	An area classified by the General Administration Department (GAD) of the Ministry of Home Affairs as a village tract. Generally, such areas have relatively low population density, and land use which is predominantly agricultural.

Safe Drinking Water	Drinking water from a source that is likely to be protected from outside contamination. For the 2014 Myanmar Census, such types of water sources included piped water delivered via a tap, tube wells and bore holes, protected wells and springs, and bottled water and water obtained from a vending machine.
School Attendance Rate	Percentage of children aged 5-15 that were attending school at the time of the Census, at any level and in any educational institution or programme accredited by Government, public or private, for organized learning.
Sex Ratio	Expresses the relationship between the number of males in a population group and the number of females in that same population group. Sex ratios are calculated as follows: (number of males / number of females) x 100.
State/Region	The 1st administrative level of Myanmar. The 2014 Census includes Nay Pyi Taw Union Territory and the country's seven States and seven Regions in this administrative level.
Total Fertility Rate (TFR)	Expresses the average number of children that a woman would give birth to if all women lived to the end of their childbearing years and bore children according to the current schedule of age-specific fertility rates. It is the sum of five-year age-specific birth rates for females aged 15 to 49.
Township	The 3rd administrative level of Myanmar. A group of Townships comprises a District.
Under-Five Mortality Rate	The ratio of the number of deaths of children less than five years old that occurred during the 12 months prior to the Census, to the number of live births in the same period. This rate is expressed per thousand live births.
Unemployed	As defined for the 2014 Myanmar Census, includes all people who had no work during the 12 months prior to the Census, but who were able to work and had been actually seeking a job during that 12-month period. The Census based its definition on the following International Labour Organization definition: All persons above a specified age who, during the reference period, were: a) "Without work", in other words, were not in paid employment or self-employment b) "Currently available for work", that is, were available for paid employment or self-employment during the reference period c) "Seeking work", that is, had taken specific steps in a specified reference period to seek paid employment or self-employment.
Unemployment Rate	The percentage of the total labour force that was unemployed but that was actively seeking employment and was willing to work.
University Level Attainment	The highest level of attainment in this atlas includes all individuals who had graduated with bachelor's degrees, post graduate diplomas, master's degrees or PhDs.
Urban Area	An area classified by the General Administration Department (GAD) of the Ministry of Home Affairs as a "ward". Generally, such areas have relatively high density of building structures, high population density and better infrastructure development than areas classified as rural.
Ward and Village Tract	The 4th administrative level of Myanmar. A group of Wards and/or Village Tracts comprises a Township.
Working-Age Population	The number of people between the ages of 15 and 64.

1

Myanmar - Land of Diversity

1.1 People and the Physical Environment

The land area occupied by Myanmar is approximately 676,600 square kilometres, extending about 2,050 kilometres (1,270 miles) from north to south and 930 kilometres (580 miles) from east to west. It is slightly larger than the country of Afghanistan, and slightly smaller than the U.S. state of Texas. Myanmar has approximately 1,930 km of coastline on the Bay of Bengal and Andaman Sea. Elsewhere it shares approximately 6,500 kilometres (4,000 miles) of land borders with five neighbouring countries: Bangladesh to the west; India to the north-west; China to the north and north-east; Lao PDR to the east; and Thailand to the east and south-east. Based on geographic variations in relief, soils, drainage patterns and climate, Myanmar can be divided into five distinct physiographic regions: the northern mountains, the western ranges, the eastern plateau, the central basin and lowlands, and the coastal plains and deltas.

Population distribution is strongly influenced by the physical characteristics of a territory. The people of Myanmar show how populations are extremely adaptable and can thrive in a wide range of natural environments. Even so, local and regional differences in topography, climate, soils, water resources and natural vegetation have strong influences on where and how the people of Myanmar live. Generally, upland areas are much less densely populated than the lowlands of the central basin and coastal plains. However, people do live in some hilly and mountainous areas, where job opportunities provided by rich mineral and forest resources encourage large numbers of young, mostly male, people to live in remote areas under harsh conditions.

Relief - Many of Myanmar's international boundaries follow ranges of mountains and hills. For example: the Rakhine Mountains, which include the Patkai Range, Naga Hills and Chin Hills, between Myanmar and India; the Dawna Range and Tanintharyi Mountains between Myanmar and Thailand; and the Hengduan Range and Shan Plateau between Myanmar and China. The highest point in the country, Hkakabo Razi, at 5,881 metres (19,296 feet) above sea level, is on the border with China in the Hengduan Range. The mountains in the north are relatively young, formed over the last 50 million years along the line where the Eurasian Tectonic Plate is being pushed up by the northward-moving Indian-Australian Plate. This makes them generally higher, steeper and more rugged than the older, more heavily eroded mountains and hills to the south. The Rakhine Mountains run down the entire western side of Myanmar at an average elevation of 1,800 metres (6,000 feet) above sea level. The Shan Plateau in the east is, on average, only about 1,000 metres (3,300 feet) above sea level, and it is deeply dissected by a network of rivers. Some mountains have religious or other cultural significance. Kyaiktiyo, Sagaing Hill and Mount Poppa are among Myanmar's most important cultural landmarks.

Drainage - Lakes and rivers are vital sources of fresh water for human consumption, industry and irrigated agriculture. Large volumes of water that falls in the uplands in the west, north and east, drains to the coasts through the central basin and lowlands. The central basin is dominated by the Ayeyawady River which, with a navigable length of almost 1,600 km (1,000 miles), is the longest river in Myanmar and, from a socio-economic point of view, by far the most important (Geographia, 2016). The Ayeyawady drains about 60 per cent of the land area of the country. Other important rivers include: the Chindwin, a tributary of the Ayeyawady in the north-west; the Pathein and Yangon Rivers in the south; the Sittaung, which drains into the Gulf of Martaban, in the east; and the Than Lwin, which is the largest of the many rivers that drain the Shan Plateau. All of these rivers, and especially the Ayeyawady, attract people in large numbers to live and farm near them; provide corridors for travel around the country; and facilitate the movement of large volumes of agricultural produce, minerals, forest products and manufactured goods to the country's population centres and ports.

Lakes also attract people because they provide a source of water and food. Indawgyi Lake in the northern hills of Kachin State is Myanmar's largest lake. Measuring 24 km (15 miles) by 13 km (8 miles), it is also one of South-East Asia's largest natural inland water bodies. Inle Lake, on the Shan Plateau, is also important for its natural resources, as a site of social and religious significance, and as a major tourist attraction.

Soils - After water, food is the most important requirement to sustain life. To meet this need, historically people have lived in the largest numbers and at the highest densities on the most productive land. In Myanmar, this is found on the deep, alluvial silts and clays in the central basin and lowlands. The lowland soils are not naturally high in nutrients or organic matter, but they are very productive when fertilized. Over the millennia, Myanmar has increasingly adopted sophisticated agricultural practices to raise the productivity of the central basin and coastal plains and feed its ever-growing population. In contrast, soils in the uplands are relatively shallow and poor in nutrients. They are easily eroded, especially in steep areas with heavy rainfall, and where forest cover has been cleared. Myanmar's uplands are generally less densely settled than its lowlands, partly because the soils in the mountains are not as productive. Though the soils in the uplands generally cannot support the intensive growing of staples such as rice, wheat or potatoes, they are adequate for less demanding perennial crops such as tea, coffee and rubber, for seasonal plantings of a wide variety of grains, pulses and vegetables, and for grazing livestock.

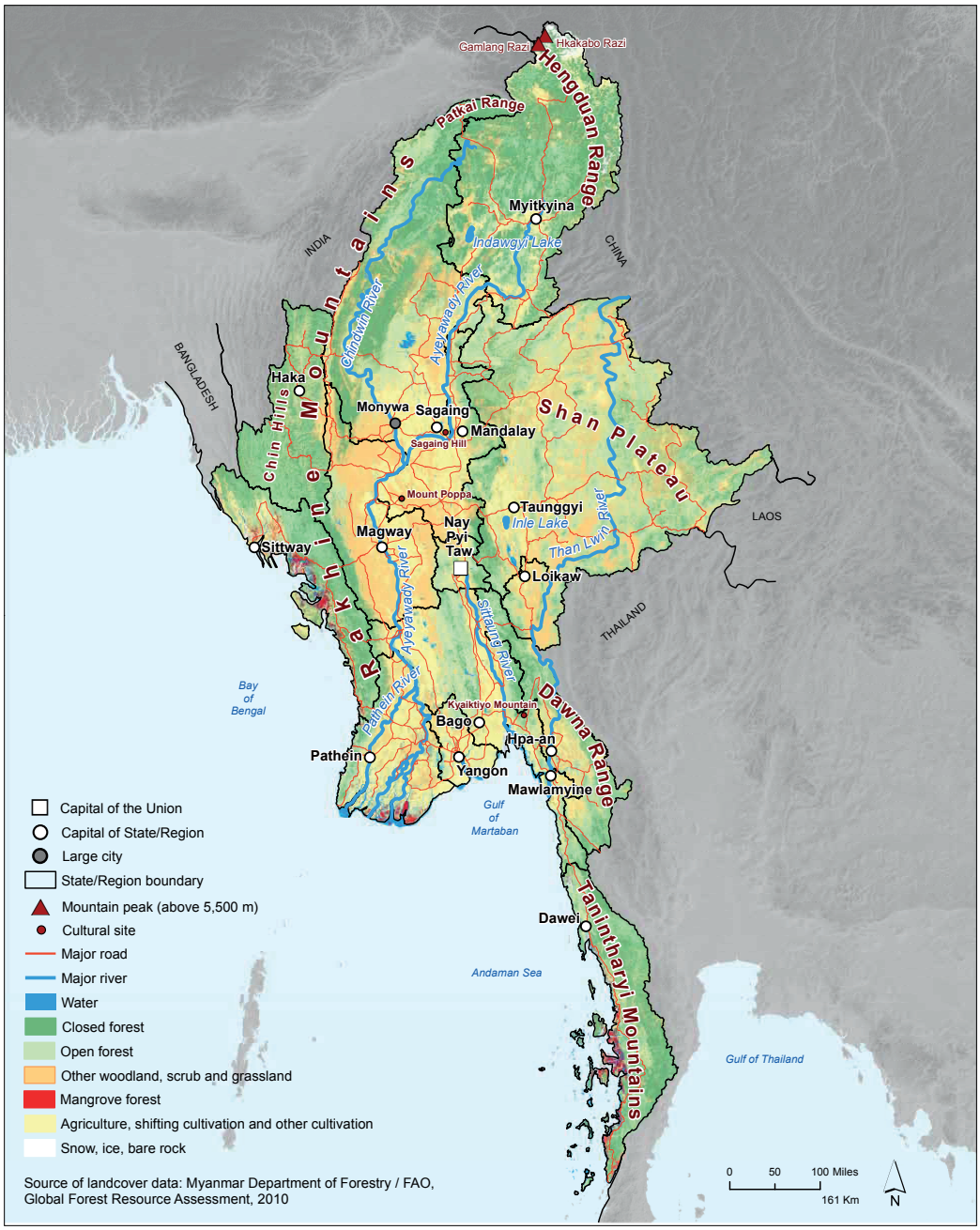
Climate - Monsoon winds are the main drivers of Myanmar's climate. Combined with the predominantly north-south alignment of the country's mountain ranges and valleys, the winds create a pattern of alternating wet and dry zones during both the north-east (November to February) and south-west (June to October) monsoon seasons. All parts of the country have adequate rainfall for agriculture year-round, though irrigation is needed in many lowland areas, particularly during the dry inter-monsoonal season from February to May. Cold temperatures are the limiting factors in the high north, where cold air masses from Central Asia bring snow for two months each year. The wettest parts of the country are the coasts and mountain ranges in the west and south-east, which receive more than 5,000 millimetres (200 inches) of rainfall annually. About 2,500 millimetres (100 inches) of rain falls on the Ayeyawady delta each year. Proximity to the coast and the low, flat terrain of this part of Myanmar makes it particularly vulnerable to risks associated with the tropical cyclones that occasionally form in the Andaman Sea. The central basin is known as the dry zone. Sheltered from the wet westerly winds by the Rakhine Mountains, this part of the country only receives between 500 and 1,000 millimetres (20 to 40 inches) of rainfall per year.

Agriculture - The combined influences of the natural elements described above are reflected in Myanmar's three distinct agricultural zones: the Ayeyawady and other deltas, where paddy rice is the dominant crop; the dry lowlands, where production of a wide variety of crops, including rice, are made possible by irrigation; and hill and plateau regions, where tree crops and shifting agriculture predominate. Important crops raised in the dry zone include sugarcane, legumes, groundnuts, maize, onions, sesame and rubber. Upland crops include some extensive tea and coffee estates and large areas of mixed agriculture where the principle crops are upland rice, yams, maize and millet. In addition large numbers of pigs, poultry, goats and chickens are kept. Bullocks and buffalo are commonly used as working animals.

Settlements and Transportation - For centuries, Myanmar has been a country of small towns and villages, linked together by extensive networks of narrow roads, tracks and rivers. However, the last 150 years have seen some major changes as transportation and communication links have modernized and the growth of urban centres such as Yangon, Mandalay, Mawlamyine, Taunggyi and Monywa has accelerated. Powering boats with steam engines was the first major innovation to make a big impact in this regard. Then followed the railways, which helped make the movement of people and products between the country's major towns and cities faster, efficient and less expensive. Myanmar is now expanding and upgrading its road network and air linkages to further improve accessibility and boost the productive capacity of more people in more remote parts of the country. Further improvements in the mobile/cell phone network and internet connectivity are also contributing to Myanmar's accelerating transition from a traditional, agriculture-based past to a natural resource processing, manufacturing and service sector-based future.

Primary reference for this section:
Encyclopaedia Britannica, 2016.

Map 1.1 Myanmar - Physical and Human Landscape



1.2 Administrative Structure

When the Census was conducted in March and April 2014, Myanmar was divided for administrative purposes into 15 States/Regions, 74 Districts, 330 Townships and 83 Sub-Townships. The maps on the following pages show the locations of all these administrative areas and identifies them by name: Map 1.2a for States/Regions; Map 1.2b for Districts; and Map 1.3 for Townships and Sub-Townships.

The Census used this administrative structure as the framework within which it delineated areas for the purposes of planning and managing the enumeration of the population. The entire territory of Myanmar was divided into enumeration areas, most of them containing between 100 and 150 households. In remote, sparsely populated parts of the country, enumeration areas had fewer than 100 households. This approach is the international standard practice for conducting censuses, and it is applied so that, in principle, no households are left out of the enumeration, and no household is counted more than once.

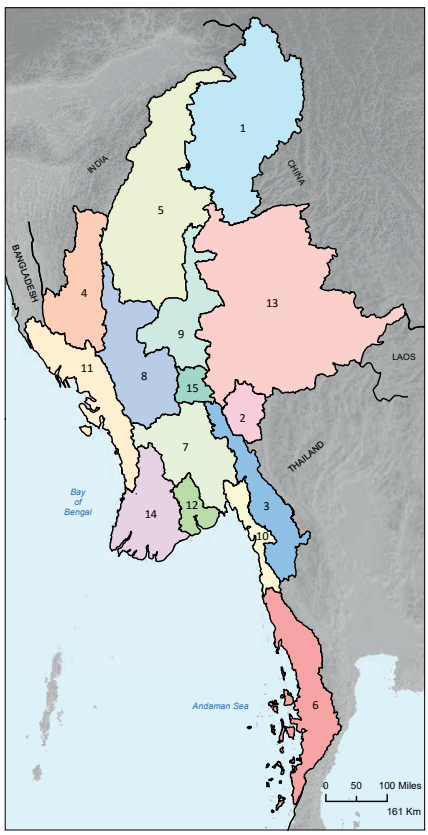
Following a restructuring of the administrative system by the Ministry of Home Affairs' General Administration Department in November 2014, the Sub-Township level was removed, and units that previously had Sub-Township status were absorbed into the adjusted Townships. The number of Townships under the current constitutional arrangement is 330. However, since the 2014 Census provides a snapshot of the demographic characteristics of Myanmar in March/April 2014, this atlas presents the results according to the administrative structure in place at that time. The locations of the 83 Sub-Townships that were absorbed into Townships in November 2014 are shown on Map 1.3. They are identified with the assignation 'S-T' in the map's key.

Though Map 1.3 distinguishes between Townships and Sub-Townships, the analysis and maps presented for this administrative level in all subsequent chapters refers to both, collectively, as 'Townships'. This is in the interests of brevity and clarity, and also in recognition of the fact that the Sub-Township level was removed from the administrative hierarchy shortly after the Census was completed.

The maps presented here provide a reference to help readers identify the administrative areas for which Census data are presented on the other maps in this atlas, most of them without place names. By omitting place names, the cartographers who made the maps were able to present the geographic patterns and distributions inherent in the Census data clearly and in great detail. The poster included with this atlas shows the same three reference maps. Opening up the poster as a ready reference while leafing through the atlas will save readers the inconvenience of continually flipping back to this introductory chapter to identify individual States/Regions, Districts and Townships. The poster also makes a good wall chart.

Map 1.2 Administrative Areas

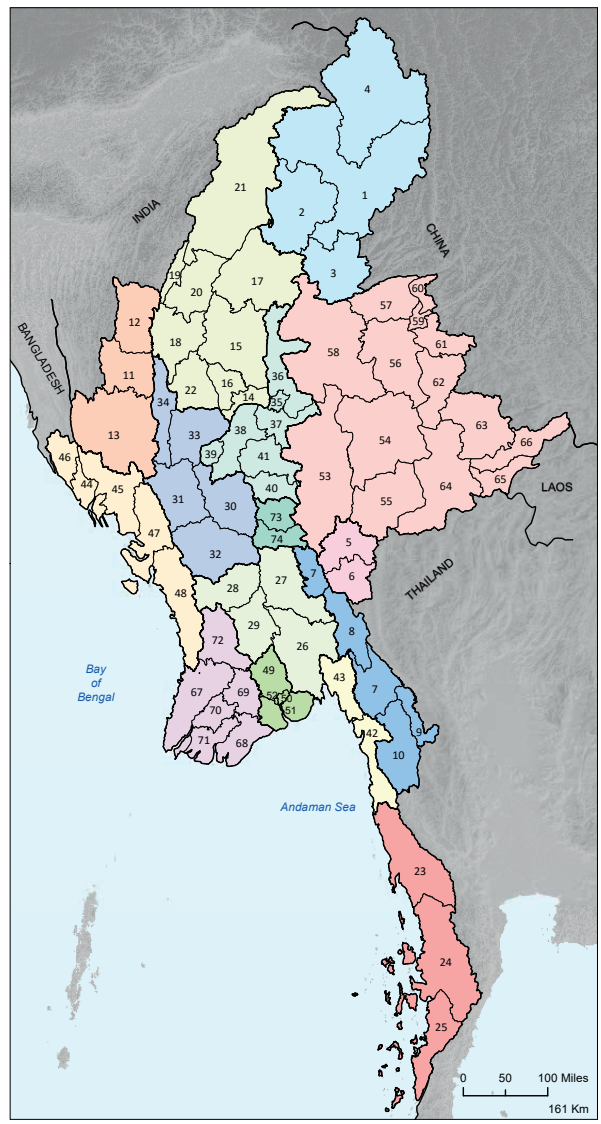
a) States/Regions



States/Regions

- Kachin State
- Kayah State
- Kayin State
- Chin State
- Sagaing Region
- Tanintharyi Region
- Bago Region
- Magway Region
- Mandalay Region
- Mon State
- Rakhine State
- Yangon Region
- Shan State
- Ayeyawady Region
- Nay Pyi Taw Union Territory
- State/Region boundary
- District boundary

b) Districts



1. Kachin State
2. Kayah State
3. Kayin State
4. Chin State
5. Sagaing Region
6. Tanintharyi Region
7. Bago Region
8. Magway Region
9. Mandalay Region
10. Mon State
11. Rakhine State
12. Yangon Region
13. Shan State
14. Ayeyawady Region
15. Nay Pyi Taw Union Territory

Kachin
1. Myitkyina
2. Mohnyin
3. Bhamo
4. Putao

Kayah
5. Loikaw
6. Bawlakhe

Kayin
7. Hpa-An
8. Pharpon
9. Myawady
10. Kawkareik

Chin
11. Haka
12. Falam
13. Mindat

Sagaing
14. Sagaing
15. Shwebo
16. Monywa
17. Katha
18. Kalay
19. Tamu
20. Mawlaik
21. Hkamti
22. Yinmarpin

Tanintharyi
23. Dawei
24. Myeik
25. Kawthoung

Bago
26. Bago
27. Toungoo
28. Pyay
29. Thayawady

Magway
30. Magway
31. Minbu
32. Thayet
33. Pakokku
34. Gangaw

Mandalay
35. Mandalay
36. Pyin Oo Lwin
37. Kyaukse
38. Myingyan
39. Nyaung U
40. Yame`thin
41. Meiktila

Mon
42. Mawlamyine
43. Thaton

Rakhine
44. Sittway
45. Myauk U
46. Maungtaw
47. Kyaukpyu
48. Thandwe

Yangon
49. North Yangon
50. East Yangon
51. South Yangon
52. West Yangon

Shan
53. Taunggyi
54. Loilin
55. Linkhe`
56. Lashio
57. Muse
58. Kyaukme
59. Kunlon
60. Laukine
61. Hopan
62. Makman
63. Kengtung
64. Minesat
65. Tachileik
66. Minephyat

Ayeyawady
67. Pathein
68. Phyapon
69. Maubin
70. Myaungmya
71. Labutta
72. Hinthada

Nay Pyi Taw
73. Ottara (North)
74. Dekkhina (South)

Key to Map 1.3

KACHIN
Myitkyina
1. Myitkyina
2. Waingmaw
3. Ingyanyan
4. Tanaing
5. Chiphwe
6. Hsotlaw
7. Hsinbo (S-T)
8. Hsadone (S-T)
9. Kanpaikti (S-T)
10. Shinbwayyan (S-T)
11. Panwa (S-T)

Mohnyin
12. Mohnyin
13. Mogaung
14. Phakant
15. Hopin (S-T)
16. Kamine (S-T)

Bhamo
17. Bhamo
18. Shwegu
19. Momauk
20. Mansi
21. Myohla (S-T)
22. Lwe`ge` (S-T)
23. Dotphoneyan (S-T)

Putao
24. Putao
25. Sumprabum
26. Machanbaw
27. Khaunglanphoo
28. Naungmoon
29. Pannandin (S-T)

KAYAH
Loikaw
30. Loikaw
31. Dimawso
32. Phruso
33. Shardaw

Bawlakhe
34. Bawlakhe
35. Parsaung
36. Meisi
37. Ywathit (S-T)

KAYIN
Hpa-An
38. Hpa-An
39. Hlaingbwe
40. Thandaunggyi
41. Paingkyon (S-T)
42. Shan Ywathit (S-T)
43. Leiktho (S-T)
44. Bawgali (S-T)

Pharpon
45. Pharpon
46. Kamamaung (S-T)

Myawady
47. Myawady
48. Sugali (S-T)
49. Wawlaymyaing(S-T)

Kawkareik
50. Kawkareik
51. Kyarinseikkyi
52. Payarthonezu (S-T)
53. Kyaidon (S-T)

CHIN
Haka
54. Haka
55. Thantlang

Falam
56. Falam
57. Tedim
58. Tonzaung
59. Rihkhuadal (S-T)
60. Cikha (S-T)

Mindat
61. Mindat
62. Matupi
63. Kanpalet
64. Paletwa
65. Reazu (S-T)
66. Sami (S-T)

SAGAING
Sagaing
67. Sagaing
68. Myinmu
69. Myaung

Shwebo
70. Shwebo
71. Khin U
72. Wetlet
73. Kambalu
74. Kyunhla
75. Ye U
76. Depayin
77. Tasei
78. Kyaukmyaung (S-T)

Monywa
79. Monywa
80. Butalin
81. Ayartaw
82. Chaung Oo

Katha
83. Katha
84. Indaw
85. Tigyaing
86. Banmauk
87. Kawlin
88. Wuntho
89. Pinlebu

Kalay
90. Kalay
91. Kalewa
92. Mingin

Tamu
93. Tamu
94. Myothit (S-T)
95. Khampat (S-T)

Mawlaik
96. Mawlaik
97. Phaungpyin

Hkamti
98. Hkamti
99. Homalin
100. Leshi
101. Lahe
102. Nanyun
103. Mobaingluk (S-T)
104. Sonemara (S-T)
105. Htanparkway (S-T)
106. Pansaung (S-T)
107. Donhee (S-T)

Yinmarpin
108. Yinmarpin
109. Salingyi
110. Palae
111. Kani

TANINTHARYI
Dawei
112. Dawei
113. Lounglon
114. Thayetchaung
115. Yebyu
116. Myitta (S-T)
117. Kaleinaung (S-T)

Myeik
118. Myeik
119. Kyunsu
120. Palaw
121. Tanintharyi
122. Palauk (S-T)

Kawthoung
123. Kawthoung
124. Bokepyin
125. Khamaukkyi (S-T)
126. Pyigyimandaing (S-T)
127. Karathuri (S-T)

BAGO
Bago
128. Bago
129. Tanatpin
130. Kawa
131. Waw
132. Nyaunglebin
133. Kyauktaga
134. Daik U
135. Shwegyin

Toungoo
136. Toungoo
137. Yaedashe
138. Kyaukkyi
139. Pyu
140. Oatwin
141. Htantapin

Pyay
142. Pyay
143. Paukkhaung
144. Padaung
145. Paunde
146. Thegon
147. Shwedaung

Thayawady
148. Thayawady
149. Letpadan
150. Minhla
151. Okpo
152. Zigon
153. Nattalin
154. Monyo
155. Gyobingauk

MAGWAY
Magway
156. Magway
157. Yenangyoung
158. Chauk
159. Taungdwingyi
160. Myothit
161. Natmauk

Minbu
162. Minbu
163. Pwint Phyu
164. Ngape
165. Salin
166. Saytottara

Thayet
167. Thayet
168. Minhla
169. Mindon
170. Kamma
171. Aunglan
172. Sinpaungwe`

Pakokku
173. Pakokku
174. Yesagyo
175. Myaing
176. Pauk
177. Seikphyu

Gangaw
178. Gangaw
179. Htilin
180. Saw
181. Kyaukhtu (S-T)

MANDALAY
Mandalay
182. Aungmyetharzan
183. Chanayetharzan
184. Mahaaungmye
185. Chanmyatharzi
186. Pyigyidagun
187. Amarapura
188. Patheingyi

Pyin Oo Lwin
189. Pyin Oo Lwin
190. Madaya
191. Sinku
192. Mogok
193. Thabeikkyin
194. Tagaung (S-T)

Kyaukse
195. Kyaukse
196. Singaing
197. Myitthar
198. Tada U

Myingyan
199. Myingyan
200. Taungtha
201. Natogyi
202. Kyaukpadaung
203. Ngazun

Nyaung U
204. Nyaung U
205. Ngathayauk (S-T)

Yame`thin
206. Yame`thin
207. Pyawbwe

Meiktila
208. Meiktila
209. Mahlaing
210. Thazi
211. Wundwin

MON
Mawlamyine
212. Mawlamyine
213. Kyaikemaraw
214. Chaungzon
215. Thanbyuzayat
216. Mudon
217. Ye
218. Lamine (S-T)
219. Khawzar (S-T)

Thaton
220. Thaton
221. Paung
222. Kyaikto
223. Bilin

RAKHINE
Sittway
224. Sittway
225. Ponnagyun
226. Pauktaw
227. Yethedaung

Myauk U
228. Myauk U
229. Kyauktaw
230. Minbya
231. Myebon

Maungtaw
232. Maungtaw
233. Buthidaung
234. Taungpyoletwe(S-T)

Kyaukpyu
235. Kyaukpyu
236. Mannaung
237. Yanbye
238. An

Thandwe
239. Thandwe
240. Toungup
241. Gwa
242. Maei (S-T)
243. Kyeintali (S-T)

YANGON
North Yangon
244. Insein
245. Mingaladon
246. Hmawby
247. Hlegu
248. Taikkyi
249. Htantabin
250. Shwepyitha
251. Hlinethaya

East Yangon
252. Thingangyun
253. Yankin
254. South Okkalapa
255. North Okkalapa
256. Thakayta
257. Dawbon
258. Tamway
259. Pazuntaung
260. Botahtaung
261. Dagon Myothit (South)
262. Dagon Myothit (North)
263. Dagon Myothit (East)
264. Dagon Myothit (Seikkan)
265. Mingala Taungnyunt

South Yangon
266. Thanlyin
267. Kyauktan
268. Thongwa
269. Khayan
270. Twantay
271. Kawhmu
272. Kungyangon
273. Dala
274. Seikkyi/Khanaungto
275. Cocogyun
276. Tada (S-T)

West Yangon
277. Kyauktada
278. Pabedan
279. Lanmadaw
280. Latha
281. Ahlon
282. Kyimyindine
283. Sangyoung
284. Hline
285. Kamayut
286. Mayangon
287. Dagon
288. Bahan
289. Seikkan

SHAN
Taunggyi
290. Taunggyi
291. Nyaungshwe
292. Hopon
293. Hsihseng
294. Kalaw
295. Pindaya
296. Ywarngan
297. Yatsauk
298. Pinlaung
299. Phekon
300. Kyauktalongyi (S-T)
301. Indaw (S-T)
302. Naungtayar (S-T)

Loilin
303. Loilin
304. Le`char
305. Nanhsam (South)
306. Kunhing
307. Kehsi
308. Mongkai
309. Mineshu
310. Panglong (S-T)
311. Kholan (S-T)
312. Karli (S-T)
313. Minenaung (S-T)
314. Minesan (Monsan) (S-T)

Linkhe`
315. Linkhe`
316. Mone`
317. Maukme`
318. Minepan
319. Homane (S-T)
320. Kengtaung (S-T)

Lashio
321. Lashio
322. Theinni
323. Mineye`
324. Tantyan

Muse
325. Muse
326. Namkham
327. Kukai
328. Monekoe (S-T)
329. Manhero (S-T)
330. Pansai (Kyu Kute) (S-T)
331. Tamoenye (S-T)

Kyaukme
332. Kyaukme
333. Naungkhio
334. Hsipaw
335. Namtu
336. Namsan (North)
337. Momeik
338. Mabane
339. Manton
340. Minengaw (S-T)
341. Minelon (S-T)

Kunlon
342. Kunlon

Laukine
343. Laukine
344. Kongyan
345. Chinshwehaw (S-T)
346. Mawhtike (S-T)

Hopan
347. Hopan
348. Minemaw
349. Panwine
350. Panlon (S-T)

Makman
351. Makman
352. Pan San (Pan Kham)
353. Naphang
354. Mankan (S-T)

Kengtung
355. Kengtung
356. Minekat
357. Mineyan
358. Minelar
359. Mine Pauk (S-T)

Minesat
360. Minesat
361. Minepyin
362. Minetung
363. Minekoke (S-T)
364. Tontar (S-T)
365. Ponparkyin (S-T)
366. Monehta (S-T)

Tachileik
367. Tachileik
368. Talay (S-T)
369. Kenglat (S-T)

Minephyat
370. Minephyat
371. Mineyaung
372. Mineyu (S-T)

AYEYAWADY
Pathein
373. Kangyidaunt
374. Kyaungon
375. Kyonpyaw
376. Ngaputaw
377. Pathein
378. Yekyi
379. Thapaung
380. Ngayokaung (S-T)
381. Hainggyikyun (S-T)
382. Shwethaungyan (S-T)
383. Ngwehsaung (S-T)
384. Ngathaingchaung(S-T)

Phyapon
385. Kyaiklatt
386. Daydaye
387. Phyapon
388. Bogale
389. Ahmar (S-T)

Maubin
390. Nyaungdon
391. Danubyu
392. Pantanaw
393. Maubin

Myaungmya
394. Myaungmya
395. Wakema
396. Einme

Labutta
397. Mawlamyinegyun
398. Labutta
399. Pyinsalu (S-T)

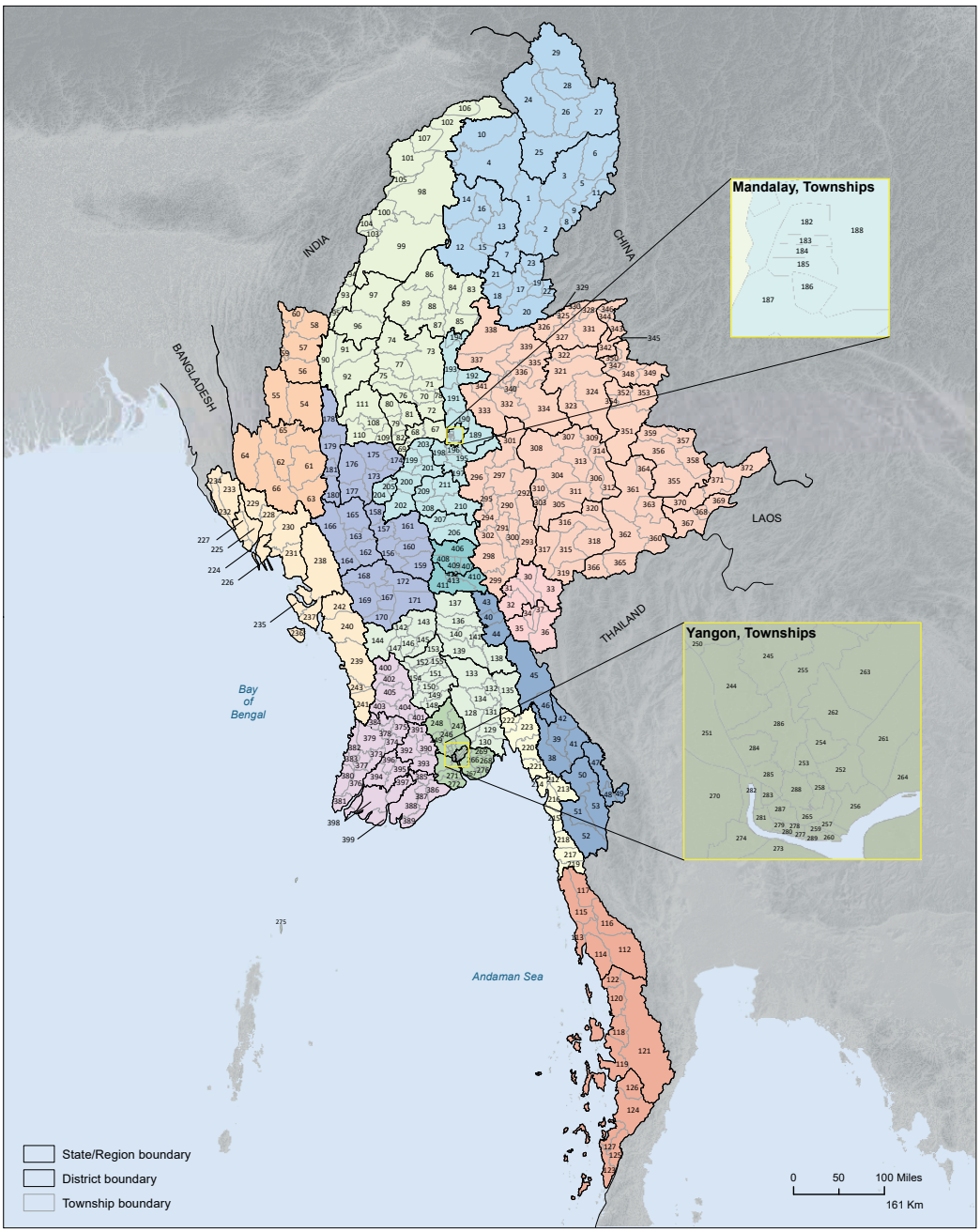
Hinthada
400. Kyangin
401. Zalun
402. Myanaung
403. Laymyethna
404. Hinthada
405. Ingapu

NAY PYI TAW
Ottara (North)
406. Tatkon
407. Zeyarthiri
408. Ottarathiri
409. Pobbathiri

Dekkhina (South)
410. Pyinmana
411. Lewe
412. Zabuthiri
413. Dekkhinathiri

Administrative areas identified as '(S-T)' existed as Sub-Townships when the Census was conducted in March/April, 2014. The 83 Sub-Townships were subsequently absorbed into Townships when the Government reorganized the administrative structure of Myanmar in November 2014. See the 'Townships and Sub-Townships' section of the Introduction for an explanation of how the 2014 Census addressed Townships and Sub-Townships for the purposes of collecting and reporting Census data.

Map 1.3 Administrative Areas, Townships



Annex 21

2

General Population Characteristics

This chapter covers a broad range of topics that describe the general socio-demographic characteristics of the people of Myanmar at the time of the 2014 Census. Themes explored include where people live and in what numbers; the age and sex composition of people in different parts of the country; relationships between potentially productive and dependent groups; differences between urban and rural populations; and spatial variations in the distribution of followers of different religions. The main questions asked to obtain this information are shown in the extract from the Census questionnaire below.

A pattern which becomes clear in this chapter, and which occurs repeatedly throughout the atlas, shows substantial differences between the people who inhabit the middle corridor between Mandalay and Yangon, and those who live in the Districts and Townships surrounding this corridor. In terms of basic population characteristics, the Census showed that, in general, people in the middle corridor live at higher densities; have larger proportions of potentially productive working-age people; have more females than males; and are more likely to live in urban rather than rural areas, than people who live in outlying areas.

Indicators explored in subsequent chapters reveal a similar horseshoe pattern. Whether it be attendance and attainment at school, literacy, prevalence of disabilities, job opportunities, access to household services, or quality of housing, people living in the middle corridor generally fare better than those living in the outer ring. This is not a new observation, since the Ayeyawady River catchment has long been recognized as the wealthiest and most productive and accessible part of the country. However, the 2014 Population and Housing Census has generated a wealth of empirical data to support (and occasionally refute) observations and conclusions that until now have largely been anecdotal.

FOR ALL MEMBERS OF THE HOUSEHOLD

1. Serial number of household member	2. Name (Write all persons who spent the night of 29 March 2014 in this household. Make sure to include babies, elderly persons, disabled persons and visitors) ONLY PERSONS WHO SPENT THE CENSUS NIGHT IN THIS HOUSEHOLD	3. Relationship to the head of the household: Head of Household; Spouse; Son/Daughter; Son/Daughter-in-Law; Grandchild/Great grandchild; Parent/Parent-in-Law; Sibling; Grandparent; Other Relative; Adopted Child; Non Relative	4. Sex: Male; Female	5. Completed Age *If age greater than or equal to 98, write "98". If less than one write "00".* In Years	6. Marital status: Single (Never married); Married; Widowed; Divorced/Separated; Renounced	7. Religion: Buddhist; Christian; Islam; Hindu; Animist; Other Religion; No Religion	8. Ethnicity

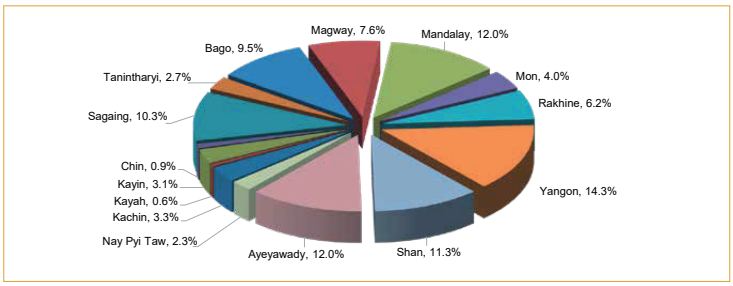
2.1 Population Distribution

As at midnight, between 29 and 30 March 2014, the 2014 Myanmar Census estimated the total population of the country at 51,486,253. This figure includes 50,279,900 people enumerated through the field data collection operation, and an additional estimated 1,206,353 people, based on the Census mapping activity, who were not counted. This estimate includes 1,090,000 people in Rakhine State, 69,753 people in Kayin State, and 46,600 people in Kachin State (see Introduction, Enumerated and Estimated Populations, page XIII).

The population of Myanmar is most heavily concentrated in the central part of the country, along a corridor connecting the cities of Yangon, Nay Pyi Taw and Mandalay. Geographical information system (GIS) analysis shows that approximately 50 per cent of the total population lives within 100 kilometres of these three urban centres. The other half of the population is distributed relatively sparsely in largely rural areas to the north, south, east and west, though there are smaller urban concentrations in all of these areas.

This second tier of densely settled urban areas can be seen on Map 2.1 and includes, for example, Sittway and Maungtaw in Rakhine State, Taunggyi in Shan State, Pathein in Ayeyawady Region, Mawlamyine in Mon State, and Myiek in Tanintharyi Region. Myanmar's middle corridor is relatively heavily populated, but far more people live in the Districts and Townships of the outer ring, albeit at much lower densities. The Census reported more than 70 per cent of the population living in rural areas in 2014.

Figure 2.1 Proportion of Union Population, States/Regions



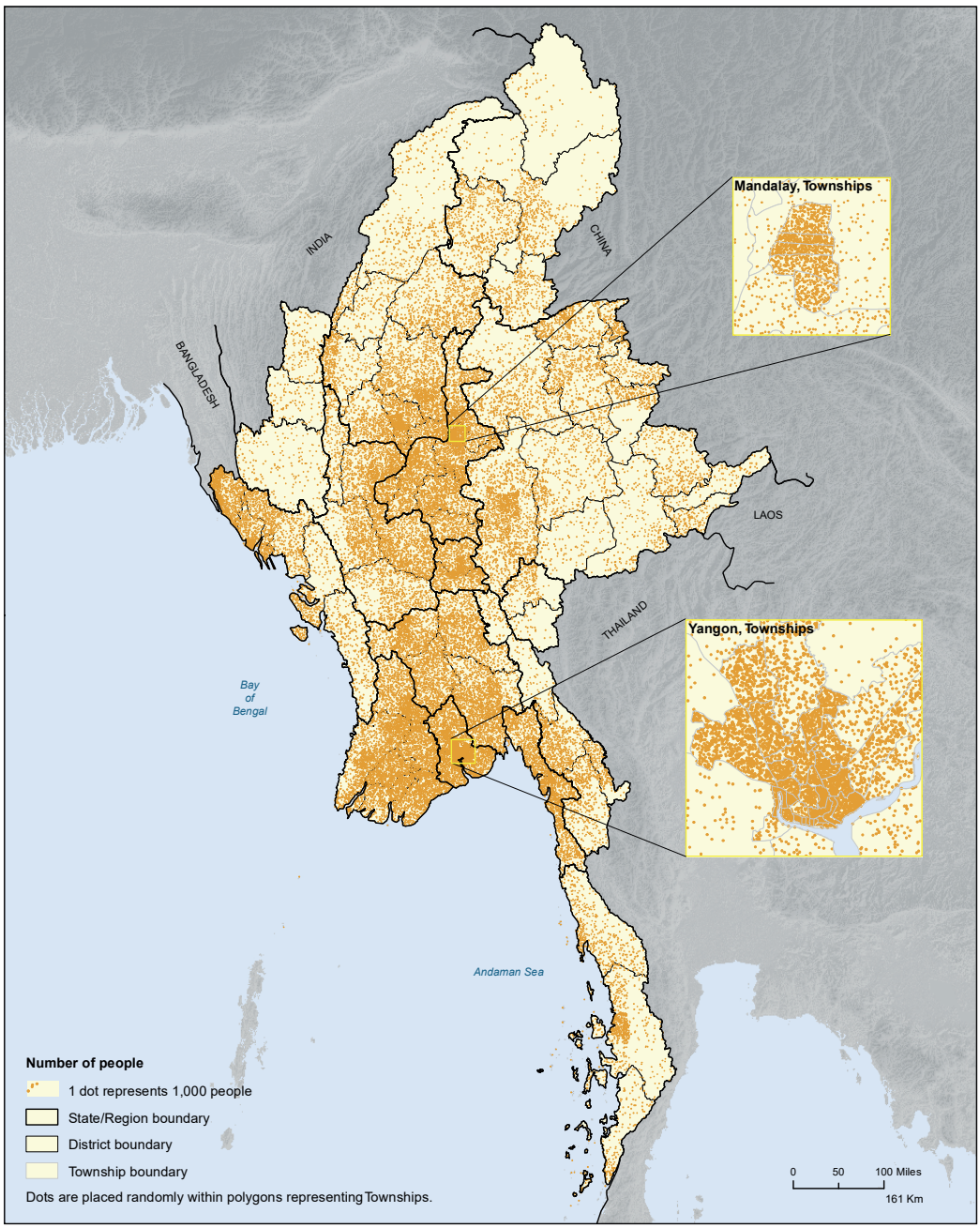
Among the States and Regions, Yangon Region has the largest population at 7.3 million, followed by Ayeyawady and Mandalay Regions, each with approximately 6.2 million, and Shan State, with 5.8 million (see Table 2.1). Figure 2.1 shows that these four States/Regions are home to just under half of the total population of the country. The other half of the population, some 26 million people, is distributed unevenly throughout the other 11 States and Regions. Moderately large numbers of people live in Bago Region, Magway Region, Rakhine State and Sagaing Region; large territories that are home to approximately a third of the total population. The remaining 17 per cent of the population live in the other seven States and Regions. Their numbers are relatively small either because they live in administrative areas occupying small land areas, such as Nay Pyi Taw Union Territory, Mon State and Kayah State, or because they live at very low densities in large administrative areas, as in Tanintharyi Region and in Chin, Kachin and Kayin States.

Table 2.1 Total Population (Enumerated plus Estimated) and Population Density, States/Regions and Districts

State/Region District	Area (Km²)	Total Population	Population Density per Km²
UNION	**676,577**	**51,486,253**	**76**
Kachin	**89,042**	**1,689,441**	**19**
Myitkyina	35,455	531,456	15
Mohnyin	15,362	673,608	44
Bhamo	10,743	393,120	37
Putao	27,482	91,257	3
Kayah	**11,732**	**286,627**	**24**
Loikaw	6,565	243,718	37
Bawlakhe	5,166	42,909	8
Kayin	**30,383**	**1,574,079**	**52**
Hpa-An	10,890	783,510	72
Pharpon	6,723	104,838	16
Myawady	3,136	210,540	67
Kawkareik	9,634	475,191	49
Chin	**36,019**	**478,801**	**13**
Haka	7,716	98,726	13
Falam	8,547	167,578	20
Mindat	19,755	212,497	11
Sagaing	**93,702**	**5,325,347**	**57**
Sagaing	2,483	520,591	210
Shwebo	14,877	1,433,343	96
Monywa	3,474	757,358	218
Katha	15,862	861,283	54
Kalay	8,642	509,368	59
Tamu	1,325	114,869	87
Mawlaik	7,682	164,008	21
Hkamti	32,790	422,692	13
Yinmarpin	6,567	541,835	83
Tanintharyi	**43,345**	**1,408,401**	**32**
Dawei	14,004	493,576	35
Myeik	20,158	693,087	34
Kawthoung	9,183	221,738	24
Bago	**39,404**	**4,867,373**	**124**
Bago	13,855	1,770,785	128
Toungoo	10,645	1,123,355	106
Pyay	7,644	910,902	119
Thayawady	7,261	1,062,331	146
Magway	**44,821**	**3,917,055**	**87**
Magway	9,630	1,235,030	128
Minbu	9,314	687,575	74
Thayet	11,995	738,047	62
Pakokku	8,302	1,005,545	121
Gangaw	5,579	250,858	45
Mandalay	**30,888**	**6,165,723**	**200**
Mandalay	915	1,726,889	1,887
Pyin Oo Lwin	8,307	1,001,945	121
Kyaukse	4,157	741,071	178
Myingyan	6,415	1,055,957	165
Nyaung U	1,483	239,947	162
Yame`Thin	3,821	518,384	136
Meiktila	5,789	881,530	152
Mon	**12,297**	**2,054,393**	**167**
Mawlamyine	6,662	1,232,221	185
Thaton	5,635	822,172	146
Rakhine	**36,778**	**3,188,807**	**87**
Sittway	3,576	792,149	222
Myauk U	8,928	756,304	85
Maungtaw	3,538	842,591	238
Kyaukpyu	9,593	439,923	46
Thandwe	11,143	357,840	32
Yangon	**10,277**	**7,360,703**	**716**
North Yangon	4,687	2,606,670	556
East Yangon	365	2,366,659	6,488
South Yangon	5,031	1,417,724	282
West Yangon	194	969,650	4,990
Shan	**155,801**	**5,824,432**	**37**
Taunggyi	24,133	1,701,338	70
Loilin	19,748	565,162	29
Linkhe`	12,199	139,483	11
Lashio	12,324	612,248	50
Muse	7,817	453,495	58
Kyaukme	25,793	770,065	30
Kunlon	983	58,774	60
Laukine	1,894	154,912	82
Hopan	4,688	228,880	49
Makman	7,769	241,884	31
Kengtung	11,305	366,861	32
Minesat	17,521	243,571	14
Tachileik	3,587	177,313	49
Minephyat	6,039	110,446	18
Ayeyawady	**35,032**	**6,184,829**	**177**
Pathein	10,900	1,630,716	150
Phyapon	5,522	1,033,053	187
Maubin	4,277	973,948	228
Myaungmya	3,085	781,844	253
Labutta	4,262	626,558	147
Hinthada	6,986	1,138,710	163
Nay Pyi Taw	**7,057**	**1,160,242**	**164**
Ottara (North)	3,473	526,497	152
Dekkhina (South)	3,585	633,745	177

Source of land area data: Department of Settlement and Land Records, 2015.

Map 2.1 Population Distribution



The base population for this indicator is the number of individuals, both enumerated and estimated, that were living in conventional and institutional households at the time of the 2014 Census.

The number of dots in each administrative unit represents the total population of that administrative unit divided by 1,000. Since the dots are distributed randomly within administrative units, they only give an impression of the density of the population; they do not show precisely where people live within each State/Region, District or Township.

© Department of Population, Ministry of Labour, Immigration and Population. Nay Pyi Taw, Myanmar, 2017.

Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

2.2 Land Area and Population Density

At 676,577 square kilometres, Myanmar is the 39th largest country in the world, and the 11th largest in Asia (UN DESA, 2014). On the world chart, Myanmar is slightly smaller than Chile and Zambia and slightly larger than Afghanistan and Ukraine (Table 2.2). China is by far the largest of Myanmar's immediate neighbours, followed closely by India, but Myanmar is slightly larger than Thailand and substantially larger than both Lao PDR and Bangladesh.

Table 2.2 shows that, compared with its neighbours in Asia, people in Myanmar generally live at a relatively low density, with only Lao PDR less densely populated. To the west, Myanmar shares a border with two of the most heavily and densely populated countries in the world - Bangladesh and India. At 1,087 people per square kilometre, population density in Bangladesh is by far the highest in the region. Lao PDR has the lowest, at only 29 people per square kilometre. Among neighbouring countries, Thailand is most similar in terms of population density with 131 people per square kilometre compared with Myanmar's 76. Interestingly, of all the countries in the world, Ukraine is closest to Myanmar in terms of both land area and population density.

The overall sparse population density at the Union level hides substantial variations in different parts of the country. Maps 2.1 and 2.2 show a clear regional distinction between the relatively densely settled middle corridor, stretching from Mandalay in the north to Yangon in the south, and the sparsely settled Districts and Townships that form a ring around this middle corridor. Differences between the middle corridor and the outer ring are a recurring theme of Myanmar's social and economic geography, and are evident on many of the maps presented in this atlas.

Maps 2.1 and 2.2 also show the highly skewed nature of the population distribution, whereby a large proportion of the population is concentrated in relatively few Districts and Townships. The 35 Districts that are more densely populated than the national average contain 70 per cent of the country's population, but Figure 2.2 shows that they only occupy 30 per cent of its land area. In 2014, with 716 people per km², Yangon Region was by far the most densely settled State/Region, with people living at 6,500 per km² in East Yangon District and almost 5,000 per km² in West Yangon District. Within these Districts, residents of Townships such as Sangyoung, Kyauktada and Pabedan were living at densities of more than 40,000 per km², whilst Pazuntaung in East Yangon District was the most densely populated Township in the country, with a very tightly packed 48,000 people living on its single square kilometre.

The remaining 30 per cent of the population was thinly spread across 38 Districts, occupying 70 per cent of the land area. Chin, Kachin, Kayah and Shan States, and Tanintharyi Region all had fewer than 50 people per km². Putao in Kachin State was the District with the lowest population density, at 3 people per km². Within Putao District, Sumparabum Township and Pannandin Sub-Township were both populated with fewer than 0.5 people per km², whilst Ingyanyan in Myitkyina District was the least densely populated Township, with each of its 1,732 residents occupying an average of almost 3 square kilometres of territory.

Figure 2.2 Proportion of Union Land Area, States/Regions

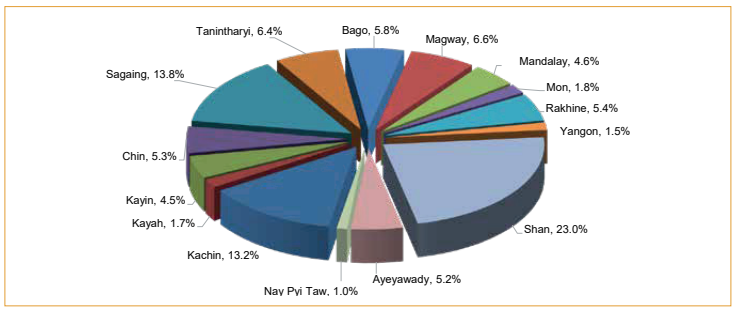


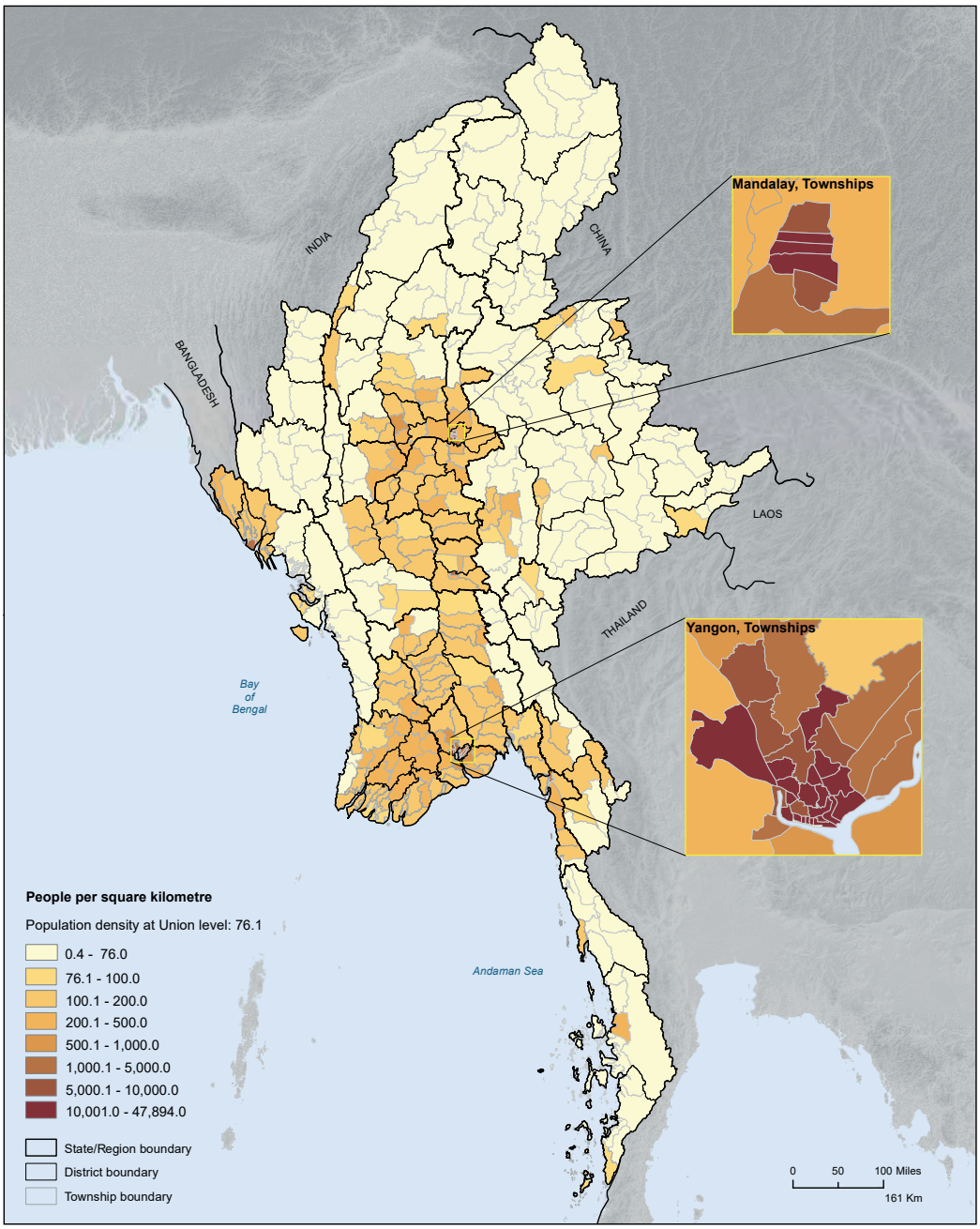
Table 2.2 Land Area and Population Density, International Comparisons

Country	Area (Km²)	Population Density per Km²
Myanmar	676,577	76
Similar-Sized Countries		
Afghanistan	652,864	47
Chile	756,102	23
South Sudan	658,841	18
Turkey	783,562	96
Ukraine	603,500	75
Zambia	752,612	19
Countries with Similar Population Densities		
Bosnia and Herzogovina	51,209	75
Croatia	56,594	76
Iraq	435,052	77
Kenya	591,958	76
Morocco	446,550	74
Ukraine	603,500	75
Neighbouring Countries		
Bangladesh	147,570	1,087
China	9,596,961	144
India	3,287,263	381
Lao PDR	236,800	29
Thailand	513,120	131

Sources:

1. Population densities from UN DESA, 2013.
2. Land areas from UN DESA, 2014.

Map 2.2 Population Density, Townships



The base population for this indicator is the number of individuals, both enumerated and estimated, that were living in conventional and institutional households at the time of the 2014 Census.

The indicator gives the number of people living in each Township divided by the area of the Township in square kilometres.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

2.3 Population Growth

Between the 1983 and 2014 censuses, Myanmar's population increased by almost 16.2 million people, or approximately 46 per cent (Table 2.3). This means that, on average, the population of the country increased by more than half a million people in each of the 31 years between the two censuses. The average annual growth rate during this period was 0.9 per cent, making Myanmar one of the slowest growing countries in South-East Asia (Department of Population, 2017a).

Figure 2.3 shows that the States/Regions with the largest population increases in terms of numbers were Yangon Region (increased by 3.4 million), Shan State (2.1 million), and Mandalay and Sagaing Regions (both 1.5 million). In percentage terms, the populations of Yangon Region and Kachin State almost doubled in size, with increases of more than 85 per cent, followed by Kayah State with an increase of 70 per cent. Magway and Ayeyawady Regions and Mon State grew the least, with population increases of little more than 20 per cent during the 31-year intercensal period (see Table 2.3). Nay Pyi Taw Union Territory was officially established in 2006 (Department of Population, 2015); until then the territory it occupies was part of Mandalay Region.

The maps opposite show some clear regional differences in the extent and nature of population change since 1983. States/Regions in the central corridor have seen the largest increases in terms of absolute numbers, the exception being Shan State, where a large proportion of the 2 million increase can probably be attributed to in-migration from other parts of Myanmar (Maps 2.3a and 2.3b). Slow population growth in Ayeyawady, Bago and Magway Regions and Mon State contrast sharply with the relatively rapid growth of Yangon Region (Map 2.3c). Perceived and real opportunities for economic advancement have attracted a steady stream of migrants into Yangon City, with net outmigration from neighbouring States/Regions tempering any natural growth that has occurred there. Map 2.3c also illustrates the most striking aspect of population growth in Myanmar in the last 30-40 years, which is that most parts of the country have experienced only very modest growth. As noted above, the annual growth rate for the country as a whole between 2003 and 2014 was only 0.9 per cent. Among Myanmar's South-East Asian neighbours, only Thailand (0.3 per cent) and China (0.6 per cent), had lower average annual growth rates (Department of Population, 2017a).

Figure 2.3 Total Population 1973, 1983 and 2014, States/Regions

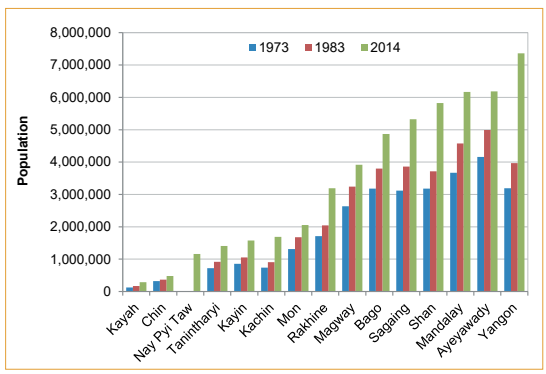


Table 2.3 Population Growth 1973-2014, States/Regions

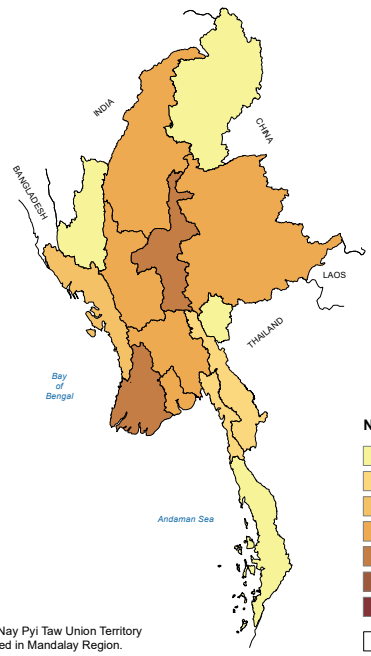
State/Region	Population			Percentage Growth	
	1973	1983	2014	1973 - 1983	1983 - 2014
UNION	**28,921,226**	**35,307,913**	**51,486,253**	**22.1**	**45.8**
Kachin	737,939	904,794	1,689,441	22.6	86.7
Kayah	126,574	168,429	286,627	33.1	70.2
Kayin	858,429	1,055,359	1,574,079	22.9	49.2
Chin	323,295	368,949	478,801	14.1	29.8
Sagaing	3,119,054	3,862,172	5,325,347	23.8	37.9
Tanintharyi	719,441	917,247	1,408,401	27.5	53.5
Bago	3,179,604	3,799,791	4,867,373	19.5	28.1
Magway	2,634,757	3,243,166	3,917,055	23.1	20.8
Mandalay	3,668,493	4,577,762	6,165,723	24.8	*60.0
Mon	1,314,224	1,680,157	2,054,393	27.8	22.3
Rakhine	1,712,838	2,045,559	3,188,807	19.4	55.9
Yangon	3,190,359	3,973,626	7,360,703	24.6	85.2
Shan	3,179,546	3,716,841	5,824,432	16.9	56.7
Ayeyawady	4,156,673	4,994,061	6,184,829	20.1	23.8
Nay Pyi Taw	n/a	n/a	1,160,242	n/a	n/a

* Percentage growth 1983-2014 in Mandalay Region includes the population of Nay Pyi Taw, calculated as follows: ((Population Mandalay 2014 + Population Nay Pyi Taw 2014 minus Population Mandalay 1983) / Population Mandalay 1983)) x 100.

Data Source: Department of Population, 2015 (Table 3, p.15).

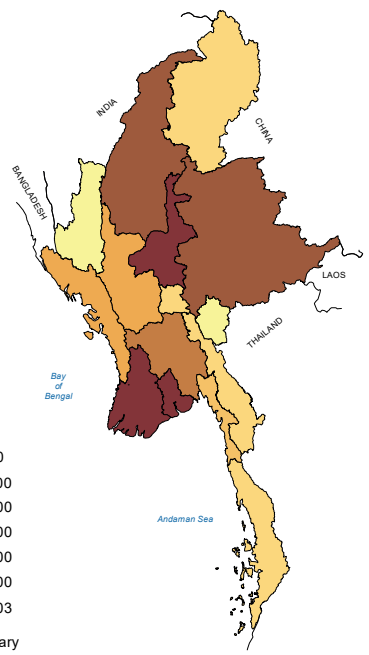
Map 2.3 Population Growth, States/Regions

a) 1983 population*



* In 1983, Nay Pyi Taw Union Territory was included in Mandalay Region.

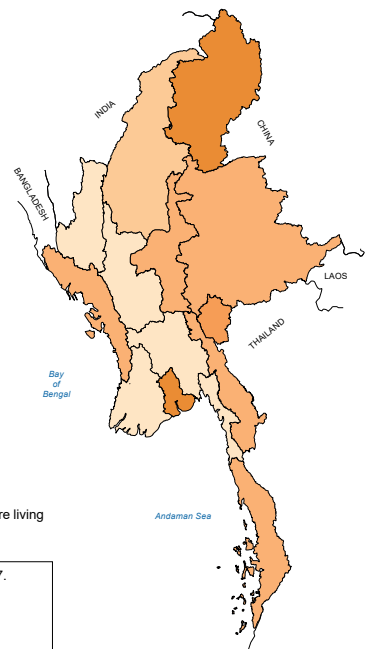
b) 2014 population



Number of people

- 168,429 - 1,000,000
- 1,000,001 - 2,000,000
- 2,000,001 - 3,000,000
- 3,000,001 - 4,000,000
- 4,000,001 - 5,000,000
- 5,000,001 - 6,000,000
- 6,000,001 - 7,360,703
- State/Region boundary

c) 1983 - 2014 population growth



Percentage of population growth 1983 - 2014

Population growth at Union level: 45.8

- 20.8 - 30.0
- 30.1 - 45.0
- 45.1 - 60.0
- 60.1 - 75.0
- 75.1 - 86.7
- State/Region boundary

0 50 100 Miles
161 Km

The base population for this indicator is the number of individuals, both enumerated and estimated, that were living in conventional and institutional households in 1983 and 2014.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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2.4 Age Composition: Age Groups

The most striking features of the age distribution shown in the population pyramid at Figure 2.4 are that Myanmar is a relatively young country (in terms of its age profile), with more than half the population younger than 30. There are fewer young children (0-9 years old) than adolescents (10-19 years old) and the proportion of elderly people (those older than 64) at just less than 6 per cent is around the regional average. The main reasons for these characteristics are likely to be declining mortality and fertility rates since World War II (Department of Population, 2017a), both of which have accelerated markedly in the last 20 years.

The 'youth bulge', showing clear evidence that more children were born between 1995 and 2004 than were born in the subsequent decade, is the clearest indication that fertility rates are dropping. It does not appear in either of the population pyramids from the 1973 and 1983 censuses.

Though still a relatively young country, Myanmar is ageing quite quickly, and it already has a larger proportion of elderly persons than many of its neighbours in South-East Asia. The proportion of the total population aged 65 and over in Myanmar is larger than in Brunei, Cambodia, Lao PDR, the Philippines and Timor-Leste but smaller than the proportion in Singapore, Thailand and Vietnam. It is even the same as the proportion of the over-60s in Malaysia (Department of Population, 2017a).

Regional and local variations in age structure are primarily caused by selective migration and geographic differences in fertility and mortality rates. Secondary causes include inequitable access to health, education and other social services. Predominantly rural Districts, where employment opportunities and access to social services are limited, tend to have higher proportions of children.

Districts in the middle corridor, where the largest urban centres are located and where access to jobs and social services is greater, have larger proportions of working-age and elderly people. Table 2.4 and Maps 2.4a, 2.4b and 2.4c show these distinct geographic patterns very clearly.

Figure 2.4 Population Pyramids, 1973, 1983 and 2014, Union

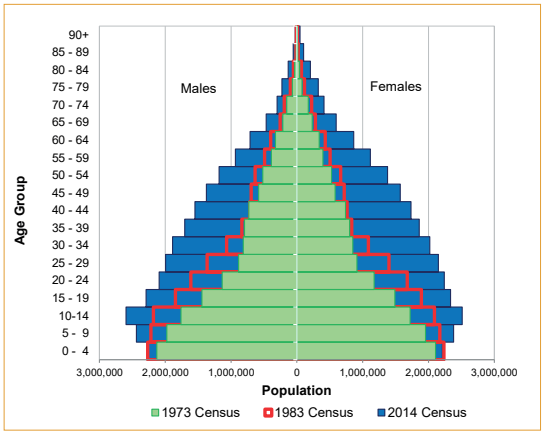
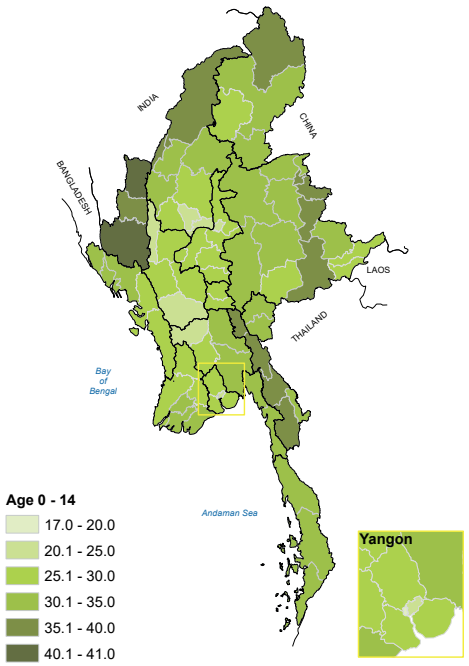


Table 2.4 Children, Working-Age and Elderly Share of Total Population, States/Regions and Districts

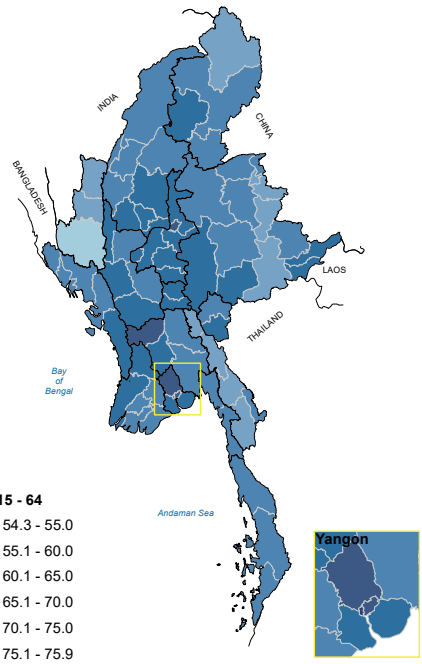
State/Region District	Percentage of Total Population			State/Region District	Percentage of Total Population			State/Region District	Percentage of Total Population		
	0 - 14 Years	15 - 64 Years	65 Years and Older		0 - 14 Years	15 - 64 Years	65 Years and Older		0 - 14 Years	15 - 64 Years	65 Years and Older
UNION	**28.6**	**65.6**	**5.8**	Myeik	35.0	60.7	4.4	**Yangon**	**23.4**	**70.9**	**5.6**
Kachin	**30.0**	**66.0**	**4.0**	Kawthoung	34.1	62.8	3.1	North Yangon	25.3	70.1	4.6
Myitkyina	31.9	63.8	4.3	**Bago**	**28.4**	**65.2**	**6.3**	East Yangon	21.4	72.3	6.4
Mohnyin	26.7	70.0	3.4	Bago	31.8	62.8	5.4	South Yangon	27.9	66.8	5.2
Bhamo	31.6	63.8	4.6	Toungoo	31.0	63.3	5.7	West Yangon	17.0	75.9	7.1
Putao	37.8	57.3	4.8	Pyay	21.8	70.5	7.7	**Shan**	**32.0**	**63.7**	**4.2**
Kayah	**34.5**	**61.7**	**3.7**	Thayawady	25.7	66.8	7.5	Taunggyi	30.8	65.1	4.1
Loikaw	35.0	61.1	3.9	**Magway**	**27.0**	**65.8**	**7.2**	Loilin	32.6	63.3	4.1
Bawlakhe	32.0	65.4	2.6	Magway	27.7	65.0	7.3	Linkhe`	29.0	65.9	5.1
Kayin	**35.8**	**59.1**	**5.1**	Minbu	27.0	66.4	6.7	Lashio	32.0	63.5	4.5
Hpa-An	36.4	57.8	5.8	Thayet	24.3	68.6	7.1	Muse	32.1	63.4	4.5
Pharpon	36.4	59.9	3.7	Pakokku	28.6	64.0	7.4	Kyaukme	30.6	64.9	4.5
Myawady	33.1	64.1	2.8	Gangaw	24.9	67.5	7.6	Kunlon	38.0	57.4	4.6
Kawkareik	35.9	58.9	5.1	**Mandalay**	**25.9**	**67.9**	**6.2**	Laukine	34.4	61.5	4.1
Chin	**40.0**	**55.3**	**4.8**	Mandalay	23.5	71.6	4.9	Hopan	38.1	57.5	4.4
Haka	37.4	56.8	5.8	Pyin Oo Lwin	28.4	66.9	4.7	Makman	37.0	59.4	3.5
Falam	40.2	55.6	4.3	Kyaukse	26.4	67.8	5.8	Kengtung	30.9	64.5	4.6
Mindat	41.0	54.3	4.7	Myingyan	26.4	65.5	8.1	Minesat	37.3	59.6	3.0
Sagaing	**28.7**	**65.1**	**6.2**	Nyaung U	25.1	67.4	7.4	Tachileik	27.9	67.9	4.2
Sagaing	23.8	68.0	8.2	Yame`thin	26.9	66.3	6.8	Minephyat	29.4	65.7	4.8
Shwebo	27.4	65.6	7.1	Meiktila	26.6	65.9	7.5	**Ayeyawady**	**29.4**	**64.7**	**5.8**
Monywa	24.7	67.9	7.4	**Mon**	**31.2**	**62.3**	**6.5**	Pathein	28.6	65.7	5.7
Katha	31.2	64.0	4.8	Mawlamyine	30.0	63.0	6.9	Phyapon	32.2	63.2	4.6
Kalay	30.6	64.5	4.9	Thaton	33.1	61.1	5.8	Maubin	29.5	64.5	6.0
Tamu	35.3	60.9	3.8	**Rakhine**	**31.1**	**62.2**	**6.7**	Myaungmya	30.5	64.2	5.3
Mawlaik	34.9	60.0	5.0	Sittway	32.4	61.9	5.6	Labutta	31.7	63.8	4.5
Hkamti	35.8	61.1	3.2	Myauk U	33.5	60.7	5.8	Hinthada	26.2	65.8	8.0
Yinmarpin	27.6	65.4	7.0	Maungtaw	33.6	62.6	3.8	**Nay Pyi Taw**	**28.2**	**67.2**	**4.6**
Tanintharyi	**33.9**	**60.9**	**5.1**	Kyaukpyu	29.6	61.8	8.6	Ottara (North)	28.7	66.8	4.5
Dawei	32.5	60.5	7.0	Thandwe	25.9	65.7	8.3	Dekkhina (South)	27.8	67.6	4.7

Map 2.4 Population Distribution by Age Group, Districts

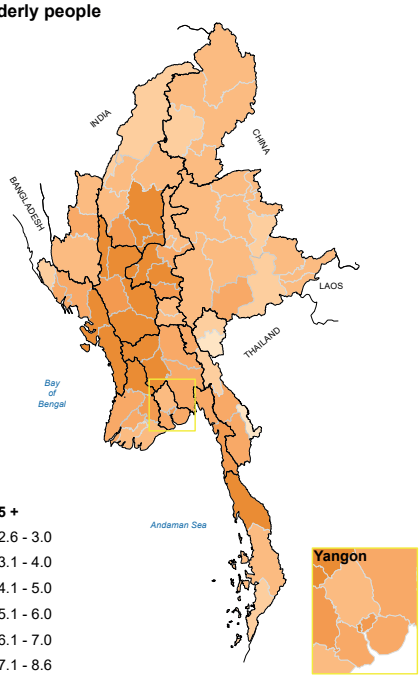
a) Children



b) Working-Age population



c) Elderly people



Percentage of population aged 0-14, 15-64, 65+

Average at Union level 0-14: 28.6

Average at Union level 15-64: 65.6

Average at Union level 65+: 5.8

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The percentages divide the population into three age groups: children, working-age population and elderly people.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

2.5 Age Composition: Median Age

The median age of a population is the age that divides the group into two numerically equal parts. Exactly half the population is older than the median age and half is younger than the median age. It is considered to be an index that summarizes the age distribution of a population. The 2014 Census revealed that the median age for Myanmar was 27.1 years. This shows a substantial increase from 1983 when the median age was 20.2 years (Department of Population, 2017a).

At the State/Region level, Sagaing, Bago, Magway, Mandalay, Yangon and Ayeyawady Regions all had median ages higher than 27.1. Median ages for all the other States/Regions were below the national median (Table 2.5). This indicates that the population living in Myanmar's middle corridor is generally older than the population living in its outer ring. This regional contrast is even more distinct when examined at the District and Township levels, as Maps 2.5a and 2.5b show.

The median ages of District populations indicate that, in 2014, Mindat and Falam Districts in Chin State had the youngest populations in the country. For both these Districts the median age was less than 20. The four Districts with the next lowest median ages, Hopan, Makman, Kunlon and Minesat, are all in Shan State. As Chapter 3 shows, the main factors underlying the very young median ages in these and other outer ring Districts are high fertility and mortality rates.

At the other extreme, the Districts with the oldest populations in terms of median age are right in the heart of the middle corridor. Districts on the upper right in Figure 2.5 include Pyay, Gangaw, Sagaing, Hinthada, Nyaung U, Thayawady, Thandwe, Thayet and West Yangon, where, at more than 30 years, the median age was more than 10 years older than in Mindat and Falam Districts. Not only are fertility and mortality rates generally lower in these central Districts, but net outmigration rates are also relatively high. Migrants tend to be younger people, and they leave behind a population that is gradually ageing.

In general, population groups living in administrative areas on or near international borders were much younger than the Union median (27.1 years). Interestingly, whilst this is the case in areas bordering Bangladesh, India, China, and Thailand, it does not apply to those Districts and Townships in Shan State that share a border with Laos; here the median age was much closer to the national average.

Figure 2.5 Median Age, Districts

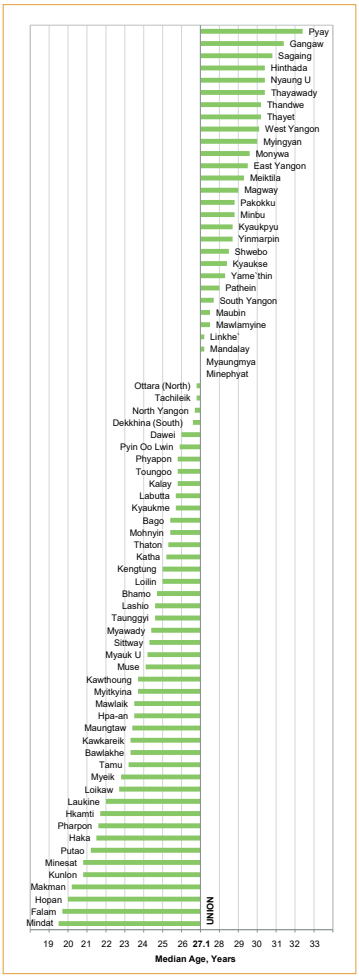


Table 2.5 Median Age, States/Regions and Districts

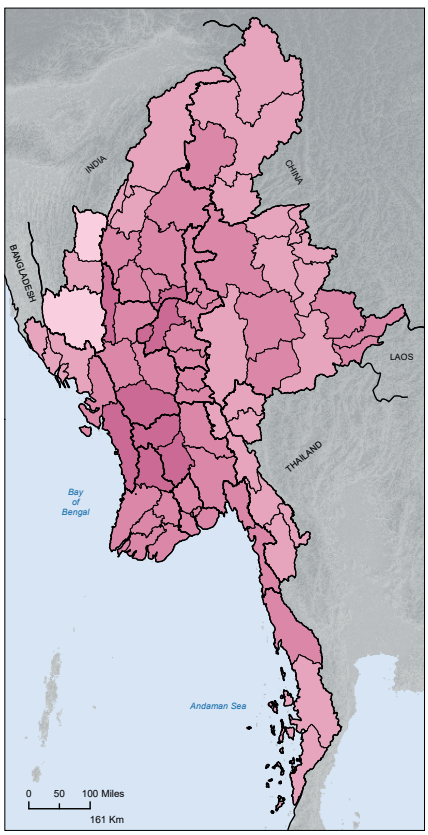
State/Region/District	Median Age
UNION	**27.1**
Kachin	**24.7**
Myitkyina	23.8
Mohnyin	25.5
Bhamo	24.8
Putao	21.3
Kayah	**22.9**
Loikaw	22.8
Bawlakhe	23.4
Kayin	**23.6**
Hpa-An	23.6
Pharpon	21.7
Myawady	24.5
Kawkareik	23.4
Chin	**20.1**
Haka	21.6
Falam	19.8
Mindat	19.6
Sagaing	**27.4**
Sagaing	30.9
Shwebo	28.6
Monywa	29.7
Katha	25.3
Kalay	25.9
Tamu	23.3
Mawlaik	23.6
Hkamti	21.8
Yinmarpin	28.8
Tanintharyi	**24.0**
Dawei	26.1

State/Region/District	Median Age
Myeik	22.9
Kawthoung	23.8
Bago	**28.1**
Bago	25.5
Toungoo	25.9
Pyay	32.5
Thayawady	30.5
Magway	**29.4**
Magway	29.1
Minbu	28.9
Thayet	30.3
Pakokku	28.9
Gangaw	31.5
Mandalay	**28.2**
Mandalay	27.3
Pyin Oo Lwin	26.0
Kyaukse	28.5
Myingyan	30.1
Nyaung U	30.5
Yame`thin	28.4
Meiktila	29.4
Mon	**26.7**
Mawlamyine	27.6
Thaton	25.4
Rakhine	**26.0**
Sittway	24.4
Myauk U	24.3
Maungtaw	23.5
Kyaukpyu	28.8
Thandwe	30.3

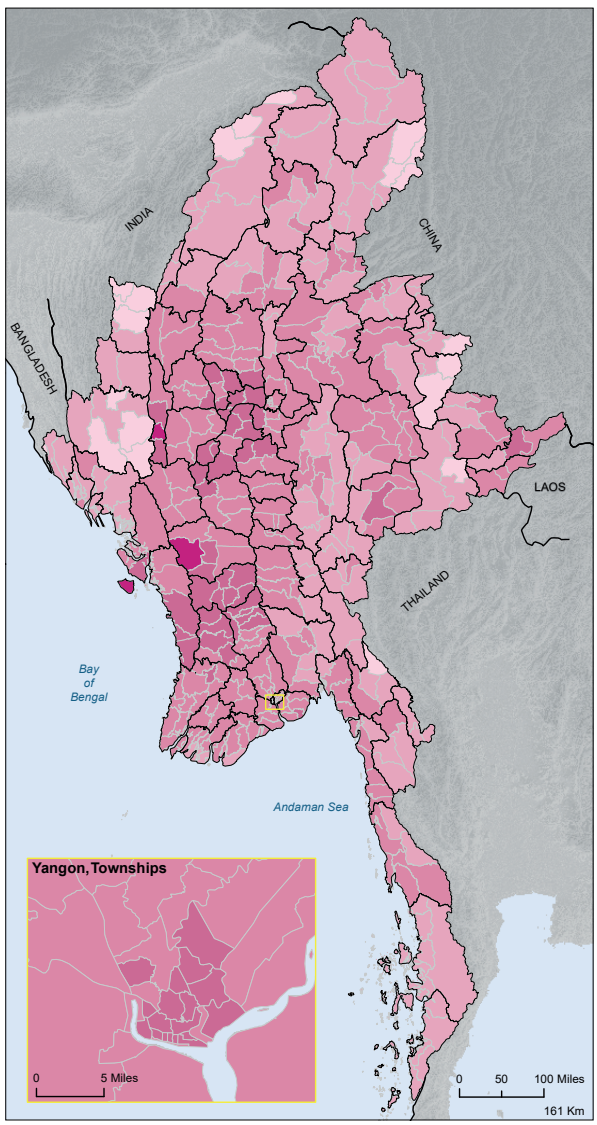
State/Region/District	Median Age
Yangon	**28.3**
North Yangon	26.8
East Yangon	29.6
South Yangon	27.8
West Yangon	30.2
Shan	**24.4**
Taunggyi	24.7
Loilin	25.1
Linkhe`	27.3
Lashio	24.7
Muse	24.2
Kyaukme	25.8
Kunlon	20.9
Laukine	22.1
Hopan	20.1
Makman	20.3
Kengtung	25.1
Minesat	20.9
Tachileik	26.9
Minephyat	27.1
Ayeyawady	**27.7**
Pathein	28.1
Phyapon	25.9
Maubin	27.6
Myaungmya	27.1
Labutta	25.8
Hinthada	30.5
Nay Pyi Taw	**26.8**
Ottara (North)	26.9
Dekkhina (South)	26.7

Map 2.5 Median Age

a) Districts



b) Townships



Median age of the population, in years

Average at Union level: 27.1

- 17.5 - 20.0
- 20.1 - 25.0
- 25.1 - 30.0
- 30.1 - 35.0
- 35.1 - 38.1

- State/Region boundary
- District boundary
- Township boundary

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census.

The median age for an administrative unit is the age that divides the population of that unit exactly in two, with half the population older and half the population younger than the median age.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

2.6 Age Composition: Dependency Ratios

Dependency ratios express the relationship between the productive and non-productive proportions of population groups. The distinction is made based on age: productive members of the population are those of working age (15-64) and non-productive members are children (0-14) and the elderly (65 and over). Populations with high dependency ratios are of most concern to policymakers, because they indicate that large numbers of children and/or elderly are dependent on relatively small numbers of economically productive people.

The maps opposite show that, in general, child dependency rates are highest in the outer ring (Map 2.6b), whilst old-age dependency ratios are highest in the middle corridor (Map 2.6c). Table 2.6 shows that at the District level, Mindat has the highest child dependency ratio at 75.5. In Falam, Hopan, Kunlon, Putao and Haka, where child dependency ratios are all higher than 65, people of working age are supporting very large numbers of children. Districts with the highest proportions of elderly dependents include Kyaukpyu, highest at 13.9, and Thandwe, Myingyan, Hinthada and Sagaing, all with old-age dependency ratios of 12.0 or higher.

Figure 2.6 and Table 2.6 show that Chin and Kayin States and Tanintharyi Region have the highest total dependency ratios at the State/Region level. Yangon and Mandalay Regions and Nay Pyi Taw Union Territory have the lowest total dependency ratios. It is common throughout the world for total dependency ratios to be highest in predominantly rural areas and lowest in areas with large urban populations. High ratios for the remote, essentially rural Districts of Mindat, Falam, Haka, Putao, Kunlon, Hopan and Hpa-An, all of them 73.0 or higher, are consistent with this general pattern.

Figure 2.6 Dependency Ratios, Total, Child and Old-Age, States/Regions

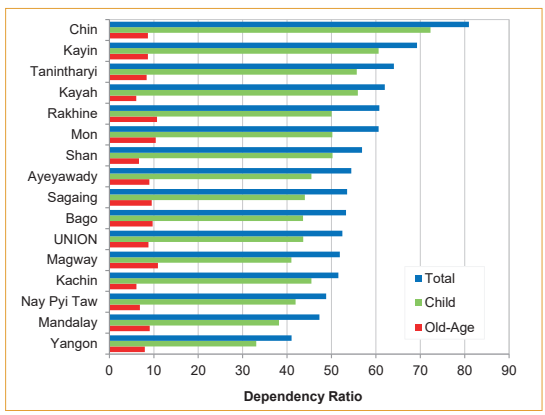


Table 2.6 Dependency Ratios, Total, Child and Old-Age, States/Regions and Districts

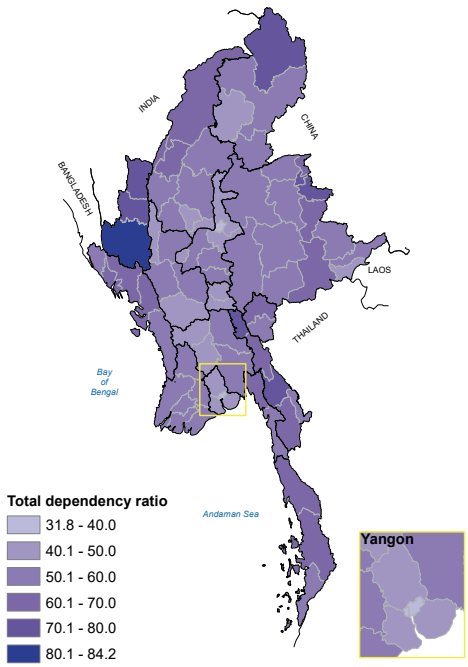
State/Region/District	Dependency Ratios		
	Total	Child	Old-Age
UNION	**52.4**	**43.7**	**8.8**
Kachin	**51.5**	**45.5**	**6.1**
Myitkyina	56.7	49.9	6.7
Mohnyin	42.9	38.1	4.8
Bhamo	56.7	49.5	7.2
Putao	74.4	66.0	8.4
Kayah	**62.0**	**56.0**	**6.0**
Loikaw	63.7	57.3	6.4
Bawlakhe	52.9	48.9	4.1
Kayin	**69.3**	**60.6**	**8.7**
Hpa-An	73.0	63.0	10.0
Pharpon	66.8	60.7	6.1
Myawady	56.1	51.7	4.4
Kawkareik	69.7	61.0	8.7
Chin	**80.9**	**72.3**	**8.7**
Haka	75.9	65.8	10.2
Falam	79.9	72.3	7.7
Mindat	84.2	75.5	8.7
Sagaing	**53.5**	**44.0**	**9.5**
Sagaing	47.0	35.0	12.0
Shwebo	52.5	41.8	10.8
Monywa	47.3	36.4	10.9
Katha	56.2	48.7	7.5
Kalay	55.0	47.3	7.6
Tamu	64.3	58.0	6.3
Mawlaik	66.6	58.2	8.4
Hkamti	63.7	58.5	5.2
Yinmarpin	52.8	42.2	10.7
Tanintharyi	**64.1**	**55.7**	**8.4**
Dawei	65.2	53.6	11.6

State/Region/District	Dependency Ratios		
	Total	Child	Old-Age
Myeik	64.9	57.6	7.2
Kawthoung	59.3	54.3	5.0
Bago	**53.3**	**43.6**	**9.7**
Bago	59.2	50.7	8.5
Toungoo	58.0	49.1	9.0
Pyay	41.8	30.8	10.9
Thayawady	49.7	38.5	11.2
Magway	**51.9**	**41.0**	**10.9**
Magway	53.9	42.6	11.2
Minbu	50.7	40.6	10.1
Thayet	45.7	35.4	10.3
Pakokku	56.1	44.6	11.5
Gangaw	48.1	36.8	11.3
Mandalay	**47.3**	**38.2**	**9.1**
Mandalay	39.7	32.8	6.9
Pyin Oo Lwin	49.5	42.5	7.1
Kyaukse	47.5	38.9	8.6
Myingyan	52.7	40.3	12.4
Nyaung U	48.3	37.2	11.0
Yame`thin	50.9	40.6	10.2
Meiktila	51.8	40.4	11.3
Mon	**60.6**	**50.2**	**10.4**
Mawlamyine	58.6	47.6	11.0
Thaton	63.7	54.2	9.5
Rakhine	**60.8**	**50.0**	**10.7**
Sittway	61.4	52.3	9.1
Myauk U	64.6	55.2	9.5
Maungtaw	59.8	53.7	6.1
Kyaukpyu	61.8	47.9	13.9
Thandwe	52.1	39.5	12.7

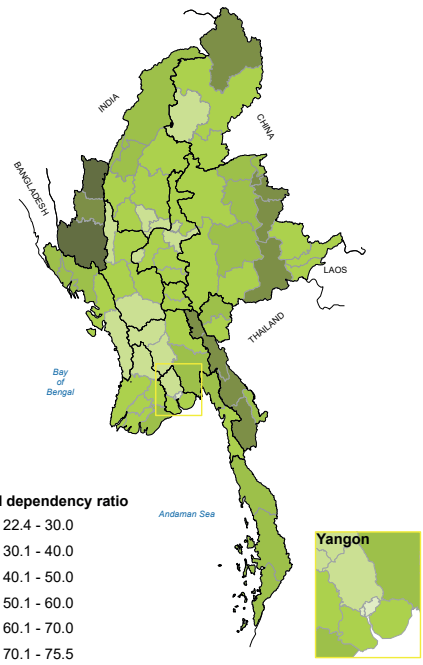
State/Region/District	Dependency Ratios		
	Total	Child	Old-Age
Yangon	**41.0**	**33.1**	**8.0**
North Yangon	42.7	36.1	6.6
East Yangon	38.4	29.5	8.8
South Yangon	49.7	41.8	7.9
West Yangon	31.8	22.4	9.4
Shan	**56.9**	**50.2**	**6.7**
Taunggyi	53.6	47.3	6.3
Loilin	58.0	51.6	6.5
Linkhe`	51.8	44.0	7.8
Lashio	57.5	50.4	7.1
Muse	57.7	50.6	7.1
Kyaukme	54.2	47.2	7.0
Kunlon	74.2	66.3	7.9
Laukine	62.5	55.9	6.6
Hopan	73.9	66.3	7.6
Makman	68.3	62.4	6.0
Kengtung	55.0	47.9	7.1
Minesat	67.7	62.6	5.1
Tachileik	47.3	41.1	6.2
Minephyat	52.1	44.8	7.4
Ayeyawady	**54.5**	**45.5**	**9.0**
Pathein	52.1	43.5	8.6
Phyapon	58.1	50.9	7.3
Maubin	55.1	45.7	9.4
Myaungmya	55.7	47.5	8.3
Labutta	56.7	49.8	7.0
Hinthada	52.0	39.8	12.2
Nay Pyi Taw	**48.8**	**41.9**	**6.9**
Ottara (North)	49.7	42.9	6.8
Dekkhina (South)	48.0	41.1	6.9

Map 2.6 Dependency Ratios, Districts

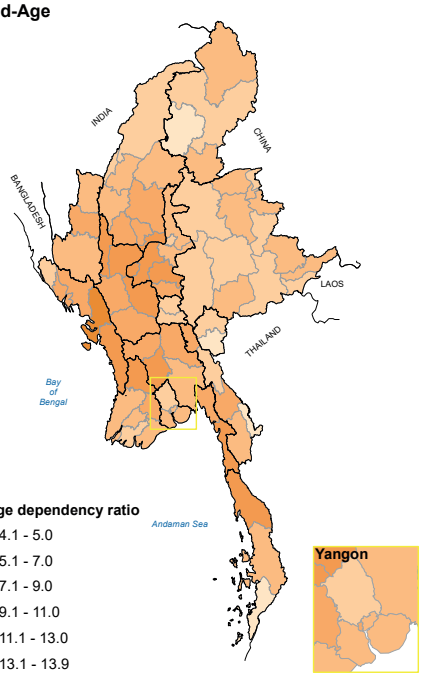
a) Total



b) Child



c) Old-Age



Dependency ratios

Total dependency ratio: people aged 0-14 and 65 and over per 100 persons aged 15-64
Average at Union level: 52.4

Child dependency ratio: people aged 0-14 per 100 persons aged 15-64
Average at Union level: 43.7

Old-age dependency ratio: people aged 65 and over per 100 persons aged 15-64
Average at Union level: 8.0

State/Region boundary
District boundary

0 50 100 Miles
161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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2.7 Sex Ratios

The sex ratio indicates the balance between the number of males and the number of females in any single population group. It is expressed as the number of males per 100 females in the group. For Myanmar's total population at the time of the 2014 Census, the sex ratio was 93 males per 100 females.

In comparison to the 1983 census, the 2014 Census showed a marked decrease in the number of males in relation to the number of females. The sex ratio fell from 98.6 in 1983 (Immigration and Manpower Department, 1986, pp 1-14), to 93 in 2014. This decrease is likely to be explained by a combination of physical and behavioural differences between the sexes. Physical differences are evident in mortality rates, sex ratios at birth and life expectancy. Behavioural differences are found in migration rates, lifestyle choices and exposure to risk. The influence of sex-specific rates of international outmigration is particularly strong in Myanmar, where the relatively large numbers of males emigrating from the country is leaving behind an increasingly female-dominated population.

Sex ratios vary considerably between Myanmar's States/Regions (Figure 2.7 and Table 2.7), and its Districts and Townships (Table 2.7 and Map 2.7). Numbers of males and females are equal in Kayah and Shan States. Differences between numbers of males and females are largest in Magway Region (86.3) and Kachin State (108.3). However, while in Magway and adjacent States/Regions low ratios are consistent among all Districts and Townships, in Kachin State only Mohnyin District shows a large imbalance between numbers of males and females (126.2). Map 2.7b shows geographic variations in sex ratios most clearly and in most detail. The most striking feature of the distribution is the large numbers of males in relation to females in Townships bordering China, Thailand and parts of India. This is largely caused by the greater mobility of males, who migrate towards international borders in larger numbers than females in search of work.

Figure 2.7 Sex Ratios, States/Regions

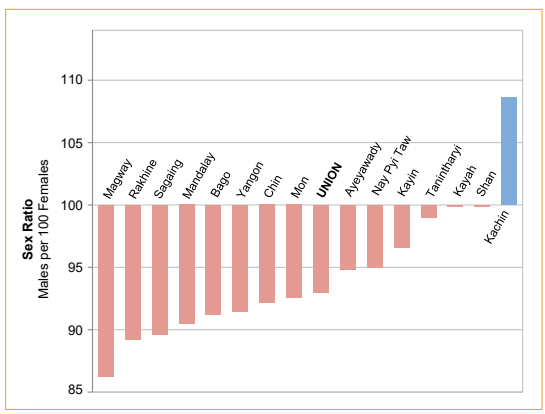


Table 2.7 Male and Female Populations and Sex Ratios, States/Regions and Districts

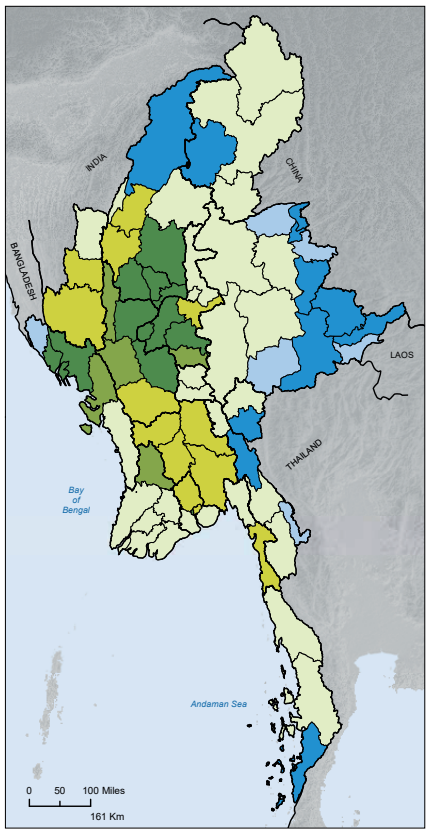
State/Region District	Enumerated Population			Sex Ratio
	Both Sexes	Male	Female	
UNION	**50,279,900**	**24,228,714**	**26,051,186**	**93.0**
Kachin	**1,642,841**	**855,353**	**787,488**	**108.6**
Myitkyina	531,456	263,088	268,368	98.0
Mohnyin	673,608	375,822	297,786	126.2
Bhamo	346,520	171,077	175,443	97.5
Putao	91,257	45,366	45,891	98.9
Kayah	**286,627**	**143,213**	**143,414**	**99.9**
Loikaw	243,718	119,833	123,885	96.7
Bawlakhe	42,909	23,380	19,529	119.7
Kayin	**1,504,326**	**739,127**	**765,199**	**96.6**
Hpa-An	783,510	382,327	401,183	95.3
Pharpon	35,085	17,983	17,102	105.2
Myawady	210,540	107,607	102,933	104.5
Kawkareik	475,191	231,210	243,981	94.8
Chin	**478,801**	**229,604**	**249,197**	**92.1**
Haka	98,726	47,401	51,325	92.4
Falam	167,578	81,242	86,336	94.1
Mindat	212,497	100,961	111,536	90.5
Sagaing	**5,325,347**	**2,516,949**	**2,808,398**	**89.6**
Sagaing	520,591	240,046	280,545	85.6
Shwebo	1,433,343	661,016	772,327	85.6
Monywa	757,358	346,247	411,111	84.2
Katha	861,283	417,710	443,573	94.2
Kalay	509,368	245,444	263,924	93.0
Tamu	114,869	57,007	57,862	98.5
Mawlaik	164,008	78,924	85,084	92.8
Hkamti	422,692	219,578	203,114	108.1
Yinmarpin	541,835	250,977	290,858	86.3
Tanintharyi	**1,408,401**	**700,619**	**707,782**	**99.0**
Dawei	493,576	239,073	254,503	93.9

State/Region District	Enumerated Population			Sex Ratio
	Both Sexes	Male	Female	
Myeik	693,087	345,671	347,416	99.5
Kawthoung	221,738	115,875	105,863	109.5
Bago	**4,867,373**	**2,322,338**	**2,545,035**	**91.2**
Bago	1,770,785	846,110	924,675	91.5
Toungoo	1,123,355	534,564	588,791	90.8
Pyay	910,902	434,551	476,351	91.2
Thayawady	1,062,331	507,113	555,218	91.3
Magway	**3,917,055**	**1,813,974**	**2,103,081**	**86.3**
Magway	1,235,030	567,235	667,795	84.9
Minbu	687,575	322,140	365,435	88.2
Thayet	738,047	353,887	384,160	92.1
Pakokku	1,005,545	451,887	553,658	81.6
Gangaw	250,858	118,825	132,033	90.0
Mandalay	**6,165,723**	**2,928,367**	**3,237,356**	**90.5**
Mandalay	1,726,889	841,914	884,975	95.1
Pyin Oo Lwin	1,001,945	495,800	506,145	98.0
Kyaukse	741,071	353,126	387,945	91.0
Myingyan	1,055,957	475,403	580,554	81.9
Nyaung U	239,947	109,476	130,471	83.9
Yame`thin	518,384	244,603	273,781	89.3
Meiktila	881,530	408,045	473,485	86.2
Mon	**2,054,393**	**987,392**	**1,067,001**	**92.5**
Mawlamyine	1,232,221	587,676	644,545	91.2
Thaton	822,172	399,716	422,456	94.6
Rakhine	**2,098,807**	**989,702**	**1,109,105**	**89.2**
Sittway	535,583	248,670	286,913	86.7
Myauk U	669,131	309,949	359,182	86.3
Maungtaw	96,330	48,816	47,514	102.7
Kyaukpyu	439,923	207,308	232,615	89.1
Thandwe	357,840	174,959	182,881	95.7

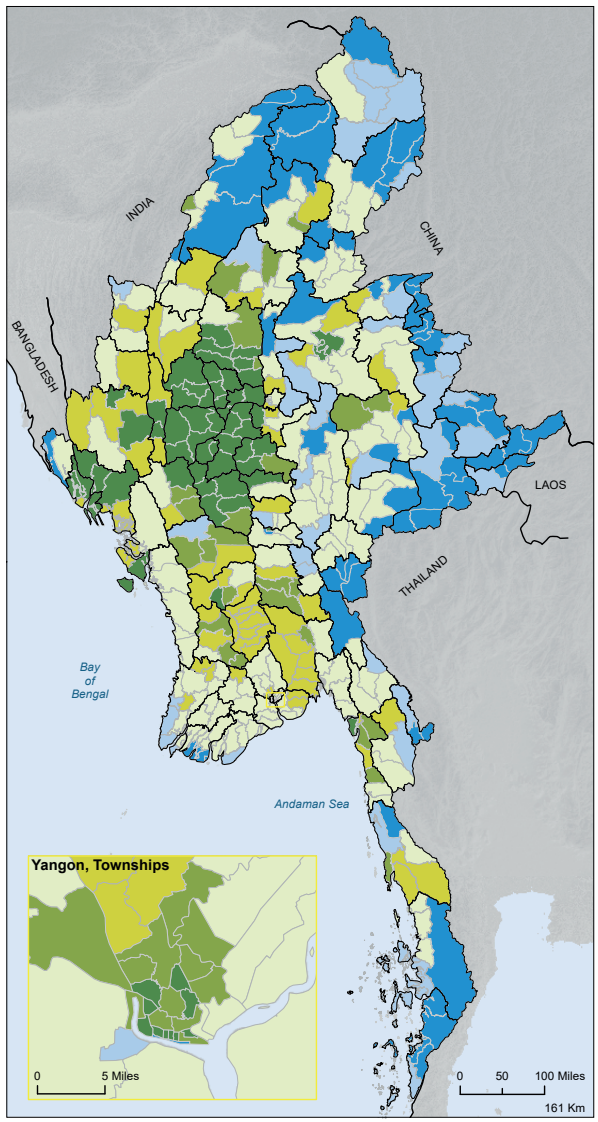
State/Region District	Enumerated Population			Sex Ratio
	Both Sexes	Male	Female	
Yangon	**7,360,703**	**3,516,403**	**3,844,300**	**91.5**
North Yangon	2,606,670	1,253,082	1,353,588	92.6
East Yangon	2,366,659	1,127,169	1,239,490	90.9
South Yangon	1,417,724	689,685	728,039	94.7
West Yangon	969,650	446,467	523,183	85.3
Shan	**5,824,432**	**2,910,710**	**2,913,722**	**99.9**
Taunggyi	1,701,338	842,594	858,744	98.1
Loilin	565,162	276,907	288,255	96.1
Linkhe`	139,483	70,572	68,911	102.4
Lashio	612,248	299,530	312,718	95.8
Muse	453,495	227,159	226,336	100.4
Kyaukme	770,065	376,103	393,962	95.5
Kunlon	58,774	30,900	27,874	110.9
Laukine	154,912	81,104	73,808	109.9
Hopan	228,880	116,573	112,307	103.8
Makman	241,884	124,478	117,406	106.0
Kengtung	366,861	187,993	178,868	105.1
Minesat	243,571	128,590	114,981	111.8
Tachileik	177,313	90,124	87,189	103.4
Minephyat	110,446	58,083	52,363	110.9
Ayeyawady	**6,184,829**	**3,009,808**	**3,175,021**	**94.8**
Pathein	1,630,716	795,256	835,460	95.2
Phyapon	1,033,053	509,353	523,700	97.3
Maubin	973,948	472,550	501,398	94.2
Myaungmya	781,844	381,299	400,545	95.2
Labutta	626,558	312,039	314,519	99.2
Hinthada	1,138,710	539,311	599,399	90.0
Nay Pyi Taw	**1,160,242**	**565,155**	**595,087**	**95.0**
Ottara (North)	526,497	257,992	268,505	96.1
Dekkhina (South)	633,745	307,163	326,582	94.1

Map 2.7 Sex Ratios

a) Districts



b) Townships



Number of males per 100 females

Average at Union level: 93.0

More males
- 105.1 - 200.3
- 100.1 - 105.0

More females
- 93.1 - 100.0
- 90.1 - 93.0
- 88.0 - 90.0
- 74.8 - 87.9

- State/Region boundary
- District boundary
- Township boundary

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census.

Sex ratios are calculated as the number of males living in an administrative unit, divided by the number of females living in that same unit, multiplied by 100.

© Department of Population, Ministry of Labour, Immigration and Population. Nay Pyi Taw, Myanmar, 2017.

Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

2.8 Urban and Rural Populations

The urban population is the number of people living in urban areas; conversely, the rural population is the number of people living in rural areas. This distinction sounds simple and clear, but internationally, there is no consensus on the definitions of urban and rural areas. Most countries make the distinction based on: some measure of population or housing density; consideration of the presence or absence of key infrastructure, including roads, an electricity network and water and sewage systems; and varying levels of access to services such as education, health, fire and rescue and public transportation. Exactly how these factors are measured, weighted and combined varies tremendously from country to country, in line with variations in social, economic and cultural practices.

The 2014 Myanmar Population and Housing Census adopted the definition established by the General Administration Department (GAD) of Myanmar's Ministry of Home Affairs, which divides the country's lowest level administrative areas simply into Wards (urban) and Village Tracts (rural). The distinction is based loosely on the factors mentioned above. At the time of the 2014 Census, Myanmar had 3,071 Wards and 13,620 Village Tracts (General Administration Department, 2013).

The 2014 Census data suggests that Myanmar is still a predominantly rural country, with only about 30 per of the population living in urban areas (Table 2.8). The dominance of rural green over urban brown is clear to see in Figure 2.8 and Map 2.8. A comparison of 30 per cent urban in 2014 with the 25 per cent reported by the 1983 census shows that the rate of urbanization in Myanmar has remained very slow (Department of Population, 2016a). It is difficult to draw any definitive conclusions about rates of urbanization from the Census data because of the basis used for distinguishing between urban and rural areas. Further research is needed to determine whether GAD's Wards and Village Tracts accurately distinguish between areas based on the physical differences that characterize urban and rural areas, or are more arbitrary divisions of the territory delineated on some other basis purely for administrative purposes.

Almost 30 per cent of the total population of Myanmar live in urban areas, but in almost three quarters of the country's Townships (299 out of 413), the proportion of urban dwellers is less than the Union proportion. This is largely because the distribution is skewed by Myanmar's three major cities, which are home to about 50 per cent of the country's urban population - Yangon (5.21 million), Mandalay (1.22 million), and Nay Pyi Taw (1.16 million). As Map 2.8 shows, Myanmar's urban population is concentrated in a relatively small number of Townships in these three large cities, and in the capitals of States and Regions.

The city of Yangon can be defined as an 'urban agglomeration', since it includes more than one locality and their suburban fringes (UN DESA Statistics Division, 2015, p. 202). However, while East and West Yangon Districts had 99 and 100 per cent of their populations in urban areas respectively, North and South Yangon Districts only had 55 and 30 per cent urban, respectively.

Figure 2.8 Urban and Rural Share of Total Population, States/Regions

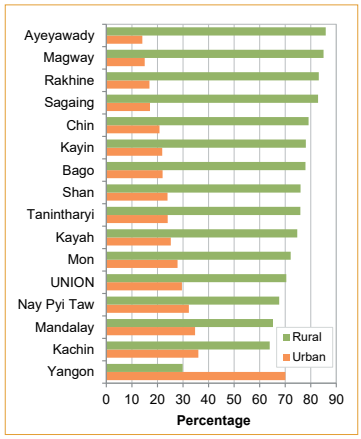


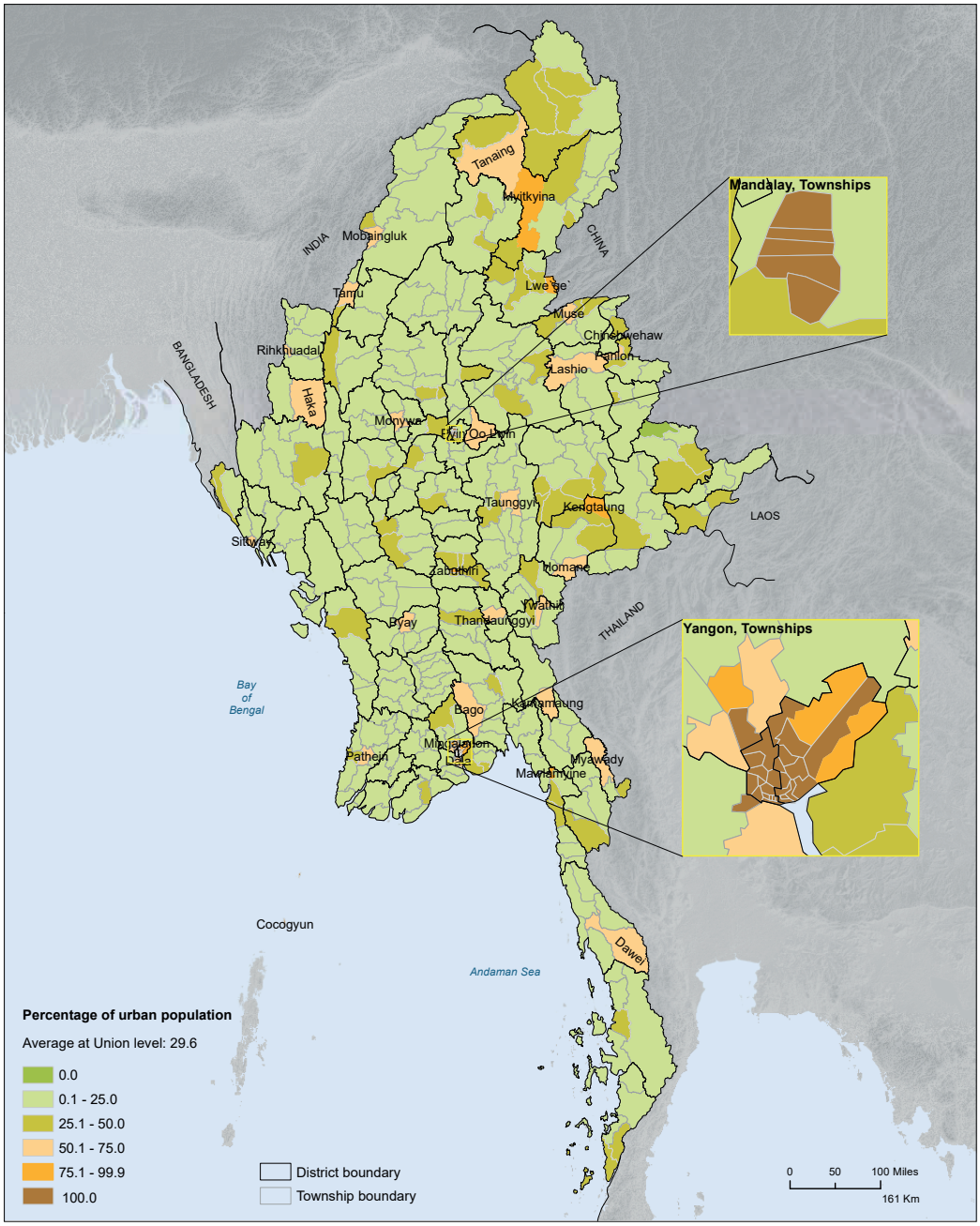
Table 2.8 Urban and Rural Share of Total Population, States/Regions and Districts

State/Region District	Enumerated Population			
	Urban and Rural	Urban	Rural	% Urban
UNION	**50,279,900**	**14,877,943**	**35,401,957**	**29.6**
Kachin	**1,642,841**	**592,368**	**1,050,473**	**36.1**
Myitkyina	531,456	314,180	217,276	59.1
Mohnyin	673,608	147,511	526,097	21.9
Bhamo	346,520	108,561	237,959	31.3
Putao	91,257	22,116	69,141	24.2
Kayah	**286,627**	**72,418**	**214,209**	**25.3**
Loikaw	243,718	62,783	180,935	25.8
Bawlakhe	42,909	9,635	33,274	22.5
Kayin	**1,504,326**	**329,166**	**1,175,160**	**21.9**
Hpa-An	783,510	112,405	671,105	14.3
Pharpon	35,085	17,320	17,765	49.4
Myawady	210,540	116,580	93,960	55.4
Kawkareik	475,191	82,861	392,330	17.4
Chin	**478,801**	**99,809**	**378,992**	**20.8**
Haka	98,726	32,513	66,213	32.9
Falam	167,578	31,375	136,203	18.7
Mindat	212,497	35,921	176,576	16.9
Sagaing	**5,325,347**	**911,335**	**4,414,012**	**17.1**
Sagaing	520,591	105,785	414,806	20.3
Shwebo	1,433,343	178,184	1,255,159	12.4
Monywa	757,358	244,144	513,214	32.2
Katha	861,283	95,327	765,956	11.1
Kalay	509,368	142,792	366,576	28.0
Tamu	114,869	59,938	54,931	52.2
Mawlaik	164,008	18,605	145,403	11.3
Hkamti	422,692	47,219	375,473	11.2
Yinmarpin	541,835	19,341	522,494	3.6
Tanintharyi	**1,408,401**	**338,419**	**1,069,982**	**24.0**
Dawei	493,576	107,956	385,620	21.9

State/Region District	Enumerated Population			
	Urban and Rural	Urban	Rural	% Urban
Myeik	693,087	151,315	541,772	21.8
Kawthoung	221,738	79,148	142,590	35.7
Bago	**4,867,373**	**1,072,336**	**3,795,037**	**22.0**
Bago	1,770,785	464,741	1,306,044	26.2
Toungoo	1,123,355	231,736	891,619	20.6
Pyay	910,902	225,464	685,438	24.8
Thayawady	1,062,331	150,395	911,936	14.2
Magway	**3,917,055**	**588,031**	**3,329,024**	**15.0**
Magway	1,235,030	253,074	981,956	20.5
Minbu	687,575	68,646	618,929	10.0
Thayet	738,047	100,133	637,914	13.6
Pakokku	1,005,545	138,244	867,301	13.7
Gangaw	250,858	27,934	222,924	11.1
Mandalay	**6,165,723**	**2,143,436**	**4,022,287**	**34.8**
Mandalay	1,726,889	1,319,452	407,437	76.4
Pyin Oo Lwin	1,001,945	281,784	720,161	28.1
Kyaukse	741,071	81,503	659,568	11.0
Myingyan	1,055,957	167,951	888,006	15.9
Nyaung U	239,947	54,343	185,604	22.6
Yame`thin	518,384	59,912	458,472	11.6
Meiktila	881,530	178,491	703,039	20.2
Mon	**2,054,393**	**572,189**	**1,482,204**	**27.9**
Mawlamyine	1,232,221	434,092	798,129	35.2
Thaton	822,172	138,097	684,075	16.8
Rakhine	**2,098,807**	**354,288**	**1,744,519**	**16.9**
Sittway	535,583	133,664	401,919	25.0
Myauk U	669,131	90,141	578,990	13.5
Maungtaw	96,330	22,181	74,149	23.0
Kyaukpyu	439,923	44,500	395,423	10.1
Thandwe	357,840	63,802	294,038	17.8

State/Region District	Enumerated Population			
	Urban and Rural	Urban	Rural	% Urban
Yangon	**7,360,703**	**5,160,512**	**2,200,191**	**70.1**
North Yangon	2,606,670	1,428,659	1,178,011	54.8
East Yangon	2,366,659	2,339,903	26,756	98.9
South Yangon	1,417,724	422,300	995,424	29.8
West Yangon	969,650	969,650	n/a	100.0
Shan	**5,824,432**	**1,395,847**	**4,428,585**	**24.0**
Taunggyi	1,701,338	463,988	1,237,350	27.3
Loilin	565,162	128,432	436,730	22.7
Linkhe`	139,483	43,882	95,601	31.5
Lashio	612,248	224,136	388,112	36.6
Muse	453,495	164,035	289,460	36.2
Kyaukme	770,065	119,469	650,596	15.5
Kunlon	58,774	5,549	53,225	9.4
Laukine	154,912	28,183	126,729	18.2
Hopan	228,880	29,553	199,327	12.9
Makman	241,884	17,617	224,267	7.3
Kengtung	366,861	72,535	294,326	19.8
Minesat	243,571	27,775	215,796	11.4
Tachileik	177,313	58,767	118,546	33.1
Minephyat	110,446	11,926	98,520	10.8
Ayeyawady	**6,184,829**	**872,600**	**5,312,229**	**14.1**
Pathein	1,630,716	303,954	1,326,762	18.6
Phyapon	1,033,053	135,509	897,544	13.1
Maubin	973,948	109,148	864,800	11.2
Myaungmya	781,844	94,433	687,411	12.1
Labutta	626,558	66,318	560,240	10.6
Hinthada	1,138,710	163,238	975,472	14.3
Nay Pyi Taw	**1,160,242**	**375,189**	**785,053**	**32.3**
Ottara (North)	526,497	145,181	381,316	27.6
Dekkhina (South)	633,745	230,008	403,737	36.3

Map 2.8 Urban and Rural Populations, Townships



The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census.

The indicator gives the proportion of individuals in each District and Township that were living in urban areas. For the purposes of determining which people lived in urban areas and which people lived in rural areas, the 2014 Census adopted the Ministry of Home Affairs' General Administration Department designation of Wards as urban and Village Tracts as rural.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

2.9 Religion

The Census enumerated a total of 50,279,900 people at the place they were present on 29 March 2014 (a *de facto* enumeration). As noted in the Introduction to this atlas, some people in Kachin, Kayin and Rakhine were not enumerated in the 2014 Census (see Introduction, Enumerated and Estimated Populations, page XIII). Instead, their numbers were estimated from information collected during the enumeration mapping exercise prior to the actual enumeration. The estimated populations were 46,600 for Kachin State, 69,753 for Kayin State and 1,090,000 for Rakhine State. The total enumerated and non-enumerated population was therefore 51,486,253.

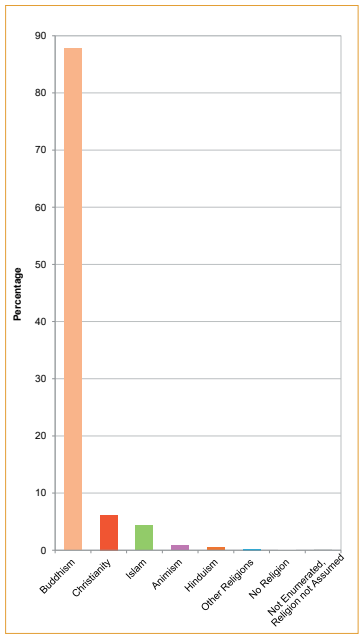
For the purpose of determining the numbers of people following each of the religions practiced in Myanmar, it was assumed that the 1,090,000 non-enumerated people in Rakhine (Table 2.9) were of the Islamic Faith. This estimated population is therefore included in the number and percentage of Muslims given for both the Union and for Rakhine State in Table 2.10. This assumption was made on the basis that: "The non-enumerated population in Rakhine belongs to a defined population group that is known to be primarily, if not wholly, of the Islamic faith" (Department of Population, 2016b). However, since there was less of a firm basis for similarly assuming the religion of the non-enumerated populations in Kachin and Kayin States, no assumptions were made and the religions of the estimated populations are shown as 'Not Enumerated, Religion not Assumed' in Figure 2.9 and Table 2.10.

Map 2.9 shows the degree to which Myanmar is a predominantly Buddhist country. According to the 2014 Census, almost 90 per cent of the total enumerated and non-enumerated population in the Union was Buddhist. Though Magway Region (98.8 per cent) and Nay Pyi Taw Union Territory (96.8 per cent) had the largest proportions of Buddhists among their populations, Yangon, Mandalay and Ayeyawady Regions had the most Buddhists in terms of absolute numbers, each with more than 5.5 million (Table 2.10).

The extent to which Buddhism is Myanmar's most prevalent religion comes through very clearly on Map 2.9, which shows that in 2014 it had the biggest following in all but one State/Region. Chin State is the exception, where more than 85.4 per cent of the population was enumerated as Christian. Large numbers of Christians were also enumerated in Kayah (45.8 per cent of the population) and in Kachin (32.9 per cent). An approximate number is given for Kachin because the religion of the 46,000 people who were not enumerated was neither known nor assumed. Large numbers of Christians were also enumerated in Shan, but there the 570,000 Christians made up less than 10 per cent of the population. Followers of Islam were enumerated in all States and Regions, but only Rakhine has substantial numbers of Muslims. There, the 28,731 people enumerated as Muslims together with the estimated 1,090,000 assumed to be Muslims represented just over one-third of the total estimated population.

Fewer than 900,000 people were recorded as not being followers of one of these three religions. These people were either Animists, Hindus, adherents to other unspecified faiths, of no religious persuasion or, in the cases of Kachin and Kayin, were not enumerated and so were not able to state their religion. These groups represent less than 2 per cent of the total estimated population of the Union.

Figure 2.9 Proportion of Population by Religion, Union



The percentages for 'Other Religions' (0.2 per cent), 'No Religion' (0.1 per cent) and 'Not Enumerated, Religion not Assumed' (0.2 per cent) are so small, that their bars in Figure 2.9 are barely visible.

Table 2.9 Enumerated and Non-Enumerated Population, States/Regions

State/Region	Population (Number)		
	Enumerated	Non- Enumerated (Estimated)	Enumerated + Estimated
UNION	**50,279,900**	**1,206,353**	**51,486,253**
Kachin	1,642,841	46,600	1,689,441
Kayah	286,627	n/a	286,627
Kayin	1,504,326	69,753	1,574,079
Chin	478,801	n/a	478,801
Sagaing	5,325,347	n/a	5,325,347
Tanintharyi	1,408,401	n/a	1,408,401
Bago	4,867,373	n/a	4,867,373
Magway	3,917,055	n/a	3,917,055
Mandalay	6,165,723	n/a	6,165,723
Mon	2,054,393	n/a	2,054,393
Rakhine	2,098,807	1,090,000	3,188,807
Yangon	7,360,703	n/a	7,360,703
Shan	5,824,432	n/a	5,824,432
Ayeyawady	6,184,829	n/a	6,184,829
Nay Pyi Taw	1,160,242	n/a	1,160,242

Table 2.10 Number and Proportion of Population by Religion, States/Regions

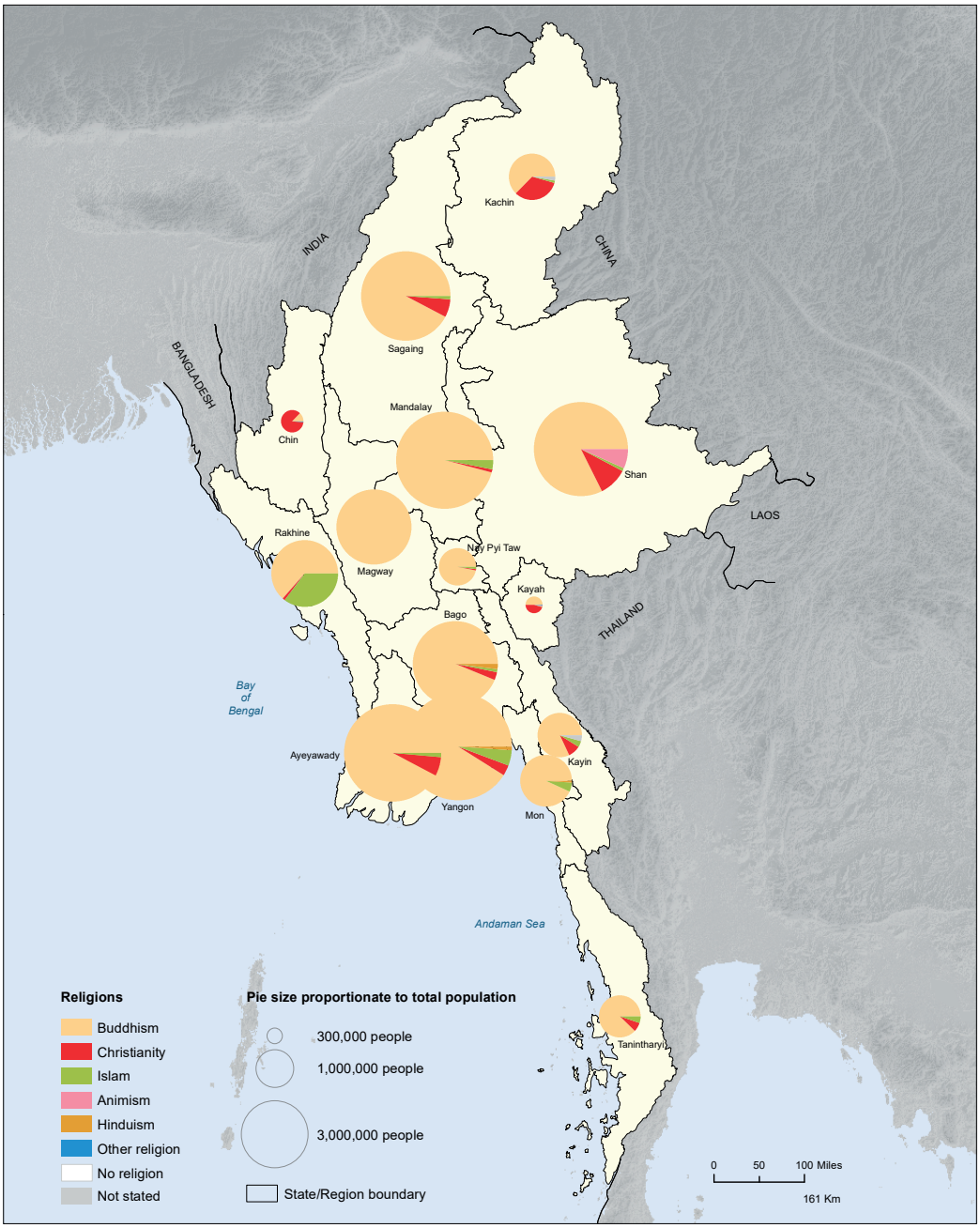
State/Region	Religion														Not Enumerated, Religion not Assumed	
	Buddhism		Christianity		Islam		Animism		Hinduism		Other Religions		No Religion			
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
UNION	**45,185,449**	**87.8**	**3,172,479**	**6.2**	**2,237,495**	**4.3**	**408,045**	**0.8**	**252,763**	**0.5**	**82,825**	**0.2**	**30,844**	**0.1**	**116,353**	**0.2**
Kachin	1,050,610	62.2	555,037	32.9	26,789	1.6	3,972	0.2	5,738	0.3	474	0.0	221	0.0	46,600	2.8
Kayah	142,896	49.9	131,237	45.8	3,197	1.1	5,518	1.9	269	0.1	3,451	1.2	59	0.0	0	0.0
Kayin	1,271,766	80.8	142,875	9.1	68,459	4.3	1,340	0.1	9,585	0.6	10,194	0.6	107	0.0	69,753	4.4
Chin	62,079	13.0	408,730	85.4	690	0.1	1,830	0.4	106	0.0	5,292	1.1	74	0.0	0	0.0
Sagaing	4,909,960	92.2	349,377	6.6	58,987	1.1	89	0.0	2,793	0.1	2,928	0.1	1,213	0.0	0	0.0
Tanintharyi	1,231,719	87.5	100,758	7.2	72,074	5.1	576	0.0	2,386	0.2	567	0.0	321	0.0	0	0.0
Bago	4,550,698	93.5	142,528	2.9	56,753	1.2	4,296	0.1	100,166	2.1	12,687	0.3	245	0.0	0	0.0
Magway	3,870,316	98.8	27,015	0.7	12,311	0.3	3,353	0.1	2,318	0.1	1,467	0.0	275	0.0	0	0.0
Mandalay	5,898,160	95.7	65,061	1.1	187,785	3.0	188	0.0	11,689	0.2	2,301	0.0	539	0.0	0	0.0
Mon	1,901,667	92.6	10,791	0.5	119,086	5.8	109	0.0	21,076	1.0	1,523	0.1	141	0.0	0	0.0
Rakhine	2,019,370	63.3	36,791	1.2	*1,118,731	35.1	2,711	0.1	9,791	0.3	759	0.0	654	0.0	0	0.0
Yangon	6,697,673	91.0	232,249	3.2	345,612	4.7	512	0.0	75,474	1.0	7,260	0.1	1,923	0.0	0	0.0
Shan	4,755,834	81.7	569,389	9.8	58,918	1.0	383,072	6.6	5,416	0.1	27,036	0.5	24,767	0.4	0	0.0
Ayeyawady	5,699,665	92.2	388,348	6.3	84,073	1.4	459	0.0	5,440	0.1	6,600	0.1	244	0.0	0	0.0
Nay Pyi Taw	1,123,036	96.8	12,293	1.1	24,030	2.1	20	0.0	516	0.0	286	0.0	61	0.0	0	0.0

* Total of 1,118,731 includes 28,731 individuals enumerated as Muslims and 1,090,000 individuals not enumerated but assumed to be Muslims.

Data is tabulated from left to right, starting with the largest and ending with the smallest percentage values at the Union level.

Some percentage totals may not add up to exactly 100 per cent because percentages for individual religions have been rounded to one decimal place.

Map 2.9 Religion, States/Regions



The base population for this indicator is individuals, both enumerated and estimated, that were living in conventional and institutional households at the time of the 2014 Census.

Percentages of less than 1.0 are given in Table 2.9 but they are too small to be shown as slices of the pies on the map.

The estimated population of Rakhine is assumed to be Muslim, but no assumptions are made as to the religious affiliation of the estimated population of Kachin and Kayin. See text opposite for a more detailed explanation of the Census' reporting of religion data.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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3 Fertility and Mortality

Knowing the rates at which people are expected to be born and die is important for a number of reasons. Most fundamentally, fertility and mortality rates to a large extent determine how fast a population will change in the future. Usually that change means growth, but in some countries, particularly those with very low fertility rates, population change attributable to natural factors can be negative. Rates of population change are also influenced by migration, so that even if fertility rates are low and mortality rates are high, a population can still grow if there are high rates of net in-migration. Being able to predict how fast populations are growing or shrinking is vital for policymakers, who need to make a wide range of decisions based on what they expect the population to be in the future. Authorities responsible for planning the provision of public health, education, housing, energy, transportation, recreation and social security services all need to base their long-term plans on predictions of how many people they will need to provide for 10, 20 and 30 years into the future. Reliable estimates of current fertility and mortality rates are crucial for population change projections to be accurate and useful.

This chapter presents a general overview of fertility and mortality estimates based on data collected from the 2014 Census. The questions used to collect the data are shown below. The chapter examines four key indicators, two for fertility and two for mortality. For the former, the analysis discusses total fertility and adolescent fertility; for the latter, it considers life expectancy and early-age mortality. In some sections, international comparisons of national-level data are made to show how rates in Myanmar differ from those in other countries. For Myanmar, Union-level estimates are useful for giving policymakers general guidance on how many more (or fewer) people to plan for in the future, but they can only give a general sense of how many more schools, teachers, hospitals, clinics, doctors, nurses, houses, power stations and new roads will be needed. It is equally important for policymakers and planning authorities to know where new infrastructure and services will be needed most, and for this they need to know how fertility rates, mortality rates and net migration rates vary in different parts of the country. For this reason, this chapter examines variations in fertility and mortality indicators in different parts of Myanmar, revealing distinct regional and local patterns and giving some indication as to where the population can be expected to grow fastest, and where slower growth or even population decline are more likely.

The analysis presented in this chapter highlights a number of key findings from the 2014 Census. The total fertility rate for the Union was slightly lower than the world average, and slightly higher than the average for the South-East Asia region. Compared with other countries in the region, Myanmar is roughly in the middle, with higher total fertility rates than Viet Nam, Malaysia, Thailand and Singapore, and lower total fertility rates than Cambodia, the Philippines, Lao PDR and Timor-Leste. Within Myanmar, there is a striking contrast between total fertility rates in the middle corridor and rates in the outer ring. For all three of the indicators presented - births, total fertility and adolescent fertility - rates were generally substantially lower for Districts and Townships in the middle corridor than they were for those areas in the outer ring.

The mortality indicators estimated from Census data are cause for serious concern. The analysis presented in Section 3.3 shows life expectancy in Myanmar, at 64.7 years, to be some six years shorter than both the world average and the average for the South-East Asia region. Life expectancy for males in Myanmar is particularly short, at just over 60 years compared with world and region averages of about 68 years. Similarly, with infant and under-five mortality, rates in Myanmar are by far the highest in the region, and compare unfavourably with the world average. The striking aspect of mortality as presented in this chapter is not so much internal geographic variability, but more that short life expectancy, especially for males, and high early-age mortality rates for both sexes, are common to all parts of the country.

Having said that, a study of how early-age mortality rates have changed in Myanmar since the 1960s offers some encouragement, showing that they have dropped from a high of almost 150 infant deaths per 1,000 live births in 1968, to the 2014 Census-based estimate of just over 60 (Department of Population, 2016c). Though current estimates of infant mortality rates are still high by international comparison, they have dropped substantially over the last 50 or 60 years.

EVER MARRIED WOMEN (AGED 15 AND ABOVE)

Number of children ever born alive								Particulars of last live birth			
25. Number of children ever born alive *(If no children, write "00")*		26. How many of those children are living in this household?		27. How many of those children are living elsewhere (not in this household)?		28. How many of those children are no longer alive (dead)?		29. Date of last live birth		30. Sex of last live birth	31. Is the child still alive?
Male	Female	Male	Female	Male	Female	Male	Female	Month	Year	Male / Female	Yes / No

DEATHS IN THE HOUSEHOLD DURING THE LAST 12 MONTHS

41. Number of deaths in this household in the last 12 months (30-3-2013 to 29-3-2014) ☐

Serial number	Name of the deceased	Was the deceased Male or Female?	Age at death *If age is unknown, estimate age using local historic calendar. Record age in completed years.*	FEMALES AGED 15-49		
				Did the death occur during ...?		
				pregnancy?	delivery?	the first 6 weeks after delivery?

3.1 Total Fertility

This section presents data for crude birth rates and total fertility rates, both indicators of the reproductive rate of a population. Since the spatial distribution and regional patterns are similar for both (Maps 3.1a and 3.1b), the discussion here is limited only to total fertility rates. Total fertility is a summary estimate of the level of fertility in a population. Fertility can be estimated in a number of different ways, but the rates presented here give the average number of children that women in Myanmar are expected to give birth to during their reproductive age span of 15-49 years.

Based on data collected for the 2014 Census, the total fertility rate for the Union was estimated to be 2.5. This puts Myanmar towards the high end of countries in South-East Asia, in which total fertility rates mostly fall within the range from 1.2 in Singapore to 3.1 in Lao PDR (Figure 3.1). Among the country's States and Regions, all but Chin State fell within the range 1.8 (Yangon Region) to 3.5 (Kayah State). But just as South-East Asia has Timor-Leste as an outlier, with the very high rate of 5.9, Myanmar has Chin State as its outlier, with a slightly lower rate of 5.0 (Figure 3.2).

In most countries, fertility rates are higher for rural populations than they are for urban populations. This is also the case in Myanmar, where in 2014 the rates at the Union level were 1.9 in urban areas and 2.8 in rural areas. Map 3.1b shows this pattern quite clearly. Townships in the middle corridor, where a higher proportion of the population lives in urban areas, were generally below the Union level of 2.5. Rates in the predominantly rural outer ring Townships were generally above the Union average.

What are the main reasons for this difference? Compared to women living in rural areas, those in urban areas are generally better-educated, have more opportunities for active engagement in income-earning employment, and have better access to family planning and health services (National Statistics Directorate, 2013). For all these reasons, women in urban areas are more likely to limit their childbearing by giving birth less frequently (wider spacing) and delaying childbirth until later in their lives.

For a detailed explanation of the methods used for estimating the total fertility rates presented here, see Department of Population, 2016d.

Figure 3.1 Total Fertility Rates, International Comparisons

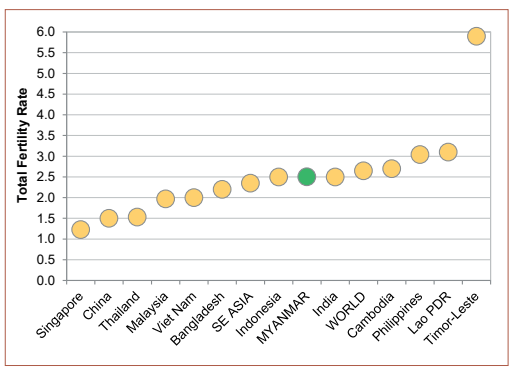


Figure 3.2 Total Fertility Rates, States/Regions

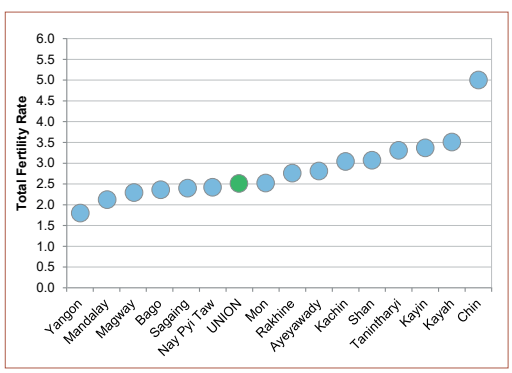


Table 3.1 Crude Birth Rates and Total Fertility Rates, States/Regions and Districts

State/ Region District	Crude Birth Rate	Total Fertility Rate
UNION	**19.8**	**2.5**
Kachin	**19.9**	**3.0**
Myitkyina	21.8	3.1
Mohnyin	16.7	2.9
Bhamo	20.1	2.8
Putao	32.1	4.9
Kayah	**26.3**	**3.5**
Loikaw	26.3	3.5
Bawlakhe	26.4	3.8
Kayin	**22.8**	**3.4**
Hpa-An	21.6	3.4
Pharpon	27.1	3.9
Myawady	23.5	3.1
Kawkareik	24.1	3.5
Chin	**33.9**	**5.0**
Haka	28.2	4.1
Falam	31.8	4.8
Mindat	38.1	5.6
Sagaing	**19.7**	**2.4**
Sagaing	15.3	1.9
Shwebo	18.6	2.2
Monywa	16.6	1.9
Katha	21.3	2.8
Kalay	21.2	2.6
Tamu	25.6	3.4
Mawlaik	23.9	3.2
Hkamti	27.9	4.8
Yinmarpin	17.8	2.1
Tanintharyi	**23.5**	**3.3**
Dawei	19.6	2.9

State/Region District	Crude Birth Rate	Total Fertility Rate
Myeik	25.1	3.4
Kawthoung	27.0	3.8
Bago	**18.6**	**2.4**
Bago	20.3	2.6
Toungoo	20.6	2.6
Pyay	14.4	1.8
Thayawady	17.3	2.2
Magway	**18.9**	**2.3**
Magway	19.1	2.3
Minbu	19.0	2.3
Thayet	17.1	2.0
Pakokku	20.6	2.5
Gangaw	15.8	2.0
Mandalay	**17.6**	**2.1**
Mandalay	16.1	1.9
Pyin Oo Lwin	19.7	2.5
Kyaukse	18.5	2.2
Myingyan	17.4	2.1
Nyaung U	16.2	1.9
Yame`thin	18.8	2.2
Meiktila	17.5	2.2
Mon	**17.9**	**2.5**
Mawlamyine	16.8	2.3
Thaton	19.4	2.8
Rakhine	**21.8**	**2.8**
Sittway	21.4	2.6
Myauk U	23.0	2.8
Maungtaw	26.1	3.4
Kyaukpyu	21.8	3.0
Thandwe	18.7	2.5

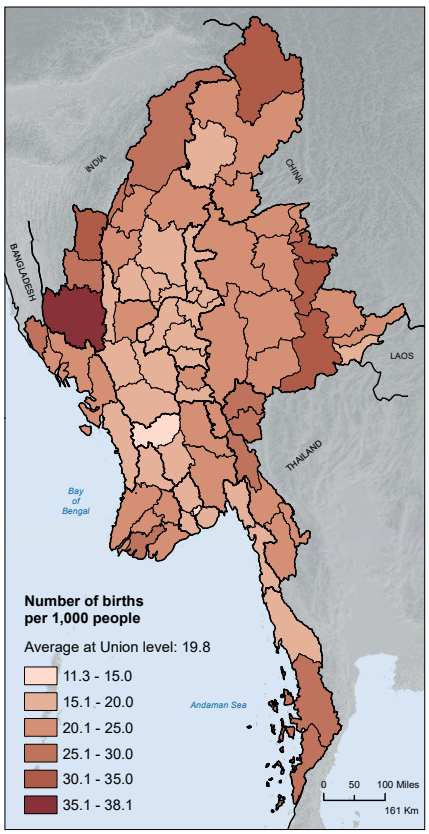
State/Region District	Crude Birth Rate	Total Fertility Rate
Yangon	**15.9**	**1.8**
North Yangon	17.2	2.0
East Yangon	14.3	1.6
South Yangon	19.4	2.4
West Yangon	11.3	1.3
Shan	**23.2**	**3.1**
Taunggyi	22.0	2.7
Loilin	22.9	3.0
Linkhe`	20.5	2.8
Lashio	22.0	2.9
Muse	20.8	2.8
Kyaukme	21.2	2.8
Kunlon	25.3	4.3
Laukine	22.7	3.4
Hopan	34.1	4.9
Makman	34.8	5.0
Kengtung	22.4	3.2
Minesat	31.3	4.7
Tachileik	19.8	2.5
Minephyat	20.3	2.9
Ayeyawady	**21.7**	**2.8**
Pathein	20.3	2.6
Phyapon	24.6	3.2
Maubin	21.4	2.8
Myaungmya	23.0	3.0
Labutta	26.3	3.3
Hinthada	17.8	2.3
Nay Pyi Taw	**19.6**	**2.4**
Ottara (North)	20.5	2.5
Dekkhina (South)	18.8	2.4

Sources of Data:

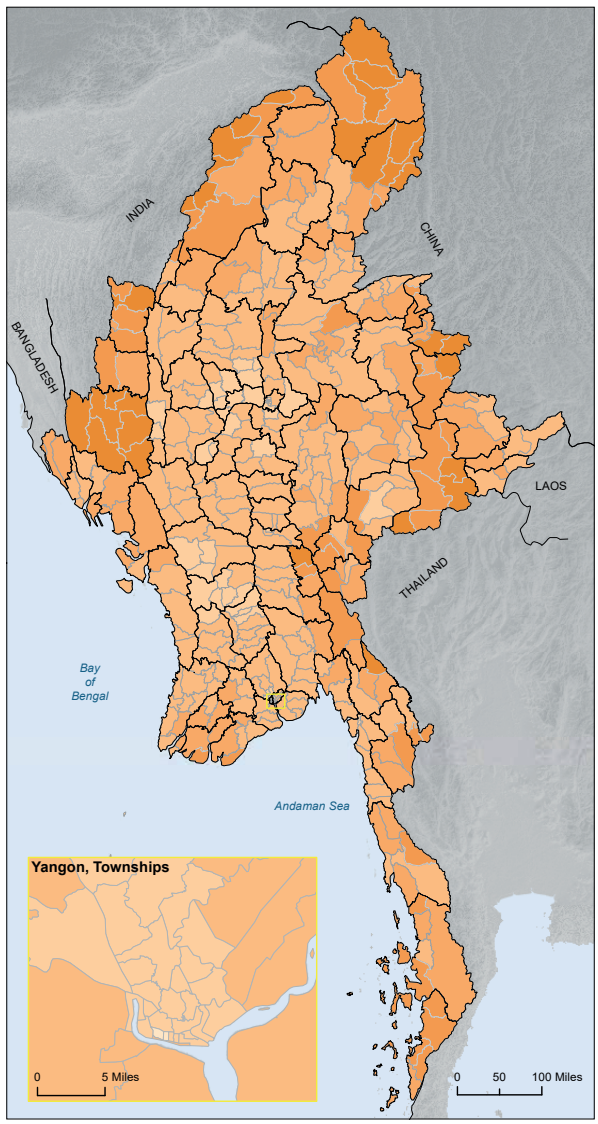
Data for Myanmar: Department of Population, 2016d.

Data for all other countries: UN DESA, Population Division, 2015, Table A.22.

Map 3.1a Crude Birth Rates, Districts



Map 3.1b Total Fertility Rates, Townships



The base population for these indicators is all females aged 15-49 that were living in conventional and institutional households at the time of the 2014 Census.

The Crude Birth Rate is the number of births in a given year. It is calculated as the total number of live births in the 12 months prior to the Census divided by the enumerated population, multiplied by 1,000.

The Total Fertility Rate is the sum of five-year age-specific birth rates for females aged 15 to 49. It gives the average number of children that a woman would give birth to if all women lived to the end of their childbearing years (49) and bore children according to the current schedule of age-specific fertility rates.

The range of Total Fertility Rates is 1.3 to 5.6 in Table 3.1 and 0.9 to 7.1 in Map 3.1b. This difference is because Table 3.1 gives rates for the States/ Regions and Districts, whereas Map 3.1b shows rates for Townships.

© Department of Population, Ministry of Labour, Immigration and Population. Nay Pyi Taw, Myanmar, 2017.

Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

3.2 Adolescent Fertility

Whereas the rates for total fertility discussed in the previous section estimated the number of children women give birth to during their entire reproductive lives, adolescent fertility gives age-specific rates for women aged 15-19 years. This section presents rates per thousand, based on the number of live births reported for women in this age group during the 12-month period prior to the Census. The data presented here aligns with Sustainable Development Goal 3 (see Box).

In 2014, the adolescent fertility rate for the Union was 33.2 births per thousand women aged 15-19 years. In urban areas, the rate was 22.3 per thousand, and in rural areas it was 38.0 per thousand (Department of Population, 2016d). At the State/Region level, Yangon Region had the lowest adolescent fertility rate at 20.8, and Shan State had the highest at 58.8 (Figure 3.3). Variability within States/Regions was substantial, ranging from lows of less than 20 births per thousand in West Yangon, East Yangon, Myingyan and Sagaing Districts, to highs of more than 90 births per thousand in Minephyat, Makman and Minesat Districts (Table 3.2).

Maps 3.2a and 3.2b show these regional and local variations very clearly. Shan State stands out as having by far the highest adolescent fertility rates in the country, though within Shan State there is a very broad range, from 46.8 in Taunggyi District to 117.5 in Minesat District. Rates were moderately high in parts of other States/Regions, including Kawthoung District in Tanintharyi Region (63.4), Labutta District in Ayeyawady Region (56.3) and Haka District in Chin State (55.4). These Districts are all in the outer ring. Conversely, the lowest adolescent fertility rates were found in Districts in the middle corridor, particularly in those Districts noted above - West Yangon (11.0), East Yangon (17.4), Myingyan (17.8) and Sagaing (18.0) Districts.

As with total fertility rates, adolescent fertility rates were generally higher in rural areas than in urban areas, often for similar reasons. Women who bear children during their teenage years tend to be less well-educated, live in poorer households, be economically inactive and have limited access to health and family planning services than women who postpone childbirth until later in their lives. The main reason that high adolescent fertility rates are of concern to women, health professionals and policymakers is that births to young women often have adverse implications for the health of both the women and their children.

For a detailed explanation of the methods used for calculating the adolescent fertility rates presented here, see Department of Population, 2016d.

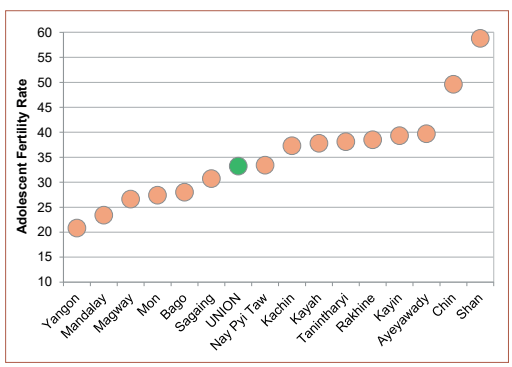


Figure 3.3 Adolescent Fertility Rates, States/Regions

Table 3.2 Adolescent Fertility Rates, Women Aged 15-19, States/Regions and Districts

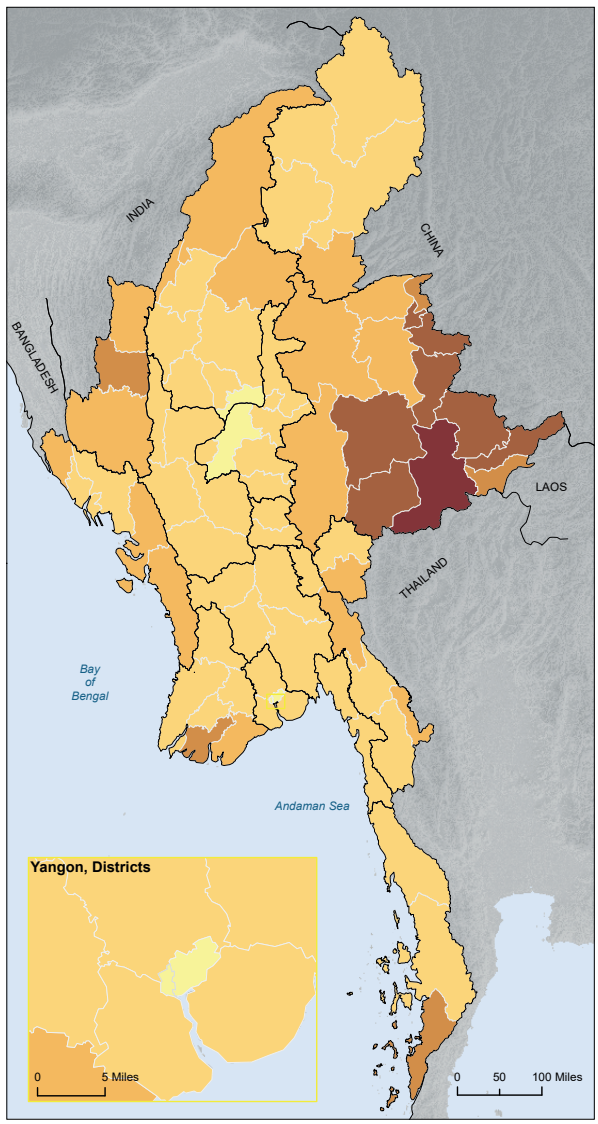
State/Region District	Adolescent Fertility Rate	State/Region District	Adolescent Fertility Rate	State/Region District	Adolescent Fertility Rate
UNION	**33.2**	Myeik	37.8	**Yangon**	**20.8**
Kachin	**37.3**	Kawthoung	63.4	North Yangon	22.8
Myitkyina	34.1	**Bago**	**28.0**	East Yangon	17.4
Mohnyin	34.1	Bago	29.0	South Yangon	29.4
Bhamo	46.0	Toungoo	28.0	West Yangon	11.0
Putao	39.6	Pyay	23.4	**Shan**	**58.8**
Kayah	**37.8**	Thayawady	29.8	Taunggyi	46.8
Loikaw	35.2	**Magway**	**26.6**	Loilin	66.7
Bawlakhe	55.0	Magway	23.7	Linkhe`	65.6
Kayin	**39.3**	Minbu	26.8	Lashio	53.7
Hpa-An	34.9	Thayet	27.4	Muse	50.8
Pharpon	40.5	Pakokku	27.2	Kyaukme	49.0
Myawady	53.9	Gangaw	36.0	Kunlon	84.2
Kawkareik	39.7	**Mandalay**	**23.4**	Laukine	56.5
Chin	**49.6**	Mandalay	21.1	Hopan	69.5
Haka	55.4	Pyin Oo Lwin	32.0	Makman	90.9
Falam	45.2	Kyaukse	26.5	Kengtung	72.5
Mindat	50.2	Myingyan	17.8	Minesat	117.5
Sagaing	**30.7**	Nyaung U	20.7	Tachileik	57.1
Sagaing	18.0	Yame`thin	23.3	Minephyat	90.3
Shwebo	26.4	Meiktila	22.5	**Ayeyawady**	**39.7**
Monywa	20.6	**Mon**	**27.4**	Pathein	38.4
Katha	40.6	Mawlamyine	25.9	Phyapon	47.2
Kalay	37.4	Thaton	29.7	Maubin	36.2
Tamu	45.6	**Rakhine**	**38.5**	Myaungmya	34.0
Mawlaik	37.1	Sittway	28.6	Labutta	56.3
Hkamti	48.9	Myauk U	37.4	Hinthada	32.3
Yinmarpin	24.6	Maungtaw	46.8	**Nay Pyi Taw**	**33.4**
Tanintharyi	**38.1**	Kyaukpyu	45.0	Ottara (North)	36.8
Dawei	27.5	Thandwe	48.7	Dekkhina (South)	30.7

Map 3.2 Adolescent Fertility Rates

a) States/Regions



b) Districts



Annual number of births per 1,000 women aged 15 to 19

Average at Union level: 33.2

- 11.0 - 20.0
- 20.1 - 40.0
- 40.1 - 55.0
- 55.1 - 65.0
- 65.1 - 100.0
- 100.1 - 117.5

- State/Region boundary
- District boundary

The base population for this indicator is all females aged 15-19 that were living in conventional and institutional households at the time of the 2014 Census.

The Adolescent Fertility Rate represents the age-specific fertility rate for women aged 15-19. It is calculated as the number of children born in the 12 months prior to the Census to women in this age group, multiplied by 1,000.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

3.3 Life Expectancy

Life expectancy at birth is the most widely used indicator of mortality. It estimates the average number of years a newborn baby is expected to live. Based on Census data, life expectancy in Myanmar in 2014 was 64.7 for all newborns; 60.2 for males and 69.3 for females, respectively. Table 3.3 and Figure 3.4 show how life expectancy in Myanmar compares with life expectancy in other countries in South-East Asia and with world estimates. Life expectancy in Myanmar is shortest for males and females combined and for males only; for females it was shorter than in most countries, but slightly longer than in India (68.9) and Lao PDR (66.8).

At the broadest regional level, life expectancy for Myanmar's newborn males and females together ranged from 60.5 years in Chin State to 67.7 years in Nay Pyi Taw Union Territory. For females, life expectancy was also shortest in Chin State (63.5 years) and longest in Nay Pyi Taw (71.6 years). For males, however, though Nay Pyi Taw again had the longest life expectancy at 63.7 years, expectations were shortest in Magway Region at only 57.1 years (Table 3.4). The maps opposite clearly show the big differences between male and female life expectancy. All the administrative units in Map 3.3a are shaded light blue, illustrating that life expectancy for newborn males at this level was below the Union average of 64.7 for both sexes for all States and Regions. In contrast, Map 3.3b is shaded predominantly dark blue, showing that, for most States/Regions, life expectancy for newborn females was above the Union average. Only in Chin State, at 63.5 years, was life expectancy for females shorter than the average for the Union as a whole.

Differences in life expectancy between males and females are the norm in most countries, but as Table 3.3 shows, the gap between male and female life expectancy in Myanmar was very wide compared with the global average and for other countries in the region. Whereas females born in Myanmar could be expected to live 9.1 years longer than their male counterparts, the gap for the world population was only 4.4 years. In South-East Asia only Viet Nam, at 9.6 years, had a wider gap between male and female life expectancy than Myanmar, and in countries such as Bangladesh, Lao PDR and India, the gaps were less than 3 years. A Census data-based analysis of life expectancy and other mortality indicators suggests that the particularly wide gap in Myanmar is likely to be explained more by behavioural differences between males and females than by biological differences (Department of Population, 2016c). Risk-prone behaviour that can lead to premature death includes alcohol abuse, smoking, motorcycle riding and working in dangerous and stressful jobs. These types of behaviour are more common among boys and men than among girls and women, a distinction which might be particularly exaggerated in Myanmar. They also tend to be more prevalent among males in urban areas than males in rural areas. Though no data for comparing urban and rural life expectancies is presented in this atlas, the report referenced above states that, in Myanmar, the probability of males dying between the ages of 15 and 59 is double that of females, which is a big difference compared with other countries in the region.

Figure 3.4 Life Expectancy at Birth, International Comparisons

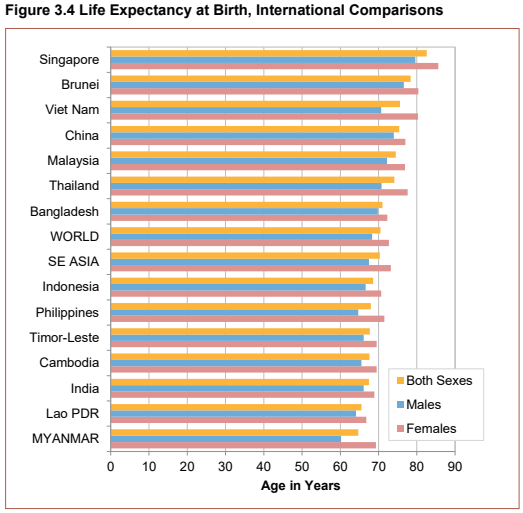


Table 3.3 Life Expectancy at Birth, International Comparisons

Region/Country	Life Expectancy at Birth		
	Both Sexes	Males	Females
WORLD	**70.5**	**68.3**	**72.7**
SE ASIA	**70.3**	**67.5**	**73.2**
Bangladesh	71.0	69.8	72.3
Brunei Darussalam	78.4	76.6	80.4
Cambodia	67.6	65.5	69.5
China	75.4	74.0	77.0
India	67.5	66.1	68.9
Indonesia	68.6	66.6	70.7
Lao PDR	65.5	64.1	66.8
Malaysia	74.5	72.2	76.9
MYANMAR	**64.7**	**60.2**	**69.3**
Philippines	68.0	64.7	71.5
Singapore	82.6	79.6	85.6
Thailand	74.1	70.8	77.6
Timor-Leste	67.7	66.1	69.5
Viet Nam	75.6	70.7	80.3

Table 3.4 Life Expectancy at Birth, States/Regions

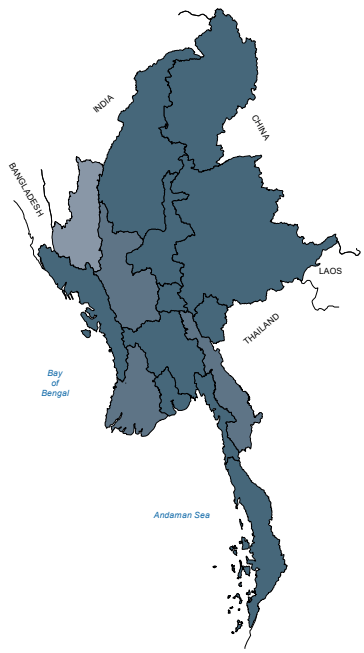
State/Region	Life Expectancy at Birth		
	Both Sexes	Males	Females
UNION	**64.7**	**60.2**	**69.3**
Kachin	64.2	59.4	69.3
Kayah	64.3	59.1	70.2
Kayin	62.1	57.7	66.7
Chin	60.5	57.4	63.5
Sagaing	65.8	61.0	70.4
Tanintharyi	65.5	62.2	68.9
Bago	65.2	60.7	69.8
Magway	62.3	57.1	67.5
Mandalay	64.9	59.7	70.2
Mon	63.5	58.2	69.1
Rakhine	65.5	61.6	69.3
Yangon	65.5	60.5	70.8
Shan	64.8	60.5	69.4
Ayeyawady	63.6	60.2	67.2
Nay Pyi Taw	67.7	63.7	71.6

Map 3.3 Life Expectancy at Birth, States/Regions

a) Males



b) Females



c) Both Sexes



Average number of years expected to live

Average at Union level: 60.2 males, 69.3 females, 64.7 both sexes

- 57.1 - 60.0
- 60.1 - 62.0
- 62.1 - 64.0
- 64.1 - 66.0
- 66.1 - 68.0
- 68.1 - 71.6

State/Region boundary

0 50 100 Miles
161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator gives the average number of years that a newborn baby is expected to live (see Glossary of Technical Terms and Definitions for more information).

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

3.4 Early-Age Mortality

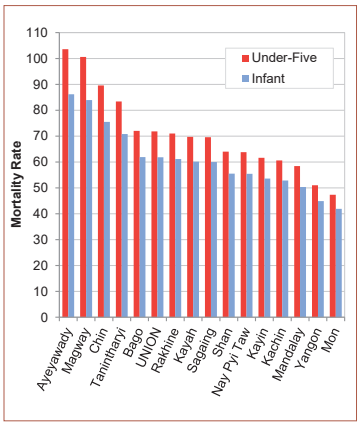
Early-age mortality refers to the rates at which children die within five years of being born. This section presents rates that were calculated by indirect methods from the 2014 Census data. In this sense, they only serve as a proxy for the under-five mortality indicator defined for Sustainable Development Goal 3 (see Box). Other methods for calculating early-age mortality rates use direct methods applied to 'full birth history' data collected through specially designed surveys (see Department of Population, 2016c for an explanation of the different approaches and a discussion of the differences between them).

From the indirect estimates derived from the 2014 Census data, the Union infant mortality rate was 61.8 and the Union under-five mortality rate was 71.8 deaths per 1,000 live births (see indicator definition below Map 3.4). International comparisons should be treated with caution because of significant differences in the way records are kept, surveys are conducted and mortality rates are estimated by different organizations in different countries. However, since Table 3.5 presents international data from a single source, the differences are to some extent controlled and the numbers are considered valid for the purposes of making general comparisons. Nevertheless, the rates in Table 3.5 are rounded up to whole numbers to avoid giving a sense of false precision. Comparing early-age mortality rates for different countries shows that Myanmar, at 72, has a very high early-age mortality rate, much higher than the world rate of 50 and substantially higher than the rates for under-five deaths per 1,000 live births for Lao PDR at 60 and Timor-Leste at 56.

Comparing variations in early-age mortality rates within Myanmar is sounder because they were derived by applying a standard methodology to a single dataset. Maps 3.4a and 3.4b show a distinct division of the country into two halves, with relatively high rates in the south and west and relatively low rates in the north and east. This pattern is interesting in that it does not conform to the middle corridor/outer ring distinction seen for other indicators.

Table 3.6 and Figure 3.5 show the highest early-age mortality rates were in Ayeyawady, Magway and Tanitharyi Regions and in Chin State; the lowest were in Yangon and Mandalay Regions, and in Mon, Kayin and Kachin States.

The reasons why rates vary in different parts of the country are more likely to be explained locally than regionally. Relatively low rates will almost certainly be associated with better access to quality health services, transportation and communication networks. Children born to better-educated parents with higher incomes generally have a much better chance of surviving beyond the age of five. And areas in which people live in better quality houses with amenities such as safe drinking water, a reliable electricity supply and hygienic sanitation facilities will usually have relatively low early-age mortality rates. Conditions for raising children are generally more favourable in urban areas than they are in rural areas, which would help explain why early-age mortality rates in predominantly rural Townships are likely to be much higher than the rates in neighbouring, but predominantly urban, Townships. For a detailed explanation of the methods used for calculating the early-age mortality rates presented here, see Department of Population, 2016c.



Sustainable Development Goal 3

Ensure healthy lives and promote well-being for all at all ages

Target 3.2: By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births.

Indicator 3.2.1: Under-five mortality rate (probability of dying before age five per 1,000 live births).

Figure 3.5 Early-Age Mortality Rates, States/Regions

Table 3.5 Early-Age Mortality Rates, International Comparisons*

Region/Country	Early-Age Mortality Rates	
	Infant	Under-Five
WORLD	**36**	**50**
SE ASIA	**24**	**30**
Bangladesh	33	41
Brunei Darussalam	4	5
Cambodia	30	35
China	12	14
India	41	53
Indonesia	25	30
Lao PDR	47	60
Malaysia	7	8
MYANMAR	**62**	**72**
Philippines	23	30
Singapore	2	2
Thailand	11	13
Timor-Leste	44	56
Viet Nam	19	24

Sources of Data:

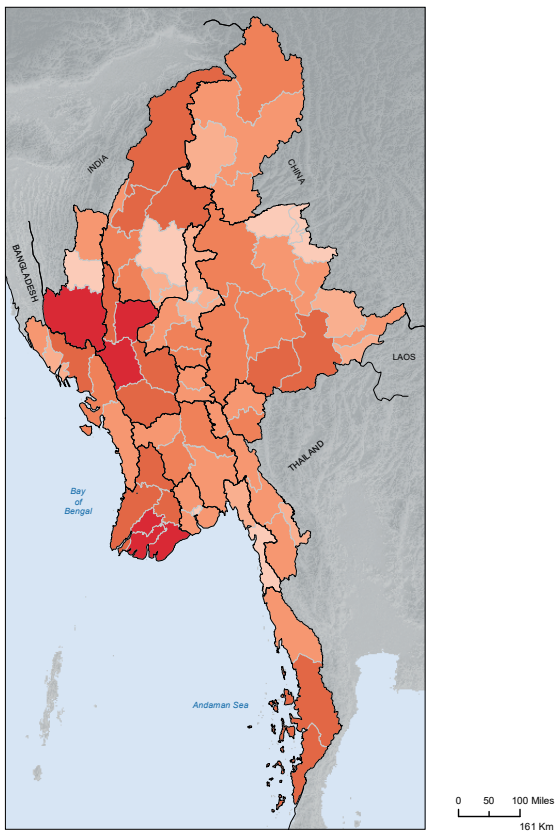
Data for Myanmar: Department of Population, 2016c.

Data for all other countries: UN DESA, 2015a, Tables A.29 and A.30.

Table 3.6 Early-Age Mortality Rates, States/Regions

State/Region	Early-Age Mortality Rates	
	Infant	Under-Five
UNION	**61.8**	**71.8**
Kachin	52.8	60.6
Kayah	60.1	69.7
Kayin	53.6	61.6
Chin	75.5	89.6
Sagaing	60.0	69.6
Tanintharyi	70.8	83.4
Bago	61.9	72.0
Magway	83.9	100.6
Mandalay	50.3	58.4
Mon	41.9	47.3
Rakhine	61.1	71.0
Yangon	44.9	51.0
Shan	55.5	64.0
Ayeyawady	86.2	103.6
Nay Pyi Taw	55.4	63.8

Map 3.4a Infant Mortality Rates, Districts



Number of children per 1,000 live births with probability of dying before reaching age 1

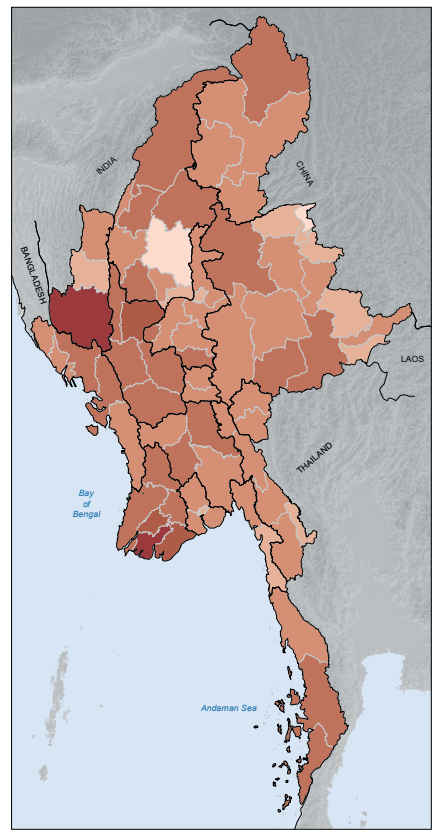
Average at Union level: 61.8

- 4.6 - 40.0
- 40.1 - 50.0
- 50.1 - 60.0
- 60.1 - 70.0
- 70.1 - 80.0
- 80.1 - 123.5

State/Region boundary

District boundary

Map 3.4b Under-Five Mortality Rates, Districts



Number of children per 1,000 live births with probability of dying before reaching age 5

Average at Union level: 71.8

- 5.3 - 25.0
- 25.1 - 50.0
- 50.1 - 75.0
- 75.1 - 100.0
- 100.1 - 125.0
- 125.1 - 148.4

The base population for this indicator is the number of live births to women living in conventional and institutional households during the 12-month period prior to the 2014 Census.

The indicator for infant mortality gives the number of infants that died before reaching one year of age per 1,000 live births during this 12-month period.

The indicator for under-five mortality gives the number of children that died before reaching five years of age per 1,000 live births during this 12-month period.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

4 Education

This chapter highlights spatial variations in some key education indicators, based on data collected for the 2014 Myanmar Population and Housing Census. The themes of the chapter are school attendance, educational attainment and adult literacy. In summary, the Census revealed that, in 2014, attendance rates were generally quite high for young children, with little difference between boys and girls, and between urban and rural children. As children get older, attendance rates declined, especially for boys, and especially in rural areas. In spite of reasonably high current attendance rates, less than half the adult population had completed any level of education beyond primary school, with something less than 20 per cent having completed upper secondary level, referred to in this report as 'high school' level. Boys were more likely than girls to have dropped out of the education system during, or after completing, primary school or high school, as evidenced by the fact that a higher proportion of female adults had completed university than male adults. Both educational attainment and adult literacy measures show that urban populations are better educated than rural populations. Data from the Census indicated that education is most problematic in Shan State, which had the lowest current attendance rates, the highest proportion of children who had never attended school, the lowest attainment rates at all educational levels, and the lowest adult literacy rates in the country. Attendance, attainment and literacy measures across the country were generally better for children and adolescents than they were for older age groups. This suggests that the quality of education is improving and its reach is extending even into remote, rural parts of the country.

The education-related questions asked in the 2014 Census are shown below. Only people in conventional households were asked the questions about literacy (Question 19) and school attendance (Question 20). But information on attainment (Question 21) was collected from people in both conventional households and institutional households. This means the base population numbers used for calculating literacy and attendance rates were lower than the base population numbers used for calculating attainment rates. The base population for all attendance rates in this chapter was for all individuals between the ages of 5 and 15 years that were living in conventional households. This age group was used because, based on government policy, all children in this age group are expected to be attending either primary school, middle school (lower secondary level) or high school. The base population for all percentages presented for educational attainment is the total number of individuals aged 25 and over that were living in both conventional and institutional households. Percentages for attainment give the proportions of the population that claimed each of the three levels identified to be the highest level completed. They are not completion rates, which would incorporate the total number of people that had completed each level, and in which university graduates would also be counted as having completed both primary school and high school, and high school graduates also counted as having completed primary school.

AGE 5 AND ABOVE

EDUCATION

19. Can (Name) read and write in any language?	20. Is (Name) currently attending,previously attended or never attended school/ college?	21. What is the highest education grade/level (Name) completed?
Yes	Currently attending	None - 00
No	Previously attended	Grade - 01-11
	Never attended	College - 12
		Vocational training - 13
		Undergraduate diploma - 14
		Graduate - 15
		Postgraduate diploma - 16
		Masters Degree - 17
		PhD - 18
		Other - 19

'Educational attainment' is defined as the highest ISCED level successfully completed by an individual (UN DESA Population Division, 2015). This atlas discusses educational attainment in terms of the highest level completed at three levels - primary school, high school (upper secondary level) and university. Numbers for each level classified in this atlas represent aggregations of the data for the maximum grades achieved within each level. Thus, the total for primary school includes all those who reported completing primary school (Grade 5) and the first three grades of middle school (Grades 6, 7 and 8) but who had not gone on to complete upper secondary level (Grade 11). Those for whom high school was reported as the highest grade completed includes all individuals who had received some higher education (college or undergraduate diploma) as well as those that had completed the last grade in high school (Grade 11). The highest level of attainment includes all individuals who had graduated with bachelor's degrees, post graduate diplomas, master's degrees or PhDs.

Department of Population 2015, 2017b and 2017c were the primary sources for this chapter. Readers are advised to refer to these reports for broader and more detailed analyses of children and youth and education, respectively.

4.1 School Attendance

The 2014 Census showed that among 5-15 year olds more than two-thirds (69.4 per cent) were currently attending school at some level (Table 4.1). However, this overall figure masks some extreme differences when looking at single years of age. Peak attendance (85 per cent) occurred at age 9 after which attendance began to drop off, quite steeply after age 12 (68 per cent) falling to 28 per cent at age 15 (Figure 4.2). For children up to the age of 12, school attendance rates were similar for both males and females, and in both urban and rural areas. For children older than 12, females were generally better attenders than males, and a higher proportion of these older children were attending school in urban areas than in rural areas (Department of Population, 2015).

Table 4.1 shows that at the State/Region level, Chin State had the highest attendance rate at 81.1 per cent, and Shan State had the lowest, at 56.6 per cent. Indeed, Maps 4.1a and 4.1b clearly show Shan State as having the poorest school attendance rates at both the District and Township levels. Rates were lower than 50 per cent in seven Districts, and lower than 40 per cent in Makman, Hopan and Minesat Districts. The eight Townships with the poorest records for school attendance at lower than 30 per cent, were all in Shan State. Of these, rates in Minekat Township and Minekoke Sub-Township were lower than 20 per cent. The difference between attendance rates in urban and rural parts of Shan State was more than 20 percentage points. This is the widest gap in the country at the State/Region level, and it is largely a function of the very low rate of only slightly more than 50 per cent attendance in rural areas (Figure 4.1).

Children in Putao District (Kachin State) were the most diligent school-goers, with almost 86 per cent of them attending school in 2014. The top four Townships in the country in terms of school attendance were Naungmoon, Khaunglanphoo, Sumprabum and Machanbaw, all of them in Putao District and all of them with attendance rates close to 90.0 per cent. Attendance rates were around 80 per cent in all three Districts in Chin State, the highest being 83.4 per cent in Haka District. Rates were higher than 60 per cent in all Districts except those in Shan State.

Table 4.1 Proportion of Children Currently Attending School, States/Regions and Districts

State/Region District	Percentage	State/Region District	Percentage	State/Region District	Percentage
UNION	**69.4**	Myeik	73.2	**Yangon**	**69.0**
Kachin	**79.9**	Kawthoung	66.4	North Yangon	68.6
Myitkyina	78.6	**Bago**	**69.9**	East Yangon	69.5
Mohnyin	80.6	Bago	72.0	South Yangon	70.1
Bhamo	78.9	Toungoo	70.3	West Yangon	66.8
Putao	86.0	Pyay	67.1	**Shan**	**56.6**
Kayah	**77.9**	Thayawady	67.5	Taunggyi	71.2
Loikaw	78.3	**Magway**	**73.1**	Loilin	49.0
Bawlakhe	75.4	Magway	73.8	Linkhe`	48.1
Kayin	**66.2**	Minbu	71.2	Lashio	51.7
Hpa-An	67.3	Thayet	67.2	Muse	66.1
Pharpon	69.0	Pakokku	76.8	Kyaukme	64.3
Myawady	65.0	Gangaw	74.6	Kunlon	42.1
Kawkareik	64.4	**Mandalay**	**71.1**	Laukine	54.3
Chin	**81.1**	Mandalay	66.3	Hopan	37.4
Haka	83.4	Pyin Oo Lwin	70.7	Makman	29.2
Falam	81.8	Kyaukse	69.3	Kengtung	41.3
Mindat	79.5	Myingyan	74.1	Minesat	38.2
Sagaing	**73.7**	Nyaung U	76.5	Tachileik	59.5
Sagaing	68.1	Yame`Thin	74.5	Minephyat	50.7
Shwebo	73.2	Meiktila	74.2	**Ayeyawady**	**69.1**
Monywa	71.4	**Mon**	**68.8**	Pathein	69.0
Katha	73.8	Mawlamyine	69.7	Phyapon	70.5
Kalay	77.4	Thaton	67.6	Maubin	68.5
Tamu	79.8	**Rakhine**	**71.2**	Myaungmya	68.2
Mawlaik	76.8	Sittway	68.8	Labutta	67.9
Hkamti	71.3	Myauk U	71.5	Hinthada	69.7
Yinmarpin	77.4	Maungtaw	60.4	**Nay Pyi Taw**	**75.8**
Tanintharyi	**72.5**	Kyaukpyu	75.6	Ottara (North)	77.9
Dawei	74.2	Thandwe	73.1	Dekkhina (South)	74.0

Figure 4.1 Proportion of Children Currently Attending School, States/ Regions, Urban and Rural

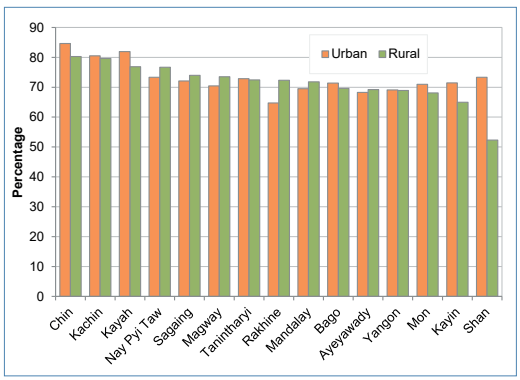
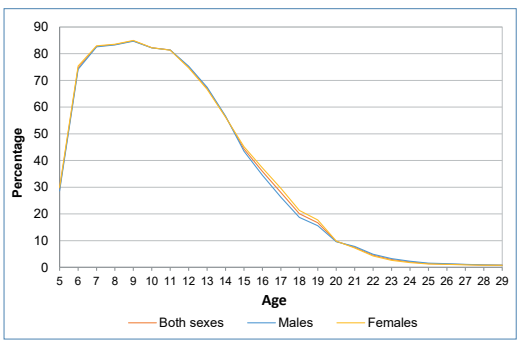
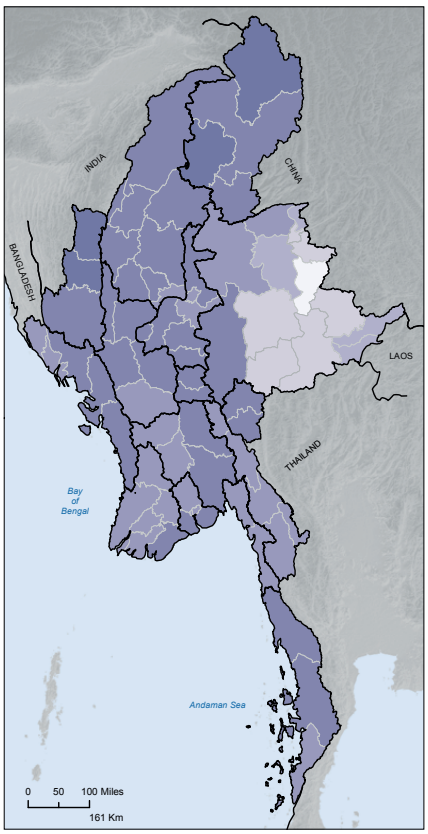


Figure 4.2 Proportion of Children Currently Attending School by Age Males, Females and Both Sexes, Union

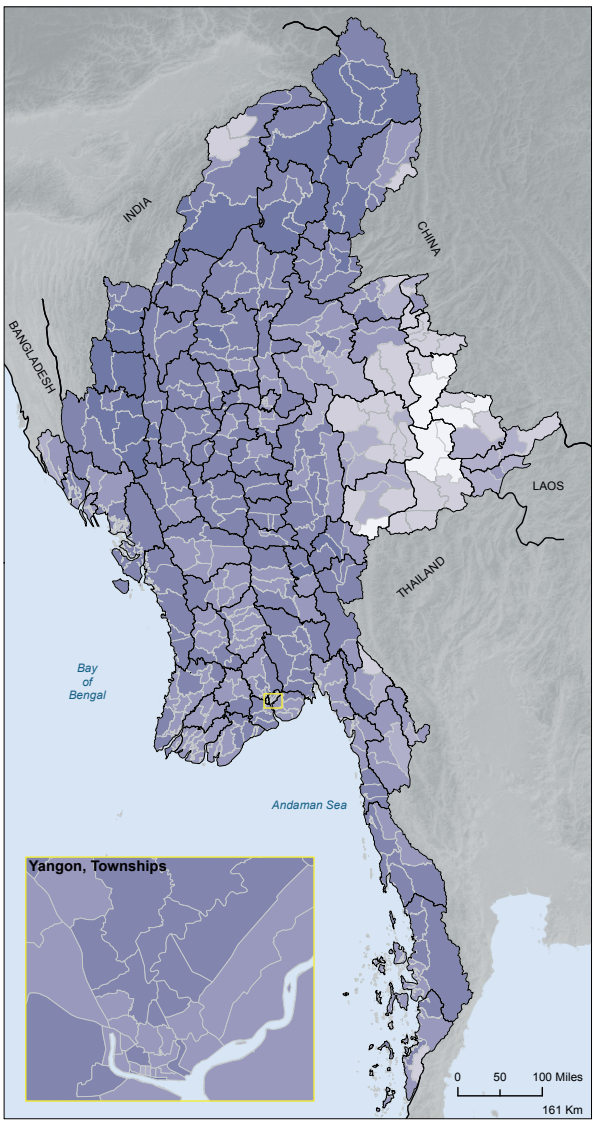


Map 4.1 School Attendance Rates, 5-15 Year Olds

a) Districts



b) Townships



Percentage of children attending school

Average at Union level: 69.4

- 12.6 - 30.0
- 30.1 - 50.0
- 50.1 - 60.0
- 60.1 - 70.0
- 70.1 - 80.0
- 80.1 - 90.1

- State/Region boundary
- District boundary
- Township boundary

The base population for this indicator is all individuals aged 5-15 that were living in conventional households at the time of the 2014 Census.

The indicator gives the proportion of 5-15 year olds that were actively attending school in 2014.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

4.2 People who had Never Attended School

Whereas the previous section explored the geography of children actively attending school in 2014, this section presents key patterns and trends concerning sections of society that had never attended school. Figure 4.3 illustrates three clear patterns among the adult population. Firstly, younger adults were much more likely to have received some formal schooling than their parents or grandparents. While around 35 per cent of males and 50 per cent of females aged 80 and over had never attended school, among 25-39 year olds the proportions dropped to just under 10 per cent for males and just over 10 per cent for females. Secondly, a higher proportion of females than males had never attended school in all age groups. This is most notable among the elderly, where the proportion of females who had never attended school was close to 17 percentage points higher than the proportion of males. Thirdly, the gap between males and females was narrowing, so that even though females were still more likely to have never attended school, the difference among younger adults was only about 2 percentage points.

More than 450,000 children aged 7-15 years had never attended school. This represents 5.3 per cent of the total population for this age category. Tables 4.2 and 4.3 show that, though rates for males and females who had never attended school are quite similar, they are significantly higher for children in rural areas than they are for children in urban areas. For the Union as a whole, 2.4 per cent of urban children and 6.3 per cent of rural children had never attended school, but against these relatively low figures there are some worryingly high rates in some parts of the country. Shan State again stands out, with State-wide rates of 5.0 per cent for urban areas and 26.6 per cent for rural areas. Proportions for never having attended school also varied considerably within Shan State. In Makman, Hopan, Minesat and Kengtung Districts, more than 50 per cent of rural children had never attended school (Map 4.2b). The 10 Districts in the country with the highest never attended rates were all in Shan State, with rates as high as 60 per cent. Only five other Districts in the country had more than 10 per cent of 7-15 year olds having never attended school - Maungtaw in Rakhine State, Hkamti in Sagaing Region, Kawkareik in Kayin State, and Tachileik and Muse, again in Shan State (Map 4.2c).

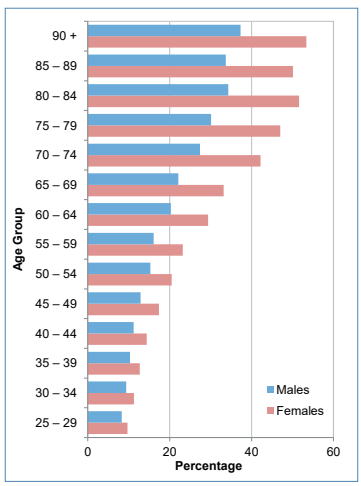
Table 4.2 Proportion of Urban Children who had Never Attended School, Males and Females, States/Regions

State/Region	Population 7 - 15 Years Old			7 - 15 Never Attended School					
				Number			Percentage		
	Both Sexes	Males	Females	Both Sexes	Males	Females	Both Sexes	Males	Females
UNION	**2,190,524**	**1,096,468**	**1,094,056**	**52,039**	**26,197**	**25,842**	**2.4**	**2.4**	**2.4**
Kachin	96,971	48,451	48,520	1,128	629	499	1.2	1.3	1.0
Kayah	11,946	5,920	6,026	130	59	71	1.1	1.0	1.2
Kayin	57,626	28,970	28,656	1,648	935	713	2.9	3.2	2.5
Chin	19,410	9,472	9,938	274	130	144	1.4	1.4	1.4
Sagaing	141,670	70,862	70,808	2,143	1,150	993	1.5	1.6	1.4
Tanintharyi	59,549	29,683	29,866	1,260	653	607	2.1	2.2	2.0
Bago	165,389	82,656	82,733	3,468	1,774	1,694	2.1	2.1	2.0
Magway	85,439	42,386	43,053	1,619	815	804	1.9	1.9	1.9
Mandalay	299,213	150,741	148,472	4,802	2,406	2,396	1.6	1.6	1.6
Mon	94,783	47,687	47,096	2,133	1,143	990	2.3	2.4	2.1
Rakhine	60,894	30,251	30,643	4,020	1,918	2,102	6.6	6.3	6.9
Yangon	696,725	349,934	346,791	14,018	6,852	7,166	2.0	2.0	2.1
Shan	224,503	111,383	113,120	11,267	5,692	5,575	5.0	5.1	4.9
Ayeyawady	128,349	64,062	64,287	3,307	1,666	1,641	2.6	2.6	2.6
Nay Pyi Taw	48,057	24,010	24,047	822	375	447	1.7	1.6	1.9

Table 4.3 Proportion of Rural Children who had Never Attended School, Males and Females States/Regions

State/Region	Population 7 - 15 Years Old			7 - 15 Never Attended School					
				Number			Percentage		
	Both Sexes	Males	Females	Both Sexes	Males	Females	Both Sexes	Males	Females
UNION	**6,407,525**	**3,158,906**	**3,248,619**	**404,569**	**202,841**	**201,728**	**6.3**	**6.4**	**6.2**
Kachin	182,027	91,034	90,993	4,194	2,061	2,133	2.3	2.3	2.3
Kayah	44,113	22,075	22,038	1,356	703	653	3.1	3.2	3.0
Kayin	253,248	126,300	126,948	29,858	17,173	12,685	11.8	13.6	10.0
Chin	88,005	44,243	43,762	3,622	1,603	2,019	4.1	3.6	4.6
Sagaing	767,374	375,195	392,179	17,893	8,795	9,098	2.3	2.3	2.3
Tanintharyi	227,814	114,078	113,736	8,743	4,828	3,915	3.8	4.2	3.4
Bago	679,576	338,393	341,183	18,756	9,600	9,156	2.8	2.8	2.7
Magway	549,671	268,663	281,008	10,661	5,588	5,073	1.9	2.1	1.8
Mandalay	657,786	320,220	337,566	13,668	7,013	6,655	2.1	2.2	2.0
Mon	290,841	144,596	146,245	12,686	7,138	5,548	4.4	4.9	3.8
Rakhine	357,458	177,932	179,526	19,436	8,670	10,766	5.4	4.9	6.0
Yangon	371,719	187,098	184,621	8,985	4,694	4,291	2.4	2.5	2.3
Shan	840,152	400,348	439,804	223,392	108,728	114,664	26.6	27.2	26.1
Ayeyawady	957,993	479,109	478,884	28,780	15,029	13,751	3.0	3.1	2.9
Nay Pyi Taw	139,748	69,622	70,126	2,539	1,218	1,321	1.8	1.7	1.9

Figure 4.3 Proportion of Adults who had Never Attended School by Age Group, Males and Females, Union

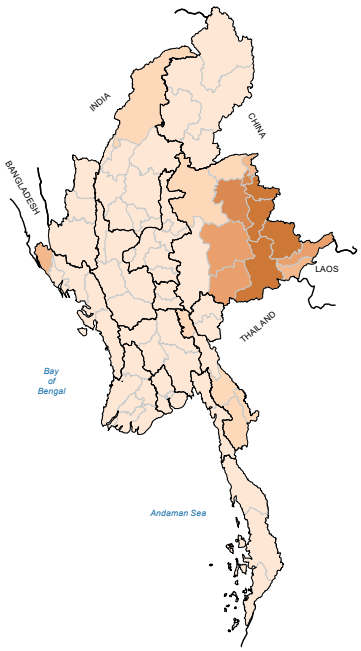


Map 4.2 Children who had Never Attended School, Districts

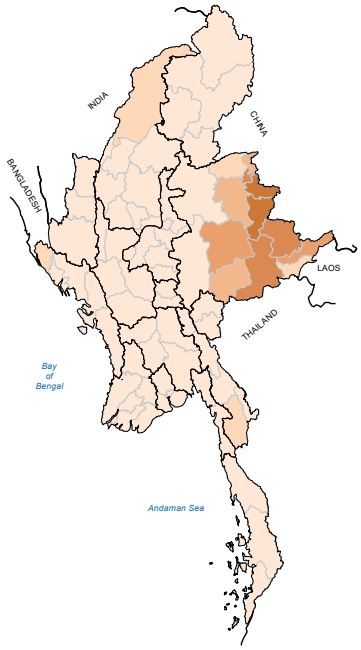
a) Urban



b) Rural



c) Urban and Rural



Percentage of children who have never attended school

Average at Union level: 2.4 urban, 6.3 rural, 5.3 urban and rural

- 0.0 - 10.0
- 10.1 - 20.0
- 20.1 - 30.0
- 30.1 - 40.0
- 40.1 - 50.0
- 50.1 - 61.9

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals who were living in conventional households at the time of the 2014 Census. The indicator gives the percentage of children, 7-15 years, who have never attended school at any level.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

4.3 Educational Attainment: Males and Females

Sustainable Development Goal 4

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Target 4.1: By 2030, ensure that all boys and girls complete […] equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

Aggregated responses to the Census question: "What is the highest education grade/level completed?" show that, for the Union as a whole, 35.8 per cent of the population aged 25 years and older reported primary school as the highest level completed; 6.9 per cent reported high school as the highest level completed; and 7.3 per cent reported university as the highest level completed. Tables 4.4, 4.5 and 4.6 break down these national aggregates by State/Region and by sex. The right hand column of the tables gives male/female comparisons and shows that, while the proportions of males reporting primary and high school as the highest completion levels were greater throughout the country, larger proportions of females claimed university as the highest completion level in 13 out of 15 States/Regions.

Highest Level Completed - Primary School: Table 4.4 and Figure 4.4 show that the proportions of over 24 year olds having completed only primary school were generally quite large, and larger for males than for females throughout the country. In Sagaing Region, the State/Region with the largest proportion, almost half the adult population had only completed primary school. As noted earlier, this does not necessarily mean that these people had not attended middle school or high school, but it does mean that, for some reason, they had not completed education at a higher level than primary school. The proportions of males with primary school as the highest level completed were more than four percentage points higher than for females in most Districts. In parts of Chin State, and Rakhine State, the difference was more than 12 percentage points (Map 4.3a).

Highest Level Completed - High School: Males had still completed in larger proportions than females, but differences between the two sexes were much smaller - generally less than four percentage points. In one District, Bawlakhe in Kayah State, the proportion of females with high school as the highest level that had been completed was slightly larger than the proportion of males (Map 4.3b).

Highest Level Completed - University: Beyond high school, a greater proportion of females than males had completed university in 57 of Myanmar's 74 Districts. Though the differences were generally small, four Districts stand out - in West Yangon, East Yangon, Mawlamyine and Dekkhina (South), females had out-completed males in higher education by more than three percentage points. The parts of the country where larger proportions of males than females had completed university are again concentrated in Chin and Rakhine States, with another cluster of Districts in Shan State (Map 4.3c).

Analysing adult educational completion rates is looking at what has happened in the past. Few people over the age of 25 are likely to return to school to complete their education at any level. Policymakers, educators and parents should be encouraged by indicators reported by the Census for younger age groups. The trends for current attendance rates among children discussed in the previous section - increasing numbers attending school and decreasing numbers having never attended school - suggest that more people are likely to complete higher levels of education in the future. Reinforcing and expanding steps that are already being taken to meet the Sustainable Development Target 4.1 (see Box above) by keeping children in school, improving teaching standards and eliminating incentives for children to start work at very early ages, will not only give children of both sexes a better start in life, but it will generate opportunities for the social and economic advancement of Myanmar society as a whole (Department of Population, 2017b).

Table 4.4 Primary School as Highest Level Completed, Males and Females (aged 25 and over), States/Regions

State/Region	Males			Females			% Females minus % Males
	Total	Number	%	Total	Number	%	
UNION	**12,549,287**	**4,830,987**	**38.5**	**14,373,986**	**4,814,090**	**33.5**	**-5.0**
Kachin	418,227	173,294	41.4	394,535	142,135	36.0	-5.4
Kayah	64,997	21,066	32.4	67,982	16,291	24.0	-8.4
Kayin	345,215	94,112	27.3	380,030	89,338	23.5	-3.8
Chin	94,547	35,139	37.2	110,876	27,602	24.9	-12.3
Sagaing	1,304,766	635,229	48.7	1,568,997	674,981	43.0	-5.7
Tanintharyi	334,643	136,276	40.7	349,339	126,976	36.3	-4.4
Bago	1,231,232	499,234	40.5	1,442,146	492,928	34.2	-6.4
Magway	995,635	440,063	44.2	1,243,166	474,745	38.2	-6.0
Mandalay	1,556,051	641,145	41.2	1,869,259	661,415	35.4	-5.8
Mon	496,487	168,241	33.9	582,319	176,864	30.4	-3.5
Rakhine	494,281	198,962	40.3	595,440	163,594	27.5	-12.8
Yangon	1,910,612	608,946	31.9	2,231,981	685,287	30.7	-1.2
Shan	1,411,916	342,179	24.2	1,448,089	276,444	19.1	-5.1
Ayeyawady	1,596,002	716,408	44.9	1,763,153	694,900	39.4	-5.5
Nay Pyi Taw	294,676	120,693	41.0	326,674	110,590	33.9	-7.1

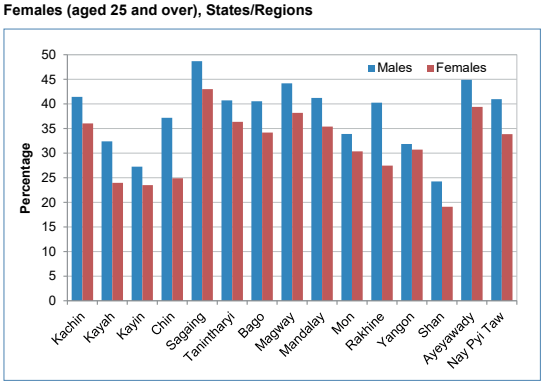
Table 4.5 High School as Highest Level Completed, Males and Females (aged 25 and over), States/Regions

State/Region	Males			Females			% Females minus % Males
	Total	Number	%	Total	Number	%	
UNION	**12,549,287**	**1,055,783**	**8.4**	**14,373,986**	**790,053**	**5.5**	**-2.9**
Kachin	418,227	43,074	10.3	394,535	32,069	8.1	-2.2
Kayah	64,997	6,694	10.3	67,982	6,533	9.6	-0.7
Kayin	345,215	19,237	5.6	380,030	15,813	4.2	-1.4
Chin	94,547	10,860	11.5	110,876	8,056	7.3	-4.2
Sagaing	1,304,766	89,076	6.8	1,568,997	63,053	4.0	-2.8
Tanintharyi	334,643	26,644	8.0	349,339	20,777	5.9	-2.0
Bago	1,231,232	79,388	6.4	1,442,146	56,398	3.9	-2.5
Magway	995,635	67,302	6.8	1,243,166	49,462	4.0	-2.8
Mandalay	1,556,051	137,648	8.8	1,869,259	95,956	5.1	-3.7
Mon	496,487	37,890	7.6	582,319	30,944	5.3	-2.3
Rakhine	494,281	33,373	6.8	595,440	23,057	3.9	-2.9
Yangon	1,910,612	303,492	15.9	2,231,981	235,578	10.6	-5.3
Shan	1,411,916	74,694	5.3	1,448,089	60,188	4.2	-1.1
Ayeyawady	1,596,002	92,669	5.8	1,763,153	69,227	3.9	-1.9
Nay Pyi Taw	294,676	33,742	11.5	326,674	22,942	7.0	-4.4

Table 4.6 University as Highest Level Completed, Males and Females (aged 25 and over), States/Regions

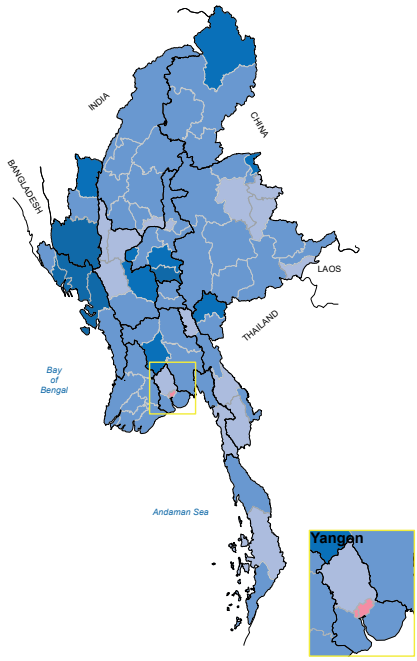
State/Region	Males			Females			% Females minus % Males
	Total	Number	%	Total	Number	%	
UNION	**12,549,287**	**807,258**	**6.4**	**14,373,986**	**1,170,998**	**8.1**	**1.7**
Kachin	418,227	24,360	5.8	394,535	30,111	7.6	1.8
Kayah	64,997	3,593	5.5	67,982	4,985	7.3	1.8
Kayin	345,215	10,722	3.1	380,030	15,189	4.0	0.9
Chin	94,547	5,962	6.3	110,876	4,428	4.0	-2.3
Sagaing	1,304,766	71,341	5.5	1,568,997	95,451	6.1	0.6
Tanintharyi	334,643	15,703	4.7	349,339	22,526	6.4	1.8
Bago	1,231,232	57,504	4.7	1,442,146	90,935	6.3	1.6
Magway	995,635	47,648	4.8	1,243,166	72,597	5.8	1.1
Mandalay	1,556,051	124,961	8.0	1,869,259	172,317	9.2	1.2
Mon	496,487	23,305	4.7	582,319	43,526	7.5	2.8
Rakhine	494,281	21,536	4.4	595,440	23,818	4.0	-0.4
Yangon	1,910,612	263,073	13.8	2,231,981	397,440	17.8	4.0
Shan	1,411,916	49,435	3.5	1,448,089	65,800	4.5	1.0
Ayeyawady	1,596,002	55,084	3.5	1,763,153	90,102	5.1	1.7
Nay Pyi Taw	294,676	33,031	11.2	326,674	41,773	12.8	1.6

Figure 4.4 Primary School as the Highest Level Completed, Males and Females (aged 25 and over), States/Regions

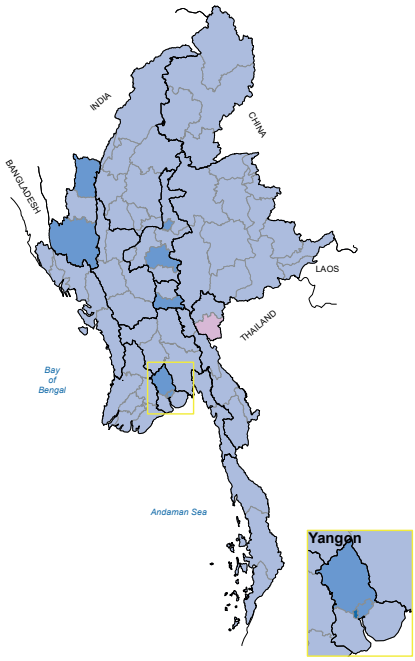


Map 4.3 Sex Differences in Education Levels Completed, Districts

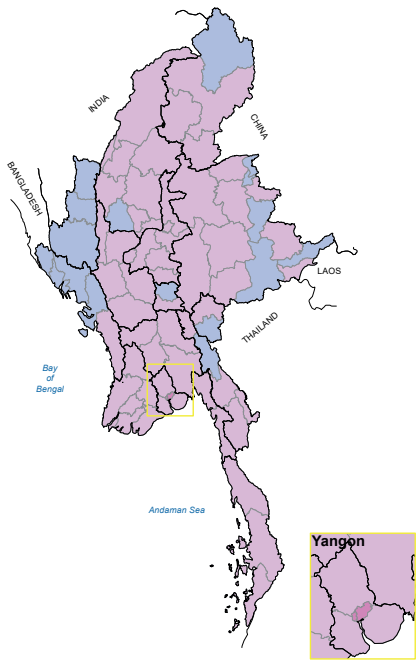
a) Primary School



b) High School



c) University



Percentage point differences between males and females

Average at Union level for primary school: 5.0 more for males than females
Average at Union level for high school: 2.9 more for males than females
Average at Union level for university: 1.7 more for females than males

- Male completion rates more than 12 percentage points higher
- Male completion rates 8.1 to 12.0 percentage points higher
- Male completion rates 4.1 to 8.0 percentage points higher
- Male completion rates 0.1 to 4.0 percentage points higher
- Female completion rates 0.1 to 4 percentage points higher
- Female completion rates more than 4 percentage points higher

State/Region boundary
District boundary

0 50 100 Miles
161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator shows differences in the proportions of males and females, aged 25 and older, that have completed primary school, secondary school, and university levels of education. University means graduates with bachelor's degrees, postgraduate diplomas, master's degrees and PhDs.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

4.4 Educational Attainment: Urban and Rural

Sustainable Development Goal 4

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Target 4.3: By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.

Whereas the previous section looked at differences in educational attainment between males and females in 2014, this section focuses on differences between urban and rural populations. Urban/rural differences were generally substantially greater than male/female differences. Again, there was a shift from one attainment level to another, in this case with larger proportions of rural adults reporting primary school as the highest level they had completed, but larger proportions of urban adults reporting high school and university as the highest levels they had completed. The maps opposite clearly show this shift, with Districts on Map 4.4a predominantly coloured green (rural proportions larger) and Districts on Maps 4.4b and 4.4c all coloured orange (urban proportions larger).

Figure 4.5 shows both shifts at the Union level - those belonging to the largest groups for whom primary school was the highest level completed are rural and male, whilst those belonging to the largest groups for whom university was the highest level completed are urban and female. Underlying these general observations at the Union level were substantial variations in educational attainment at the State/Region, District and Township levels.

Highest Level Completed: Primary School - The proportion was larger for rural adults in 11 out of 15 States/Regions, but larger for urban adults in Kayah, Kayin, Mon and Shan States. The widest gaps were in Sagaing Region and Nay Pyi Taw Union Territory – more than 12 percentage points larger for rural adults than for urban adults (Table 4.7). At sub-State/Region level, the widest gaps in which the largest proportions were rural adults were in Kalay and Dekkhina (South) and Gangaw Districts, both at more than 16 percentage points. Of the 22 Districts, shown in Map 4.4a, in which larger proportions of urban adults reported primary school as the highest level completed, Makman and Laukine had the widest gaps, both, in fact, at more than 22 percentage points.

Highest Level Completed: High School - For high school as the highest level completed, the widest gaps were in Chin State and Yangon Region, where urban adults had out-completed rural adults by more than 10 percentage points (Table 4.9). Within the States/Regions, larger proportions of urban adults reported high school as the highest level completed in all 74 Districts (Map 4.4b) Falam and Mindat Districts had the biggest differences at more than 11 percentage points each.

Highest Level Competed: University - Not surprisingly, the widest rural/urban gaps were in higher education, with substantially larger proportions of university graduates among urban adults than among rural adults. Differences ranged between 9 and 14 percentage points for most States/Regions, and were biggest for Yangon Region and Nay Pyi Taw Union Territory, at 15.7 and 21.2 percentage points, respectively. Again, urban adults had out-completed rural adults in all 74 Districts (Map 4.4c), with the widest gaps, at more than 19 percentage points, in Dekkhina (South) and Yinmarpin.

Table 4.7 Primary School as Highest Level Completed, States/Regions, Urban and Rural

State/Region	Rural			Urban			% Urban minus % Rural
	Total	Number	%	Total	Number	%	
UNION	**18,556,818**	**7,033,574**	**37.9**	**8,366,455**	**2,611,503**	**31.2**	**-6.7**
Kachin	514,407	212,401	41.3	298,355	103,028	34.5	-6.8
Kayah	95,416	26,652	27.9	37,563	10,705	28.5	0.6
Kayin	554,241	127,201	23.0	171,004	56,249	32.9	9.9
Chin	157,579	50,486	32.0	47,844	12,255	25.6	-6.4
Sagaing	2,370,234	1,134,126	47.8	503,529	176,084	35.0	-12.9
Tanintharyi	503,761	195,868	38.9	180,221	67,384	37.4	-1.5
Bago	2,052,555	793,040	38.6	620,823	199,122	32.1	-6.6
Magway	1,893,596	803,408	42.4	345,205	111,400	32.3	-10.2
Mandalay	2,229,358	907,940	40.7	1,195,952	394,620	33.0	-7.7
Mon	757,921	236,820	31.2	320,885	108,285	33.7	2.5
Rakhine	894,016	301,733	33.8	195,705	60,823	31.1	-2.7
Yangon	1,162,810	431,779	37.1	2,979,783	862,454	28.9	-8.2
Shan	2,117,399	407,723	19.3	742,606	210,900	28.4	9.1
Ayeyawady	2,844,168	1,235,043	43.4	514,987	176,265	34.2	-9.2
Nay Pyi Taw	409,357	169,354	41.4	211,993	61,929	29.2	-12.2

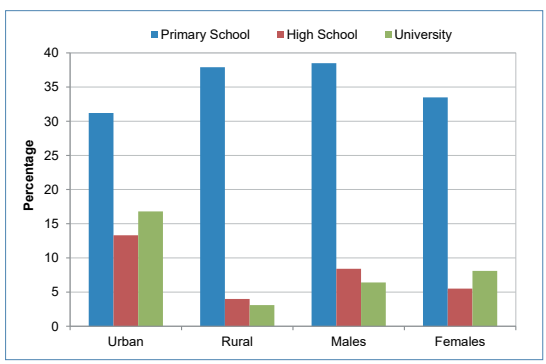
Table 4.8 High School as Highest Level Completed, States/Regions, Urban and Rural

State/Region	Rural			Urban			% Urban minus % Rural
	Total	Number	%	Total	Number	%	
UNION	**18,556,818**	**735,955**	**4.0**	**8,366,455**	**1,109,881**	**13.3**	**9.3**
Kachin	514,407	35,540	6.9	298,355	39,603	13.3	6.4
Kayah	95,416	6,941	7.3	37,563	6,286	16.7	9.5
Kayin	554,241	17,464	3.2	171,004	17,586	10.3	7.1
Chin	157,579	10,545	6.7	47,844	8,371	17.5	10.8
Sagaing	2,370,234	93,469	3.9	503,529	58,660	11.6	7.7
Tanintharyi	503,761	25,257	5.0	180,221	22,164	12.3	7.3
Bago	2,052,555	73,698	3.6	620,823	62,088	10.0	6.4
Magway	1,893,596	71,321	3.8	345,205	45,443	13.2	9.4
Mandalay	2,229,358	85,244	3.8	1,195,952	148,360	12.4	8.6
Mon	757,921	32,782	4.3	320,885	36,052	11.2	6.9
Rakhine	894,016	34,204	3.8	195,705	22,226	11.4	7.5
Yangon	1,162,810	65,993	5.7	2,979,783	473,077	15.9	10.2
Shan	2,117,399	49,566	2.3	742,606	85,316	11.5	9.1
Ayeyawady	2,844,168	109,141	3.8	514,987	52,755	10.2	6.4
Nay Pyi Taw	409,357	24,790	6.1	211,993	31,894	15.0	9.0

Table 4.9 University as Highest Level Completed, States/Regions, Urban and Rural

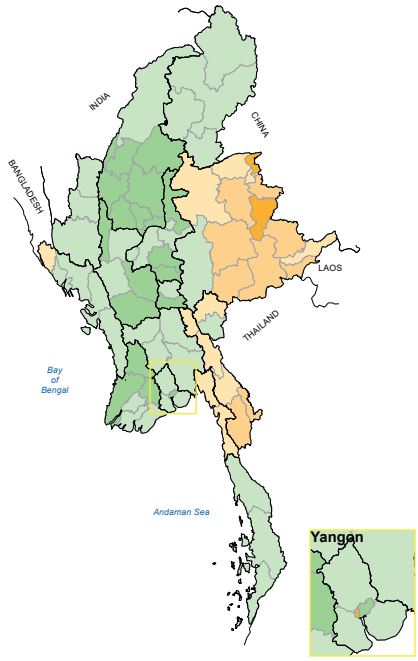
State/Region	Rural			Urban			% Urban minus % Rural
	Total	Number	%	Total	Number	%	
UNION	**18,556,818**	**573,620**	**3.1**	**8,366,455**	**1,404,636**	**16.8**	**13.7**
Kachin	514,407	19,453	3.8	298,355	35,018	11.7	8.0
Kayah	95,416	2,868	3.0	37,563	5,710	15.2	12.2
Kayin	554,241	9,712	1.8	171,004	16,199	9.5	7.7
Chin	157,579	3,246	2.1	47,844	7,144	14.9	12.9
Sagaing	2,370,234	84,626	3.6	503,529	82,166	16.3	12.7
Tanintharyi	503,761	16,480	3.3	180,221	21,749	12.1	8.8
Bago	2,052,555	63,772	3.1	620,823	84,667	13.6	10.5
Magway	1,893,596	62,157	3.3	345,205	58,088	16.8	13.5
Mandalay	2,229,358	87,001	3.9	1,195,952	210,277	17.6	13.7
Mon	757,921	25,730	3.4	320,885	41,101	12.8	9.4
Rakhine	894,016	19,710	2.2	195,705	25,644	13.1	10.9
Yangon	1,162,810	54,037	4.6	2,979,783	606,476	20.4	15.7
Shan	2,117,399	32,919	1.6	742,606	82,316	11.1	9.5
Ayeyawady	2,844,168	72,188	2.5	514,987	72,998	14.2	11.6
Nay Pyi Taw	409,357	19,721	4.8	211,993	55,083	26.0	21.2

Figure 4.5 Highest Education Levels Completed, Males and Females (aged 25 and over), Union, Urban and Rural

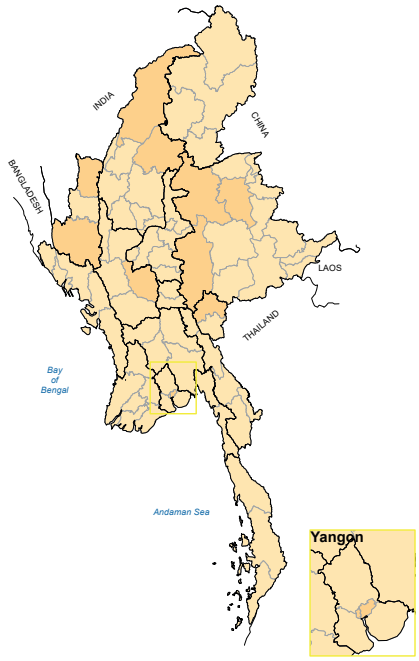


Map 4.4 Highest Education Levels Completed, Districts, Urban and Rural

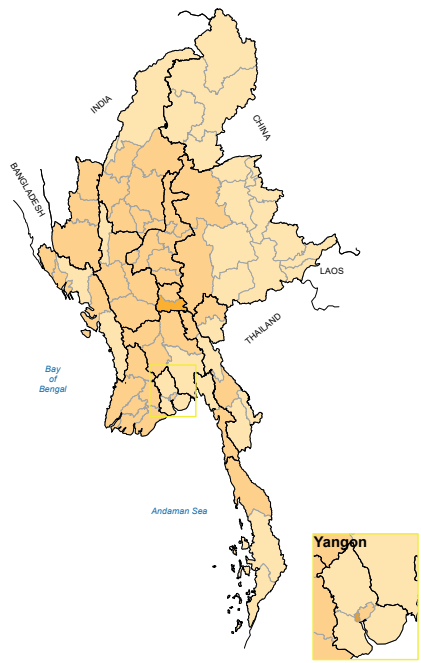
a) Primary School



b) High School



c) University



Percentage point differences between urban and rural areas

Average at Union level for primary school: 6.7 more for rural than urban
Average at Union level for high school: 9.3 more for urban than rural
Average at Union level for university: 13.7 more for urban than rural

- More than 10 percentage points higher for rural
- 0.1 to 10.0 percentage points higher for rural
- 0.1 to 10.0 percentage points higher for urban
- 10.1 to 20.0 percentage points higher for urban
- 20.1 to 30.0 percentage points higher for urban
- More than 30.0 percentage points higher for urban

State/Region boundary
District boundary

0 50 100 Miles
161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator shows differences between urban and rural populations in the proportions of people aged 25 and older, reporting primary, high school, or university as the highest level of education completed. University means graduates with bachelor's degrees, postgraduate diplomas, master's degrees and PhDs.

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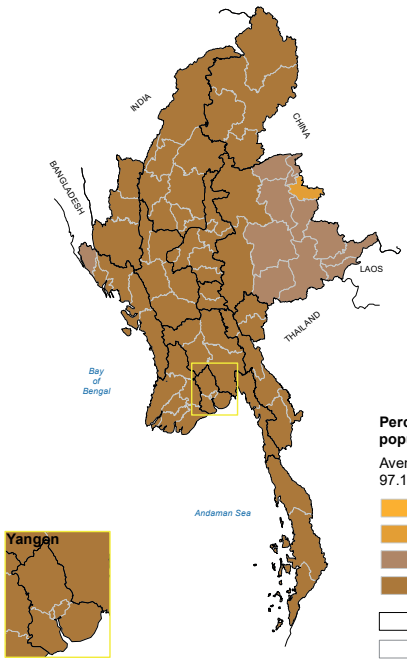
Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

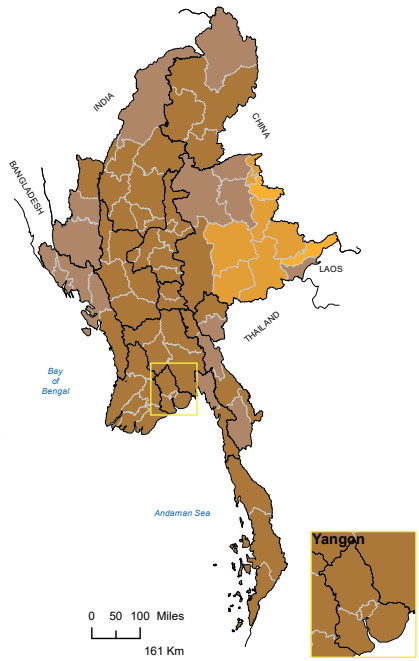
4.5 Adult Literacy

Map 4.5 Adult Literacy Rates, Districts

a) Urban Males



b) Urban Females



Percentage of literate urban population aged 15 and over

Average at Union level:
97.1 males, 93.7 females

- 51.0 - 60.0
- 60.1 - 75.0
- 75.1 - 90.0
- 90.1 - 99.2
- State/Region boundary
- District boundary

0 50 100 Miles
161 Km

Sustainable Development Goal 4

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Target 4.6: By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

The base population for the indicators presented in this section is all persons aged 15 years and over that were living in conventional households at the time of the 2014 Census. The literate population includes all individuals who reported to Census enumerators that they were able to read and write in at least one language. According to this definition, the proportion of the adult population enumerated as literate in 2014 was 89.5 per cent. Though the Census did not make a detailed qualitative assessment of literacy, and did not ask any questions at all about numeracy, the high rate of almost 90 per cent adult literacy it did record suggests Myanmar is well positioned to meet Target 4.6 of the United Nations Sustainable Development Goal 4 (see Box above).

Though the differences are small, in general urban males were the most literate and rural females were the least literate. Among the States and Regions, the urban populations of Yangon Region and Nay Pyi Taw Union Territory had the highest adult literacy rates in the country at 97.2 per cent (Table 4.10). At the other end of the scale, rates were lowest among rural residents of Kayin State and Shan State, at 68.6 per cent and 57.9 per cent, respectively (Table 4.11). The four maps in this section show District-level comparisons of 2014 literacy rates between urban and rural populations and between males and females.

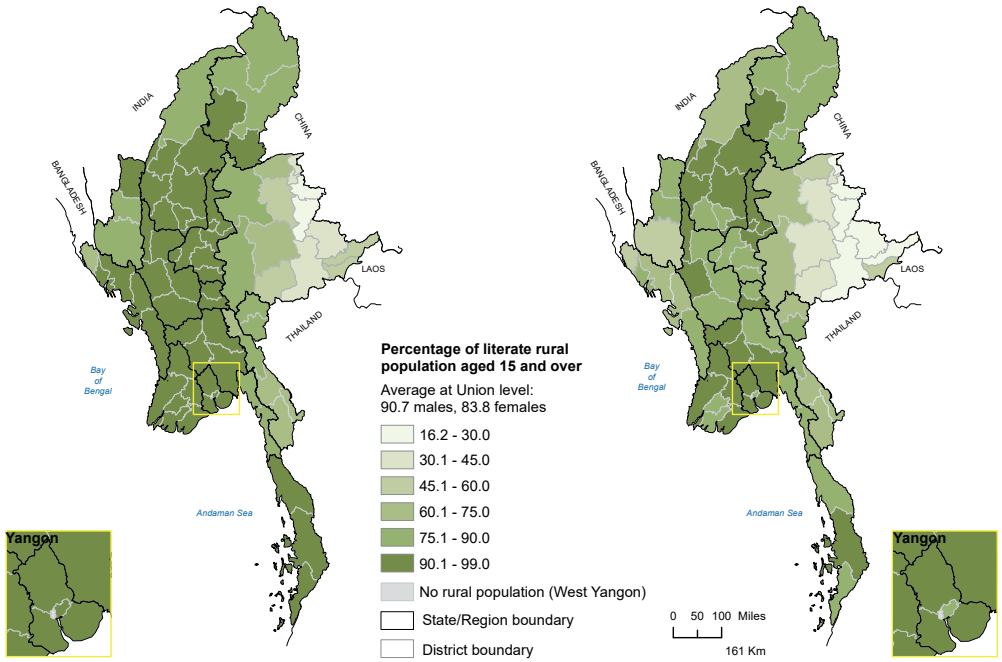
Table 4.10 Urban Adult Literacy Rates, Males and Females (aged 15 and over), States/Regions

State/Region	Adult Literacy Rate		
	Both Sexes	Males	Females
UNION	**95.2**	**97.1**	**93.7**
Kachin	94.2	96.3	92.4
Kayah	93.1	95.9	90.8
Kayin	93.2	95.3	91.3
Chin	89.6	95.1	85.2
Sagaing	96.2	98.1	94.7
Tanintharyi	96.6	97.9	95.5
Bago	95.9	97.9	94.3
Magway	96.1	98.1	94.6
Mandalay	96.4	98.3	94.9
Mon	93.8	95.7	92.2
Rakhine	90.3	94.3	87.3
Yangon	97.2	98.5	96.2
Shan	85.2	89.4	81.6
Ayeyawady	95.9	97.7	94.4
Nay Pyi Taw	97.2	98.9	95.9

Map 4.5 Adult Literacy Rates, Districts

c) Rural Males

d) Rural Females



Adult literacy rates were generally much higher in the middle corridor than they were in the outer ring. As the four maps above illustrate, this pattern was true for males and females in both urban and rural areas. For all four populations, rates for the States and Regions were higher than the Union average in Ayeyawady, Bago, Magway, Mandalay, Sagaing, Tanintharyi, Yangon and Nay Pyi Taw. In all seven States/Regions located in the outer ring, adult literacy rates were below the Union Average, again for both males and females.

Though adult literacy rates were generally quite high, averaging more than 80 per cent across the country at the State/Region level, rates for Districts varied considerably. The highest rates were in Districts with largely urban populations. Dekkhina (South), Katha, West Yangon and Yinmarpin Districts were the top four, all with adult literacy rates at more than 99 per cent for urban males. Rates were also high for females in these four Districts, as well as in Mawlaik and Thayawady, exceeding 97 per cent in all six Districts. Rates among rural populations were generally lower, but some Districts did have high literacy rates outside their urban centres. Mawlaik and Sagaing Districts in Sagaing Region are examples, both with literacy rates higher than 98 per cent for rural males and 95 per cent for rural females.

Maps 4.5c and 4.5d clearly show the Districts with the lowest rates of literacy among rural adults in 2014. The six Districts with the lowest rates are all in Shan State; fewer than 30 per cent of rural females were literate in Hopan, Kengtung, Laukine, Makman, Minephyat and Minesat Districts. Five of these six Districts also had the lowest adult literacy rates among rural males, a little higher than for females at between 24 and 45 per cent. But illiteracy is not exclusively a rural problem.

Less than 80 per cent of the urban adult male population was literate in four Districts; less than 70 per cent of the urban adult female population was literate in seven Districts. All of these Districts are in Shan State. The lowest adult literacy rates among urban populations were reported for Hopan District, where only 51 per cent of urban females and 62 per cent of urban males were able to read and write. Against the impressively high adult literacy rate for the Union as a whole, the relatively low rates found in the outer ring of States, and predominantly in rural areas, shows clear evidence that, historically, opportunities for getting good, basic education have not been equal in all parts of the country.

Table 4.11 Rural Adult Literacy Rates, Males and Females (aged 15 and over), States/ Regions

State/Region	Adult Literacy Rate		
	Both Sexes	Males	Females
UNION	**87.0**	**90.7**	**83.8**
Kachin	90.1	92.8	87.5
Kayah	78.0	83.9	72.5
Kayin	68.6	73.2	64.7
Chin	76.5	86.6	67.9
Sagaing	93.2	96.3	90.7
Tanintharyi	91.4	93.3	89.6
Bago	93.8	96.4	91.5
Magway	91.6	96.3	87.9
Mandalay	92.3	96.8	88.8
Mon	83.6	86.9	80.8
Rakhine	83.5	91.8	76.9
Yangon	95.2	96.9	93.6
Shan	57.9	64.4	51.8
Ayeyawady	93.5	95.6	91.5
Nay Pyi Taw	93.2	97.5	89.3

5

Labour Force and Employment

The 2014 Census asked questions about whether people were working or not in the 12-month period prior to the Census (29 March 2014), that is, it collected information on what is termed 'usual activity' rather than 'current activity', for which, in other censuses, the reference period is usually the week before the census. Determining 'usual activity' is generally considered more appropriate in circumstances where the level of economic activity of people varies widely over the year – as it does particularly in agricultural communities – but has the disadvantage in that it possibly underestimates levels of unemployment. Two other questions asked what people's jobs were, and what the major products or services were provided by the organization for which they worked (in order for their industry sector to be derived). The extracts from the questionnaire below show the three questions that the Census asked that were directly related to labour force and employment. Information was collected on people aged 10 and over living in conventional households for all three questions; those living in institutional households were only asked Question 22 concerning their activity status. By combining the answers given to these questions with other information collected by the Census, it is possible to analyse and map geographic variations in labour force characteristics and employment patterns. This section presents a selection of such analyses and discusses geographic variations in the extent to which people were actively participating in the labour force, unemployment, employment in different industry sectors, levels of education among the workforce, and child labour. The analysis provides empirical and graphic evidence of some striking geographic variations in the characteristics of Myanmar's labour force. Some of them are already well known, but others are new.

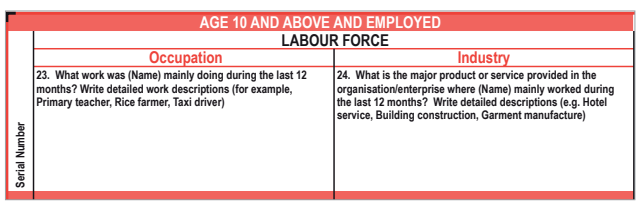
Firstly, the extent to which agriculture, forestry and fishing dominated the economy and the labour market in almost all parts of the country comes through very clearly. At the same time, signs of change seem to be emerging, particularly in urban centres such as Yangon and Mandalay, where this so-called 'primary sector' was less dominant and the employment base more diverse.

Secondly, even though in 2014, urban areas seemed to offer employment opportunities in a wider variety of sectors, they also tended to have significantly higher unemployment rates than rural areas. In Myanmar, as in many developing countries, it appears that the 'big city' fails to live up to expectations of easy to find, well-paid jobs, and that people who move there in search of work are often disappointed.

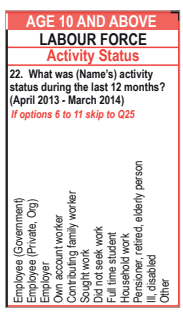
Thirdly, though the labour force generally has a significantly larger proportion of male than female participants, the difference is not so marked in the agriculture, forestry and fishing sector. Women do a lot of work on the farm in many rural societies, largely because much of it is seasonal, part-time and close to home, fitting in well with the traditional female responsibilities of child-rearing and other domestic duties. Though for the Union as a whole the sector employed a slightly larger proportion of males than females, in States such as Kayah, Chin and Shan, proportions were roughly equal, or in some cases even slightly larger for females. And 'females' here does not only refer to women, since the fourth characteristic of the labour force that emerged from the 2014 Census was the extent to which children, including girls, are working rather than attending school. The low attendance and completion rates for high school and university described in Chapter 4 are clearly reflected in the large numbers of children that were actively participating in the labour force in 2014.

The fact that a very large proportion of working children were employed in the primary sector points to a fifth key finding from this analysis of the labour force - that working people in urban areas were generally better educated than working people in rural areas. Whereas about one-third of the employed population in cities like Yangon, Nay Pyi Taw and Mandalay had at least completed high school, in most Districts and Townships with predominantly rural populations, less than one fifth of the workforce had completed this level of education.

Finally, the maps presented in this chapter generally do not conform to the 'middle corridor'/'outer ring' contrast illustrated so distinctly and so consistently on the maps in other chapters. Though some general regional patterns can be identified, labour force and employment characteristics tend to be more variable, more local and even more 'random' than many of the other social and demographic indicators presented in this atlas. Difficulties in obtaining clear, accurate, consistent answers to questions involving obscure, technical terminology might explain this in part, but it could also be an indication of a quickening in the pace of change in Myanmar. The lack of sharply defined, high-contrast regional patterns can be an expression of dynamism; of communities, resources and institutions on the move; and of imminent change to traditional ways of life in a climate of political, social and economic flux. Undoubtedly Myanmar is changing rapidly in many ways, and whilst the snapshot of the 2014 Census might hint at such a transformation, it will more usefully provide benchmarks against which the nature and pace of change will be measured in the future.



Serial Number	AGE 10 AND ABOVE AND EMPLOYED — LABOUR FORCE	
	Occupation	Industry
	23. What work was (Name) mainly doing during the last 12 months? Write detailed work descriptions (for example, Primary teacher, Rice farmer, Taxi driver)	24. What is the major product or service provided in the organisation/enterprise where (Name) mainly worked during the last 12 months? Write detailed descriptions (e.g. Hotel service, Building construction, Garment manufacture)



AGE 10 AND ABOVE
LABOUR FORCE
Activity Status

22. What was (Name's) activity status during the last 12 months? (April 2013 - March 2014)

If options 6 to 11 skip to Q25

1 Employee (Government)
2 Employee (Private, Org)
3 Employer
4 Own account worker
5 Contributing family worker
6 Sought work
7 Did not seek work
8 Full time student
9 Household work
10 Pensioner, retired, elderly person
11 Ill, disabled
12 Other

5.1 Labour Force Participation: Geographic Variations

Labour force participation rates (LFPRs) indicate the degree to which populations are economically active. They are expressed as the percentage of the total population of working age (15-64) that is economically active, with 'economically active' defined as people that are either working or unemployed but looking for work. The Census reported that the LFPR for the Union as a whole was 67.0 per cent in 2014. This section discusses regional and local variation in LFPRs. Section 5.2 considers differences in participation rates between male and female populations.

The States/Regions with the highest participation rates in 2014 were Shan, Kayah, Sagaing and Magway, where LFPRs were all higher than 70 per cent (Table 5.1). The concentration of high LFPRs in the north-east of the country shows up very clearly on Map 5.1. It is also evident in Figure 5.1, with most of the Districts in the top half of the figure (above the Union rate of 67 per cent) located in the north and east, and most of the Districts in the bottom part of the figure (below the Union rate) located in the south and west. Kachin State was an exception to this general pattern, where low LFPRs were recorded for places such as Myitkyina Township in Myitkyina District, Kamine Sub-Township in Mohnyin District, and Putao and Khaunglanphoo Townships in Putao District. Less than 60 per cent of the working-age population was economically active in these four Townships.

In 2014, LFPRs were relatively low throughout the south and west of Myanmar. Mon, Rakhine and Kayin States had the least economically active populations, all at around 60 per cent. At the District level, rates of less than 60 per cent were recorded for Hpa-An and Pharpon (in Kayin State), Haka (Chin), Thayawady (Bago), Thaton (Mon), Sittway (Rakhine), and Phyapon (Ayeyawady). Closer analysis of Township-level data shows that not everywhere in the south and west of the country conformed to the general pattern for the region as a whole. Exceptions included Cikha Sub-Township, (in Falam District) and Paletwa (Mindat District), both in Chin State; Mindon Township (Thayet District in Magway Region); and Thanbyuzayat Township, (Mawlamyine District in Mon State). LFPRs were higher than 75 per cent in all of these Townships.

Figure 5.1 Labour Force Participation Rates, Districts

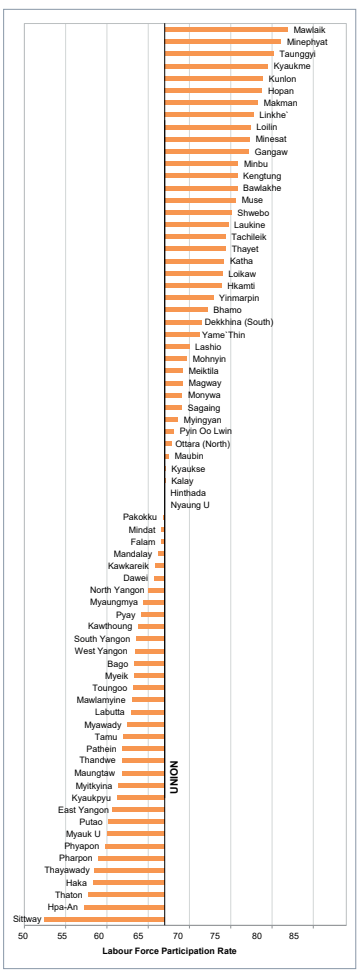


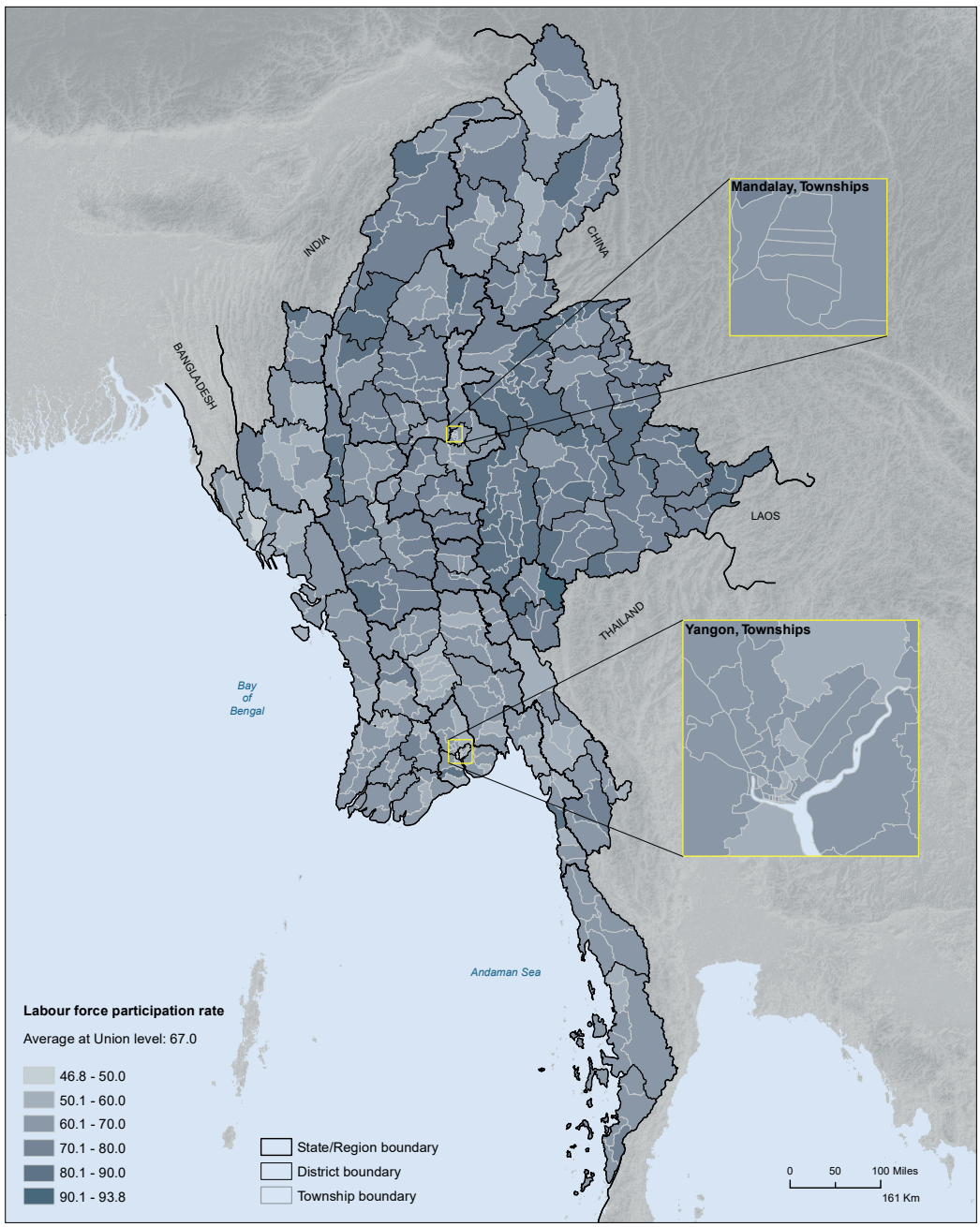
Table 5.1 Labour Force Participation Rates, States/Regions and Districts

State/Region and District	LFPR
UNION	**67.0**
Kachin	**67.2**
Myitkyina	61.4
Mohnyin	69.7
Bhamo	72.2
Putao	60.2
Kayah	**74.2**
Loikaw	74.0
Bawlakhe	75.8
Kayin	**60.7**
Hpa-An	57.2
Pharpon	59.0
Myawady	62.5
Kawkareik	65.8
Chin	**64.8**
Haka	58.3
Falam	66.6
Mindat	66.6
Sagaing	**72.3**
Sagaing	69.1
Shwebo	75.1
Monywa	69.1
Katha	74.2
Kalay	67.1
Tamu	62.0
Mawlaik	81.9
Hkamti	73.9
Yinmarpin	72.9
Tanintharyi	**64.2**
Dawei	65.7

State/Region and District	LFPR
Myeik	63.3
Kawthoung	63.8
Bago	**62.4**
Bago	63.3
Toungoo	63.2
Pyay	64.2
Thayawady	58.5
Magway	**71.3**
Magway	69.2
Minbu	75.9
Thayet	74.4
Pakokku	66.8
Gangaw	77.2
Mandalay	**67.9**
Mandalay	66.2
Pyin Oo Lwin	68.1
Kyaukse	67.1
Myingyan	68.6
NyaungU	67.0
Yame`thin	71.2
Meiktila	69.2
Mon	**61.0**
Mawlamyine	63.1
Thaton	57.7
Rakhine	**58.8**
Sittway	52.4
Myauk U	60.0
Maungtaw	61.9
Kyaukpyu	61.2
Thandwe	61.9

State/Region and District	LFPR
Yangon	**63.1**
North Yangon	65.0
East Yangon	60.7
South Yangon	63.6
West Yangon	63.4
Shan	**77.5**
Taunggyi	80.2
Loilin	77.4
Linkhe`	77.8
Lashio	70.0
Muse	75.6
Kyaukme	79.5
Kunlon	78.9
Laukine	74.7
Hopan	78.8
Makman	78.3
Kengtung	75.8
Minesat	77.3
Tachileik	74.4
Minephyat	81.1
Ayeyawady	**63.8**
Pathein	61.9
Phyapon	59.8
Maubin	67.5
Myaungmya	64.4
Labutta	62.9
Hinthada	67.0
Nay Pyi Taw	**69.8**
Ottara (North)	67.8
Dekkhina (South)	71.5

Map 5.1 Labour Force Participation Rates, Townships



The base population for this indicator is all individuals aged 15-64 that were living in conventional or institutional households at the time of the 2014 Census. The indicator gives the sum of the employed plus unemployed population, aged 15-64, as a percentage of the total population in the same age group.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

5.2 Labour Force Participation: Males and Females

In Myanmar, as in most countries, the proportion of males participating in the labour force is higher than the proportion of females. In 2014, approximately 85 per cent of males aged 15-64 were actively employed or looking for work. For females in the same age group, the proportion was just fractionally over a half (Table 5.2). There are also gender differences in the age-specific labour force participation rates. Though not shown here, the Census showed that for men, rates were consistently high at between 85 and 95 per cent for all age groups between 20 and 59 years. They then dropped sharply after 60 years of age, but still remained high relative to the rates for women. In contrast, the maximum rate at which women participated in the labour force, about 60 per cent, was at the ages of 20-24. At older ages, the female LFPR dropped steadily as more women left the formal labour market to raise children and work in the home. Whereas almost 70 per cent of men aged 60-64 were reported in the Census as still working, less than 30 per cent of women in this cohort were still actively employed (Department of Population, 2017d).

Geographically, participation rates varied more for women than for men. The maps opposite show this difference very clearly, with male LFPRs distributed fairly uniformly high throughout the country in Map 5.2a, but with female rates, shown in Map 5.2b, varying considerably from District to District. Summary statistics taken from Table 5.2 also support this observation. Looking at LFPRs for the Districts, the range for men was only about 18 percentage points, from a minimum of 74.6 per cent in Haka (in Chin State) to a maximum of 92.7 per cent in Bawlakhe (in Kayah). Rates for all 74 Districts were clustered within this relatively narrow range around a high mean LFPR for males of just over 85 per cent. In contrast, the range of female participation rates, at more than 40 percentage points, was much wider, from as low as 31.9 per cent in Sittway (Rakhine) to 72.7 per cent in Mawlaik, Sagaing.

Shan State stands out as the State/Region that had the highest LFPRs for both men and women. As will be discussed later in this chapter, this is typical of an area where most people work in agriculture and where, conversely, unemployment rates are very low. Other States/Regions with high LFPRs for both sexes include Kayah and Sagaing, which, together with Shan, were all close to 90 per cent for men and around 60 per cent or more for women. Interestingly, the lowest LFPRs were in different States/Regions for men than they were for women. For men, Chin, Mon and Kayin had the lowest rates, whereas for women, the lowest level of participation was in Kayin, Bago and Tanintharyi, and - with by far the lowest level, at only 38 per cent - Rakhine.

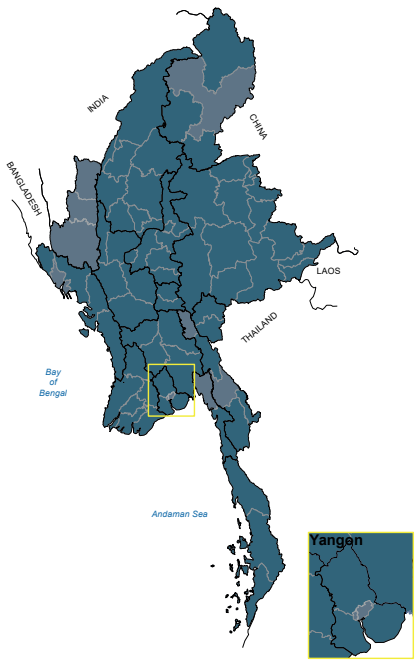
Seven Districts had male LFPRs higher than 90 per cent, five of them - Minephyat, Minesat, Kunlon, Kyaukme and Loilin - located in Shan State, the others being Bawlakhe (in Kayah) and Mawlaik (Sagaing). Similarly, three of the four Districts with the highest rates for females were also in Shan State. These were Taunggyi, Hopan and Makman, with the fourth being, again, Mawlaik, all with LFPRs higher than 70 per cent. Whereas these Districts have similar socio-demographic profiles - mostly outer ring Districts with large rural populations working predominantly in the primary sector - no such similarities are found among the Districts with the lowest participation rates. For males, these included Haka, Falam and Mindat (in Chin State), Sittway (Rakhine), and the distinctly different West and East Yangon Districts, all with male LFPRs of less than 80 per cent. For females, the lowest rates were found, again, in Sittway and in Thayawady (Bago), Kawthoung (Tanintharyi), and Pharpon (Kayin), where only about one-third of women were active in the labour force.

Table 5.2 Labour Force Participation, Males and Females, States/Regions and Districts

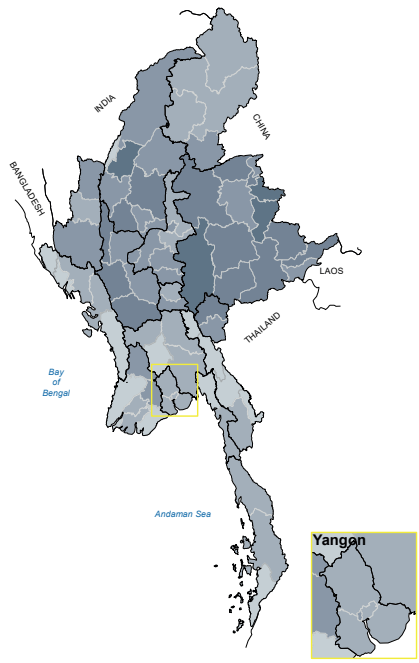
State/Region District	Total Population Aged 15 - 64		Active Population Aged 15 - 64 (Employed + Unemployed)		Labour Force Participation Rate, Percentage	
	Males	Females	Males	Females	Males	Females
UNION	**15,722,510**	**17,260,258**	**13,402,101**	**8,708,781**	**85.2**	**50.5**
Kachin	**579,063**	**505,033**	**495,999**	**231,994**	**85.7**	**45.9**
Myitkyina	168,185	171,007	134,139	74,223	79.8	43.4
Mohnyin	275,353	196,107	246,877	81,710	89.7	41.7
Bhamo	109,512	111,612	94,158	65,385	86.0	58.6
Putao	26,013	26,307	20,825	10,676	80.1	40.6
Kayah	**88,335**	**88,599**	**77,820**	**53,550**	**88.1**	**60.4**
Loikaw	72,466	76,408	63,111	47,003	87.1	61.5
Bawlakhe	15,869	12,191	14,709	6,547	92.7	53.7
Kayin	**431,388**	**457,254**	**351,361**	**188,476**	**81.4**	**41.2**
Hpa-An	217,338	235,429	170,812	87,978	78.6	37.4
Pharpon	10,912	10,116	8,795	3,611	80.6	35.7
Myawady	69,090	65,773	58,806	25,483	85.1	38.7
Kawkareik	134,048	145,936	112,948	71,404	84.3	48.9
Chin	**122,635**	**141,970**	**95,126**	**76,443**	**77.6**	**53.8**
Haka	26,154	29,960	19,508	13,225	74.6	44.1
Falam	44,274	48,861	34,669	27,366	78.3	56.0
Mindat	52,207	63,149	40,949	35,852	78.4	56.8
Sagaing	**1,615,885**	**1,852,980**	**1,413,223**	**1,096,004**	**87.5**	**59.1**
Sagaing	160,395	193,660	136,809	107,756	85.3	55.6
Shwebo	424,333	515,280	374,636	331,391	88.3	64.3
Monywa	229,860	284,343	195,966	159,535	85.3	56.1
Katha	266,135	285,107	239,170	170,124	89.9	59.7
Kalay	155,870	172,859	132,192	88,403	84.8	51.1
Tamu	34,488	35,414	29,243	14,081	84.8	39.8
Mawlaik	46,512	51,951	42,876	37,778	92.2	72.7
Hkamti	137,781	120,362	122,099	68,605	88.6	57.0
Yinmarpin	160,511	194,004	140,232	118,331	87.4	61.0
Tanintharyi	**426,938**	**431,481**	**368,646**	**182,620**	**86.3**	**42.3**
Dawei	142,792	156,004	122,677	73,751	85.9	47.3
Myeik	209,572	210,817	179,737	86,328	85.8	40.9
Kawthoung	74,574	64,660	66,232	22,541	88.8	34.9
Bago	**1,492,733**	**1,682,452**	**1,274,841**	**705,876**	**85.4**	**42.0**
Bago	520,650	591,631	446,557	256,975	85.8	43.4
Toungoo	332,114	378,703	279,732	169,730	84.2	44.8
Pyay	304,585	338,002	258,139	154,715	84.8	45.8
Thayawady	335,384	374,116	290,413	124,456	86.6	33.3
Magway	**1,170,691**	**1,408,105**	**1,016,012**	**823,256**	**86.8**	**58.5**
Magway	359,554	443,008	306,539	248,582	85.3	56.1
Minbu	210,536	245,825	187,342	158,986	89.0	64.7
Thayet	241,857	264,686	214,467	162,154	88.7	61.3
Pakokku	279,198	364,778	236,190	194,285	84.6	53.3
Gangaw	79,546	89,808	71,474	59,249	89.9	66.0
Mandalay	**1,963,525**	**2,222,860**	**1,677,520**	**1,163,681**	**85.4**	**52.4**
Mandalay	598,184	637,721	491,825	326,437	82.2	51.2
Pyin Oo Lwin	331,885	338,124	289,723	166,599	87.3	49.3
Kyaukse	236,694	265,709	208,903	128,025	88.3	48.2
Myingyan	301,631	390,113	256,880	217,432	85.2	55.7
Nyaung U	71,690	90,120	60,246	48,181	84.0	53.5
Yame`thin	159,866	183,769	142,241	102,591	89.0	55.8
Meiktila	263,575	317,304	227,702	174,416	86.4	55.0
Mon	**601,640**	**677,355**	**488,369**	**291,441**	**81.2**	**43.0**
Mawlamyine	361,936	414,942	297,966	192,151	82.3	46.3
Thaton	239,704	262,413	190,403	99,290	79.4	37.8
Rakhine	**598,624**	**706,937**	**497,810**	**269,309**	**83.2**	**38.1**
Sittway	147,979	183,772	115,269	58,711	77.9	31.9
Myauk U	179,584	226,821	151,266	92,454	84.2	40.8
Maungtaw	30,654	29,637	25,667	11,659	83.7	39.3
Kyaukpyu	125,350	146,552	106,486	59,943	85.0	40.9
Thandwe	115,057	120,155	99,122	46,542	86.2	38.7
Yangon	**2,463,600**	**2,756,341**	**2,015,620**	**1,278,756**	**81.8**	**46.4**
North Yangon	867,282	959,094	722,702	463,719	83.3	48.3
East Yangon	805,617	904,894	643,121	395,704	79.8	43.7
South Yangon	456,651	490,463	387,835	214,857	84.9	43.8
West Yangon	334,050	401,890	261,962	204,476	78.4	50.9
Shan	**1,858,154**	**1,854,042**	**1,646,830**	**1,230,202**	**88.6**	**66.4**
Taunggyi	547,913	559,860	489,084	399,251	89.3	71.3
Loilin	173,761	183,837	156,477	120,456	90.1	65.5
Linkhe`	46,643	45,239	41,948	29,501	89.9	65.2
Lashio	188,684	200,015	162,448	109,451	86.1	54.7
Muse	145,230	142,306	126,322	91,104	87.0	64.0
Kyaukme	243,019	256,393	219,744	177,097	90.4	69.1
Kunlon	18,235	15,495	16,480	10,123	90.4	65.3
Laukine	51,429	43,883	45,101	26,099	87.7	59.5
Hopan	67,042	64,607	58,006	45,711	86.5	70.8
Makman	74,039	69,657	63,664	48,804	86.0	70.1
Kengtung	122,745	113,955	106,395	73,017	86.7	64.1
Minesat	78,428	66,811	70,944	41,348	90.5	61.9
Tachileik	61,711	58,662	54,479	35,094	88.3	59.8
Minephyat	39,275	33,322	35,738	23,146	91.0	69.5
Ayeyawady	**1,931,506**	**2,072,844**	**1,653,933**	**901,482**	**85.6**	**43.5**
Pathein	518,003	553,997	445,029	219,026	85.9	39.5
Phyapon	320,539	332,805	269,339	121,504	84.0	36.5
Maubin	301,873	326,105	259,563	164,030	86.0	50.3
Myaungmya	242,559	259,525	209,017	114,292	86.2	44.0
Labutta	198,984	200,736	169,241	82,328	85.1	41.0
Hinthada	349,548	399,676	301,744	200,302	86.3	50.1
Nay Pyi Taw	**377,793**	**402,005**	**328,991**	**215,691**	**87.1**	**53.7**
Ottara (North)	171,889	179,734	148,842	89,560	86.6	49.8
Dekkhina (South)	205,904	222,271	180,149	126,131	87.5	56.7

Map 5.2 Labour Force Participation Rates, Districts

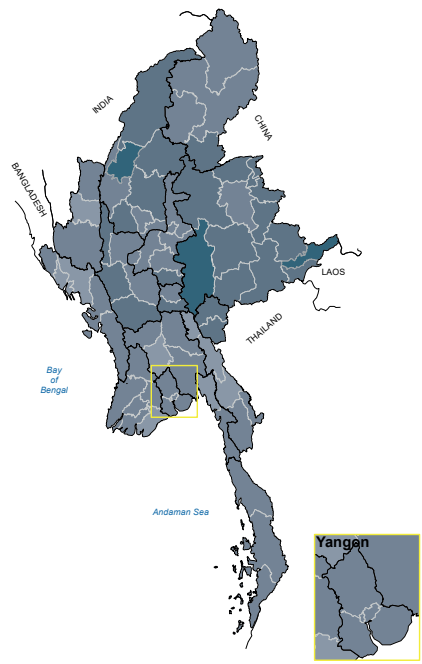
a) Males



b) Females



c) Both Sexes



Labour force participation rate

Average at Union level: 85.2 males, 50.5 females, 67.0 males & females

- 31.9 - 40.0
- 40.1 - 50.0
- 50.1 - 60.0
- 60.1 - 70.0
- 70.1 - 80.0
- 80.1 - 92.7

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator gives the percentage of the employed and unemployed population aged 15 to 64 divided by the total population in the same age group.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

5.3 Unemployment

Unemployment rates are widely used as indicators of the efficiency, productivity and overall 'health' of labour markets. They are, however, notoriously difficult to collect data for and to calculate. The main problem lies in making a clear distinction between what is meant by the terms 'employed' and 'unemployed'. The difficulty is particularly acute in developing countries, and especially among rural populations, where most working people undertake several different kinds of work at different times of the year, some of it paid and some of it unpaid, some of it full-time and some of it for just a few hours per week. Very few people are fully employed or fully unemployed all the time, meaning that for many people, the less precise classification of 'underemployed' is more appropriate. These qualifications limit the usefulness of Census-derived unemployment rates to providing only a very general picture of employment levels in the workforce. They should not be taken as precise measures of the extent to which productive capacity is being utilized. Specialized labour force and employment surveys provide better indicators for this.

Though Table 5.3 presents data for male and female unemployment rates, the differences are small, so they are not discussed here. Instead, this section focuses on geographic variations in total rates, and the differences between unemployment rates among urban and rural populations. According to the 2014 Census, Union level unemployment rates were 4 per cent of the total working-age population, 4.8 per cent of the urban population and 3.6 per cent of the rural population. Even with the limitations discussed above, Maps 5.3a, b and c show that some interesting regional and local variations underlie the generally low Union rates. Rakhine, Kayin and Mon States had the highest total unemployment rates, Rakhine, at more than 10 per cent, standing out by far as the highest at the State/Region level. Interestingly, as Figure 5.2 shows, these are the only three States/Regions in the country in which the rural unemployment rates exceed the urban rates. Shan State, with most of its large workforce employed in the primary sector (agriculture, forestry and fishing) had the lowest total rate at 2 per cent. Interestingly, Shan State had the lowest unemployment rates for all five indicators shown in Table 5.3 - total, male, female, urban and rural.

Map 5.3a shows that urban unemployment rate variations in the Districts generally aligned with those for the States/Regions. Rates were relatively low in Districts in Shan State and relatively high in Districts in Rakhine, Mon and Chin. The lowest urban unemployment rates in Shan State were in Minesat, Linkhe` and Tachileik Districts, all at around 3 per cent. Bawlake District in Kayah State had the lowest urban unemployment rate in the country, at 1.9 per cent. At the other end of the scale, the largest proportions of unemployed among urban populations were in Falam and Mindat Districts (in Chin State), and Sittway and Myauk U Districts (in Rakhine). More than 10 per cent of the active urban population was unemployed in all four of these Districts.

Apart from Rakhine, Kayin and Mon States, unemployment rates were generally lower in rural areas than in urban areas. Districts in Shan State had the lowest rural unemployment rates, with rates in Taunggyi, Linkhe`, Kunlon, Minesat and Minephyat being at, or just above, 1 per cent. In contrast, rural unemployment rates were higher than 10 per cent in Sittway and Myauk U (in Rakhine), and in Hpa-An and Pharpon (in Kayin).

The most striking feature of Figure 5.2 is the extremely high unemployment rate for urban workers in Chin State. This stands out in relation to both the rural unemployment rate for that State, and the urban unemployment rate for the other 14 States/Regions in the Union. It suggests that, in 2014, getting work in Chin was not a State- or even District-wide problem, but more specifically, it was a problem faced by those people living in the Townships of Haka, Falam and Mindat, and in urban centres in other parts of the State.

Figure 5.2 Unemployment Rates, States/Regions, Urban and Rural

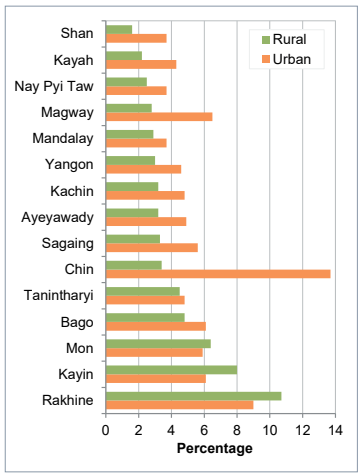
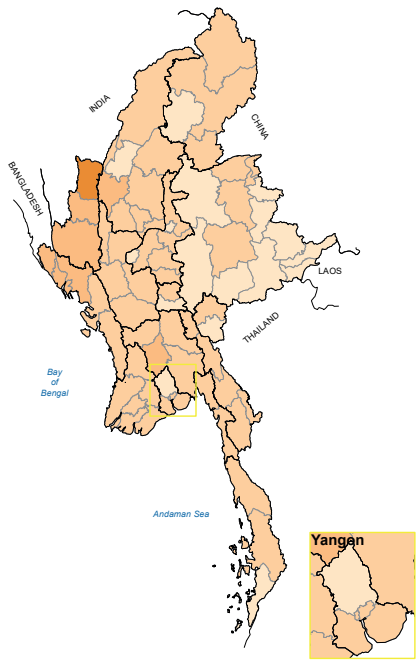


Table 5.3 Unemployment Rates, Males and Females, States/Regions and Districts, Urban and Rural

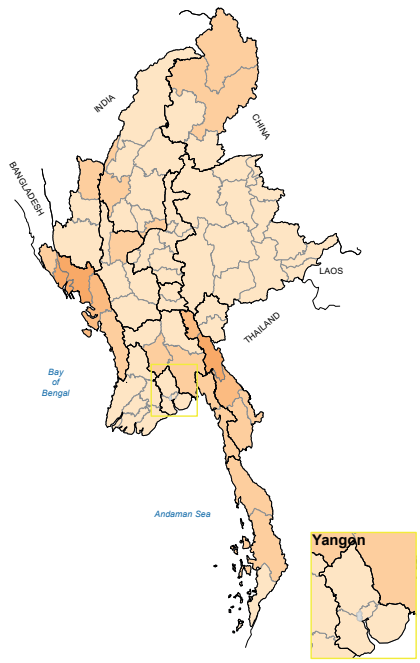
State/Region District	Unemployment Rate				
	Total	Male	Female	Urban	Rural
UNION	**4.0**	**3.9**	**4.1**	**4.8**	**3.6**
Kachin	**3.7**	**3.5**	**4.3**	**4.8**	**3.2**
Myitkyina	5.2	5.2	5.1	5.8	4.3
Mohnyin	3.0	2.6	4.3	3.3	3.0
Bhamo	3.0	3.0	3.1	4.4	2.5
Putao	5.0	4.9	5.2	6.3	4.5
Kayah	**2.7**	**2.7**	**2.6**	**4.3**	**2.2**
Loikaw	2.9	3.1	2.8	4.7	2.4
Bawlakhe	1.3	1.2	1.6	1.9	1.1
Kayin	**7.5**	**7.8**	**7.1**	**6.1**	**8.0**
Hpa-An	9.6	9.8	9.2	7.0	10.1
Pharpon	9.6	9.1	10.7	6.3	12.7
Myawady	4.9	4.8	5.1	5.4	4.2
Kawkareik	5.7	6.1	5.0	6.1	5.6
Chin	**5.4**	**5.9**	**4.7**	**13.7**	**3.4**
Haka	4.1	3.9	4.3	8.7	2.2
Falam	7.6	8.6	6.4	20.6	4.9
Mindat	4.1	4.6	3.5	11.4	2.7
Sagaing	**3.6**	**3.4**	**3.9**	**5.6**	**3.3**
Sagaing	5.8	5.4	6.3	5.0	6.0
Shwebo	2.8	2.5	3.0	5.4	2.4
Monywa	3.5	3.3	3.7	5.1	2.8
Katha	3.0	2.8	3.3	4.4	2.9
Kalay	5.7	5.4	6.3	9.3	4.6
Tamu	5.1	4.6	6.0	4.1	6.1
Mawlaik	2.8	2.5	3.2	3.6	2.7
Hkamti	3.3	3.2	3.4	5.2	3.0
Yinmarpin	3.6	3.3	3.9	8.0	3.4
Tanintharyi	**4.6**	**4.3**	**5.2**	**4.8**	**4.5**
Dawei	5.7	5.7	5.6	5.3	5.7
Myeik	4.4	4.0	5.4	5.0	4.2
Kawthoung	2.5	2.4	2.9	3.7	1.9
Bago	**5.1**	**4.7**	**5.8**	**6.1**	**4.8**
Bago	5.2	4.8	5.8	5.6	5.0
Toungoo	4.0	3.9	4.3	5.9	3.5
Pyay	3.4	2.9	4.2	5.5	2.8
Thayawady	7.8	6.9	9.9	9.4	7.5
Magway	**3.3**	**3.1**	**3.6**	**6.5**	**2.8**
Magway	3.2	3.1	3.3	7.3	2.3
Minbu	2.1	2.0	2.2	4.3	1.9
Thayet	2.4	2.3	2.6	5.9	2.0
Pakokku	5.0	4.6	5.6	7.3	4.7
Gangaw	3.5	2.8	4.4	4.6	3.4
Mandalay	**3.1**	**3.1**	**3.2**	**3.7**	**2.9**
Mandalay	2.7	2.6	2.7	3.0	1.6
Pyin Oo Lwin	3.3	3.2	3.4	4.2	2.9
Kyaukse	3.1	2.8	3.4	4.3	2.9
Myingyan	3.9	4.0	3.7	5.3	3.6
Nyaung U	3.0	3.0	3.1	2.6	3.2
Yame`thin	2.9	2.8	2.9	5.4	2.6
Meiktila	3.4	3.3	3.5	6.0	2.8
Mon	**6.2**	**6.1**	**6.4**	**5.9**	**6.4**
Mawlamyine	6.6	6.7	6.5	5.5	7.3
Thaton	5.5	5.2	6.1	7.1	5.2
Rakhine	**10.4**	**9.1**	**12.8**	**9.0**	**10.7**
Sittway	14.4	12.4	18.3	10.4	16.0
Myauk U	12.5	10.9	15.1	11.5	12.6
Maungtaw	7.5	6.4	9.8	9.1	7.0
Kyaukpyu	8.0	7.4	9.2	5.8	8.3
Thandwe	5.8	5.3	6.9	5.5	5.9
Yangon	**4.1**	**4.3**	**3.9**	**4.6**	**3.0**
North Yangon	3.2	3.4	3.0	3.6	2.8
East Yangon	4.8	5.1	4.4	4.9	2.1
South Yangon	3.9	3.8	4.2	5.7	3.2
West Yangon	4.9	5.2	4.6	4.9	n/a
Shan	**2.0**	**2.1**	**1.9**	**3.7**	**1.6**
Taunggyi	1.5	1.5	1.5	3.2	1.0
Loilin	1.7	1.8	1.5	4.7	0.9
Linkhe`	1.7	1.8	1.7	3.0	1.2
Lashio	2.4	2.5	2.3	4.3	1.5
Muse	3.7	3.8	3.5	4.6	3.2
Kyaukme	1.7	2.0	1.5	3.6	1.5
Kunlon	1.6	1.7	1.4	5.7	1.2
Laukine	3.4	3.3	3.6	4.1	3.2
Hopan	2.8	3.0	2.5	3.7	2.6
Makman	2.8	2.9	2.6	3.4	2.7
Kengtung	2.1	2.0	2.1	3.4	1.7
Minesat	1.4	1.5	1.3	2.9	1.2
Tachileik	2.9	2.8	3.1	3.1	2.8
Minephyat	1.5	1.4	1.7	3.9	1.2
Ayeyawady	**3.4**	**3.2**	**3.8**	**4.9**	**3.2**
Pathein	3.8	3.4	4.6	4.9	3.6
Phyapon	3.3	3.1	4.0	5.1	3.1
Maubin	2.9	2.9	3.0	4.6	2.7
Myaungmya	3.4	3.2	3.8	4.9	3.2
Labutta	3.2	3.1	3.5	4.6	3.1
Hinthada	3.6	3.5	3.8	5.4	3.3
Nay Pyi Taw	**2.9**	**2.9**	**2.9**	**3.7**	**2.5**
Ottara (North)	3.4	3.2	3.7	4.9	2.9
Dekkhina (South)	2.5	2.6	2.4	3.0	2.2

Map 5.3 Unemployment Rates, Districts

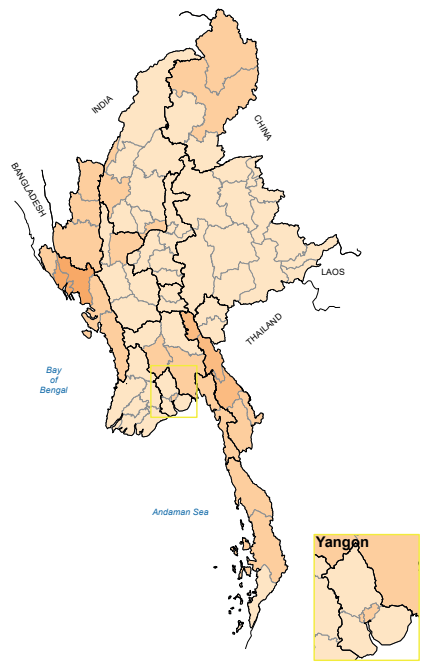
a) Urban



b) Rural



c) Urban and Rural



Unemployment rate

Average at Union level: 4.8 urban, 3.6 rural, 4.0 urban and rural

- 0.9 - 4.0
- 4.1 - 8.0
- 8.1 - 12.0
- 12.1 - 16.0
- 16.1 - 20.0
- 20.1 - 20.6
- No rural population (West Yangon)

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator gives the percentage of the unemployed population aged 15 to 64.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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5.4 Employment by Industry Sector

The pie charts on Map 5.4 show two things. Firstly, the size of the pie charts show the relative share each State/Region has of Myanmar's total employed population living in conventional households. Secondly, the size of the slices in the pie charts show the relative share of the workforce employed in each of the six largest industry sectors for each State/Region. The varying size of the pie charts on the map clearly reflects Myanmar's uneven population distribution, and is another example of the recurring contrast between the middle corridor (large numbers of workers) and the outer ring (relatively few workers). The dominance of agriculture, forestry and fishing (the primary sector) is also consistent with the fact that Myanmar is still predominantly a rural country. As described in Chapter 2, less than one-third of the population lived in urban areas in 2014.

Figure 5.3 shows that agriculture, forestry and fishing was by far the most important industry sector in Myanmar. More than 50 per cent of the country's employed population aged 10 and over worked in this sector. This proportion provides further evidence that Myanmar is still largely a rural society. Wholesale and retail trade was a distant second containing just under 10 per cent of the employed population, followed by manufacturing with just under 7 per cent. No other sector had more than 5 per cent of the employed population, although for a substantial number of people (more than 6 per cent), responses given to Census enumerators were not clear enough to determine which sector they worked in, so they were reported as 'not stated'.

Geographic comparisons show that the agriculture, forestry and fishing sector was particularly important in Chin and Shan States, employing more than 70 per cent of the working population in both States (Table 5.4). Yangon stood out as having by far the lowest proportion of primary sector workers at less than 15 per cent, reflecting the predominantly urban nature of the Region. In contrast, Mandalay Region and Nay Pyi Taw Union Territory, home to the nation's second and third largest cities, both still had relatively large numbers of workers in the primary sector, at about 40 per cent. (More detail about the distribution of the population in this sector is given in Section 5.5.) Mining and quarrying is an extremely important revenue-generating sector, but it did not employ large numbers of people. It accounted for less than 1 per cent of the working population nationwide at the time of the Census, and was among the top six sectors in only two States, Kachin and Kayah. Even in these two States, the absolute numbers employed in mining and quarrying were small, as evidenced by the small size of their pie charts on Map 5.4.

Not surprisingly, Yangon Region is the only State/Region in the country where the primary sector was not the largest employer. It was joint second with manufacturing at 14.8 per cent, both marginally overshadowed, by one percentage point, by wholesale and retail trade. Another interesting difference between Yangon Region and the rest of the country is the diversity of employment there. This can be clearly seen in the multi-coloured pie chart for Yangon on Map 5.4, which contrasts markedly with the green-dominated pie charts for all other States/Regions. The relatively uniform size of the pie slices for Yangon shows that other sectors, such as manufacturing, wholesale, retail and motor vehicle repair, transportation and storage, and accommodation and food services shared, with the primary sector, roughly equal proportions of the total employed, all at between 9 and 16 per cent. These numbers confirm Yangon Region as the home of Myanmar's industrial, commercial and transportation hub.

Figure 5.3 Sex Differences in Proportions Working in Top Ten Industry Sectors, Union

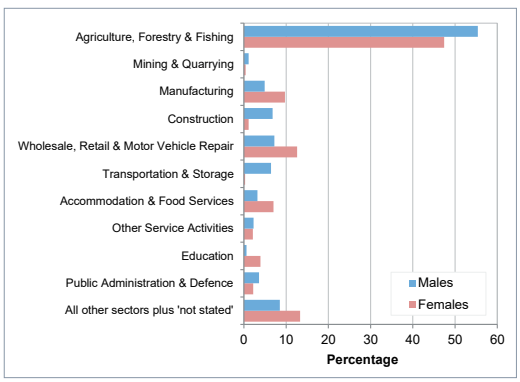
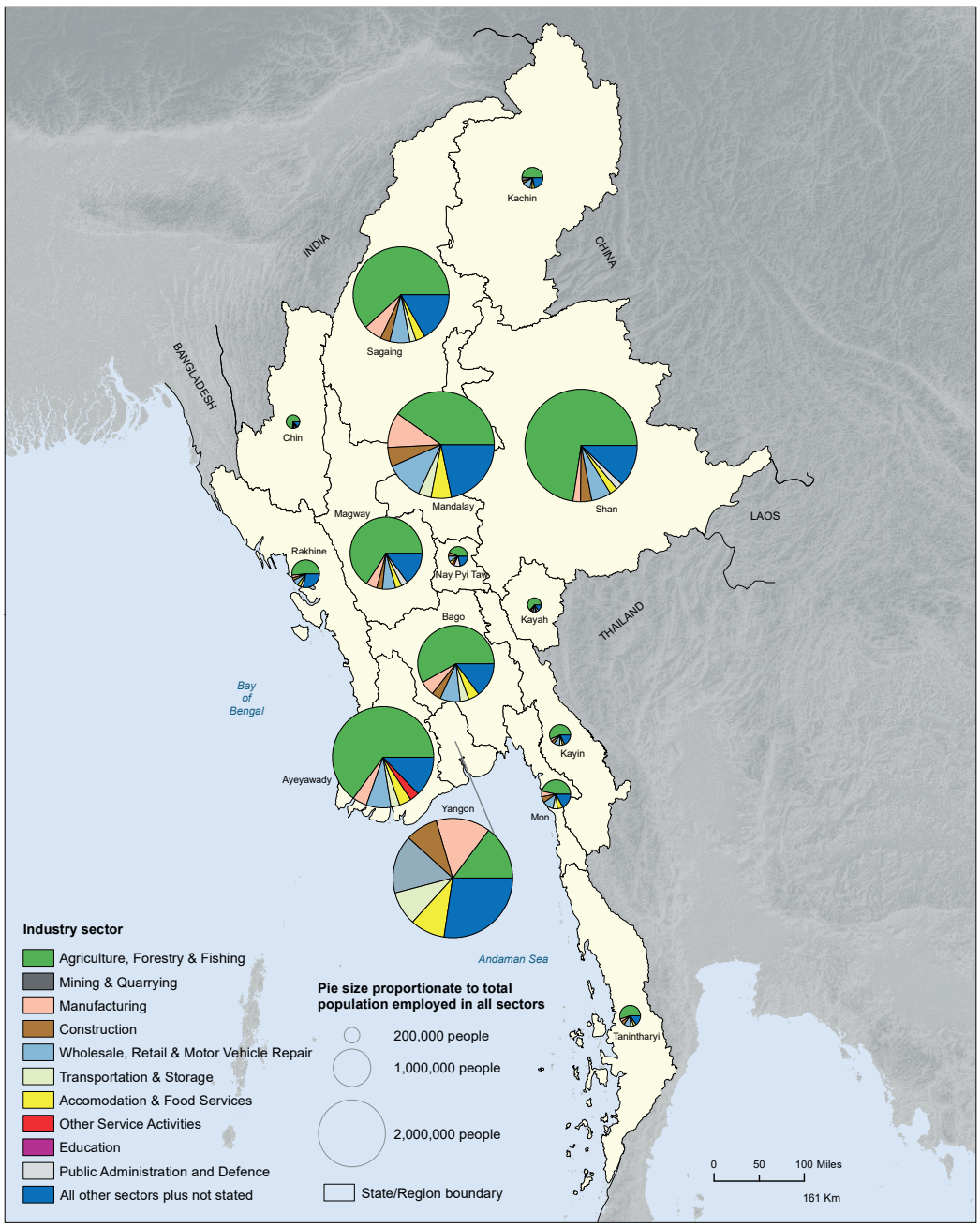


Table 5.4 Proportion of Employed Population* in Top Ten Industry Sectors, States/Regions

State/Region	Agriculture, Forestry & Fishing	Wholesale & Retail Trade; Repair of Motor Vehicles	Manufacturing	Accommodation & Food Services	Construction	Transportation & storage	Public Administration & Defence	Other Service Activities	Education	Mining & Quarrying	Other 11 Sectors & Sector 'Not Stated'
UNION	**52.4**	**9.2**	**6.8**	**4.7**	**4.5**	**3.9**	**2.9**	**2.3**	**1.9**	**0.8**	**10.7**
Kachin	49.3	12.1	3.1	4.1	3.9	3.1	3.1	1.7	2.4	5.7	11.4
Kayah	63.6	6.2	2.2	2.0	4.9	2.6	4.9	1.5	2.3	3.0	6.8
Kayin	56.5	8.8	4.3	3.0	4.5	4.6	2.6	1.4	1.8	0.2	12.4
Chin	74.0	1.9	1.0	0.4	1.9	0.7	4.3	1.7	3.2	0.1	11.0
Sagaing	61.9	6.8	6.2	3.2	3.1	2.1	1.8	1.4	1.8	1.6	10.2
Tanintharyi	54.7	11.1	4.7	4.0	5.6	4.7	2.7	1.0	2.2	0.3	9.0
Bago	58.2	8.4	6.3	4.7	3.9	3.7	3.0	1.4	2.0	0.5	7.8
Magway	66.1	6.0	4.7	2.8	2.5	2.0	2.9	1.6	1.8	0.7	8.8
Mandalay	40.0	11.5	10.7	6.2	5.9	3.9	2.8	3.1	1.9	1.6	12.5
Mon	46.5	11.9	6.4	6.4	6.6	5.2	2.7	2.3	2.4	0.3	9.4
Rakhine	51.6	7.0	3.3	3.6	3.2	3.1	3.3	3.2	2.6	0.2	18.8
Yangon	14.8	15.8	14.8	9.4	8.8	9.1	4.6	3.2	2.1	0.1	17.3
Shan	72.7	5.7	2.1	2.2	3.2	1.9	2.0	1.5	1.1	0.4	7.3
Ayeyawady	65.0	7.8	4.7	3.8	2.4	2.8	1.6	3.0	1.8	0.2	6.9
Nay Pyi Taw	43.3	9.7	4.0	4.7	6.3	4.0	10.9	4.1	1.5	0.6	11.0

* This table (and indeed Section 5.4 in general) examines employment data for the age group aged 10 and over, whereas other sections in this chapter look at 15-64 year olds or, in the case of Section 5.7, the age group aged 10-17 for whom child labour is an issue of particular concern in Myanmar. Thus, the proportions shown as working in agriculture, forestry and fishing will not be the same as those shown in Table 5.5 in the next section.

Map 5.4 Employment by Industry Sector, States/Regions



The base population for this indicator is all employed individuals aged 10 years and older that were living in conventional households at the time of the 2014 Census. The sizes of pie slices are proportionate to the total number of people aged 10 years and older working in each sector, as a percentage of the total employed population in the same age group. The industry sectors shown in each pie chart are the six that employed the largest proportion of the working population in each State/Region, plus a seventh for 'other sectors' and 'not stated'. This means that they are not the same six sectors for all States/Regions.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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5.5 Employment in Agriculture, Forestry and Fishing

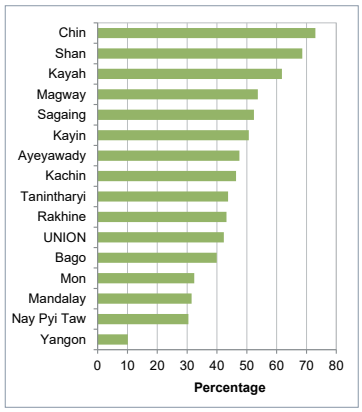
Of the 21.2 million people aged 15-64 reported as 'employed' by the 2014 Census, almost half worked in either agriculture, forestry or fishing. Chin State had the largest proportion of its workforce employed in this sector (referred to as the primary sector) at 73 per cent, but this was less than 120,000 people. In absolute terms, the largest numbers of 15-64 year olds working in the sector were in Shan State (1.9 million), Sagaing Region (1.3 million) and Ayeyawady Region (1.2 million). The 4.4 million primary sector workers in these three States/Regions represent almost half the total of the 9 million 15-64 year olds that were working in Myanmar's agriculture, forestry and fishing sector in 2014.

As earlier sections of this atlas have shown, people live in larger numbers and at higher densities in Myanmar's middle corridor than in its outer ring. This is partly explained by the greater agricultural productivity of the fertile lowlands. However, in terms of employment, in 2014 the agriculture, forestry and fishing sector was more important in the outer ring - it employed larger proportions of the working population in Districts in, for example, Shan, Kayah and Rakhine States than it did in Mandalay, Magway, Bago and Yangon Regions. The maps opposite show this distinction very clearly. They also show other interesting aspects of the distribution of employment in the primary sector. Firstly (as has already been noted) with the exception of Yangon Region, agriculture, forestry and fishing was generally the dominant sector throughout the country in terms of the proportion of workers it employed. Secondly, even with this general overall dominance, agriculture and forestry (and less so fishing) were particularly important in the north-west and north-east. Thirdly, generally, a larger proportion of men than women worked in the sector, but the gender differences were small and the relationship was consistent for all parts of the country.

Though agriculture, forestry and fishing was by far the largest employer nationwide, there are significant differences in the extent to which it dominates the labour market locally. Figure 5.4 shows this variation at the State/Region level, and the Maps opposite show it broken down by sex at the District level. Among the States and Regions, the percentage ranges from about 10 per cent in Yangon Region to 73 per cent in Chin State. The range at the District level is, of course, much greater from slightly more than 1 per cent in West Yangon to more than 85 per cent in Makman (in Shan State). The five Districts with the largest proportions of employed people working in the primary sector at the time of the 2014 Census were all in Shan State. In addition to Makman they included Minephyat, Minesat, Hopan and Loilin, in all of which more than three quarters of the employed population worked in the primary sector. The least agricultural Districts, in terms of the percentage employed in the sector, have predominantly urban populations. In addition to West Yangon they included East Yangon, North Yangon and Mandalay Districts, all with less than 11 per cent employed in agriculture, forestry or fishing.

In 2014, not only did the numbers employed in agriculture, forestry and fishing vary geographically, but so too did the nature of the work within the sector. In the lowlands of the central basin, coastal plains and deltas, most of the people employed in the sector were probably working on large-scale, often highly mechanized commercial farms, or in the fishing industry. In upland areas, farming generally was smaller scale and less productive, and options for employment more limited, hence the large percentages of the employed population working in the sector in the hills of Chin, Rakhine, Sagaing and Shan States. Most of the employment in forestry would also have been in upland areas, the forests of the lowlands having been cleared for agriculture long ago (though the Census did not collect information that could specifically confirm this).

Figure 5.4 Proportion of Employed Population Working in Agriculture, Forestry and Fishing, States/Regions



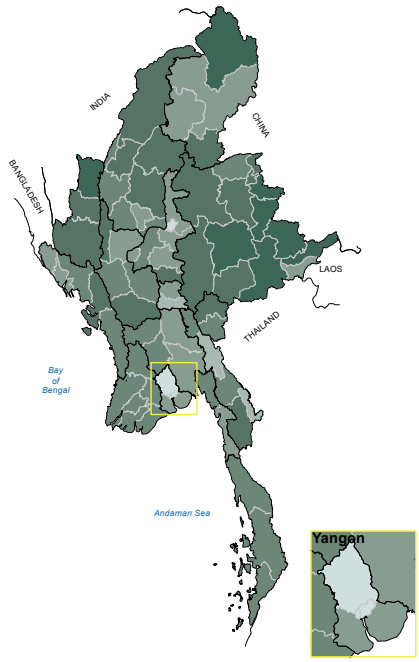
This section has used 2014 Census data to illustrate broad geographic patterns of employment in the agriculture, forestry and fishing sector, patterns which are deeply embedded in the physical, cultural and economic landscapes of Myanmar. Those patterns have evolved slowly over decades, centuries and millennia. In spite of the rapid pace of change that the country is currently experiencing in some spheres of activity, the rural economy and landscapes of Myanmar will most probably look much the same for many years to come.

Table 5.5 Proportion of Employed Population Working in Agriculture, Forestry and Fishing, States/Regions and Districts

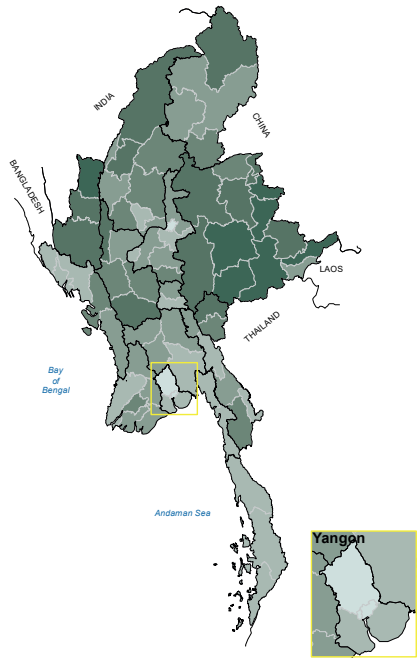
State/Region District	Percentage		
	Both Sexes	Males	Females
UNION	**42.3**	**45.3**	**37.9**
Kachin	**46.4**	**48.4**	**42.8**
Myitkyina	40.5	43.3	35.6
Mohnyin	37.1	40.1	30.4
Bhamo	60.1	61.7	57.9
Putao	74.9	77.3	70.5
Kayah	**61.8**	**59.8**	**64.5**
Loikaw	63.6	61.4	66.3
Bawlakhe	50.6	51.1	49.7
Kayin	**50.7**	**54.5**	**43.9**
Hpa-An	54.2	59.3	44.6
Pharpon	27.8	28.9	25.4
Myawady	27.9	28.4	27.0
Kawkareik	57.3	62.4	49.6
Chin	**73.0**	**73.1**	**72.8**
Haka	66.8	67.3	66.0
Falam	77.4	76.4	78.7
Mindat	72.1	73.2	71.0
Sagaing	**52.4**	**56.5**	**47.3**
Sagaing	39.2	45.2	31.5
Shwebo	58.4	62.1	54.2
Monywa	33.7	37.2	29.4
Katha	61.5	66.0	55.4
Kalay	46.8	52.9	37.9
Tamu	47.5	53.1	35.9
Mawlaik	64.0	67.4	60.2
Hkamti	65.9	66.7	64.9
Yinmarpin	53.8	58.2	48.6
Tanintharyi	**43.7**	**52.2**	**27.4**
Dawei	41.2	48.7	29.7
Myeik	45.7	55.4	26.0
Kawthoung	43.0	49.6	25.5
Bago	**39.9**	**45.4**	**30.1**
Bago	32.3	38.6	21.4
Toungoo	38.7	43.6	30.7
Pyay	46.5	51.1	38.8
Thayawady	47.6	52.4	36.2
Magway	**53.7**	**56.1**	**50.9**
Magway	53.9	56.1	51.2
Minbu	50.6	54.5	46.2
Thayet	65.6	65.9	65.3
Pakokku	41.3	44.3	37.6
Gangaw	68.3	70.3	65.9
Mandalay	**31.5**	**34.0**	**27.9**
Mandalay	5.9	6.1	5.6
Pyin Oo Lwin	36.5	37.9	34.3
Kyaukse	35.7	40.5	28.0
Myingyan	44.9	49.8	39.2
Nyaung U	31.7	33.8	29.1
Yame`thin	57.6	62.2	51.7
Meiktila	39.4	44.8	32.5
Mon	**32.4**	**40.0**	**20.1**
Mawlamyine	29.4	36.4	18.9
Thaton	37.4	45.4	22.3
Rakhine	**43.2**	**51.1**	**28.7**
Sittway	32.8	41.1	16.1
Myauk U	37.2	46.0	22.3
Maungtaw	36.5	43.2	23.9
Kyaukpyu	57.6	64.1	46.3
Thandwe	50.3	58.1	34.1
Yangon	**10.1**	**12.2**	**6.7**
North Yangon	10.7	13.1	7.0
East Yangon	1.4	1.8	0.9
South Yangon	29.0	33.6	20.9
West Yangon	1.1	1.5	0.6
Shan	**68.6**	**68.5**	**68.6**
Taunggyi	64.5	63.0	66.3
Loilin	78.3	76.9	80.1
Linkhe`	74.8	74.4	75.2
Lashio	61.0	61.3	60.4
Muse	54.7	60.0	47.8
Kyaukme	70.9	70.9	70.9
Kunlon	72.8	72.9	72.7
Laukine	68.2	71.7	62.3
Hopan	83.8	84.0	83.6
Makman	85.3	84.4	86.3
Kengtung	74.9	75.6	74.0
Minesat	81.9	82.3	81.5
Tachileik	42.7	43.3	41.8
Minephyat	82.7	82.3	83.2
Ayeyawady	**47.5**	**52.8**	**37.9**
Pathein	41.4	47.3	29.2
Phyapon	49.1	55.7	34.3
Maubin	51.3	55.7	44.4
Myaungmya	53.7	57.9	45.9
Labutta	51.5	58.3	37.5
Hinthada	45.2	49.2	39.4
Nay Pyi Taw	**30.4**	**32.1**	**27.8**
Ottara (North)	34.6	35.9	32.5
Dekkhina (South)	26.9	28.8	24.2

Map 5.5 Employment in Agricultural, Forestry and Fishing, Districts

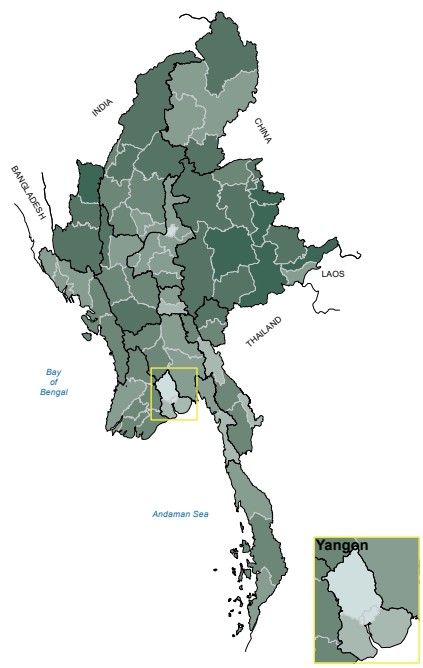
a) Males



b) Females



c) Both Sexes



Percentage of employed population working in agriculture, forestry and fishing sector

Average at Union level: 45.3 males, 37.9 females, 42.3 both sexes

- 0.6 - 15.0
- 15.1 - 30.0
- 30.1 - 45.0
- 45.1 - 60.0
- 60.1 - 75.0
- 75.1 - 86.3

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional households at the time of the 2014 Census. The indicator gives the proportion of the employed population aged 15 to 64 working in the agriculture, forestry and fishing sector.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

5.6 Employment and Education

This section describes geographic variations in the distribution of working people, aged 15-64, according to relative levels of educational attainment. The focus is on the numbers in the fourth column of Table 5.6, which shows where relatively better educated workers lived in terms of the proportion of the working population that had at least graduated from high school (upper secondary level).

At the State/Region level, such proportions ranged from only 9 per cent in Shan State up to about 31 per cent in Yangon Region. In addition to Yangon Region, Nay Pyi Taw Union Territory and Mandalay Region also had relatively highly-educated workforces, at around 24 per cent and 17 per cent, respectively. In contrast, education levels were relatively low among the employed populations of Shan, Kayin, Ayeyawady and Magway, where less than 12 per cent had at least graduated from high school. A most striking feature of Figure 5.5 are the relatively high proportions of workers in Chin, Kayah and Kachin States that had completed high school but had not gone on to complete a university education.

The Districts with the more highly-educated workforces include West Yangon, the only District where more than half the employed population had at least completed high school, and East Yangon, Dekkhina (South) and Mandalay, where between one quarter and one half of workers were relatively well-educated. The lowest rates were in Districts in predominantly rural areas. Table 5.6 shows that in 18 Districts, the proportion of the population with at least a high school diploma was less than 10 per cent. Ten of these Districts are in Shan State, two are in Ayeyawady Region, and the other six are Yame`thin (in Mandalay Region), Kawkareik (Kayin), Myauk U (Rakhine), Thayayawady (Bago), Mawlaik (Sagaing) and Thayet (Magway).

Maps 5.6a and 5.6b show that, with a few exceptions, the most highly educated workers lived in the more predominantly urban Districts. Reference to Section 5.4 shows that it was in Myanmar's main urban centres in which the largest proportions of the workforce were employed in wholesale and retail, manufacturing, accommodation and food services, and public administration – those sectors that require people with literacy, numeracy and technical skills. Conversely, in rural areas, where education levels among the working population were relatively low, agriculture, forestry and fishing was by far the dominant industry sector.

Figure 5.5 Proportion of Employed Population by Highest Level of Education Attained, States/Regions

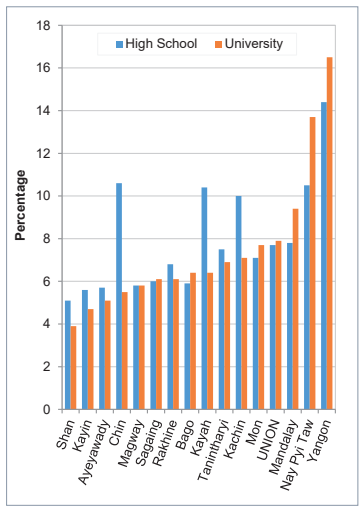
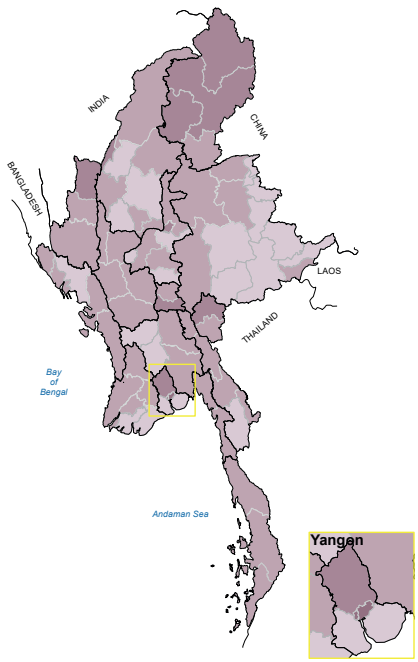


Table 5.6 Proportion of Employed Population by Highest Level of Education Attained, States/Regions and Districts

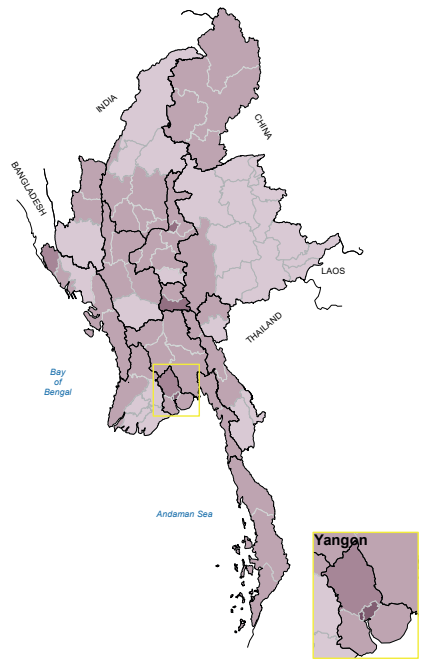
State/Region District	Percentage Employed with Highest Education Level Completed as …		
	High School	University	High School or University
UNION	**7.7**	**7.9**	**15.6**
Kachin	**10.0**	**7.1**	**17.1**
Myitkyina	10.7	9.6	20.3
Mohnyin	10.7	6.2	16.9
Bhamo	7.4	5.9	13.3
Putao	11.8	5.2	17.0
Kayah	**10.4**	**6.4**	**16.8**
Loikaw	10.7	6.9	17.6
Bawlakhe	8.8	4.2	13.0
Kayin	**5.6**	**4.7**	**10.3**
Hpa-An	6.3	5.8	12.1
Pharpon	6.3	6.0	12.3
Myawady	5.9	4.9	10.8
Kawkareik	4.5	3.1	7.6
Chin	**10.6**	**5.5**	**16.1**
Haka	8.0	7.9	15.9
Falam	14.1	5.9	20.0
Mindat	8.9	4.2	13.1
Sagaing	**6.0**	**6.1**	**12.1**
Sagaing	6.9	8.4	15.3
Shwebo	5.0	5.2	10.2
Monywa	6.4	9.2	15.6
Katha	5.7	4.8	10.5
Kalay	7.6	7.1	14.7
Tamu	14.0	6.9	20.9
Mawlaik	4.5	3.9	8.4
Hkamti	7.5	3.4	10.9
Yinmarpin	4.5	5.6	10.1
Tanintharyi	**7.5**	**6.9**	**14.4**
Dawei	7.1	8.0	15.1
Myeik	7.3	6.7	14.0
Kawthoung	8.9	5.2	14.1
Bago	**5.9**	**6.4**	**12.3**
Bago	7.9	6.3	14.2
Toungoo	7.9	6.6	14.5
Pyay	3.1	7.4	10.5
Thayawady	2.9	5.3	8.2
Magway	**5.8**	**5.8**	**11.6**
Magway	5.7	6.5	12.2
Minbu	6.2	5.3	11.5
Thayet	5.4	4.4	9.8
Pakokku	6.1	6.6	12.7
Gangaw	5.8	6.0	11.8
Mandalay	**7.8**	**9.4**	**17.2**
Mandalay	12.2	16.6	28.8
Pyin Oo Lwin	9.4	7.3	16.7
Kyaukse	3.5	6.9	10.4
Myingyan	5.3	6.0	11.3
Nyaung U	3.5	7.7	11.2
Yame`thin	3.2	3.9	7.1
Meiktila	7.6	7.1	14.7
Mon	**7.1**	**7.7**	**14.8**
Mawlamyine	7.2	8.5	15.7
Thaton	7.0	6.4	13.4
Rakhine	**6.8**	**6.1**	**12.9**
Sittway	6.1	9.0	15.1
Myauk U	4.5	3.7	8.2
Maungtaw	9.6	10.6	20.2
Kyaukpyu	7.0	5.2	12.2
Thandwe	9.9	6.3	16.2
Yangon	**14.4**	**16.5**	**30.9**
North Yangon	14.1	10.4	24.5
East Yangon	19.4	21.3	40.7
South Yangon	4.2	6.4	10.6
West Yangon	17.7	34.6	52.3
Shan	**5.1**	**3.9**	**9.0**
Taunggyi	6.9	5.7	12.6
Loilin	3.0	2.7	5.7
Linkhe`	3.2	3.6	6.8
Lashio	5.2	4.9	10.1
Muse	8.1	4.6	12.7
Kyaukme	5.2	3.5	8.7
Kunlon	1.4	2.3	3.7
Laukine	1.9	1.8	3.7
Hopan	0.9	0.6	1.5
Makman	1.6	0.4	2.0
Kengtung	3.7	2.9	6.6
Minesat	1.5	1.8	3.3
Tachileik	8.3	4.6	12.9
Minephyat	2.8	1.8	4.6
Ayeyawady	**5.7**	**5.1**	**10.8**
Pathein	6.0	6.5	12.5
Phyapon	3.5	4.4	7.9
Maubin	6.2	4.3	10.5
Myaungmya	6.0	4.5	10.5
Labutta	4.8	3.8	8.6
Hinthada	6.8	5.5	12.3
Nay Pyi Taw	**10.5**	**13.7**	**24.2**
Ottara (North)	9.2	9.6	18.8
Dekkhina (South)	11.4	16.9	28.3

Map 5.6 Employment by Educational Attainment, Districts

a) High School



b) University



Percentage of employed population who reported either high school or university as the highest education level completed

Average at Union level: 7.7 high school, 7.9 university

- 0.4 - 5.0
- 5.1 - 10.0
- 10.1 - 15.0
- 15.1 - 20.0
- 20.1 - 25.0
- 25.1 - 34.6

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator gives the proportion of the employed population aged 15 to 64 that has completed high school or university education.

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Source of geographic data: Department of Population GIS Unit.

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5.7 Child Work and Child Labour

As discussed in Chapter 4, children entering the labour force at young ages is a significant problem in Myanmar. Early school dropout rates are very high, with large numbers of children failing to complete primary school, middle school (lower secondary) and, particularly, high school (upper secondary). Table 5.7 shows that more than one fifth of children aged 10-17 were working in 2014. This includes both child labour and child work, defined by the International Labour Organization as including both paid employment below the minimum age, which in Myanmar is 16 years, and children engaged in unpaid, often hazardous, household services. Of all the industry sectors, agriculture, forestry and fishing employed by far the largest number of children. Within the sector, agriculture was the biggest draw, with most working children leaving school early most likely to help out on the family farm.

The proportion of children working in all sectors was larger than the Union level average of 21 per cent in four States/Regions - Sagaing, Mandalay, Magway and Shan. Whereas for the first three of these the proportions were only marginally higher than the national average, all at less than a quarter, in Shan State almost a third of all children aged 10-17 were working. Map 5.7a shows the geographic concentration of high child labour rates in these four States/Regions very clearly, but it is Figure 5.6 that shows the extent to which Shan State stands out as having particularly large proportions of working children, both in total and in the primary sector. In the other 14 States/Regions, rates are generally less than 25 per cent, and in none of them does it exceed 30 per cent. In Shan State, however, more than one-third of children in most Districts are working, with rates exceeding 40 per cent in Makman and Linkhe`.

In 2014, more than 8 per cent of children in the Union were undertaking skilled work in the agriculture, forestry and fishing sector; the proportion rises to more than 11 per cent if children doing unskilled work are included. Rates were highest in Shan, Kayah, Magway and Ayeyawady, and, as was the case for all sectors, Shan also had the highest rates for child labour in the primary sector. The 11 Districts with the largest proportions of children working in this sector were all in Shan State, ranging from approximately 19 per cent in Lashio District to 36 per cent in Makman District. As would be expected, Districts where most people lived in urban areas had the lowest rates for child labour in agriculture, forestry and fishing, with West Yangon, East Yangon, Mandalay, Sittway and North Yangon all at less than 2 per cent.

Comparing the geographic variations in child labour presented in this section with patterns for some of the education indicators discussed in Chapter 4 reveals some interesting, though not surprising, relationships. Those parts of the country with the highest current attendance rates and high school completion rates generally reported relatively small proportions of working children, and the States/Regions and Districts with the lowest current attendance rates and high school completion rates tended to have relatively large proportions of working children.

Chin State is something of an anomaly in that, though almost three quarters of the working population there were employed in agriculture, forestry or fishing (see Section 5.4), it had one of the lowest child labour rates for the sector at just over 6 per cent. This reflects the State's very strong performance in keeping children in school. As discussed in Chapter 4, children in Chin State had the highest current school attendance rate (81.1 per cent) and among the lowest never attended school rates (1.4 per cent) in the country.

Figure 5.6 Proportion of Children Aged 10-17 Working in all Sectors and in Agriculture, Forestry and Fishing, States/Regions

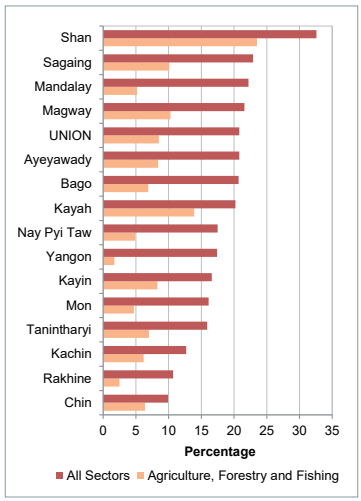
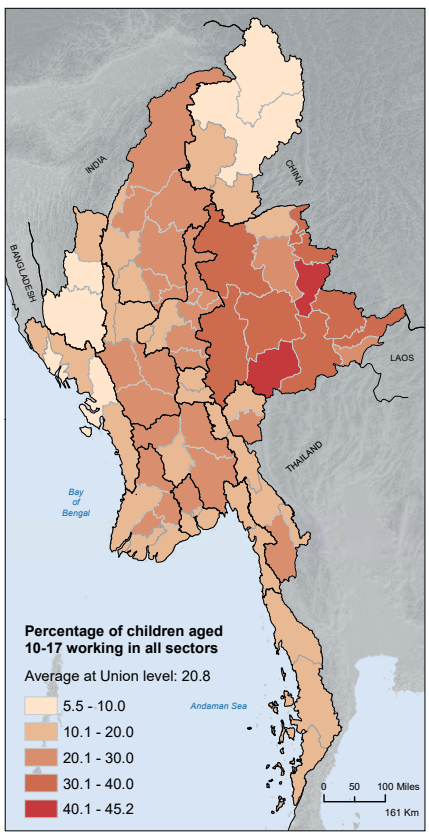


Table 5.7 Children Aged 10-17 Working in all Sectors and in Agriculture, Forestry and Fishing, States/Regions and Districts

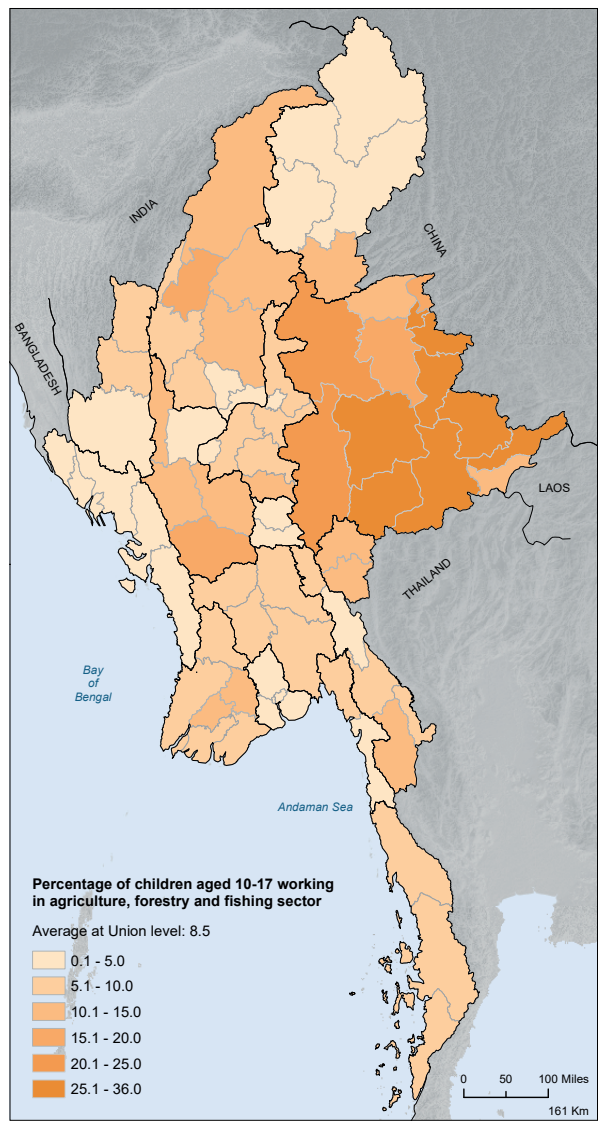
State/Region District	Percentage Population Aged 10 - 17	
	Working in All Sectors	Working in Agriculture, Forestry and Fishing
UNION	**20.8**	**8.5**
Kachin	**12.7**	**6.2**
Myitkyina	10.0	4.0
Mohnyin	12.5	5.0
Bhamo	19.4	12.1
Putao	5.5	4.0
Kayah	**20.2**	**13.9**
Loikaw	19.9	14.1
Bawlakhe	21.7	12.3
Kayin	**16.6**	**8.3**
Hpa-An	14.1	7.4
Pharpon	10.8	2.8
Myawady	17.8	6.1
Kawkareik	20.8	11.3
Chin	**9.9**	**6.4**
Haka	8.6	5.7
Falam	11.0	9.0
Mindat	9.5	4.6
Sagaing	**22.9**	**10.1**
Sagaing	23.2	4.5
Shwebo	25.1	11.8
Monywa	21.8	4.6
Katha	26.4	14.9
Kalay	17.3	6.3
Tamu	13.6	7.0
Mawlaik	27.1	15.7
Hkamti	21.9	14.0
Yinmarpin	19.9	8.6
Tanintharyi	**15.9**	**7.0**
Dawei	14.2	5.3
Myeik	16.5	7.8
Kawthoung	18.1	8.1
Bago	**20.7**	**6.9**
Bago	20.4	5.4
Toungoo	21.8	7.3
Pyay	22.5	9.6
Thayawady	18.5	7.2
Magway	**21.6**	**10.3**
Magway	20.6	10.1
Minbu	26.0	11.2
Thayet	28.1	17.8
Pakokku	16.4	4.8
Gangaw	19.2	11.2
Mandalay	**22.2**	**5.2**
Mandalay	22.9	0.9
Pyin Oo Lwin	23.2	7.0
Kyaukse	23.9	5.2
Myingyan	19.7	5.7
Nyaung U	16.9	3.8
Yame`thin	23.8	11.1
Meiktila	22.0	7.0
Mon	**16.1**	**4.7**
Mawlamyine	16.1	3.8
Thaton	16.2	5.9
Rakhine	**10.7**	**2.5**
Sittway	9.3	1.5
Myauk U	11.4	2.2
Maungtaw	16.4	3.3
Kyaukpyu	8.6	3.0
Thandwe	13.0	4.7
Yangon	**17.4**	**1.7**
North Yangon	20.1	1.8
East Yangon	14.7	0.2
South Yangon	18.7	4.2
West Yangon	13.7	0.1
Shan	**32.6**	**23.5**
Taunggyi	32.1	22.5
Loilin	38.3	32.3
Linkhe`	41.4	32.7
Lashio	28.9	18.9
Muse	18.8	10.5
Kyaukme	31.6	23.5
Kunlon	38.7	26.2
Laukine	30.2	16.2
Hopan	38.9	27.4
Makman	45.2	36.0
Kengtung	35.1	25.7
Minesat	37.7	31.8
Tachileik	23.1	11.2
Minephyat	35.7	29.0
Ayeyawady	**20.8**	**8.4**
Pathein	19.6	6.6
Phyapon	17.0	7.2
Maubin	23.9	10.6
Myaungmya	22.0	11.2
Labutta	19.8	8.6
Hinthada	22.9	8.1
Nay Pyi Taw	**17.5**	**4.9**
Ottara (North)	16.5	4.8
Dekkhina (South)	18.4	5.0

Map 5.7 Working Children, Districts

a) All Industry Sectors



b) Agriculture, Forestry and Fishing Sector



The base population for this indicator is all employed individuals aged 10-17 that were living in conventional households at the time of the 2014 Census. The indicator for Map 5.7a gives the number of children aged 10-17 working in all sectors as a percentage of the total number of children in the same age group. The indicator for Map 5.7b gives the number of children aged 10-17 working in skilled jobs in the agriculture, forestry and fishing sector as a percentage of the total number of children in the same age group.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

6

Migration

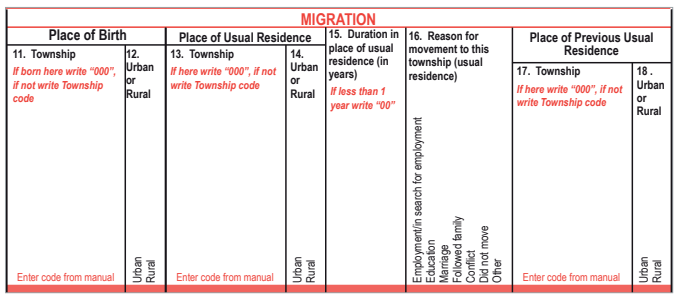
This chapter examines two different aspects of migration, namely migration flows and net migration rates. The analyses of both lifetime and recent migration flows reported in the 2014 Census share some common patterns. Yangon Region was, and continued to be, the most popular destination for people who left their place of birth to live in another location in Myanmar. Urban centres in Nay Pyi Taw Union Territory and Mandalay Region also attracted relatively large numbers of in-migrants. Kachin, Kayah and Kayin States were also net recipients of migrants in relatively large numbers. Here, however, the draw was not the attraction of large urban centres, but more the perceived opportunities for work in the primary sector, mining, and engagement in activities related to international trade.

The spatial analysis underlying the maps presented in this chapter reveal a number of other patterns which are likely to be of interest to policymakers, social scientists and the development community in general. For example, more than half of the people who migrated between 2009 and 2014 were female. Whilst large numbers of male migrants had moved to remote areas and border Districts - attracted by economic opportunities there - females were more likely to have moved to urban centres to pursue academic interests or seek employment in the manufacturing sector, government agencies, private service industries or public services such as schools, hospitals and clinics. Rates of rural-to-urban migration remain relatively low, with the largest numbers of migrants moving either from urban to urban areas or from rural to rural areas.

This chapter only discusses internal migration. The data and analysis presented here do not include people who have immigrated to Myanmar from other countries, nor does it include people who have left Myanmar to live abroad. However, the reader will want to be aware that the Census did collect some limited data on international migration from Myanmar (as part of the inquiry on former household members living abroad), that suggested that large numbers of working-age people, and especially males, were leaving to seek work overseas. The most popular destinations were Thailand and Malaysia. Collecting reliable information in a census on people who have left the country is always difficult, and the numbers of emigrants recorded by the 2014 Census - for example the 1.4 million people reported to be living in Thailand and more than 300,000 in Malaysia - are likely to be significant undercounts (Department of Population, 2016a). Even so, these numbers represent the loss of substantial productive capacity which could be contributing to economic growth in Myanmar if it could be gainfully employed in this country. Mass-emigration is another demographic process academics and social scientists are diligently monitoring and analyzing, and policymakers will most likely be seeking to stem.

The questions asked for obtaining information about migration are shown here in the extract from the main questionnaire. The base population used for the analysis of migration presented in this chapter includes all individuals whose usual place of residence was in conventional households in Myanmar at the time of the Census. It does not include people who were living in institutional households at the time of the Census for whom information on movement was not collected, nor does it include people whose usual place of residence was overseas.

The 2014 Census Thematic Report on Migration and Urbanization (Department of Population, 2016a) was the primary source for the material presented in this chapter.



MIGRATION

Place of Birth		Place of Usual Residence		15. Duration in place of usual residence (in years) *If less than 1 year write "00"*	16. Reason for movement to this township (usual residence)	Place of Previous Usual Residence	
11. Township *If born here write "000", if not write Township code*	12. Urban or Rural	13. Township *If here write "000", if not write Township code*	14. Urban or Rural		Employment/in search for employment Education Marriage Followed family Conflict Did not move Other	17. Township *If here write "000", if not write Township code*	18 . Urban or Rural
Enter code from manual	Urban Rural	Enter code from manual	Urban Rural			Enter code from manual	Urban Rural

6.1 Lifetime Internal Migration Flows

The 2014 Myanmar Census defined lifetime migrants as those people who, at some time in their lives, lived in a Township different to the one in which they were born. This includes people who moved to live in a different Township for a period of time, but who later returned and were living in their Township of birth at the time of the Census (so called 'return migrants'). Out of the total number of people living in conventional households of 47,918,525 for the Union as a whole, 9,231,619 (19.3 per cent) were lifetime migrants (had moved between Townships) and of these, 4,561,588 (9.5 per cent) had moved to Townships in different States/Regions (Department of Population, 2016a). Maps 6.1a and 6.1b show the most significant flows of lifetime internal migrants between States/Regions. Explanations of the use of the term 'most significant flow' in this chapter are given in footnotes below the tables and maps.

For inter-State/Region migration, by far the most significant movement was from Ayeyawady to Yangon, with 784,919 lifetime migrants, or 8.5 per cent of the total number of 9,231,619. Table 6.1 shows that large numbers of people also moved from Bago to Yangon (372,068), Sagaing to Mandalay (209,217) and Magway to Yangon (199,483) during their lifetimes.

Clearly, the predominant pattern for inter-State/Region lifetime migration in Myanmar was towards Yangon (Map 6.1b), with movements to and from Mandalay showing a similar trend, but involving substantially fewer people (Map 6.1a). Of the lifetime migrations not to or from Yangon Region, the largest flows were from Sagaing to Mandalay (209,217 people), from Mandalay to Shan (159,757), and from Magway to Mandalay (128,487).

Most of the lifetime migrants to the country's two largest cities originated in other urban areas. This can be seen in the relatively high rates of urban-urban migration of almost half of all lifetime moves, and the surprisingly low rates of rural-urban migration of less than 10 per cent. Figure 6.1 shows the relative contribution of the four lifetime migration streams between urban and rural areas.

The States/Regions with the largest total numbers of lifetime outmigrants were Ayeyawady (1,018,461), Bago (680,370), Mandalay (577,846) and Magway (564,060). Recipients of the largest total numbers of in-migrants included Yangon (2,048,643) and Mandalay (604,415), Shan (398,749), and Bago (240,075).

Some of the largest flows of people in Myanmar have been internal migrations within Yangon Region – that is, large numbers of people moving from one of Yangon's four Districts to another. According to the 2014 Census, 773,414 people moved internally within Yangon during their lifetime. Some Districts in other parts of the country also contributed large numbers of lifetime migrants to Yangon, with more than 100,000 moving from Maubin, Hinthada, Pathein and Phyapon Districts in Ayeyawady Region, and from Bago and Thayayawady Districts in Bago Region.

Subtracting the number of outmigrants from the number of in-migrants provides a measure of net gains or losses in lifetime migration, expressed as rates per 1,000 population. At the State/Region level, Yangon (246.3), Nay Pyi Taw Union (142.1) and Kachin (100.2) showed the highest levels of net in-migration, whilst Chin (-167.7), Ayeyawady (-147.0) and Magway (-121.1) showed the highest levels of net outmigration.

Figure 6.1 Proportion of Lifetime Internal Migration by Type of Move, Union

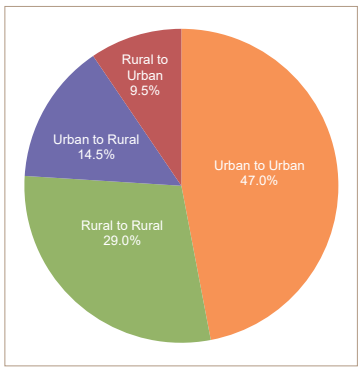


Table 6.1 Lifetime Migration Flows between States/Regions

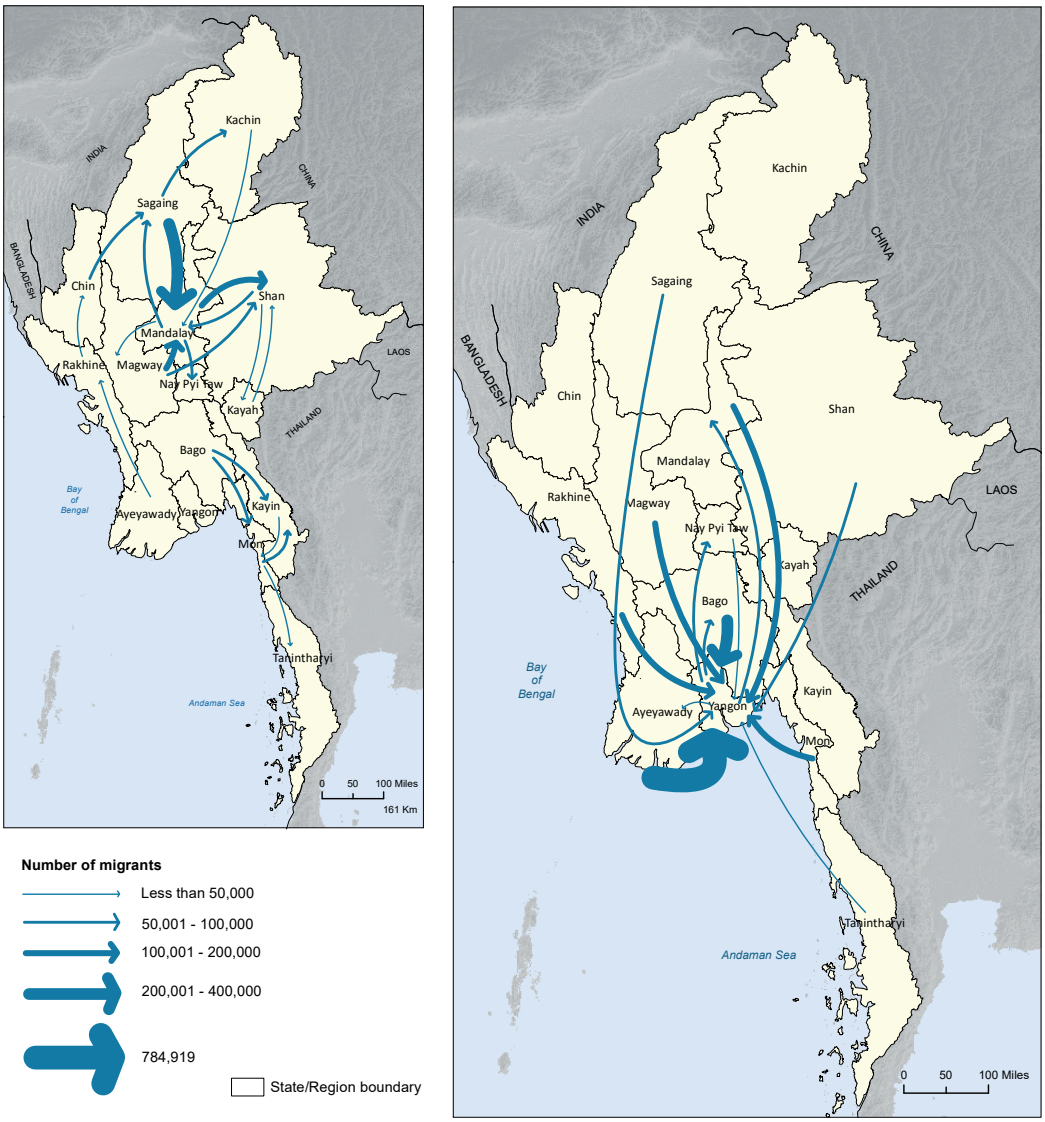
State/Region of Usual Current Residence	State/Region of Birth														
	Kachin	Kayah	Kayin	Chin	Sagaing	Tanintharyi	Bago	Magway	Mandalay	Mon	Rakhine	Yangon	Shan	Ayeyawady	Nay Pyi Taw
Kachin	**1,140,581**	551	1,212	2,930	91,406	837	10,794	19,795	37,582	3,529	10,933	12,020	33,037	10,173	2,463
Kayah	381	**232,126**	1,275	144	1,043	134	3,318	3,175	9,590	559	514	2,213	13,645	1,862	834
Kayin	1,212	779	**1,240,407**	400	2,292	2,676	55,587	6,111	6,376	73,635	3,586	21,780	3,580	20,423	1,570
Chin	477	60	143	**456,788**	3,271	58	419	2,076	758	176	3,451	615	549	518	95
Sagaing	20,409	622	1,230	56,532	**4,848,349**	1,038	10,020	47,968	57,283	2,716	2,981	12,709	11,023	8,323	2,359
Tanintharyi	825	143	2,541	235	1,703	**1,232,236**	18,361	5,243	4,477	24,076	5,638	21,246	1,745	23,599	812
Bago	3,370	1,354	8,910	990	7,573	2,681	**4,514,511**	38,874	32,474	16,337	8,695	53,977	9,204	45,543	10,093
Magway	3,158	474	681	6,485	12,778	937	18,851	**3,690,132**	23,945	2,222	3,266	13,718	5,139	9,690	2,936
Mandalay	26,801	2,215	2,755	3,588	209,217	2,730	38,873	128,487	**5,249,298**	9,952	7,030	50,054	81,253	26,175	15,285
Mon	1,341	320	19,926	331	2,363	6,723	52,142	5,847	7,578	**1,778,201**	3,335	27,041	3,155	33,149	1,288
Rakhine	1,179	206	552	2,038	1,341	830	5,140	3,896	2,699	1,576	**1,993,649**	7,729	1,632	10,619	453
Yangon	21,557	3,965	19,456	13,566	70,879	36,516	372,068	199,483	176,615	133,376	128,623	**4,868,845**	65,883	784,919	21,737
Shan	13,906	9,852	2,572	2,974	36,897	1,497	33,270	55,375	159,757	6,940	7,775	31,369	**5,066,811**	23,496	13,069
Ayeyawady	3,025	402	1,790	645	4,403	2,127	25,190	13,273	8,632	4,725	10,851	43,957	6,003	**5,939,688**	1,318
Nay Pyi Taw	2,598	946	1,416	908	9,297	1,393	36,337	34,457	50,080	4,780	4,098	50,631	8,839	19,972	**841,677**

The lifetime migration flows considered 'most significant' are highlighted in blue in Table 6.1 and are shown as arrows on Maps 6.1a and 6.1b. These include all flows involving more than 50,000 people, plus flows involving fewer than 50,000 people, but significant to individual States and Regions because they represent the largest flow of lifetime migrants to each State/Region and the largest flow of lifetime migrants from each State/Region.

Map 6.1 Lifetime Internal Migration Flows

a) Between States/Regions other than Yangon Region

b) To and From Yangon Region



The base population for this indicator is all individuals that were living in conventional households at the time of the 2014 Census.

Arrows show the direction of the most significant lifetime flows. The width of each arrow is proportionate to the number of migrants.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

'Most significant migration flows' - As used in this chapter, the term 'most significant' is used to describe migration flows that have had the most impact at both the national level and for individual States and Regions. At the national level, the most significant flows are those of large numbers of people in absolute terms. On Map 6.1 for lifetime migrants, all flows of more than 50,000 people are shown. For States/Regions with small populations, even migrations of small numbers of people in absolute terms can have a big impact on the source or receiving populations. For this reason, the largest flow to each State/Region and the largest flow from each State/Region are also shown on the map, even if these flows involved fewer than 50,000 migrants.

6.2 Recent Internal Migration Flows

The 2014 Census defined recent migrants as those people who moved from one Township to live in another Township during the five years prior to the Census. The 3,359,342 recent migrants recorded by the Census represent 7.0 per cent of the total enumerated population in conventional households (Department of Population, 2016a). Comparing this number with the 9,231,619 lifetime migrants shows that more than one-third of all internal migrations occurred between 2009 and 2014. These numbers include all migrants - both those who moved from one Township to another in the same State/Region, and those who moved from one Township to another in a different State/Region.

Table 6.2 and Map 6.2b however, only show inter-State/Region migration flows. Yangon Region was the major recipient of recent internal migrants. In addition to the large numbers from Ayeyawady, Yangon also received large numbers from Bago, Magway, Mandalay and Rakhine. Employment opportunities in the industrial zone in North and East Yangon Districts are the main draw. Mandalay Region attracted moderate numbers of recent in-migrants, especially from neighbouring Sagaing, Magway, and Shan.

Figure 6.2 shows that rural-urban migration accounted for a relatively small proportion of total recent internal migration (10.4 per cent), with most migrants having moved either from one urban centre to another (47.6 per cent) or from rural to rural areas (25.9 per cent). Table 4.9 in the Thematic Report on Migration and Urbanization (Department of Population, 2016a) presents details of the four types of recent internal migration flows at the State/Region level.

The large number of people moving from Ayeyawady Region to Yangon Region stands out even more for recent migrants than it does for lifetime migrants (Figure 6.3). The 350,463 people that moved between these two Regions represent 10.4 per cent of the 3,359,342 total recent migrants, and 44.6 per cent of the 784,919 people who had migrated from Ayeyawady Region to Yangon Region during their lifetimes. That almost half the lifetime flow took place between 2009 and 2014 reflects the impact of Cyclone Nargis in May 2008, with increasing numbers of people moving away from the vulnerable Ayeyawady Delta as they attempted to recover from the disaster and rebuild their lives.

States bordering Thailand and China received large numbers of migrants during the five-year period leading up to the 2014 Census. There were substantial flows to Shan State from Mandalay and Magway Regions, to Kayin State from Bago Region and Mon State, and to Kachin State from Sagaing Region. People are moving to these areas in search of work in the mining and forestry sectors and to benefit from the economic opportunities provided by international trade.

Figure 6.2 Proportion of Recent Internal Migration by Type of Move, Union

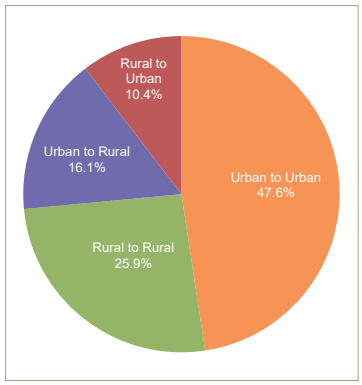


Figure 6.3 Ten Largest Recent Internal Migration Flows, States/ Regions

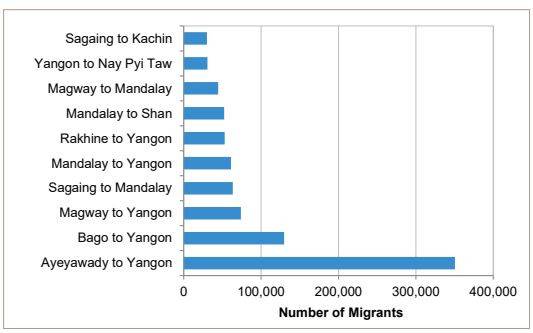


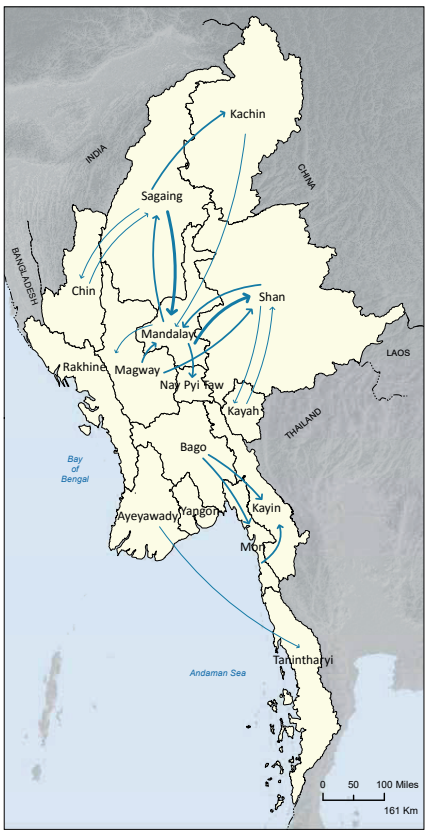
Table 6.2 Recent Migration Flows between States/Regions

State/Region of Usual Current Residence	State/Region of Previous Residence														
	Kachin	Kayah	Kayin	Chin	Sagaing	Tanintharyi	Bago	Magway	Mandalay	Mon	Rakhine	Yangon	Shan	Ayeyawady	Nay Pyi Taw
Kachin	**1,303,269**	164	369	900	29,914	307	3,121	6,184	12,514	853	5,289	4,606	7,113	3,077	1,024
Kayah	163	**257,406**	320	44	400	46	1,301	1,102	3,231	106	155	1,118	4,246	721	438
Kayin	516	284	**1,359,883**	108	936	965	25,182	2,345	2,522	22,820	1,531	10,451	1,396	10,304	915
Chin	287	22	66	**463,621**	1,829	35	171	944	385	59	1,090	401	331	149	110
Sagaing	8,574	255	502	11,043	**5,013,023**	475	2,996	10,770	20,591	755	1,195	5,510	4,252	2,600	1,460
Tanintharyi	388	73	684	76	599	**1,299,386**	9,153	1,777	1,607	5,457	2,217	8,385	742	11,109	607
Bago	1,521	528	3,073	360	2,969	1,733	**4,669,769**	10,227	9,064	4,474	2,917	22,845	4,251	15,558	5,030
Magway	1,630	188	332	1,868	4,816	621	7,082	**3,752,513**	8,209	716	1,322	6,558	2,969	3,299	2,227
Mandalay	12,145	974	1,181	1,184	63,364	1,504	13,950	44,604	**5,640,518**	2,699	2,930	22,895	26,870	9,914	9,050
Mon	601	129	5,604	69	884	2,467	20,442	2,144	2,788	**1,877,447**	1,213	11,707	1,331	15,422	854
Rakhine	588	111	300	744	680	931	1,780	1,361	1,208	563	**2,017,605**	3,777	849	2,947	425
Yangon	9,127	1,481	6,655	4,746	26,335	13,249	129,621	73,776	61,029	29,541	52,949	**6,117,208**	24,774	350,463	17,492
Shan	5,744	3,092	976	783	14,050	841	12,893	21,058	52,322	1,985	2,955	13,351	**5,329,395**	8,442	6,286
Ayeyawady	1,160	207	923	195	1,467	1,623	7,350	3,461	2,858	1,623	2,918	20,221	2,635	**6,018,176**	1,188
Nay Pyi Taw	1,891	450	1,011	375	4,808	1,057	16,758	14,940	20,352	1,647	2,257	30,711	5,810	8,601	**956,674**

The recent internal migration flows considered 'most significant' are highlighted in blue in Table 6.2 and are shown as arrows on Maps 6.2a and 6.2b. These include all flows involving more than 20,000 people, plus flows involving fewer than 20,000 people, but significant to individual States and Regions because they represent the largest flow of recent migrants to each State/Region and the largest flow of recent migrants from each State/Region.

Map 6.2 Recent Internal Migration Flows

a) Between States/Regions other than Yangon Region

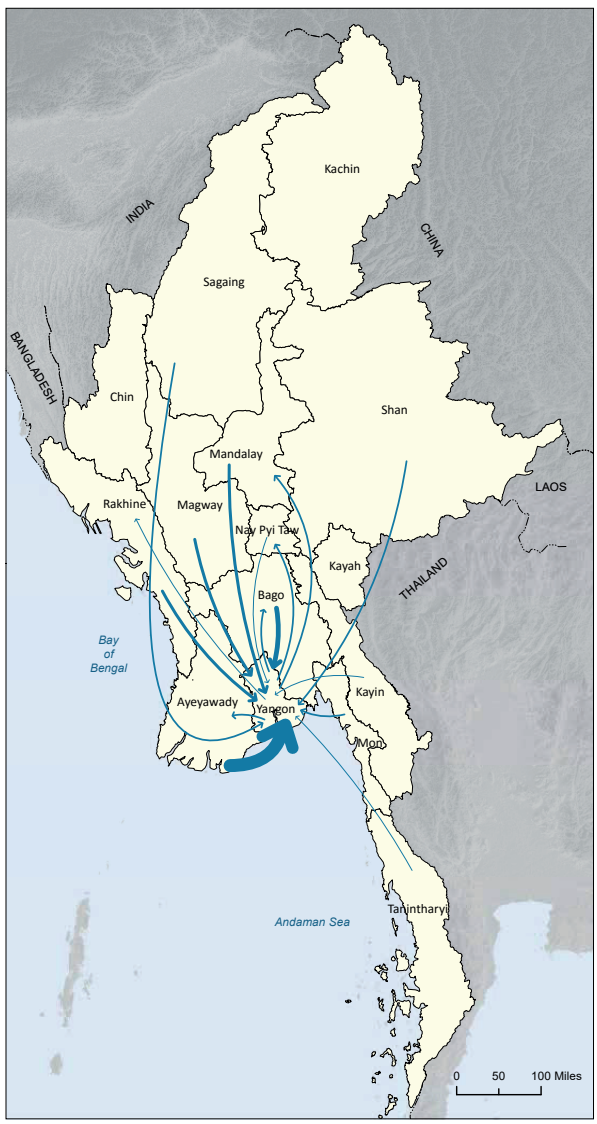


Number of migrants

- Less than 20,000
- 20,001 - 50,000
- 50,001 - 80,000
- 129,621
- 350,463

State/Region boundary

b) To and From Yangon Region



The base population for this indicator is all individuals that were living in conventional households at the time of the 2014 Census.

Arrows show the direction of the most significant flows of migrants that occurred during the five-year period prior to the 2014 Census. The width of each arrow is proportionate to the number of migrants.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

'Most significant migration flows' - As used in this chapter, the term 'most significant' is used to describe migration flows that have had the most impact at both the national level and for individual States and Regions. At the national level, the most significant flows are those of large numbers of people in absolute terms. On Map 6.2 for recent migrations, all flows of more than 20,000 people are shown. For States/Regions with small populations, even migrations of small numbers of people in absolute terms can have a big impact on the source or receiving populations. For this reason, the largest flow to each State/Region and the largest flow from each State/Region are also shown on the map, even if these flows involved fewer than 20,000 migrants.

6.3 Recent Internal Migration Rates

As in the previous section, Sections 6.3 and 6.4 present spatial analysis of 'recent' migration, meaning population movements that occurred during the five-year period prior to the Census. Here, net migration rates rather than migration flows are discussed. Net internal migration rates measure the degree to which different geographic areas are either gaining or losing people through internal migration. And whereas the previous sections focused on population flows between States/Regions, the main geographic focus of the net migration rate analysis is on the Districts.

Districts where the number of people that had moved in was higher than the number of people that had moved out had positive net migration rates and are coloured blue in Figure 6.4 and on Map 6.3. Those with higher outmigration than in-migration had negative net migration rates, shown in brown in the graphics. In the five-year period leading up to the 2014 Census, three clear patterns are evident – the west of the country generally lost population to migration, the east generally gained population, and the movement of large numbers of people from most parts of the country to Yangon Region continued.

The State/Region-level flow analysis gave some hints of these broad patterns, but a closer look at District rates gives further insights into migration patterns and the possible reasons behind them. For example, Table 6.3 reveals that, in addition to Districts in Yangon, those close to the other major urban centres of Mandalay and Nay Pyi Taw were also major net recipients of migrants. Furthermore, large urban centres are not the only magnets to migrants; economic opportunities offered by international borders also drew large numbers of migrants to Districts such as Myawady (in Kayin), Tachileik (in Shan), Kawthoung (in Tanintharyi) and Bawlake (in Kayah).

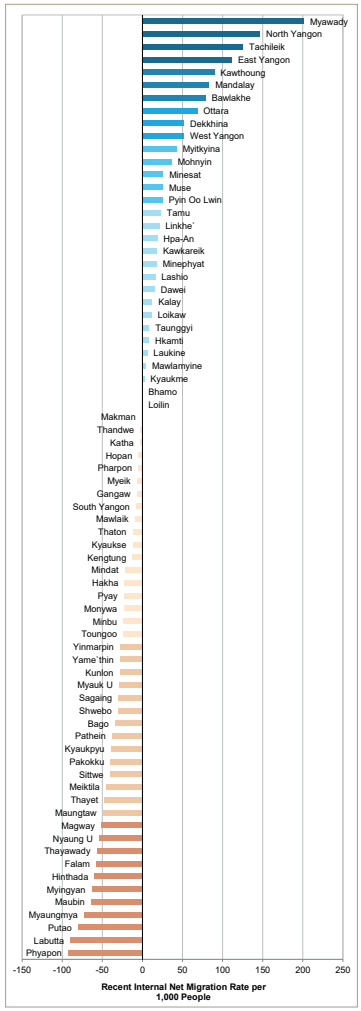
Table 6.3 Recent Internal Net Migration Rates, States/Regions and Districts

State/Region/District	Rate
Kachin	**22.8**
Myitkyina	42.6
Mohnyin	36.4
Bhamo	0.1
Putao	-80.4
Kayah	**20.6**
Loikaw	11.7
Bawlakhe	79.0
Kayin	**43.1**
Hpa-An	18.9
Pharpon	-5.4
Myawady	201.2
Kawkareik	18.3
Chin	**-34.7**
Haka	-22.3
Falam	-57.8
Mindat	-22.1
Sagaing	**-16.0**
Sagaing	-30.0
Shwebo	-30.5
Monywa	-23.5
Katha	-3.1
Kalay	12.4
Tamu	23.1
Mawlaik	-9.4
Hkamti	8.6
Yinmarpin	-27.9
Tanintharyi	**15.7**
Dawei	15.6
Myeik	-6.8

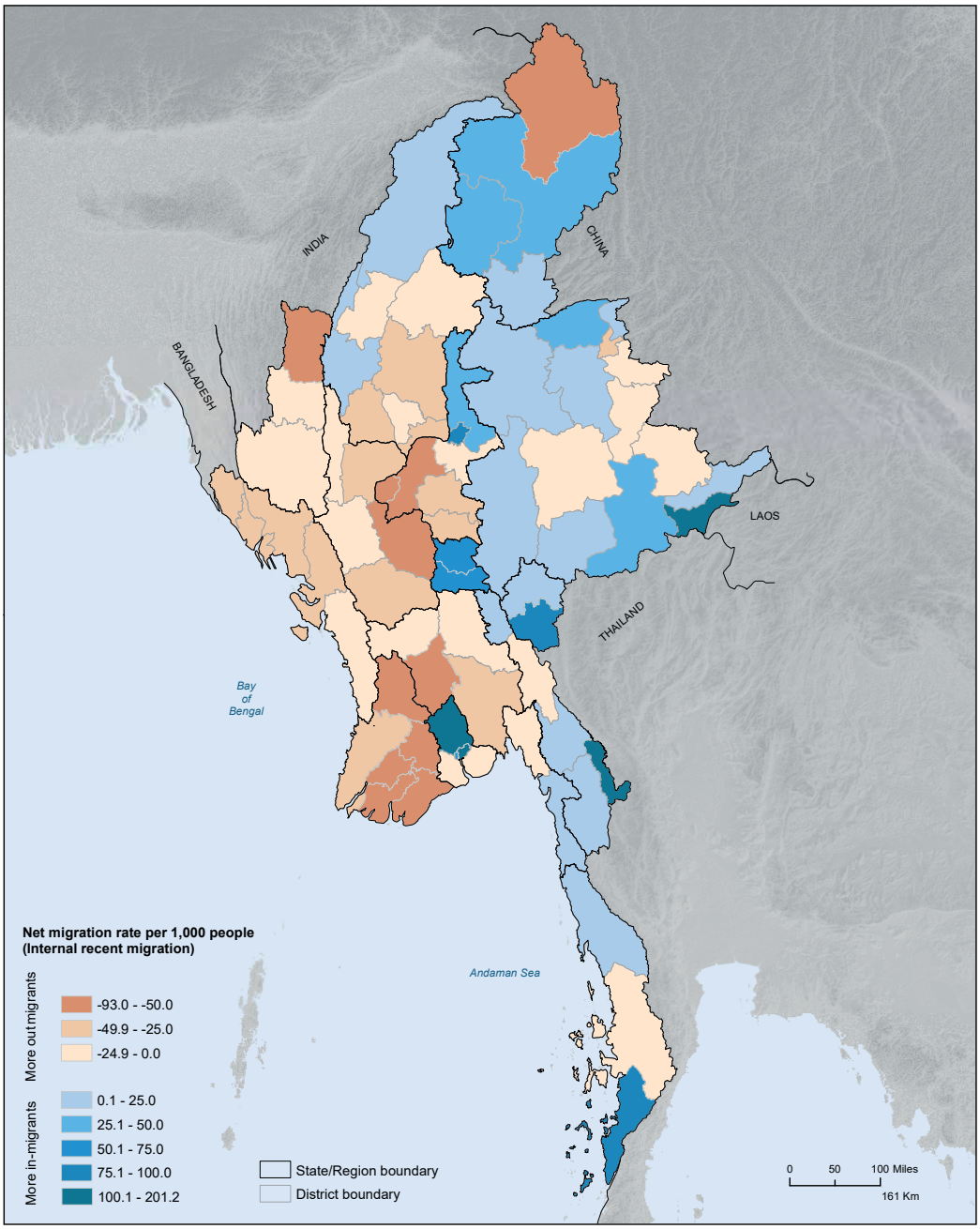
State/Region/District	Rate
Kawthoung	89.8
Bago	**-34.9**
Bago	-34.3
Toungoo	-24.0
Pyay	-23.2
Thayawady	-57.0
Magway	**-40.2**
Magway	-51.7
Minbu	-23.7
Thayet	-47.4
Pakokku	-39.9
Gangaw	-7.3
Mandalay	**2.6**
Mandalay	83.5
Pyin Oo Lwin	25.3
Kyaukse	-12.3
Myingyan	-63.3
Nyaung U	-54.1
Yame`thin	-28.2
Meiktila	-45.3
Mon	**-2.2**
Mawlamyine	4.5
Thaton	-12.3
Rakhine	**-30.6**
Sittway	-40.8
Myauk U	-29.1
Maungtaw	-49.3
Kyaukpyu	-39.5
Thandwe	-2.4

State/Region/District	Rate
Yangon	**93.0**
North Yangon	146.8
East Yangon	111.9
South Yangon	-7.8
West Yangon	51.8
Shan	**11.3**
Taunggyi	8.6
Loilin	0.0
Linkhe`	21.3
Lashio	16.3
Muse	25.8
Kyaukme	2.7
Kunlon	-28.4
Laukine	6.6
Hopan	-4.9
Makman	-0.7
Kengtung	-12.5
Minesat	26.1
Tachileik	125.9
Minephyat	18.0
Ayeyawady	**-65.0**
Pathein	-38.1
Phyapon	-93.0
Maubin	-64.1
Myaungmya	-72.7
Labutta	-89.9
Hinthada	-59.8
Nay Pyi Taw	**59.9**
Ottara (North)	68.7
Dekkhina (South)	52.2

Figure 6.4 Recent Internal Net Migration Rates, Districts



Map 6.3 Recent Internal Net Migration Rates, Districts



The base population for this indicator is all individuals that were living in conventional households at the time of the 2014 Census.

The indicator reflects the difference between rates of in-migration and rates of outmigration. Positive values mean more migrants arrived than left during the five-year period; negative values mean more migrants left than arrived.

The net migration rate is calculated as the number of in-migrants during the five-year period minus the number of outmigrants during the same period, divided by the total enumerated population of the District as counted by the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

6.4 Male and Female Migration Patterns

Picking up on the net migration rates shown in Table 6.3 in the previous section, Figure 6.5 shows that, among the States and Regions, Yangon (93.0) had the highest recent net in-migration rate, whilst Nay Pyi Taw (59.9) and Kayin State (43.1) also had substantially more recent in-migrants than outmigrants. Ayeyawady (-65.0), Magway (-40.2) and Bago (-34.9) had lost the most people to migration in recent years.

At the District level, Myawady (201.2), North Yangon (146.8), Tachileik (125.9), East Yangon (111.9), Kawthoung (89.8) and Mandalay (83.5) had the highest positive rates. Those Districts that had lost people to migration at the highest rates include Phyapon (-93.0), Labutta (-89.9), Putao (-80.4), Myaungmya (-72.7), Maubin (-64.1) and Myingyan (-63.3). Four of these six Districts are in Ayeyawady Region.

Of the total 3,359,342 recent migrants reported in the 2014 Census, 53 per cent were female and 47 per cent were male. The age profiles of migrants were similar for both sexes, with the largest numbers in the 20-24 age group and numbers getting progressively smaller among older cohorts. In other respects, however, there are some interesting differences. The main reason given for moving is one example.

Among recent inter-State/Region migrants, the largest proportion of males (55.8 per cent) reported they had migrated to take up or search for new employment opportunities. The second most widely cited reason for moving to another State/Region among male migrants (27.8 per cent) was to join other members of their families. In contrast, following the family was the reason given by the largest proportion of recent female migrants, (44.5 per cent), followed by the search for employment (32.4 per cent). Reasons related to marriage were third for both sexes, cited as the main reason for moving to another State/Region by 5.7 per cent of recent male migrants and 11.1 per cent of recent female migrants, respectively.

There were also notable differences in the employment characteristics of recent male and female migrants. The largest numbers of male migrants were working (or seeking work) in semi-skilled manual jobs in construction, mining, transportation and agriculture, forestry or fishing. Females, on the other hand, were more likely to be pursuing opportunities in clerical, administrative or production line positions in the manufacturing, public administration, hospitality or wholesale and retail sectors.

Maps 6.4a and 6.4b show that net recent migration rates for males and females were similar for most Districts. However, a closer examination reveals some striking gender differences. For 10 of Myanmar's 74 Districts, rates varied by more than 10 points, suggesting that the numbers of males and females in those Districts might be becoming increasingly out of balance.

Some Districts, such as West Yangon, were becoming 'more female' in the sense that, though they were gaining both sexes, they were gaining females at a much higher rate than males. In contrast, Nyaung U and Myingyan (in Mandalay Region) were becoming 'more female' because of substantially higher net outmigration rates for males than females.

Conversely, some Districts were becoming 'more male'. Mohnyin (in Kachin), Dawei (in Tanintharyi) and Bawlakhe (in Kayah) were all gaining both sexes through migration, but the net gains for males far outweighed the net gains for females. Putao (in Kachin) was also getting 'more male', but here it was because it was losing males at a slower rate than it was losing females.

Policymakers in fields such as education, employment, family planning and housing will have special issues to address in parts of the country where numbers of males and females are becoming increasingly out of balance.

The analysis presented here is based on information taken from the 2014 Census Thematic Report on Migration and Urbanization, which explores differences in migration rates and the characteristics of male and female migrants in more detail (Department of Population, 2016a).

Figure 6.5 Gainers and Losers in Recent Internal Migration, States/Regions

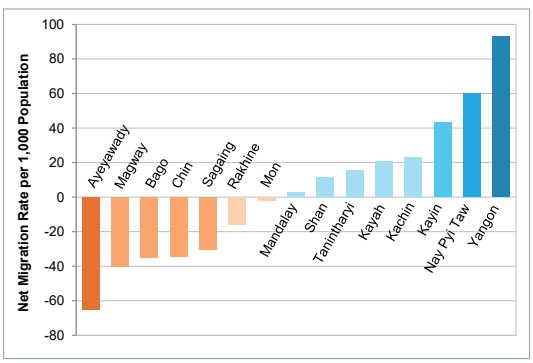


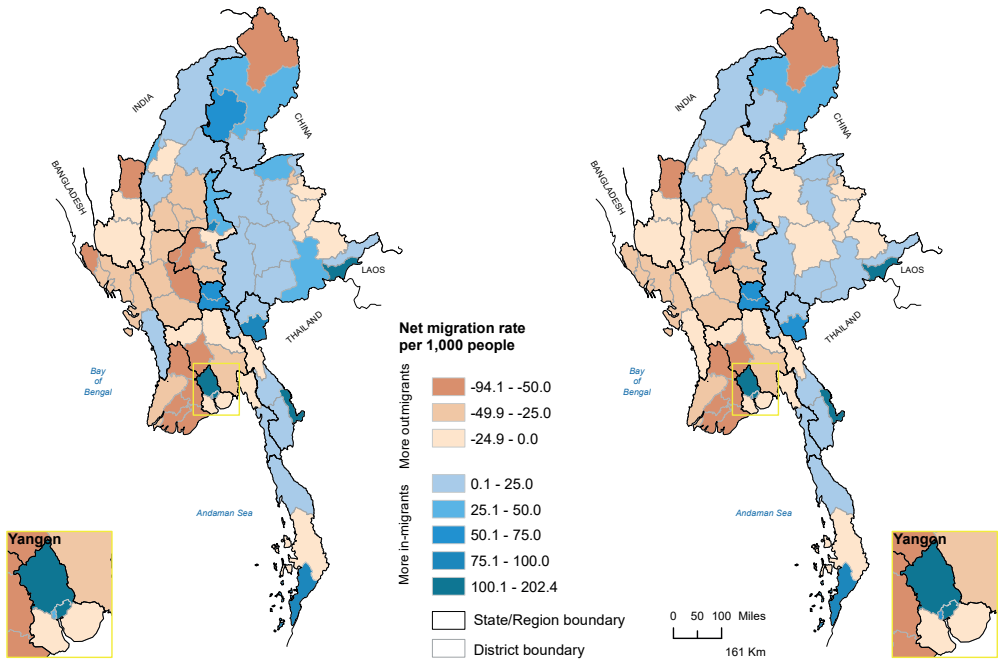
Table 6.4 Recent Internal Net Migration Rates, Males and Females, States/Regions

State/Region	Recent Internal Migration Rates per 1,000 Population								
	In			Out			Net		
	Both Sexes	Males	Females	Both Sexes	Males	Females	Both Sexes	Males	Females
Kachin	54.9	61.8	48.5	32.1	30.5	33.7	22.8	31.4	14.8
Kayah	49.9	51.3	48.6	29.4	28.1	30.5	20.6	23.2	18.1
Kayin	58.3	61.4	55.5	15.2	14.9	15.6	43.1	46.6	40.0
Chin	13.1	13.8	12.5	47.9	46.4	49.2	-34.7	-32.6	-36.7
Sagaing	14.1	15.2	13.1	30.1	32.7	27.9	-16.0	-17.6	-14.7
Tanintharyi	34.9	39.1	31.0	19.2	18.3	20.1	15.7	20.8	10.9
Bago	18.1	18.7	17.5	52.9	53.6	52.4	-34.9	-34.8	-34.9
Magway	11.1	11.9	10.4	51.3	54.8	48.4	-40.2	-42.9	-37.9
Mandalay	36.5	37.5	35.7	33.9	37.1	31.3	2.6	0.4	4.5
Mon	35.4	39.1	32.2	37.7	37.1	38.2	-2.2	2.0	-6.0
Rakhine	9.1	10.3	8.1	39.8	38.4	40.9	-30.6	-28.1	-32.8
Yangon	116.4	113.6	119.0	23.5	24.4	22.6	93.0	89.1	96.4
Shan	27.3	29.3	25.5	16.0	15.4	16.5	11.3	13.9	9.0
Ayeyawady	7.9	8.0	7.9	73.0	72.1	73.7	-65.0	-64.1	-65.8
Nay Pyi Taw	103.9	105.4	102.7	44.2	45.8	42.6	59.9	59.6	60.1

Map 6.4 Recent Internal Net Migration, Districts

a) Males

b) Females



The base population for this indicator is all individuals that were living in conventional households at the time of the 2014 Census.

The indicator reflects the difference between rates of in-migration and rates of outmigration. Positive values mean more migrants arrived than left during the five-year period prior to the Census; negative values mean more migrants left than arrived.

The net migration rate is calculated as the number of in-migrants during the five-year period minus the number of outmigrants during the same period, divided by the total enumerated population of the District as counted by the 2014 Census.

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Nay Pyi Taw, Myanmar, 2017.

Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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7

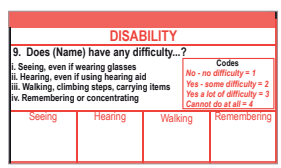
Disability

It is understandably very difficult to collect clear, objective information about the nature and magnitude of the many different physical and mental conditions that limit people's abilities to function optimally in society. Nevertheless, from the modest efforts of the 2014 Census to gather some information concerning disability, there is now a general, but extremely valuable, national dataset which will help deepen the level of understanding about people who are living with disabilities, how those people are affected by their disabilities, and how the prevalence of different kinds of disabilities varies both according to where people live and to their socio-economic characteristics.

The Census adopted a question developed by the Washington Group on Disability Statistics to determine disability status. This asked about the degree of difficulty people experienced in four basic human functions. The functions, also referred to as 'domains', were seeing, hearing, walking and remembering. The extent to which people were able or unable to perform each function was recorded as either 'some difficulty', (classified as 'mild'), 'a lot of difficulty' (classified as 'moderate') or 'cannot do at all' (classified as 'severe') (Department of Population, 2017e). The question is shown below, and was asked of all persons living either in conventional households or in institutions.

From the data collected from this question, the Census generated empirical evidence that disability was more prevalent among rural populations than it was among urban populations. The areas of the country that had the lowest prevalence of disability were centred around the cities of Mandalay, Nay Pyi Taw and Yangon. These same areas also had the most services available to support people with disabilities. As expected, the prevalence of disability was highest in the country's outer ring, especially in Districts and Townships in the middle-west, south and north.

The geographic distribution of people living with disabilities was similar for males and females, though a slightly higher proportion of females were living with disabilities in Districts and Townships throughout the country. At the State/Region level, the prevalence among both males and females was highest in Chin, Kayin, Taninthryi and Ayeyawady, and lowest in Nay Pyi Taw, Mandalay, Sagaing and Yangon.


DISABILITY

9. Does (Name) have any difficulty...?

i. Seeing, even if wearing glasses
ii. Hearing, even if using hearing aid
iii. Walking, climbing steps, carrying items
iv. Remembering or concentrating

Codes
No - no difficulty = 1
Yes - some difficulty = 2
Yes a lot of difficulty = 3
Cannot do at all = 4

Seeing	Hearing	Walking	Remembering

7.1 Disability among Individuals

The 2014 Census considered people to be living with a disability if they reported having any difficulty at all performing basic functions in at least one of four domains - seeing, hearing, walking or remembering. In other words, people who responded 'some difficulty', 'a lot of difficulty' or 'cannot do at all' in at least one domain were classified as persons living with a disability. People who responded 'no difficulty' were considered not to be living with a disability. Based on this definition, the Census enumerated 2,311,250 people, or 4.6 per cent of the enumerated population, as living with some form of disability in 2014. Of this total, 1,751,370, (three quarters) reported only a mild level of disability, 323,818 (14.9 per cent) reported a moderate level, and 216,062 (9.3 per cent) reported a severe disability. Table 7.1 shows that having any level of disability was slightly more prevalent among females than among males. The totals were 1,254,495 females, or 4.8 per cent of the enumerated female population, and 1,056,755 males, or 4.4 per cent of the enumerated male population (Department of Population, 2017e).

Geographically, Figure 7.1 shows that the distribution of people living with a disability varies both regionally and locally. At the State/Region level, the highest proportions of both males and females living with a disability were in Ayeyawady, at 7.3 and 7.9 per cent, respectively. In addition, Chin, Tanintharyi, Kayin, Kayah, Rakhine, Mon, and Magway also had a higher than national average prevalence of disability among both males and females. As might be expected, States/Regions with large urban populations reported the lowest prevalence of disability. Between 3.0 and 3.5 per cent of both males and females were living with a disability in Yangon and Mandalay, while Nay Pyi Taw recorded the lowest prevalence at 3.0 per cent for males and 3.3 per cent for females.

Some Districts had strikingly high rates of disability. Map 7.1 shows the Districts with the highest rates clustered in Kayin and Chin States and in Tanintharyi and Ayeyawady Regions. In Kayin, the Districts where disability was most prevalent were Pharpon, Kawkareik and Hpa-An; in Chin, rates were highest in Falam and Mindat Districts; and in Tanintharyi Region, Myeik District is particularly noticeable because the high prevalence of disability there contrasted markedly with the relatively low rates reported for all other Districts in the Region. Disability affected more than 6.5 per cent of males and more than 7.5 per cent of females in all these Districts. It is Ayeyawady Region, however, that really stands out. Prevalence was generally high across the Region, but particularly high in the Districts of Myaungmya (7.2 per cent for males and 8.0 per cent for females), Hinthada (7.9 and 8.7 per cent) and, most strikingly, in Labutta (10.8 and 11.5 per cent).

Figure 7.1 Prevalence of Disability, Males and Females, States/Region

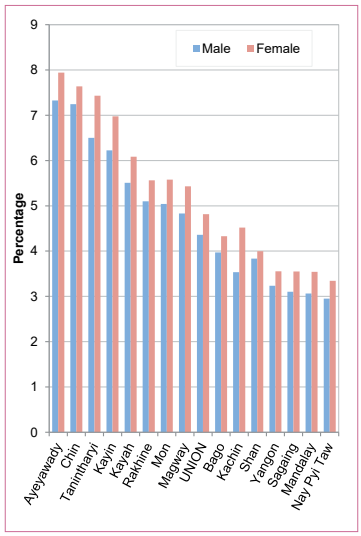
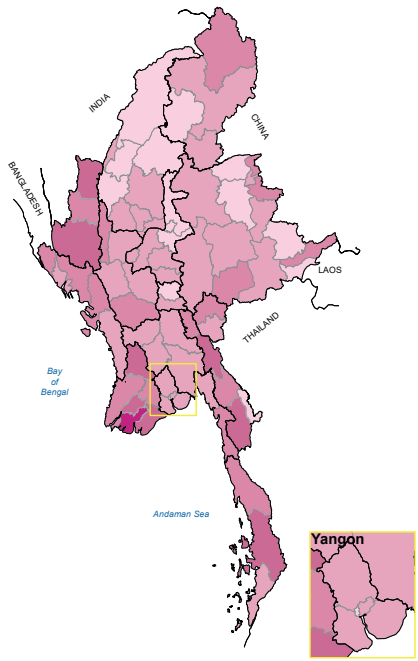


Table 7.1 Proportion of Males and Females Living with Some Form of Disability, States/Regions and Districts

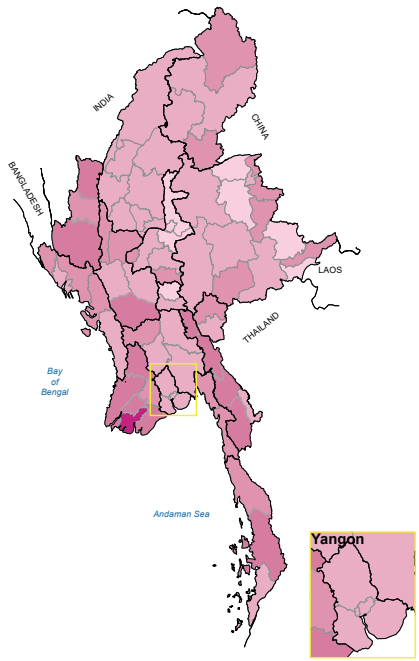
State/Region District	Percentage		
	Both Sexes	Males	Females
UNION	**4.6**	**4.4**	**4.8**
Kachin	**4.0**	**3.5**	**4.5**
Myitkyina	4.5	4.3	4.8
Mohnyin	2.7	2.2	3.3
Bhamo	5.0	4.5	5.5
Putao	6.6	6.3	6.9
Kayah	**5.8**	**5.5**	**6.1**
Loikaw	6.3	6.0	6.6
Bawlakhe	3.2	3.2	3.1
Kayin	**6.6**	**6.2**	**7.0**
Hpa-An	7.1	6.6	7.5
Pharpon	8.0	7.4	8.6
Myawady	3.0	2.9	3.1
Kawkareik	7.3	7.0	7.6
Chin	**7.4**	**7.2**	**7.6**
Haka	6.3	6.0	6.5
Falam	7.8	7.5	8.2
Mindat	7.7	7.6	7.7
Sagaing	**3.3**	**3.1**	**3.6**
Sagaing	3.4	3.2	3.7
Shwebo	3.4	3.1	3.6
Monywa	3.9	3.6	4.1
Katha	2.9	2.6	3.1
Kalay	3.0	3.0	3.1
Tamu	4.0	3.8	4.1
Mawlaik	3.0	2.8	3.1
Hkamti	3.1	2.9	3.4
Yinmarpin	3.6	3.4	3.7
Tanintharyi	**7.0**	**6.5**	**7.4**
Dawei	6.5	5.9	7.0
Myeik	8.0	7.5	8.5
Kawthoung	4.7	4.6	4.9
Bago	**4.2**	**4.0**	**4.3**
Bago	3.2	3.1	3.3
Toungoo	4.7	4.5	4.9
Pyay	4.9	4.7	5.2
Thayawady	4.5	4.3	4.8
Magway	**5.2**	**4.8**	**5.4**
Magway	4.5	4.2	4.7
Minbu	4.3	4.0	4.6
Thayet	6.8	6.2	7.2
Pakokku	5.3	4.9	5.5
Gangaw	5.7	5.6	5.8
Mandalay	**3.3**	**3.1**	**3.5**
Mandalay	2.4	2.2	2.6
Pyin Oo Lwin	2.6	2.5	2.8
Kyaukse	2.8	2.5	3.0
Myingyan	4.5	4.3	4.7
Nyaung U	4.8	4.4	5.2
Yame`thin	5.0	4.6	5.3
Meiktila	3.4	3.2	3.6
Mon	**5.3**	**5.0**	**5.6**
Mawlamyine	5.5	5.2	5.8
Thaton	5.1	4.8	5.3
Rakhine	**5.3**	**5.1**	**5.6**
Sittway	3.8	3.6	3.9
Myauk U	6.2	6.1	6.4
Maungtaw	5.8	5.6	6.0
Kyaukpyu	6.3	5.9	6.7
Thandwe	4.7	4.5	4.9
Yangon	**3.4**	**3.2**	**3.6**
North Yangon	3.2	3.1	3.3
East Yangon	3.4	3.2	3.7
South Yangon	4.0	3.8	4.2
West Yangon	3.0	2.8	3.1
Shan	**3.9**	**3.8**	**4.0**
Taunggyi	4.2	4.0	4.3
Loilin	3.6	3.6	3.6
Linkhe`	5.6	5.9	5.4
Lashio	2.5	2.4	2.5
Muse	2.6	2.5	2.7
Kyaukme	4.0	3.9	4.2
Kunlon	4.8	4.7	5.0
Laukine	6.3	6.0	6.7
Hopan	6.3	6.3	6.3
Makman	5.0	5.0	5.1
Kengtung	2.6	2.5	2.6
Minesat	4.3	4.5	4.2
Tachileik	2.5	2.4	2.5
Minephyat	6.5	6.3	6.8
Ayeyawady	**7.6**	**7.3**	**7.9**
Pathein	7.0	6.8	7.3
Phyapon	7.4	7.1	7.7
Maubin	5.9	5.7	6.2
Myaungmya	7.6	7.2	8.0
Labutta	11.2	10.8	11.5
Hinthada	8.3	7.9	8.7
Nay Pyi Taw	**3.2**	**3.0**	**3.3**
Ottara (North)	2.8	2.7	3.0
Dekkhina (South)	3.4	3.2	3.6

Map 7.1 Disability among Individuals, Districts

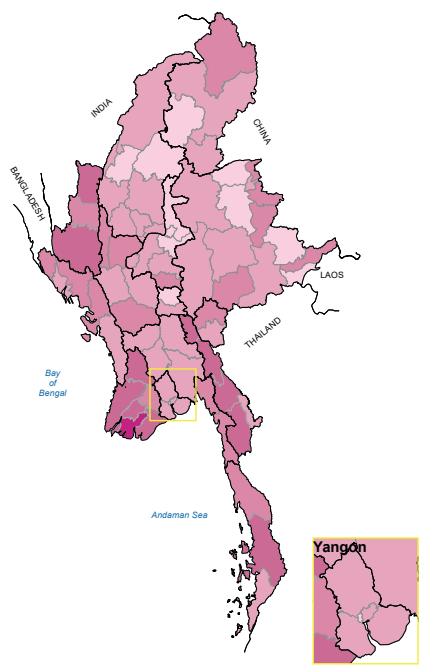
a) Males



b) Females



c) Both Sexes



Percentage of population living with disability

Average at Union level: 4.4 males, 4.8 females, 4.6 both sexes

- 2.2 - 3.0
- 3.1 - 5.0
- 5.1 - 7.0
- 7.1 - 9.0
- 9.1 - 11.0
- 11.1 - 11.5

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census. The indicator gives the proportion of individuals that were living with at least one form of disability.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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7.2 Disability within Households

It is not always only the individuals concerned that are affected by their limited abilities to see, hear, walk or remember - often reductions in the quality of life and productive capacity extend to other members of the household to which people with disabilities belong. This is why it is important for policymakers - especially those in areas such as health, employment, social services, education and transportation - to know about geographic variations in the proportion of households with at least one member living with a disability. Maps 7.2a and 7.2b show that this indicator varied considerably across the country.

According to the 2014 Census, 15.8 per cent of households in Myanmar had at least one member living with a disability. In general, disability was more likely to be found in rural households than in urban households. Regionally, larger proportions of households in the north, west and south had one or more members living with a disability than households in the middle corridor or in Shan State in the east. At the State/Region level, the highest proportions were in Chin, Kayin, Ayeyawady and Tanintharyi, while Nay Pyi Taw, Mandalay, Yangon, Sagaing, Bago, and Shan had the lowest proportions, reflecting to some degree the prevalence of disability at the individual level.

Tables 7.2 and 7.3 show that, in general, local variations in the proportions of households with members living with disabilities conformed to broader regional patterns. The 10 Districts with the highest proportions are all in Chin, Kayin, Ayeyawady or Tanintharyi. Chin State's three Districts all had very high proportions of households with members living with disabilities, with Falam and Mindat in the top 10, and Haka, with 22.4 per cent, only just outside the top 10. Districts in Kayin State had similarly high incidence rates for disabilities within households, with Pharpon, Kawkareik and Hpa-An among the 10 Districts with the highest proportions. Interestingly in Myawady, the fourth of Kayin's four Districts, the proportion was only 11.1 per cent, placing it joint ninth with West Yangon among the 10 Districts with the lowest incidences of households with at least one member living with a disability.

Considering that for most socio-economic indicators Shan State scored relatively poorly in the 2014 Census, disability was not found to be as big a problem here as it was in most other parts of the country. Table 7.3 shows that 4 of the 10 Districts and 4 of the 10 Townships with the lowest proportions of households with members living with a disability were in Shan State.

However, though Shan State is notable for having generally low rates of disability within households, it also had a few Townships at the other end of the scale. For example, in Panlon, Kongyan and Mawhtike, at least one member of approximately one-third of households was living with some form of disability.

Table 7.2 Districts with Lowest and Highest Proportions of Households with One or More Members Living with a Disability

District	State/Region	Percentage
Lowest		
Tachileik	Shan State	8.4
Ottara (North)	Nay Pyi Taw Union Territory	9.4
Pyin Oo Lwin	Mandalay Region	9.6
Mandalay	Mandalay Region	9.8
Lashio	Shan State	9.8
Kyaukse	Mandalay Region	9.9
Muse	Shan State	10.7
Kengtung	Shan State	10.8
Myawady	Kayin State	11.1
West Yangon	Yangon Region	11.1
Highest		
Myaungmya	Ayeyawady Region	23.6
Hpa-An	Kayin State	24.2
Kawkareik	Kayin State	25.0
Laukine	Shan State	25.6
Mindat	Chin State	26.0
Putao	Kachin State	27.0
Myeik	Tanintharyi Region	27.5
Falam	Chin State	29.1
Pharpon	Kayin State	29.9
Labutta	Ayeyawady Region	31.7

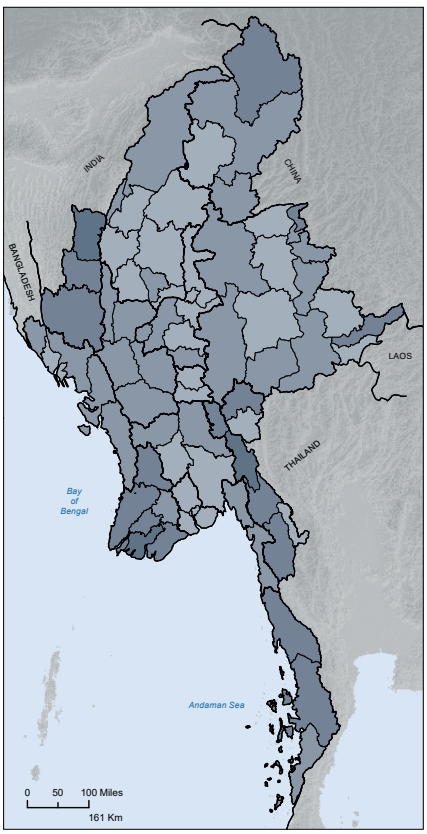
Table 7.3 Townships with Lowest and Highest Proportions of Households with One or More Members Living with a Disability

Township	District	State/Region	Percentage
Lowest			
Manhero (S-T)	Muse	Shan State	3.7
Tontar (S-T)	Minesat	Shan State	4.1
Muse	Muse	Shan State	5.3
Dekkhinathiri	Dekkhina (South)	Nay Pyi Taw Union Territory	5.9
Meisi	Bawlakhe	Kayah State	6.1
Thabeikkyin	Pyin Oo Lwin	Mandalay Region	6.1
Tachileik	Tachileik	Shan State	6.7
Pyigyidagun	Mandalay	Mandalay Region	6.8
Seikkan	West Yangon	Yangon Region	6.8
Donhee (S-T)	Hkamti	Sagaing Region	6.9
Highest			
Reazu (S-T)	Mindat	Chin State	35.3
Falam	Falam	Chin State	35.4
Panlon (S-T)	Hopan	Shan State	35.7
Tanintharyi	Myeik	Tanintharyi Region	36.4
Machanbaw	Putao	Kachin State	37.1
Shardaw	Loikaw	Kayah State	38.1
Pannandin (S-T)	Putao	Kachin State	38.3
Leiktho (S-T)	Hpa-An	Kayin State	38.5
Lwe`ge` (S-T)	Bhamo	Kachin State	38.8
Mawlamyinegyun	Labutta	Ayeyawady Region	39.0

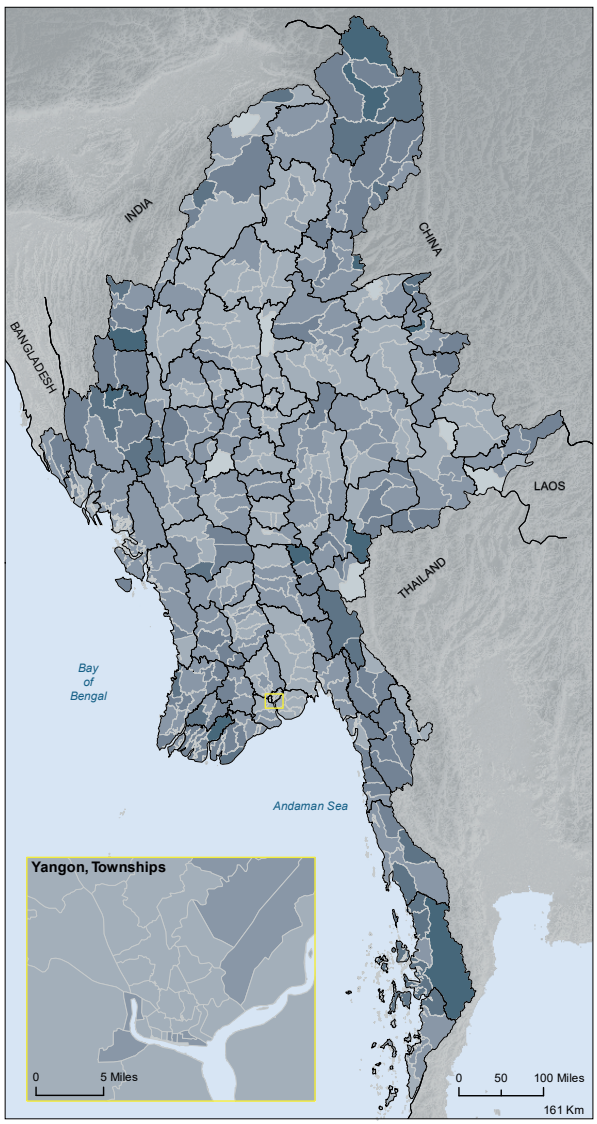
Administrative units in Table 7.3 with (S-T) after their names were Sub-Townships at the time of the 2014 Census. Following administrative restructuring in November 2014, they no longer exist as separate administrative units. In this atlas, and in all other Department of Population publications based on the 2014 Census database, Sub-Townships are reported at the same level as Townships.

Map 7.2 Disability within Households

a) Districts



b) Townships



Percentage of conventional households with at least one member living with a disability

Average at Union level: 15.8

- 3.7 - 7.0
- 7.1 - 14.0
- 14.1 - 21.0
- 21.1 - 28.0
- 28.1 - 35.0
- 35.1 - 39.0

- State/Region boundary
- District boundary
- Township boundary

The base for this indicator was the total number of conventional households. The indicator gives the proportion of those households in which at least one member reported 'some difficulty', 'a lot of difficulty' or 'cannot do at all' in at least one of the four disability domains - seeing, hearing, walking and remembering - at the time of the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

7.3 Type of Disability: Urban and Rural

Of the total population of 50,279,900 enumerated in the 2014 Census, 2.5 per cent had at least some difficulty seeing, 1.3 per cent had at least some difficulty hearing, 1.9 per cent had at least some difficulty walking, and 1.7 per cent had at least some difficulty remembering (Department of Population, 2017e). However, as noted earlier, disability rates were not the same in all parts of the country. They were higher in rural areas than in urban areas, and they varied considerably among different States, Regions, Districts and Townships.

Table 7.4 shows that the percentage of the population living with disabilities of all four types is higher in rural areas than in urban areas in almost all States/Regions. The only exceptions are in Kayah, where the proportion of the population with at least some level of difficulty seeing is higher in urban areas (3.3 per cent) than in rural areas (3.1 per cent), and in Nay Pyi Taw, where the proportions with seeing disabilities among urban and rural populations are the same (1.6 per cent). Maps 7.3 a to d illustrate the urban/rural differences more graphically. This general pattern is not uncommon internationally, especially in developing countries, where urban populations are generally younger and fitter than rural populations, and where access to medical and social support services in rural areas is often very limited (Department of Population, 2017e). The advantages of urban areas over rural areas in this regard reveal themselves very clearly in the numbers for the three States/Regions with the largest urban centres - Nay Pyi Taw Union Territory, Yangon Region and Mandalay Region - where rates for all four domains of disability are the lowest in the country. A look at the more detailed breakdown presented in Table 7.4 reveals substantial regional and local variability behind the broad urban-rural relationship.

The prevalence of all four kinds of disability was highest in the middle-west and southern parts of the country. Difficulties seeing were a particular problem in Ayeyawady Region (4.4 per cent in urban areas, and 4.7 per cent in rural areas) and especially so in one District, Labutta, affecting more than 7 per cent of the rural population, and in another District, Myaungmya, affecting 6 per cent of the urban population. Large numbers of people in Ayeyawady also reported varying degrees of difficulty walking, with rates exceeding 4 per cent in Labutta. Chin State had by far the highest proportion of its rural population living with cognitive disabilities, which limit people's ability to remember and think clearly. In all three of Chin State's Districts, more than 4 per cent of the rural population reported at least some level of difficulty remembering.

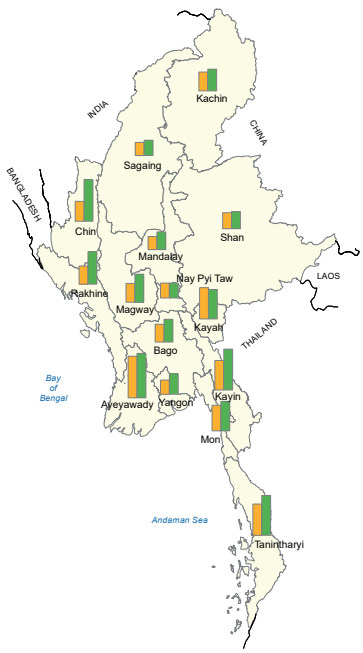
Table 7.4 Prevalence of Different Kinds of Disability, States/Regions and Districts, Urban and Rural Populations

State/Region District	Percentage Population Disabled							
	Seeing		Hearing		Walking		Remembering	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
UNION	**1.9**	**2.7**	**0.9**	**1.5**	**1.5**	**2.1**	**1.1**	**1.9**
Kachin	**2.0**	**2.3**	**1.2**	**1.4**	**1.3**	**1.5**	**1.1**	**1.5**
Myitkyina	1.9	3.2	1.2	2.3	1.2	2.3	0.9	2.1
Mohnyin	0.9	1.6	0.6	0.8	0.8	0.9	0.6	0.9
Bhamo	3.0	2.5	1.6	1.5	2.3	1.8	1.9	1.8
Putao	5.3	3.7	2.9	3.3	1.9	2.5	2.2	2.7
Kayah	**3.3**	**3.1**	**1.5**	**2.2**	**1.9**	**2.4**	**1.5**	**2.7**
Loikaw	3.4	3.4	1.5	2.4	2.0	2.7	1.5	3.1
Bawlakhe	2.6	1.2	1.4	1.0	1.5	1.2	1.2	1.0
Kayin	**3.1**	**4.3**	**1.2**	**2.1**	**1.8**	**2.8**	**1.5**	**2.9**
Hpa-An	2.1	4.8	1.0	2.2	1.5	2.9	1.2	3.1
Pharpon	5.1	3.3	2.6	2.1	3.8	2.8	3.3	2.7
Myawady	1.8	1.6	0.6	0.8	1.0	1.2	0.7	0.9
Kawkareik	5.9	4.2	2.1	2.1	3.0	3.0	2.6	3.0
Chin	**2.1**	**4.4**	**1.6**	**3.7**	**1.6**	**3.6**	**1.7**	**4.1**
Haka	1.9	3.6	1.7	3.6	1.6	3.4	2.0	4.4
Falam	2.1	4.6	1.4	4.0	1.2	3.5	1.1	4.1
Mindat	2.4	4.5	1.7	3.6	1.9	3.8	1.9	4.1
Sagaing	**1.4**	**1.6**	**0.8**	**1.0**	**1.2**	**1.4**	**0.9**	**1.2**
Sagaing	1.5	1.8	0.7	0.9	1.2	1.6	0.7	1.2
Shwebo	1.1	1.7	0.7	1.0	1.1	1.5	0.7	1.2
Monywa	2.0	2.0	0.8	1.1	1.5	1.7	0.8	1.3
Katha	1.0	1.2	0.6	0.9	1.0	1.1	0.7	1.1
Kalay	1.0	1.3	0.9	1.1	1.0	1.2	0.9	1.2
Tamu	2.4	1.6	1.4	1.2	1.5	1.0	1.6	1.0
Mawlaik	0.9	1.4	0.7	0.9	1.0	1.1	0.6	1.1
Hkamti	1.5	1.3	1.1	1.2	1.4	1.2	1.3	1.3
Yinmarpin	0.6	1.8	0.5	1.0	1.1	1.6	0.8	1.2
Tanintharyi	**3.3**	**4.2**	**1.4**	**2.2**	**2.1**	**2.9**	**1.5**	**2.9**
Dawei	3.6	3.6	1.6	2.1	2.3	2.7	1.8	2.7
Myeik	3.9	5.0	1.5	2.4	2.3	3.3	1.7	3.4
Kawthoung	1.9	3.1	0.8	1.4	1.2	1.9	0.9	1.9
Bago	**1.9**	**2.4**	**1.0**	**1.3**	**1.6**	**1.7**	**1.1**	**1.5**
Bago	1.4	1.6	0.8	0.9	1.4	1.4	1.0	1.2
Toungoo	1.9	2.6	1.1	1.4	1.7	1.9	1.2	1.7
Pyay	2.3	3.1	1.1	1.7	1.7	2.1	1.2	1.8
Thayawady	2.8	2.6	1.4	1.5	1.9	1.8	1.3	1.5
Magway	**2.0**	**3.0**	**1.0**	**1.6**	**1.6**	**2.3**	**1.1**	**1.8**
Magway	1.4	2.6	0.9	1.4	1.4	2.0	1.0	1.5
Minbu	1.2	2.4	0.8	1.3	1.3	1.9	0.8	1.3
Thayet	4.1	4.2	1.4	2.1	2.2	3.1	1.5	2.5
Pakokku	1.7	3.0	0.9	1.5	1.4	2.2	0.9	1.7
Gangaw	2.5	2.3	1.7	1.9	2.8	2.6	2.0	2.3
Mandalay	**1.4**	**1.9**	**0.6**	**1.0**	**1.0**	**1.6**	**0.7**	**1.2**
Mandalay	1.1	1.8	0.5	0.7	0.9	1.3	0.6	1.0

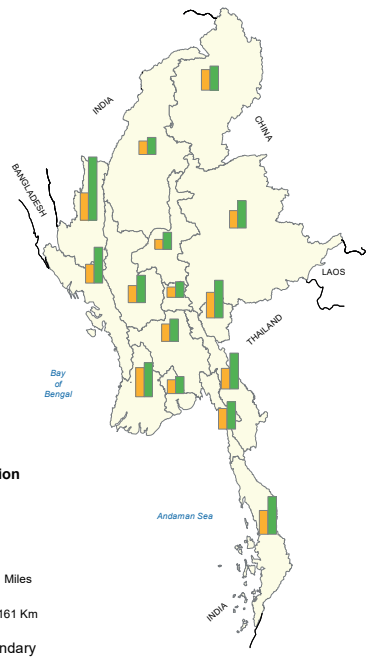
State/Region District	Percentage Population Disabled							
	Seeing		Hearing		Walking		Remembering	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Pyin Oo Lwin	1.3	1.3	0.6	0.7	1.0	1.1	0.7	0.9
Kyaukse	0.7	1.5	0.4	0.7	0.8	1.1	0.5	0.9
Myingyan	3.7	2.4	1.0	1.3	1.6	2.0	1.3	1.4
Nyaung U	1.8	2.8	0.8	1.6	1.2	1.8	0.8	1.6
Yame`Thin	1.3	2.5	0.8	1.3	2.1	2.6	1.5	1.9
Meiktila	1.7	1.5	0.9	1.0	1.6	1.5	0.9	1.2
Mon	**2.7**	**3.1**	**1.2**	**1.6**	**1.8**	**2.2**	**1.3**	**1.9**
Mawlamyine	2.8	3.3	1.2	1.6	1.8	2.4	1.3	1.9
Thaton	2.6	2.7	1.3	1.5	1.9	2.0	1.3	1.9
Rakhine	**1.9**	**3.4**	**1.1**	**2.1**	**1.7**	**2.5**	**1.5**	**2.8**
Sittway	1.0	2.3	0.7	1.5	1.1	2.1	0.8	2.3
Myauk U	3.1	3.9	1.7	2.4	2.5	2.7	2.4	2.9
Maungtaw	2.5	3.2	1.3	2.1	1.8	2.7	1.9	3.3
Kyaukpyu	2.2	4.0	1.5	2.5	2.0	3.1	1.7	3.6
Thandwe	1.7	3.0	1.1	1.8	1.7	2.0	1.6	2.1
Yangon	**1.5**	**2.2**	**0.8**	**1.0**	**1.4**	**1.6**	**1.0**	**1.3**
North Yangon	1.3	2.1	0.7	1.0	1.2	1.4	0.9	1.2
East Yangon	1.7	1.6	0.9	0.8	1.5	1.7	1.0	1.6
South Yangon	1.9	2.2	0.9	1.0	1.6	1.8	1.1	1.5
West Yangon	1.3	n/a	0.8	n/a	1.5	n/a	0.9	n/a
Shan	**1.7**	**1.8**	**1.0**	**1.6**	**1.2**	**1.7**	**1.0**	**1.9**
Taunggyi	2.2	2.0	0.9	1.4	1.4	1.6	0.9	1.6
Loilin	1.5	1.5	1.0	1.4	1.3	1.4	0.9	1.7
Linkhe`	2.3	2.6	1.6	2.3	1.8	2.3	1.5	2.9
Lashio	1.2	0.9	0.8	1.0	1.0	0.9	0.8	1.0
Muse	0.9	1.2	0.8	1.2	0.9	1.2	0.8	1.2
Kyaukme	2.2	1.8	1.1	1.4	1.5	1.5	1.2	1.6
Kunlon	1.9	2.5	1.1	1.9	1.5	1.9	1.0	2.2
Laukine	0.9	3.2	1.3	3.4	1.2	3.9	0.9	3.9
Hopan	1.8	3.0	1.4	3.2	2.1	3.8	3.1	5.4
Makman	0.7	2.3	0.5	2.3	0.6	2.3	0.6	3.8
Kengtung	1.3	1.3	0.9	1.3	1.0	1.3	0.9	1.1
Minesat	2.1	1.9	1.3	1.7	1.5	1.7	1.5	1.9
Tachileik	0.7	1.0	0.5	1.0	0.7	1.0	0.5	1.5
Minephyat	2.9	2.9	1.9	2.8	2.0	3.4	1.7	3.1
Ayeyawady	**4.4**	**4.7**	**1.7**	**2.0**	**2.9**	**3.2**	**2.1**	**3.0**
Pathein	4.3	4.1	1.6	1.9	2.7	2.9	1.9	2.5
Phyapon	3.4	4.4	1.5	1.8	2.8	3.2	2.0	3.1
Maubin	1.9	3.7	1.0	1.7	1.7	2.8	1.2	2.5
Myaungmya	6.0	4.6	2.1	1.9	3.2	3.0	2.3	2.7
Labutta	5.9	7.2	2.2	2.6	4.1	4.6	3.3	4.7
Hinthada	5.5	5.1	2.2	2.5	3.6	3.4	2.7	3.1
Nay Pyi Taw	**1.6**	**1.6**	**0.6**	**0.9**	**1.1**	**1.4**	**0.7**	**1.2**
Ottara (North)	1.2	1.3	0.6	0.7	1.0	1.3	0.7	1.1
Dekkhina (South)	1.9	1.8	0.7	1.1	1.1	1.4	0.7	1.2

Map 7.3 Prevalence of Disabilities by Domain, States/Regions, Urban and Rural

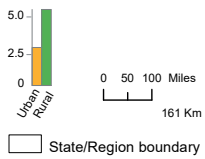
a) Seeing



b) Hearing

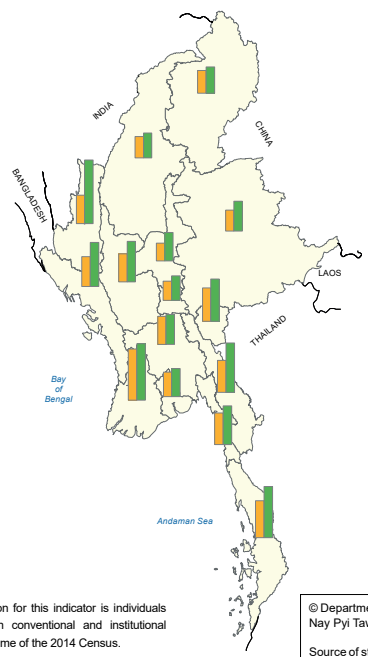


Percentage of population living with a disability

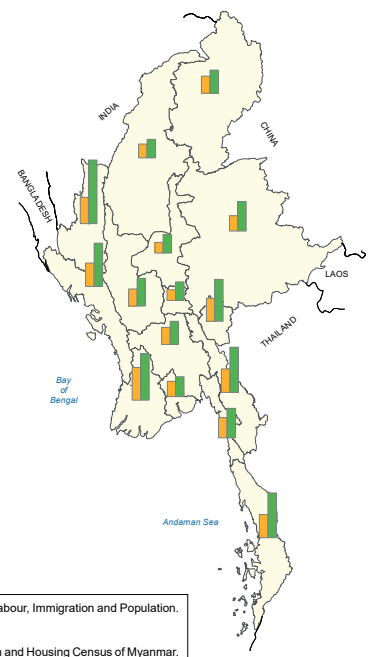


State/Region boundary

c) Walking



d) Remembering



The base population for this indicator is individuals that were living in conventional and institutional households at the time of the 2014 Census.

The indicator gives the proportion of individuals that were living with at least one form of disability in urban and rural areas.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

7.4 Prevalence of Multiple Disabilities

This section looks at the distribution of people living with multiple disabilities, defined as those reporting either 'some difficulty', 'a lot of difficulty' or 'cannot do at all' for two or more of the disability domains - seeing, hearing, walking and remembering. Out of the total number of 50,279,900 enumerated in the 2014 Census, 841,612 (1.7 per cent) were reported to be living with multiple disabilities. The distribution among urban and rural populations, were 165,710 out of 14,877,943 (1.1 per cent) in urban areas and 675,902 out of 35,401,957 (1.9 per cent) in rural areas (Table 7.5).

Though the prevalence was much lower, the geographic distribution of individuals living with multiple disabilities was very similar to that for the proportion of households with at least one member living with a disability. Among the States and Regions, the highest rates for urban and rural populations combined were again in Chin, Ayeyawady, Kayin and Tanintharyi (Figure 7.2). Here, between 2.6 and 3.6 per cent of the population were reported to be living with multiple disabilities. At local levels, rates were particularly high in the poorer, primarily rural Districts and Townships (illustrated in Maps 7.4a and 7.4b). Table 7.5 shows that Falam and Mindat Districts (in Chin), Hopan District (in Shan) and Labutta District (in Ayeyawady) recorded the highest proportions of people living with multiple disabilities among rural populations, all at more than 4 per cent. Multiple disability was most prevalent among urban populations in Pharpon and Kawkareik Districts (in Kayin), and in Myaungmya, Labutta and Hinthada Districts (in Ayeyawady), all at more than 3 per cent.

Multiple disability rates were lower in States/Regions in the middle corridor than they were in those in the outer ring, with particularly low rates of around 1 per cent in and around the major urban centres of Yangon, Nay Pyi Taw and Mandalay. Interestingly, Sagaing Region, where 83 per cent of the population live in rural areas (Department of Population, 2015), also had a relatively low rate of people living with multiple disabilities, at only 1.1 per cent. At the District level, the urban populations with the lowest multiple disability rates were in Mohnyin (in Kachin), Mandalay and Kyaukse (in Mandalay Region), and Makman (in Shan), all at between 0.4 and 0.6 per cent. For rural populations, the lowest rates were again in Mohnyin and Kyaukse, but also in Myawady (in Kayin), Katha, Tamu and Mawlaik (in Sagaing), Pyin Oo Lwin (in Mandalay), Lashio and Tachileik (in Shan), and Ottara (in Nay Pyi Taw). The proportion of people in rural areas living with disabilities was less than 1 per cent in all of these Districts.

Figure 7.2 Proportion of Urban and Rural Population with Multiple Disabilities, States/ Regions

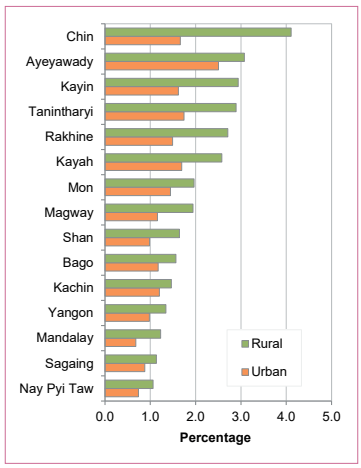
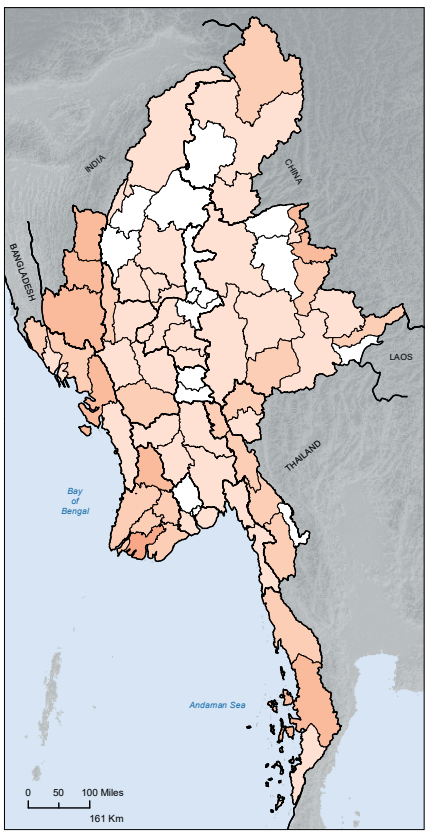


Table 7.5 Proportion of Urban and Rural Population with Multiple Disabilities, States/Regions and Districts

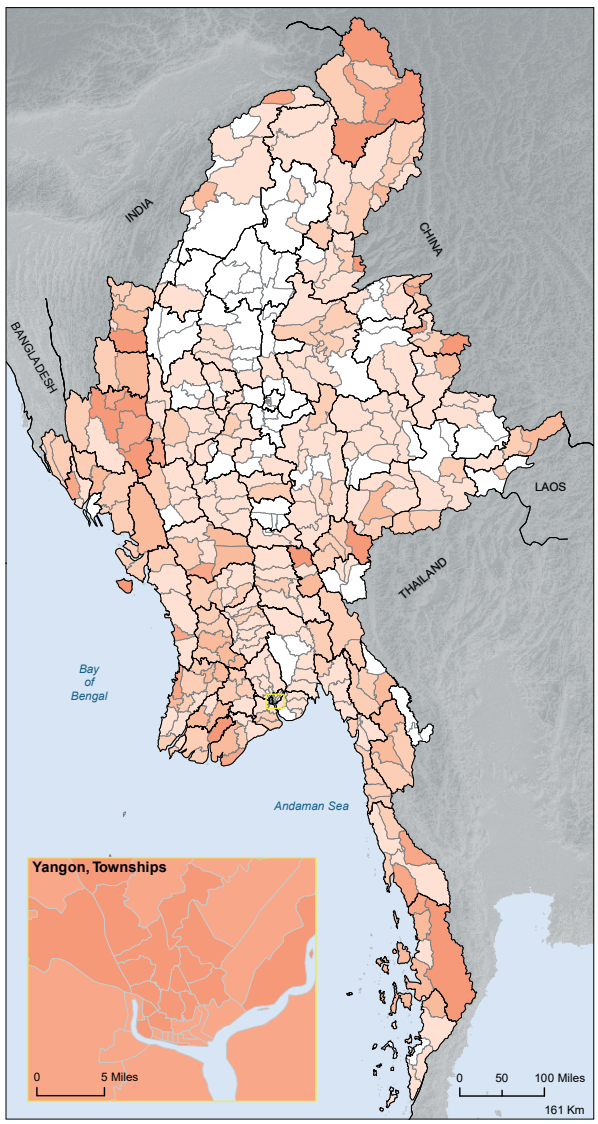
State/Region District	Percentages		
	Urban & Rural	Urban	Rural
UNION	**1.7**	**1.1**	**1.9**
Kachin	**1.4**	**1.2**	**1.5**
Myitkyina	1.5	1.1	2.2
Mohnyin	0.8	0.6	0.8
Bhamo	1.8	2.1	1.7
Putao	3.0	2.8	3.0
Kayah	**2.4**	**1.7**	**2.6**
Loikaw	2.6	1.8	2.9
Bawlakhe	1.1	1.3	1.0
Kayin	**2.7**	**1.6**	**2.9**
Hpa-An	2.9	1.3	3.2
Pharpon	2.9	3.4	2.5
Myawady	0.8	0.8	0.9
Kawkareik	3.0	3.0	3.0
Chin	**3.6**	**1.7**	**4.1**
Haka	3.2	1.7	3.9
Falam	3.6	1.3	4.2
Mindat	3.8	2.0	4.1
Sagaing	**1.1**	**0.9**	**1.1**
Sagaing	1.1	0.8	1.2
Shwebo	1.2	0.7	1.2
Monywa	1.2	0.9	1.3
Katha	0.8	0.7	0.9
Kalay	1.0	0.8	1.0
Tamu	1.3	1.6	0.8
Mawlaik	0.9	0.6	0.9
Hkamti	1.2	1.1	1.2
Yinmarpin	1.2	0.7	1.2
Tanintharyi	**2.6**	**1.7**	**2.9**
Dawei	2.5	2.0	2.6
Myeik	3.1	2.0	3.4
Kawthoung	1.5	0.9	1.7
Bago	**1.5**	**1.2**	**1.6**
Bago	1.1	1.0	1.2
Toungoo	1.6	1.2	1.7
Pyay	1.8	1.3	2.0
Thayawady	1.7	1.6	1.7
Magway	**1.8**	**1.2**	**1.9**
Magway	1.5	1.0	1.7
Minbu	1.4	0.8	1.5
Thayet	2.7	1.8	2.8
Pakokku	1.7	1.0	1.8
Gangaw	2.1	2.1	2.1
Mandalay	**1.0**	**0.7**	**1.2**
Mandalay	0.6	0.5	1.0
Pyin Oo Lwin	0.8	0.7	0.8
Kyaukse	0.8	0.4	0.8
Myingyan	1.6	1.3	1.6
Nyaung U	1.4	0.9	1.6
Yame`Thin	1.9	1.3	2.0
Meiktila	1.1	1.0	1.1
Mon	**1.8**	**1.4**	**2.0**
Mawlamyine	1.8	1.4	2.1
Thaton	1.8	1.5	1.9
Rakhine	**2.5**	**1.5**	**2.7**
Sittway	1.8	0.8	2.1
Myauk U	2.9	2.4	3.0
Maungtaw	2.6	1.7	2.8
Kyaukpyu	3.3	1.7	3.4
Thandwe	1.9	1.4	2.1
Yangon	**1.1**	**1.0**	**1.3**
North Yangon	1.0	0.9	1.2
East Yangon	1.0	1.0	1.3
South Yangon	1.4	1.2	1.5
West Yangon	0.9	0.9	n/a
Shan	**1.5**	**1.0**	**1.6**
Taunggyi	1.3	1.0	1.5
Loilin	1.2	1.0	1.3
Linkhe`	2.1	1.4	2.4
Lashio	0.8	0.8	0.9
Muse	1.0	0.8	1.1
Kyaukme	1.4	1.2	1.5
Kunlon	1.9	1.1	2.0
Laukine	3.3	0.9	3.9
Hopan	3.9	2.2	4.2
Makman	2.5	0.6	2.7
Kengtung	1.1	0.9	1.1
Minesat	1.5	1.4	1.5
Tachileik	0.7	0.4	0.9
Minephyat	2.8	2.0	2.9
Ayeyawady	**3.0**	**2.5**	**3.1**
Pathein	2.6	2.3	2.6
Phyapon	2.9	2.2	3.0
Maubin	2.4	1.3	2.6
Myaungmya	2.9	3.0	2.9
Labutta	4.6	3.7	4.7
Hinthada	3.4	3.2	3.4
Nay Pyi Taw	**1.0**	**0.7**	**1.1**
Ottara (North)	0.9	0.7	0.9
Dekkhina (South)	1.0	0.8	1.2

Map 7.4 Prevalence of Multiple Disabilities

a) Districts



b) Townships



Percentage of population with multiple disabilities

Average at Union level: 1.7

- 0.2 - 1.0
- 1.1 - 2.0
- 2.1 - 3.0
- 3.1 - 4.0
- 4.1 - 5.0
- 5.1 - 6.2

- State/Region boundary
- District boundary
- Township boundary

The base population for this indicator was individuals living in conventional households and institutions at the time of the 2014 Census. The indicator gives the proportion of those individuals who reported 'some difficulty', 'a lot of difficulty' or 'cannot do at all' in two or more of the four disability domains - seeing, hearing, walking and remembering.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

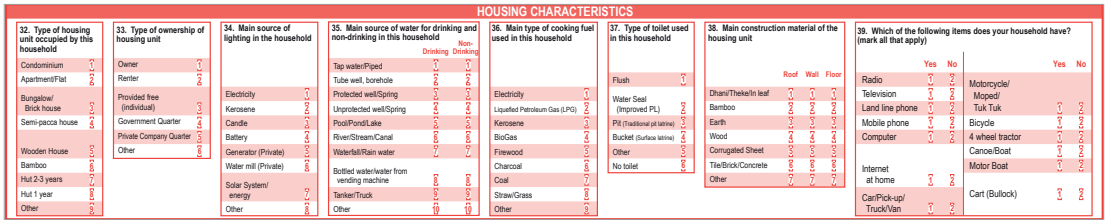
8

Household and Housing

Household and housing indicators provide a keen insight into the ways members of societies live together in groups, and the conditions in which they live. From the eight questions shown below (relating only to conventional households), the 2014 Census gleaned a wealth of detailed information about: the types of houses people live in; their access to amenities such as clean water, hygienic sanitation facilities and electricity; the durability of their houses; and the availability of a wide range of communication and transportation assets. Data collected from other sections of the questionnaire enabled the size and composition of households, and the relationships between household members, to be derived.

The analysis of household and housing data presented in this chapter revealed some interesting and strikingly consistent regional patterns. Almost without exception, household and housing characteristics in areas in the middle corridor are markedly different to those in the outer ring. In general, people in the middle corridor live in smaller households, in more durable houses, and with better access to safe drinking water, improved sanitation facilities and electricity than people living in the outer ring. Analyses comparing the household and housing characteristics of urban populations with those of rural populations also revealed distinct differences. Though the average size of households is about the same for both groups, housing quality is generally much better in urban areas than it is in rural areas. People in towns and cities are more likely to be living in more durable houses, have higher quality water and sanitation facilities and be connected to the electricity grid than people living in rural areas. On the other hand, a much larger proportion of rural households own the house they live in, with rented accommodation being more common in urban areas.

Regional and local differences in household and housing characteristics show up clearly in the data presented in this chapter and on the maps derived from that data. By showing where housing quality (as determined from the information available from the 2014 Census) is poorest and in which parts of the country people are least able to access household amenities, the chapter is intended to serve as a guide to policymakers, local authorities and communities working towards achieving the United Nations Sustainable Development Goals. Understanding the geography of housing quality is vital as Myanmar works towards, 'ensuring the availability and sustainable management of water and sanitation for all' (SDG 6), 'ensuring access to affordable reliable and modern energy for all' (SDG 7), and 'making cities and human settlements inclusive, safe, resilient and sustainable' (SDG 11).



HOUSING CHARACTERISTICS

32. Type of housing unit occupied by this household
- Condominium [1]
- Apartment/Flat [2]
- Bungalow/ Brick house [3]
- Semi-pacca house [4]
- Wooden House [5]
- Bamboo [6]
- Hut 2-3 years [7]
- Hut 1 year [8]
- Other [9]

33. Type of ownership of housing unit
- Owner [1]
- Renter [2]
- Provided free (individual) [3]
- Government Quarter [4]
- Private Company Quarter [5]
- Other [6]

34. Main source of lighting in the household
- Electricity [1]
- Kerosene [2]
- Candle [3]
- Battery [4]
- Generator (Private) [5]
- Water mill (Private) [6]
- Solar System/ energy [7]
- Other [8]

35. Main source of water for drinking and non-drinking in this household

	Drinking	Non-Drinking
Tap water/Piped	[1]	[1]
Tube well, borehole	[2]	[2]
Protected well/Spring	[3]	[3]
Unprotected well/Spring	[4]	[4]
Pool/Pond/Lake	[5]	[5]
River/Stream/Canal	[6]	[6]
Waterfall/Rain water	[7]	[7]
Bottled water/water from vending machine	[8]	[8]
Tanker/Truck	[9]	[9]
Other	[10]	[10]

36. Main type of cooking fuel used in this household
- Electricity [1]
- Liquefied Petroleum Gas (LPG) [2]
- Kerosene [3]
- BioGas [4]
- Firewood [5]
- Charcoal [6]
- Coal [7]
- Straw/Grass [8]
- Other [9]

37. Type of toilet used in this household
- Flush [1]
- Water Seal (Improved P.L) [2]
- Pit (Traditional pit latrine) [3]
- Bucket (Surface latrine) [4]
- Other [5]
- No toilet [6]

38. Main construction material of the housing unit

	Roof	Wall	Floor
Dhani/Theke/In leaf	[1]	[1]	[1]
Bamboo	[2]	[2]	[2]
Earth	[3]	[3]	[3]
Wood	[4]	[4]	[4]
Corrugated Sheet	[5]	[5]	[5]
Tile/Brick/Concrete	[6]	[6]	[6]
Other	[7]	[7]	[7]

39. Which of the following items does your household have? (mark all that apply)

	Yes	No
Radio	[1]	[2]
Television	[1]	[2]
Land line phone	[1]	[2]
Mobile phone	[1]	[2]
Computer	[1]	[2]
Internet at home	[1]	[2]
Car/Pick-up/ Truck/Van	[1]	[2]

	Yes	No
Motorcycle/ Moped/ Tuk Tuk	[1]	[2]
Bicycle	[1]	[2]
4 wheel tractor	[1]	[2]
Canoe/Boat	[1]	[2]
Motor Boat	[1]	[2]
Cart (Bullock)	[1]	[2]

8.1 Average Size of Households

The average size of conventional households in Myanmar at the time of the 2014 Census was 4.4 persons. This is slightly larger than the average household size in all countries in South-East Asia except for Malaysia (Department of Population, 2017f). In 2014 there was, at the Union level, very little difference in the average sizes of urban households (4.5 persons) and rural households (4.4 persons), but Table 8.1 shows that there were substantial regional and local variations. Among the 15 States and Regions, Kachin and Chin had the largest households. Here the average household size as reported in the Census was 5.1 persons. Households tend to be smaller in the middle corridor, averaging 4.1 persons in Magway, Ayeyawady and Nay Pyi Taw, and 4.2 in Bago. The general distinction between larger households in the outer ring and smaller households in the middle corridor can be seen very clearly on Maps 8.1a and 8.1b. Within this general pattern, however, there was substantial variability in average household size at the local level.

Though average household sizes were, at the State/Region level, largest in Kachin and Chin, at the District level they were largest among rural communities in Shan State, in Districts such as Hopan (6.5), Makman (6.2) and Laukine (5.9). At the other end of the scale, the average size of rural households in several Districts was less than four persons, including Pyay (3.6) and Thayawady (3.8) (in Bago), Hinthada (in Ayeyawady) (3.7), and Thayet (in Magway) (3.9). The urban parts of Gangaw (also in Magway), also had an atypically low average household size of 3.9 persons, though not as low as the 3.8 reported in urban Hinthada (in Ayeyawady).

In some parts of the country, household size is quite uniform. In Mandalay Region, for example, the average size in all seven Districts is either slightly above or slightly below the national average, ranging from 4.2 persons in Kyaukse, Meiktila and Yame`thin, to 4.9 in Mandalay itself. In contrast, other parts of the country show great variability in average household sizes among neighbouring Districts and Townships. Shan State provides a good example of both the wide range of household sizes and local variability. The range in average household size among Shan's Townships is 3.2 persons, from 7.0 in Naphang down to 3.8 in Linkhe`. This means that in some parts of Shan State, households were, on average, more than double the size of those in other parts of the State. And the distance between Townships with large households and those with small households is not necessarily very great. Mankan Sub-Township, for example, where the average household size was 4.3, contrasts sharply with neighbouring Townships with much larger households, such as Makman (5.7), Minemaw (6.6) and Naphang (7.0). Such localized variability in demographic characteristics is often found where populations are fluid and dynamic. Parts of Shan State near the borders with Thailand, Lao PDR and China have young, ethnically diverse, highly mobile populations that are typically characterized by high degrees of variability in demographic characteristics and social practices. Conversely, the more stable, longer-established populations, such as those in the middle corridor Regions of Bago, Magway and Mandalay, are generally more socially, economically and demographically homogeneous.

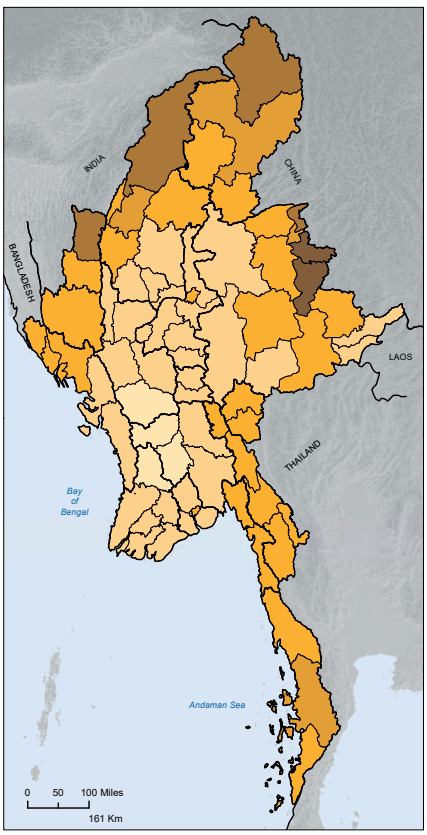
While this section has discussed geographic variations in the distribution of average household size, the following section looks at variations in distributions of the extremes – the very smallest households with only one person and the largest with six or more persons.

Table 8.1 Average Size of Conventional Households, States/Regions and Districts, Urban and Rural

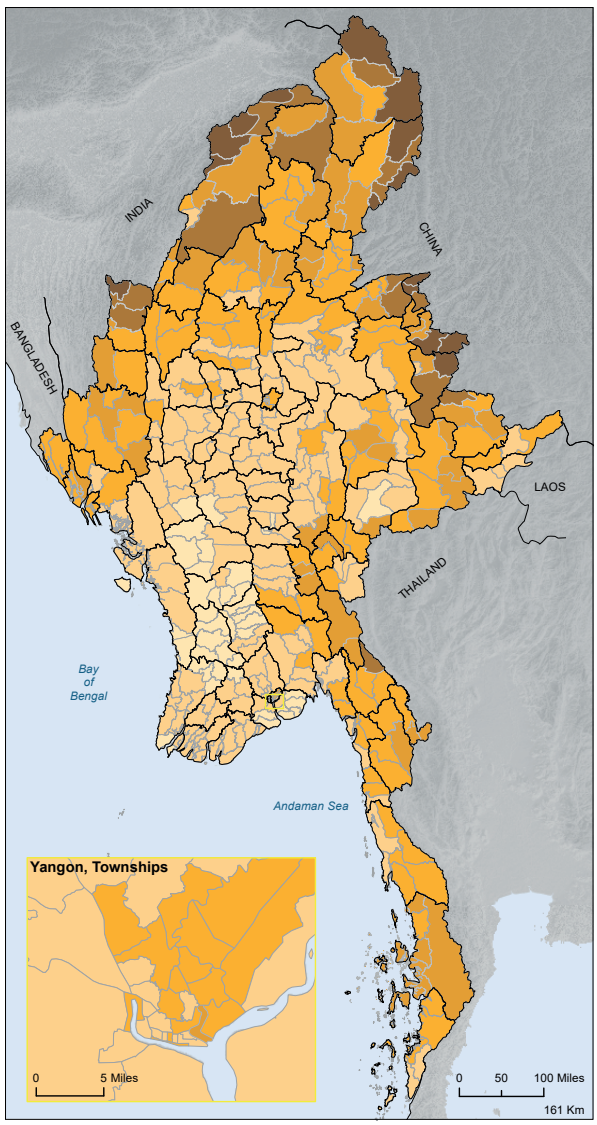
State/Region District	Average No. of Persons in Household		
	Urban & Rural	Urban	Rural
UNION	**4.4**	**4.5**	**4.4**
Kachin	**5.1**	**5.3**	**5.0**
Myitkyina	5.4	5.5	5.2
Mohnyin	4.9	4.9	4.8
Bhamo	4.9	5.0	4.9
Putao	5.6	5.2	5.7
Kayah	**4.8**	**4.5**	**4.8**
Loikaw	4.8	4.6	4.8
Bawlakhe	4.6	4.2	4.8
Kayin	**4.7**	**4.7**	**4.7**
Hpa-An	4.7	4.8	4.7
Pharpon	5.0	5.0	5.1
Myawady	4.6	4.5	4.7
Kawkareik	4.8	4.7	4.8
Chin	**5.1**	**4.8**	**5.2**
Haka	4.9	4.6	5.1
Falam	5.6	5.2	5.7
Mindat	4.9	4.7	5.0
Sagaing	**4.6**	**4.6**	**4.6**
Sagaing	4.2	4.4	4.2
Shwebo	4.5	4.6	4.5
Monywa	4.4	4.7	4.3
Katha	4.9	4.5	4.9
Kalay	4.7	4.8	4.6
Tamu	5.0	4.8	5.1
Mawlaik	5.2	4.6	5.3
Hkamti	5.6	5.1	5.7
Yinmarpin	4.5	4.1	4.5
Tanintharyi	**4.8**	**4.8**	**4.8**
Dawei	4.5	4.7	4.5
Myeik	5.1	5.1	5.1
Kawthoung	4.5	4.4	4.6
Bago	**4.2**	**4.3**	**4.1**
Bago	4.5	4.4	4.5
Toungoo	4.4	4.4	4.4
Pyay	3.7	4.1	3.6
Thayawady	3.9	4.0	3.8
Magway	**4.1**	**4.2**	**4.1**
Magway	4.1	4.2	4.1
Minbu	4.1	4.1	4.1
Thayet	3.9	4.1	3.9
Pakokku	4.3	4.5	4.2
Gangaw	4.3	3.9	4.4
Mandalay	**4.4**	**4.7**	**4.3**
Mandalay	4.9	5.0	4.6
Pyin Oo Lwin	4.4	4.4	4.4
Kyaukse	4.2	4.5	4.2
Myingyan	4.3	4.4	4.2
Nyaung U	4.3	4.6	4.2
Yame`thin	4.2	4.5	4.2
Meiktila	4.2	4.3	4.2
Mon	**4.6**	**4.7**	**4.6**
Mawlamyine	4.6	4.7	4.5
Thaton	4.6	4.7	4.6
Rakhine	**4.4**	**4.6**	**4.4**
Sittway	4.8	5.0	4.7
Myauk U	4.5	4.8	4.5
Maungtaw	4.7	4.6	4.7
Kyaukpyu	4.2	4.3	4.1
Thandwe	4.1	4.2	4.1
Yangon	**4.4**	**4.5**	**4.1**
North Yangon	4.3	4.5	4.2
East Yangon	4.6	4.6	4.5
South Yangon	4.1	4.3	4.0
West Yangon	4.5	4.5	n/a
Shan	**4.7**	**4.5**	**4.8**
Taunggyi	4.4	4.4	4.4
Loilin	4.7	4.7	4.6
Linkhe`	4.3	4.1	4.3
Lashio	4.7	4.7	4.6
Muse	5.0	4.9	5.0
Kyaukme	4.4	4.3	4.4
Kunlon	5.3	4.6	5.4
Laukine	5.8	5.0	5.9
Hopan	6.3	5.2	6.5
Makman	6.1	5.2	6.2
Kengtung	5.0	4.6	5.1
Minesat	5.0	4.4	5.1
Tachileik	4.4	4.3	4.5
Minephyat	4.4	4.0	4.5
Ayeyawady	**4.1**	**4.1**	**4.1**
Pathein	4.0	4.1	4.0
Phyapon	4.2	4.3	4.2
Maubin	4.2	4.2	4.2
Myaungmya	4.3	4.3	4.3
Labutta	4.1	4.2	4.1
Hinthada	3.7	3.8	3.7
Nay Pyi Taw	**4.1**	**4.0**	**4.1**
Ottara (North)	4.0	4.1	4.0
Dekkhina (South)	4.1	4.0	4.2

Map 8.1 Average Size of Conventional Households

a) Districts



b) Townships



Average number of persons in conventional households

Average at Union level: 4.4

- 3.3 - 4.0
- 4.1 - 4.5
- 4.6 - 5.0
- 5.1 - 5.5
- 5.6 - 6.0
- 6.1 - 7.3

- State/Region boundary
- District boundary
- Township boundary

The 2014 Census defined 'conventional households' as households that are comprised of one or more persons who are either related or unrelated and share living quarters in either a stand-alone unit or a compound. Members of a conventional household eat meals together, usually prepared from the same cooking pot. In most cases, one person is acknowledged by household members to be the head of the household.

© Department of Population, Ministry of Labour, Immigration and Population. Nay Pyi Taw, Myanmar, 2017.

Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

8.2 Small and Large Households

Figure 8.1 and Maps 8.2a and b show that large households with six or more persons were, in 2014, much more common than households comprised of just one person. They also show clear regional patterns, with one-person households being relatively more prevalent in the south and west, and households with six or more persons being much more clearly in evidence in the north and east. Map 8.2b shows a particularly striking distribution of low prevalence of large households - comprising less than 25 per cent of households - in the middle corridor Townships, and of high prevalence - of more than 40 per cent - in many outer ring Townships.

What might explain these differences? Migration patterns offer some clues. Places with large numbers of in-migrants arriving in search of work often have high proportions of one-person households. Many job-seeking migrants are single and tend to live alone. Dekkhina and West Yangon Districts are typical examples of the kinds of places where economic opportunities are attractive enough to entice young, single people to come and live on their own. One-person households make up 6.8 per cent of the households in Dekkhina and 5.7 per cent in West Yangon (Table 8.2) compared with the national average of 4.6 per cent.

The circumstances that are more likely to be associated with large households are found in rural areas with high birth rates, low incomes and large numbers of people employed in the agriculture, forestry and fishing sector. This might help explain the very high proportion of large households in Townships such as Naphang, Minemaw and Panwine in Shan State, and Khaunglanphoo in Kachin State, where around 70 per cent of households had six or more persons at the time of the 2014 Census (compared with the State average of around 30 per cent). Though less prevalent than in rural areas, large households were also found in some urban areas, particularly those where housing costs are relatively high and death rates are relatively low. Examples include Mingala Taungnyunt, Dawbon and North Okkalapa Townships in East Yangon District, Pyigyidagun, Chanmyatharzi and Mahaaungmye Townships in Mandalay District, and Mawlamyine Township in Mon State, in all of which the proportion of households with six or more persons was between 30 and 35 per cent.

Interestingly, some areas with relatively high proportions of one-person households also tend to have high proportions of very large households. Though these are not specifically identifiable from Maps 8.2a and b, examples include Falam, Kanpalet and Mindat Townships in Chin State, and Ingyanyan Township in Kachin State, each with more than 7 per cent one-person households and more than 36 per cent six or more person households. An explanation for this apparent paradox might be that living in very small or very large households can address the same set of socio-economic challenges, but in different ways. On the one hand, living alone or in small households reduces demand for scarce household resources such as food, space and energy. On the other, families with large numbers create an economic safety net by assembling a large group of potential bread-winners in one household. Both social arrangements have merit as rational coping strategies for living in difficult socio-economic circumstances.

Figure 8.1 Proportion of One-Person and Six or More Person Households, States/Regions

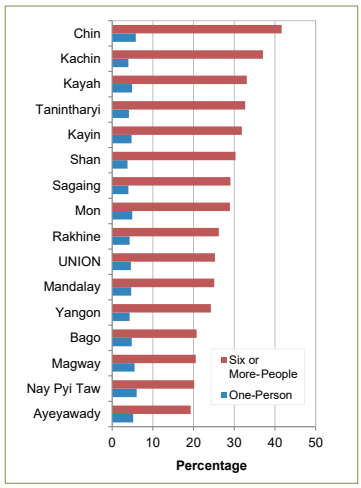
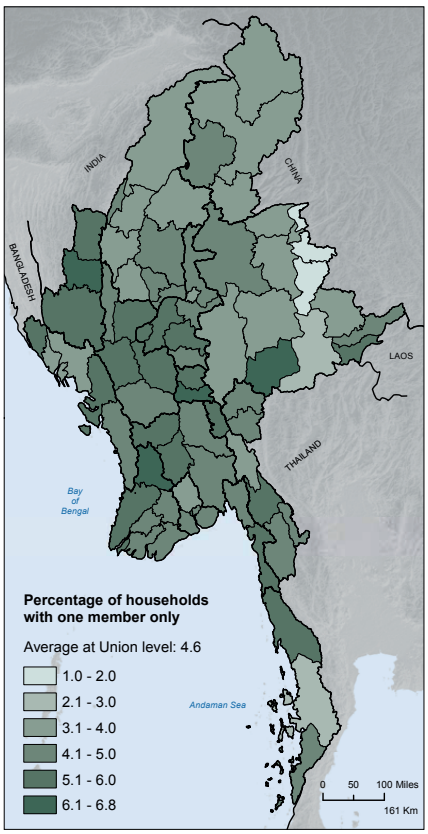


Table 8.2 One-Person and Six or More Person Households, States/Regions and Districts

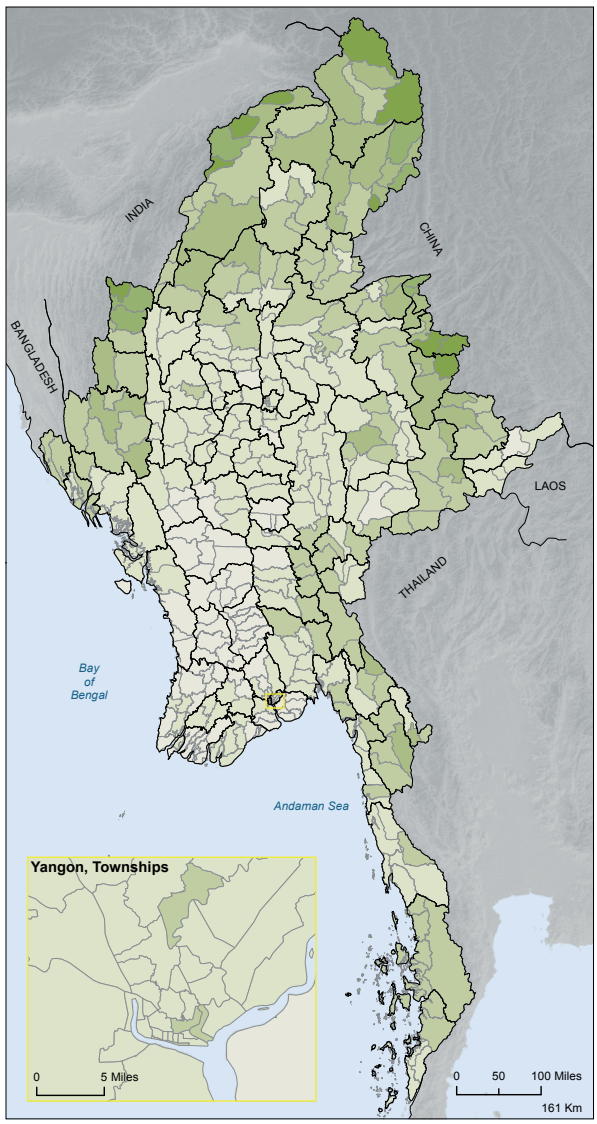
State/Region District	Percentage of Households Comprised of ...	
	One Person	Six or More Persons
UNION	**4.6**	**25.2**
Kachin	**4.0**	**37.0**
Myitkyina	3.5	41.4
Mohnyin	4.7	33.5
Bhamo	3.7	33.8
Putao	3.4	48.3
Kayah	**4.9**	**33.1**
Loikaw	4.9	33.5
Bawlakhe	4.8	30.7
Kayin	**4.8**	**31.9**
Hpa-An	5.3	32.0
Pharpon	3.9	38.7
Myawady	4.2	28.3
Kawkareik	4.2	32.7
Chin	**5.8**	**41.6**
Haka	6.0	38.3
Falam	5.8	48.4
Mindat	5.7	38.5
Sagaing	**4.0**	**29.1**
Sagaing	5.0	22.3
Shwebo	4.0	26.3
Monywa	4.7	25.4
Katha	3.2	34.0
Kalay	3.8	28.9
Tamu	4.2	35.4
Mawlaik	3.0	41.2
Hkamti	3.0	47.9
Yinmarpin	3.8	26.9
Tanintharyi	**4.1**	**32.7**
Dawei	5.4	28.0
Myeik	3.0	37.8
Kawthoung	4.4	28.4
Bago	**4.8**	**20.7**
Bago	4.1	26.1
Toungoo	4.8	24.9
Pyay	5.6	13.4
Thayawady	5.2	15.6
Magway	**5.5**	**20.5**
Magway	5.7	20.7
Minbu	5.7	19.9
Thayet	4.9	15.9
Pakokku	6.0	23.8
Gangaw	4.1	23.1
Mandalay	**4.7**	**25.1**
Mandalay	3.6	31.6
Pyin Oo Lwin	4.5	24.4
Kyaukse	4.2	21.2
Myingyan	5.8	23.4
Nyaung U	5.6	23.2
Yame`thin	4.4	22.2
Meiktila	5.6	22.7
Mon	**4.9**	**28.9**
Mawlamyine	5.1	28.8
Thaton	4.7	29.2
Rakhine	**4.3**	**26.2**
Sittway	3.8	32.4
Myauk U	3.7	27.6
Maungtaw	5.0	31.2
Kyaukpyu	5.2	21.8
Thandwe	4.6	19.9
Yangon	**4.3**	**24.2**
North Yangon	3.8	23.7
East Yangon	4.0	28.0
South Yangon	4.8	18.9
West Yangon	5.7	25.8
Shan	**3.8**	**30.3**
Taunggyi	3.9	24.2
Loilin	3.9	29.2
Linkhe`	6.6	24.2
Lashio	3.9	29.2
Muse	3.7	35.8
Kyaukme	4.2	24.7
Kunlon	3.4	43.4
Laukine	1.6	50.3
Hopan	1.3	62.1
Makman	1.1	54.9
Kengtung	3.5	36.6
Minesat	2.7	36.6
Tachileik	5.5	26.9
Minephyat	4.1	26.0
Ayeyawady	**5.1**	**19.3**
Pathein	5.0	18.5
Phyapon	4.4	22.1
Maubin	4.8	21.5
Myaungmya	4.7	22.7
Labutta	4.7	19.7
Hinthada	6.6	14.2
Nay Pyi Taw	**6.0**	**20.2**
Ottara (North)	5.1	18.3
Dekkhina (South)	6.8	21.8

Map 8.2 Small and Large Households

a) One-Person Households, Districts



b) Six or More Person Households, Townships



Percentage of households with six or more members

Average at Union level: 25.2

- 7.1 - 20.0
- 20.1 - 30.0
- 30.1 - 40.0
- 40.1 - 50.0
- 50.1 - 60.0
- 60.1 - 74.4

- State/Region boundary
- District boundary
- Township boundary

The base for this indicator is the total number of conventional households. The indicator for Map 8.2a gives the number of conventional households with just one person as a percentage of the total number of conventional households in each District. The indicator for Map 8.2b gives the number of conventional households with six or more persons as a percentage of the total number of conventional households in each Township.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

8.3 Home Ownership

At 85.5 per cent of the total number of conventional households that were enumerated in the Census, the proportion of home ownership in Myanmar is very high. A larger proportion of rural households own their own homes (93 per cent) compared with urban households (66 per cent). This difference is common throughout the world because much higher land and property prices in urban areas often make home ownership prohibitively expensive for many people.

Figure 8.2 shows urban/rural differences at the State/Region level very clearly. Nay Pyi Taw had the largest differential at this level, with ownership among the rural population more than 45 percentage points higher than in urban areas. Chin and Kayin also reported large differences in urban/rural home ownership, both at more than 30 percentage points. The differentials were narrowest in Mon, Rakhine, Ayeyawady and Bago, where the proportion of rural home ownership was less than 16 percentage points higher than the proportion of urban ownership.

Given this general pattern of lower ownership rates among urban populations compared with those for rural populations (clearly illustrated in the Maps opposite), many of the Districts with low rates were, as would be expected, predominantly urban Districts such as North, East and West Yangon and Mandalay. Here, only between 50 and 60 per cent of households lived in houses that they owned (Table 8.3). People living in urban Yangon and Mandalay typically do not work on the land or own the houses they live in. Instead, many of them work in offices, shops, hotels and factories, and live at high densities in small, rented apartments and houses built on extremely high-value land.

The lowest ownership rates, however, were found among urban populations in Districts spread elsewhere across the country, where the reasons might be less obvious. Map 8.3a shows these to include Makman and Tachileik (in Shan), Myawady (in Kayin), and Kawthoung (in Tanintharyi), all with less than 50 per cent home ownership. Ottara and Dekkhina Districts in Nay Pyi Taw were reported among those having the lowest rates of all, at 46.5 per cent and 42.4 per cent, respectively. This reflects the fact that a high proportion of the population in these two Districts live in accommodation provided by the government (Department of Population 2017f).

Figure 8.2 Proportion of Households Owning their Homes, States/Regions, Urban and Rural

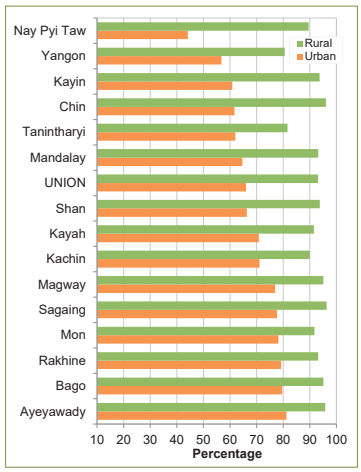
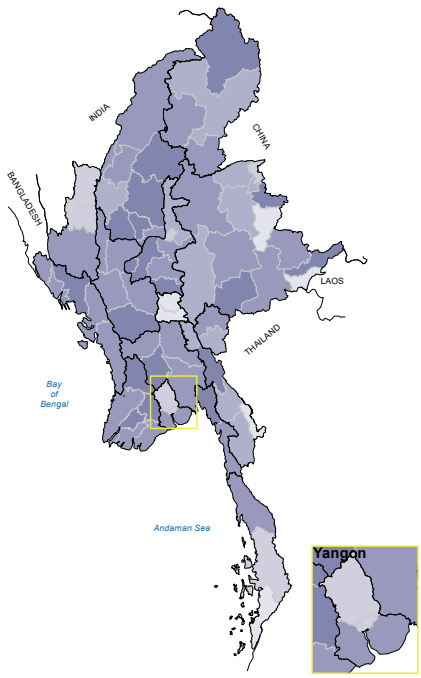


Table 8.3 Proportion of Households Owning their Homes, States/Regions and Districts, Urban and Rural

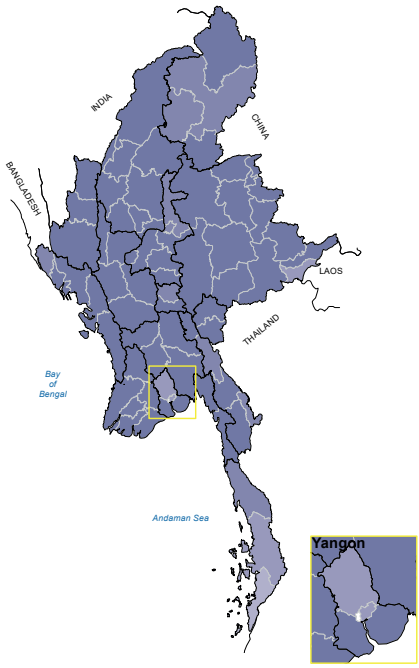
State/Region District	Proportion of Households Owning their Homes		
	Urban & Rural	Urban	Rural
UNION	**85.5**	**66.0**	**93.1**
Kachin	**83.3**	**71.1**	**90.0**
Myitkyina	75.6	65.6	88.6
Mohnyin	86.6	78.8	88.9
Bhamo	86.6	74.5	91.6
Putao	91.8	80.1	95.6
Kayah	**86.3**	**70.9**	**91.6**
Loikaw	86.2	71.0	91.6
Bawlakhe	86.4	69.7	91.5
Kayin	**86.5**	**60.8**	**93.7**
Hpa-An	90.6	68.3	94.1
Pharpon	81.4	80.3	82.7
Myawady	62.1	45.9	82.6
Kawkareik	91.1	68.7	95.9
Chin	**88.6**	**61.7**	**96.1**
Haka	82.1	54.5	96.4
Falam	86.9	59.2	93.7
Mindat	92.9	70.3	97.6
Sagaing	**93.2**	**77.7**	**96.3**
Sagaing	90.7	74.9	94.5
Shwebo	95.4	82.5	97.1
Monywa	91.1	80.0	95.8
Katha	94.7	80.4	96.6
Kalay	87.4	69.6	93.9
Tamu	82.6	74.2	92.2
Mawlaik	94.9	74.8	97.7
Hkamti	94.2	75.1	97.0
Yinmarpin	96.7	82.5	97.3
Tanintharyi	**77.0**	**62.0**	**81.6**
Dawei	86.7	75.5	89.5
Myeik	75.3	59.9	79.5
Kawthoung	60.0	48.7	66.6
Bago	**91.9**	**79.6**	**95.1**
Bago	90.9	79.3	95.1
Toungoo	90.1	76.4	93.5
Pyay	90.1	78.4	93.4
Thayawady	96.4	86.8	97.8
Magway	**92.5**	**77.0**	**95.1**
Magway	92.3	74.6	96.5
Minbu	93.7	79.3	95.3
Thayet	91.9	80.3	93.5
Pakokku	92.1	77.5	94.2
Gangaw	93.6	77.8	95.8
Mandalay	**84.2**	**64.7**	**93.2**
Mandalay	64.0	58.0	81.2
Pyin Oo Lwin	82.7	65.3	89.3
Kyaukse	90.8	78.5	92.2
Myingyan	95.1	82.8	97.3
Nyaung U	93.8	84.3	96.1
Yame`thin	95.5	80.5	97.2
Meiktila	90.6	71.0	95.4
Mon	**88.1**	**78.2**	**91.8**
Mawlamyine	86.4	76.4	91.5
Thaton	90.6	83.6	92.0
Rakhine	**91.0**	**79.2**	**93.2**
Sittway	90.8	79.4	94.2
Myauk U	92.4	84.8	93.5
Maungtaw	83.4	77.6	85.1
Kyaukpyu	92.3	76.9	93.9
Thandwe	88.9	74.1	92.0
Yangon	**64.5**	**56.7**	**80.6**
North Yangon	60.9	52.5	70.6
East Yangon	55.8	55.6	76.3
South Yangon	86.7	74.2	91.5
West Yangon	57.7	57.7	n/a
Shan	**87.2**	**66.3**	**93.7**
Taunggyi	85.8	63.4	94.0
Loilin	91.4	77.2	95.4
Linkhe`	90.2	82.7	93.8
Lashio	84.0	64.0	95.0
Muse	82.9	62.5	93.9
Kyaukme	89.4	72.1	92.6
Kunlon	89.8	69.9	92.3
Laukine	88.9	55.6	95.0
Hopan	96.8	86.8	98.6
Makman	91.0	41.3	94.4
Kengtung	90.4	73.4	94.2
Minesat	89.6	70.1	92.3
Tachileik	68.4	46.3	79.7
Minephyat	93.0	84.4	94.2
Ayeyawady	**93.8**	**81.3**	**95.8**
Pathein	92.4	79.7	95.2
Phyapon	91.1	74.2	93.5
Maubin	96.8	87.5	97.9
Myaungmya	95.6	82.2	97.3
Labutta	90.3	74.6	92.1
Hinthada	96.3	87.3	97.7
Nay Pyi Taw	**75.9**	**44.1**	**89.5**
Ottara (North)	77.4	46.5	88.3
Dekkhina (South)	74.6	42.4	90.8

Map 8.3 Proportion of Home Owners, Districts

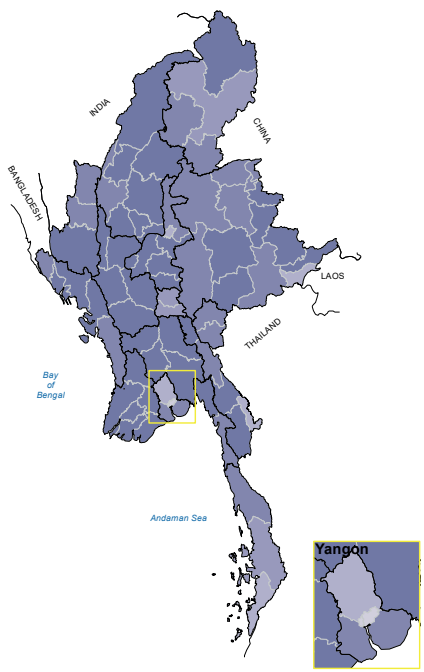
a) Urban



b) Rural



c) Urban and Rural



Percentage of households owning the housing unit they live in

Average at Union level: 66.0 urban, 93.1 rural, 85.5 urban and rural

- 41.3 - 50.0
- 50.1 - 60.0
- 60.1 - 70.0
- 70.1 - 80.0
- 80.1 - 90.0
- 90.1 - 98.6
- No rural population (West Yangon)

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base for this indicator is the total number of conventional households. The indicator gives the proportion of households owning the housing unit in which they were living at the time of the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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8.4 Housing Quality

As a means of providing a broad measure of housing quality, the 2014 Census recorded the main materials used to build the walls, roof and floors of every enumerated housing unit in the country. Table 8.4 classifies housing units by their durability as determined by the main construction materials used. By mapping and analyzing the distribution of households living in housing units that are at least partially built with non-durable materials, this section gives a broad overview of where in the country people are living in solid, permanent houses and where they are living in flimsy, non-durable houses which, in terms of Sustainable Development Goal 11 (see Box), may be more likely to be considered to be inadequate, especially when taking into account the heightened risks of climate hazards, and the basic conditions required for health and hygiene.

Map 8.4 shows the distribution of households living in housing constructed in part from non-durable materials (hereafter referred to as 'non-durable housing') at the Township level. A clear regional pattern shows a broad swathe across the upper-middle part of the country where a relatively small proportion of houses were built with non-durable materials. In general terms, the better-quality housing was found in Mandalay Region and in Kayah and Shan States, where somewhat less than one fifth of households occupied housing units that were made, at least partially, of non-durable materials (Table 8.5). Nay Pyi Taw, northern Townships in Magway Region, and southern Townships in Sagaing Region and Kachin State also lie in this belt.

The parts of the country with the least durable housing were in the far north, the far south, and all along the coast of the country. At the State/Region level, Rakhine reported the largest proportion of households in non-durable housing, at more than 70 per cent. Non-durable housing was also prevalent in Tanintharyi (68 per cent of houses) and Ayeyawady (a little less than 64 per cent).

Large proportions of poorly-housed households were also found in northern parts of Kachin State and Sagaing Region. In Kachin, poor quality housing was common throughout Putao District, where more than three quarters of households lived in non-durable housing. In Sagaing Region, the prevalence of non-durable housing materials was more localized, with significant differences being more notable between Townships than between Districts. For example, in Hkamti District, more than 75 per cent of households lived in non-durable housing in Lahe, Nanyun, Htanparkway, Pansaung and Donhee. In contrast, the proportions for Homalin and Sonemara were only about 23 and 36 per cent, respectively. Map 8.4 clearly shows this localized variability in housing quality along the northern border between Sagaing Region and India.

Sustainable Development Goal 11

Make cities and human settlements inclusive, safe, resilient and sustainable

Target 11.1: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

Indicator 11.1.1: Proportion of population living in slums, informal settlements or inadequate housing.

Table 8.4 Type and Durability of House-Construction Materials

	Durable	Semi-Permanent	Non-Durable
Roof	Tiles Concrete Bricks Corrugated sheeting	Wood Bamboo	Non-woody vegetation including dhani, theke and in phet leaves
Walls	Tiles Concrete Bricks Wood	Bamboo Corrugated sheeting Earth	Non-woody vegetation, including dhani, theke and in phet leaves
Floors	Tiles Concrete Bricks Wood	Bamboo Earth	Non-woody vegetation, including dhani, theke and in phet leaves

Source: Department of Population, 2017f.

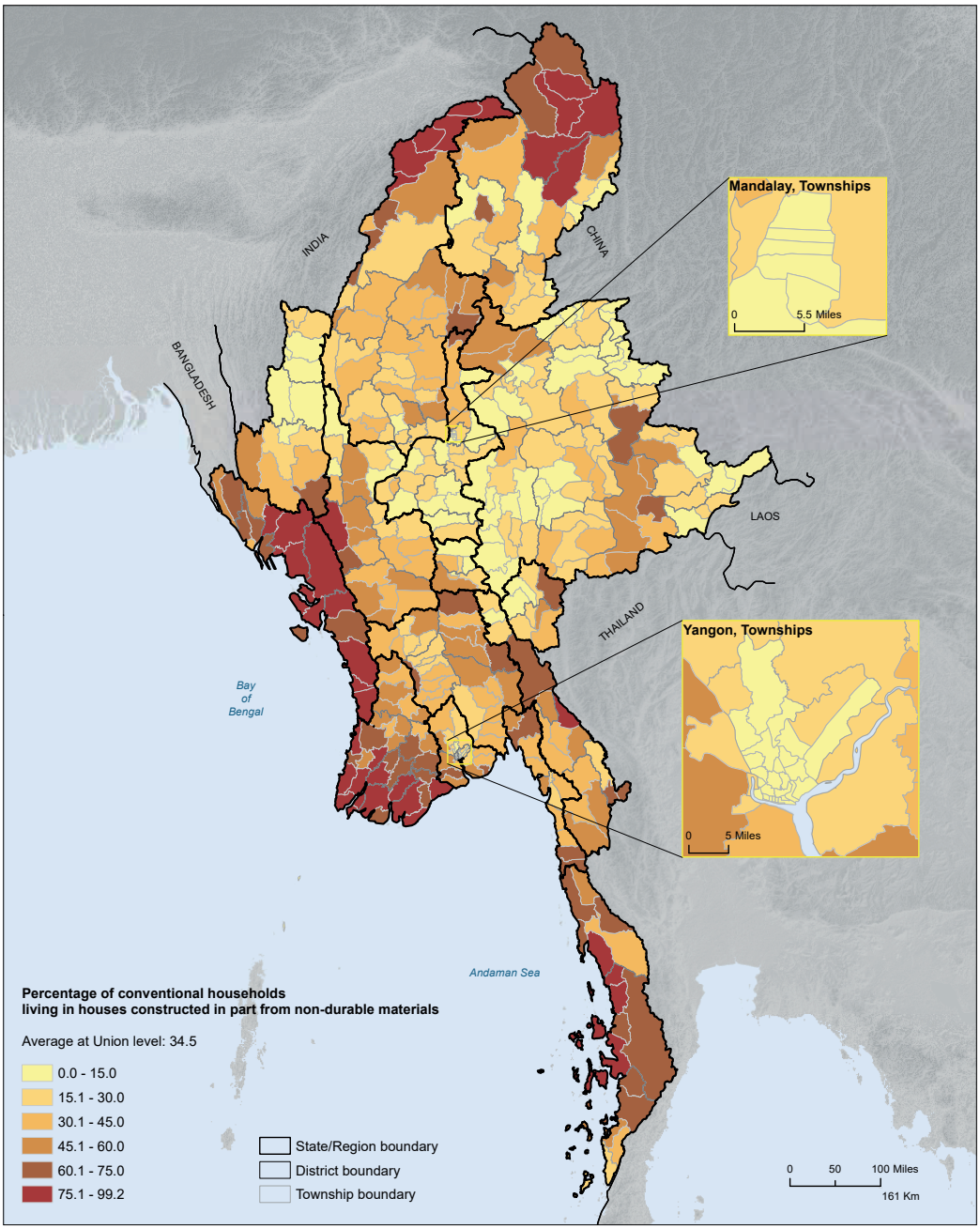
Table 8.5 Proportion of Households living in Non-Durable Housing Units, States/Regions and Districts

State/Region District	Total Number of Conventional Households	Households living in Houses Constructed in part from Non-Durable Materials	
		Number	Per Cent
UNION	**10,877,832**	**3,751,133**	**34.5**
Kachin	**269,365**	**72,223**	**26.8**
Myitkyina	88,643	17,416	19.6
Mohnyin	101,152	25,251	25.0
Bhamo	63,706	17,462	27.4
Putao	15,864	12,094	76.2
Kayah	**57,274**	**9,199**	**16.1**
Loikaw	49,158	7,282	14.8
Bawlakhe	8,116	1,917	23.6
Kayin	**308,041**	**110,227**	**35.8**
Hpa-An	161,457	52,825	32.7
Pharpon	6,502	3,688	56.7
Myawady	44,016	12,779	29.0
Kawkareik	96,066	40,935	42.6
Chin	**91,121**	**19,667**	**21.6**
Haka	19,699	1,334	6.8
Falam	29,250	2,509	8.6
Mindat	42,172	15,824	37.5
Sagaing	**1,096,857**	**349,118**	**31.8**
Sagaing	114,709	23,190	20.2
Shwebo	311,477	106,823	34.3
Monywa	163,545	32,097	19.6
Katha	167,956	76,788	45.7
Kalay	106,562	25,286	23.7
Tamu	22,591	9,503	42.1
Mawlaik	30,591	11,325	37.0
Hkamti	61,842	27,759	44.9
Yinmarpin	117,584	36,347	30.9
Tanintharyi	**283,099**	**192,093**	**67.9**
Dawei	104,092	68,012	65.3

State/Region District	Total Number of Conventional Housing Units	Households living in Houses Constructed in part from Non-Durable Materials	
		Number	Per Cent
Myeik	132,919	106,817	80.4
Kawthoung	46,088	17,264	37.5
Bago	**1,142,974**	**456,895**	**40.0**
Bago	386,762	156,306	40.4
Toungoo	249,452	125,219	50.2
Pyay	236,010	67,409	28.6
Thayawady	270,750	107,961	39.9
Magway	**919,777**	**312,706**	**34.0**
Magway	291,432	86,791	29.8
Minbu	162,423	87,722	54.0
Thayet	179,839	77,198	42.9
Pakokku	229,705	52,189	22.7
Gangaw	56,378	8,806	15.6
Mandalay	**1,323,191**	**194,161**	**14.7**
Mandalay	324,477	17,689	5.5
Pyin Oo Lwin	214,948	50,008	23.3
Kyaukse	169,988	32,237	19.0
Myingyan	242,956	39,907	16.4
Nyaung U	54,473	17,135	31.5
Yame`thin	116,122	16,488	14.2
Meiktila	200,227	20,697	10.3
Mon	**422,612**	**168,448**	**39.9**
Mawlamyine	253,283	88,521	34.9
Thaton	169,329	79,927	47.2
Rakhine	**459,772**	**331,857**	**72.2**
Sittway	109,256	69,579	63.7
Myauk U	145,987	107,501	73.6
Maungtaw	19,160	11,620	60.6
Kyaukpyu	101,776	76,776	75.4
Thandwe	83,593	66,381	79.4

State/Region District	Total Number of Conventional Housing Units	Households living in Houses Constructed in part from Non-Durable Materials	
		Number	Per Cent
Yangon	**1,582,944**	**322,677**	**20.4**
North Yangon	566,167	127,436	22.5
East Yangon	486,790	35,561	7.3
South Yangon	339,205	152,447	44.9
West Yangon	190,782	7,233	3.8
Shan	**1,169,569**	**197,871**	**16.9**
Taunggyi	368,509	39,131	10.6
Loilin	115,482	22,028	19.1
Linkhe`	30,648	8,589	28.0
Lashio	125,181	20,843	16.7
Muse	86,255	9,402	10.9
Kyaukme	163,679	37,683	23.0
Kunlon	10,392	1,040	10.0
Laukine	24,846	1,301	5.2
Hopan	35,630	4,128	11.6
Makman	36,249	10,497	29.0
Kengtung	66,733	13,119	19.7
Minesat	44,931	21,862	48.7
Tachileik	37,673	5,137	13.6
Minephyat	23,361	3,111	13.3
Ayeyawady	**1,488,983**	**946,866**	**63.6**
Pathein	394,147	241,498	61.3
Phyapon	237,761	181,682	76.4
Maubin	228,079	134,021	58.8
Myaungmya	180,075	136,294	75.7
Labutta	150,469	121,354	80.7
Hinthada	298,452	132,017	44.2
Nay Pyi Taw	**262,253**	**67,125**	**25.6**
Ottara (North)	124,099	22,761	18.3
Dekkhina (South)	138,154	44,364	32.1

Map 8.4 Houses Constructed in part from Non-Durable Materials, Townships



The base population for this indicator is the total number of conventional households. The indicator gives the proportion of households living in housing that was constructed, at least in part, from non-durable materials, as a percentage of the total number of conventional households in each Township. 'Non-durable materials' are defined here to mean non-woody vegetation including dhani, theke, in phet and other leaves. Houses were classified as 'non-durable' if the walls, roof or floors were mainly constructed from such materials.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

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8.5 Access to Safe Drinking Water

Sustainable Development Goal 6

Ensure availability and sustainable management of water and sanitation for all

Target 6.1: By 2030, achieve universal and equitable access to safe and affordable drinking water for all.

Indicator 6.1.1: Proportion of population using safely managed drinking water services.

Ensuring universal access to clean, safe drinking water is a Sustainable Development Goal (see Box). Though the United Nations definition of what constitutes safe sources of drinking water differs slightly from that used by the 2014 Census (see explanatory note below Map 8.5), the two are generally in line, and the Census data presented in this section can contribute to Myanmar's ongoing efforts to set the baseline, and develop the locally meaningful indicators, it will use to monitor progress towards achieving SDG 6 between now and 2030.

The general United Nations indicator for SDG 6 is the proportion of the population with access to safely managed water services, and, in broad terms, that is what the maps, table and figure in this section of the atlas attempt to show. At the time of the 2014 Census, slightly less than 70 per cent of the Union population was considered to be using safe drinking water. Level of use was higher among urban residents (87 per cent) but much lower among rural residents (62 per cent) (Table 8.6). Figure 8.3 confirms that use of safe drinking water was better in urban areas in all States and Regions. The largest urban/rural differentials were in Yangon Region and Shan State, at more than 40 percentage points, and in Kayin State, at more than 30 percentage points. People for whom safe drinking water was most readily available generally live in middle corridor Districts. These include Mandalay, East, West and North Yangon, and Hinthada Districts, all with around or better than 95 per cent access. As a District with an overall level of use of safe drinking water also at around the 95 per cent mark, Haka in Chin State was an exception to this general pattern.

Hinthada District was also an interesting anomaly because it is in the State/Region with generally the lowest proportions of residents using safe drinking water. Less than half (49 per cent) of all residents in conventional households in Ayeyawady used safe drinking water, and such use in some Districts was extremely limited, with Labutta District at just over 11 per cent and Phyapon a very low 4 per cent. Districts in Yangon Region showed the largest disparities in urban and rural access. Safe drinking water was used by more than 95 per cent of people in highly urbanized East and West Yangon Districts, whereas it was used by less than 30 per cent of the residents of South Yangon, which has a much larger rural population. Map 8.5 suggests that difficulty accessing safe drinking water is related to the location of the poorly-served Districts on the coastal edges of the delta in both Ayeyawady and Yangon Regions. Here people face similar difficulties to those communities living in Districts such as Sittway and Myauk U, on or near the Rakhine coast. Here, less than 20 per cent of the rural population and, in Myauk U less than a quarter of the urban population, reported using safe drinking water at the time of the 2014 Census.

Figure 8.3 Proportion of Population in Conventional Households with Access to Safe Drinking Water, States/Regions, Urban and Rural

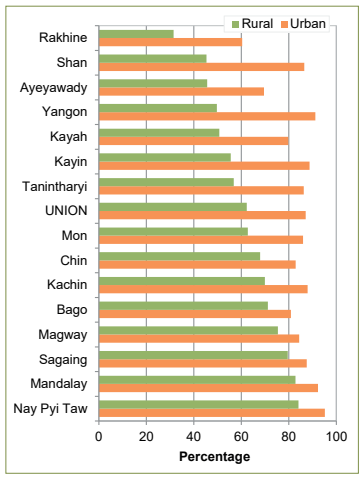
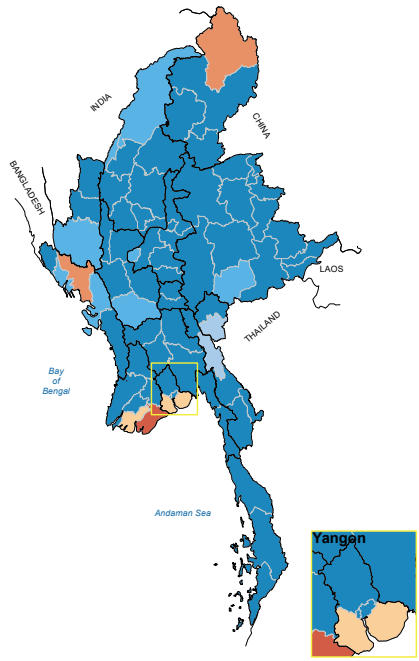


Table 8.6 Proportion of the Population in Conventional Households Using Safe Drinking Water, States/Regions and Districts, Urban and Rural

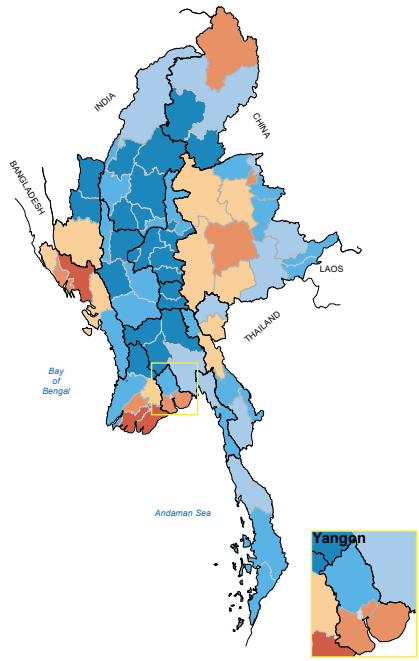
State/Region District	Proportion of Population in Households Using Safe Drinking Water		
	Urban & Rural	Urban	Rural
UNION	**69.4**	**87.1**	**62.3**
Kachin	**76.5**	**87.9**	**69.9**
Myitkyina	77.4	91.4	58.0
Mohnyin	79.6	88.0	77.0
Bhamo	83.8	90.0	81.2
Putao	29.1	29.9	28.8
Kayah	**57.8**	**79.8**	**50.7**
Loikaw	60.8	82.6	53.5
Bawlakhe	39.2	58.9	33.8
Kayin	**62.7**	**88.7**	**55.6**
Hpa-An	64.2	87.9	60.4
Pharpon	42.7	49.1	36.0
Myawady	80.3	95.9	61.3
Kawkareik	54.0	88.2	46.8
Chin	**70.9**	**82.9**	**67.9**
Haka	94.2	94.7	94.0
Falam	88.1	92.3	87.2
Mindat	46.4	63.7	43.1
Sagaing	**80.9**	**87.5**	**79.5**
Sagaing	73.0	75.7	72.3
Shwebo	83.0	90.9	81.9
Monywa	89.8	94.4	87.7
Katha	86.9	90.9	86.4
Kalay	78.4	90.2	73.9
Tamu	71.5	72.8	70.1
Mawlaik	82.7	88.6	82.0
Hkamti	51.5	63.3	49.9
Yinmarpin	84.0	98.4	83.5
Tanintharyi	**63.8**	**86.3**	**56.8**
Dawei	54.5	81.4	47.3
Myeik	67.8	91.3	61.3
Kawthoung	71.6	82.9	65.3
Bago	**73.3**	**80.8**	**71.2**
Bago	58.0	76.8	51.6
Toungoo	83.6	90.2	81.9
Pyay	80.5	83.2	79.7
Thayawady	81.5	75.7	82.4
Magway	**76.7**	**84.4**	**75.4**
Magway	77.4	91.1	74.1
Minbu	86.3	80.7	86.9
Thayet	61.9	64.8	61.4
Pakokku	80.5	90.1	79.0
Gangaw	74.0	75.6	73.8
Mandalay	**85.9**	**92.3**	**82.8**
Mandalay	95.5	96.9	91.3
Pyin Oo Lwin	74.5	86.4	70.0
Kyaukse	89.6	96.9	88.7
Myingyan	77.5	75.7	77.9
Nyaung U	77.8	74.0	78.8
Yame`thin	88.9	91.4	88.5
Meiktila	88.7	87.9	88.9
Mon	**69.1**	**86.0**	**62.7**
Mawlamyine	75.1	86.8	68.9
Thaton	60.2	83.5	55.5
Rakhine	**36.3**	**60.4**	**31.5**
Sittway	27.0	60.3	16.4
Myauk U	16.1	24.5	14.8
Maungtaw	44.6	90.6	30.4
Kyaukpyu	43.8	73.9	40.5
Thandwe	77.7	92.2	74.6
Yangon	**78.7**	**91.1**	**49.7**
North Yangon	85.3	95.7	72.3
East Yangon	95.1	95.9	20.7
South Yangon	29.4	39.8	25.1
West Yangon	95.7	95.7	n/a
Shan	**54.8**	**86.5**	**45.3**
Taunggyi	50.7	82.2	39.4
Loilin	39.7	78.4	28.6
Linkhe`	48.8	70.0	39.3
Lashio	56.6	88.8	38.6
Muse	74.6	97.5	62.5
Kyaukme	48.6	90.9	40.8
Kunlon	30.6	95.5	23.8
Laukine	53.6	94.8	47.2
Hopan	69.0	78.2	67.7
Makman	69.2	96.7	67.6
Kengtung	53.9	95.4	45.6
Minesat	60.6	75.4	58.8
Tachileik	72.2	93.6	61.6
Minephyat	69.8	97.8	66.4
Ayeyawady	**48.9**	**69.5**	**45.6**
Pathein	69.9	88.1	65.9
Phyapon	3.9	4.3	3.9
Maubin	47.6	77.7	43.9
Myaungmya	33.7	78.7	27.7
Labutta	11.2	31.4	8.9
Hinthada	91.9	94.7	91.5
Nay Pyi Taw	**87.3**	**95.2**	**84.0**
Ottara (North)	86.6	95.9	83.3
Dekkhina (South)	88.0	94.7	84.8

Map 8.5 Use of Safe Drinking Water, Districts

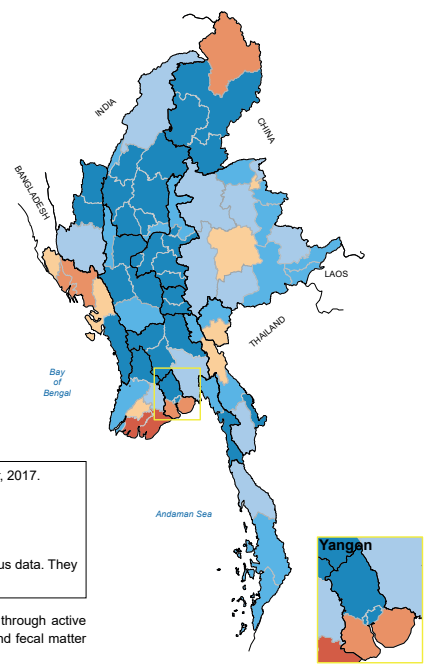
a) Urban



b) Rural



c) Urban and Rural



Percentage of population using safe drinking water

Average at Union level: 87.1 urban, 62.3 rural, 69.4 urban and rural

- 3.9 - 15.0
- 15.1 - 30.0
- 30.1 - 45.0
- 45.1 - 60.0
- 60.1 - 75.0
- 75.1 - 98.4
- No rural population (West Yangon)

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional households. The indicator gives the percentage of the population that was using drinking water from taps or pipes, boreholes, tubewells, other protected wells, springs, bottles or other purified sources at the time of the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

Safe drinking water - a water source is considered to be 'safe' if, by nature of its construction or through active intervention, it is likely to be protected from outside contamination from, amongst other, pollutants and fecal matter (Department of Population, 2017f). For the 2014 Census:

- Sources of drinking water considered to be 'improved' and therefore safe included: piped water delivered via a tap; tube wells and bore holes; protected wells and springs; and bottled water and water obtained from a vending machine.
- Sources of drinking water considered 'unimproved' and therefore potentially unsafe included: pools, ponds and lakes; rivers, streams and canals; rainfall; and unprotected wells and springs.

8.6 Access to Improved Sanitation

Sustainable Development Goal 6

Ensure availability and sustainable management of water and sanitation for all

Target 6.2: By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.

Indicator 6.2.1: Proportion of population using safely managed sanitation services, including a hand-washing facility with soap and water.

For access to 'improved sanitation', as with access to safe drinking water, the indicators for monitoring progress towards Sustainable Development Goals are not directly obtainable from the data collected by the 2014 Census. For example, while the targets and indicators presented in the Box above are concerned with the extent to which households share latrines, are able to wash with soap and water and have alternatives to open defecation, the questions asked in the Census did not directly address these issues (see explanatory note below Map 8.6). Nevertheless, the data presented here, which, again, only refers to persons in conventional households, does provide some insight into the varying quality of sanitation facilities to which people have access around the country, and can be used as a proxy in lieu of the more detailed information that could only be generated from specialized surveys.

The Census revealed that, for the country as a whole, almost three quarters of the population had access to improved sanitation facilities. In Yangon Region, Kayah and Kachin States and Nay Pyi Taw, improved sanitation was accessible to more than 85 per cent of the population (Table 8.7). However, as with safe drinking water described in the previous section, hygienic sanitation was generally more readily available in urban areas (Map 8.6a) than it was in rural areas (Map 8.6b).

Among urban communities, around, or more than, 90 per cent of the population in all States and Regions except for Rakhine and Magway had access to improved sanitation facilities. Figure 8.4 shows the urban/rural contrast in general terms, but the disparity is more clearly evident when seen at the District level. Table 8.7 shows that, while more than 80 per cent of the urban population had access to improved sanitation in 70 out of the 74 Districts, the same level of access among rural communities was only found in 17 Districts.

Maps 8.6b and 8.6c clearly show that improved sanitation facilities were least accessible in Rakhine and Shan States, with the rural-dominated Districts in Rakhine State standing out as facing by far the biggest challenges in this regard. State-wide access in Rakhine was only just over 30 per cent, and in Districts such as Sittway and Myauk U, this dropped to only about 13 per cent for those living in rural areas. Though improved sanitation was somewhat more accessible in Shan State, rates were still low in many places. For example, less than a third of the household population of rural communities in Minesat, Kunlon, Laukine, and Makman Districts, and less than one in five in Hopan had access to improved sanitation facilities.

Figure 8.4 Proportion of Population in Conventional Households with Access to Improved Sanitation, States/Regions, Urban and Rural

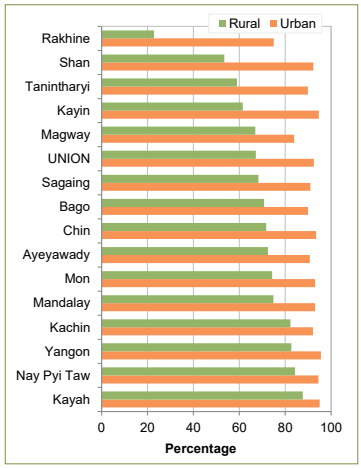
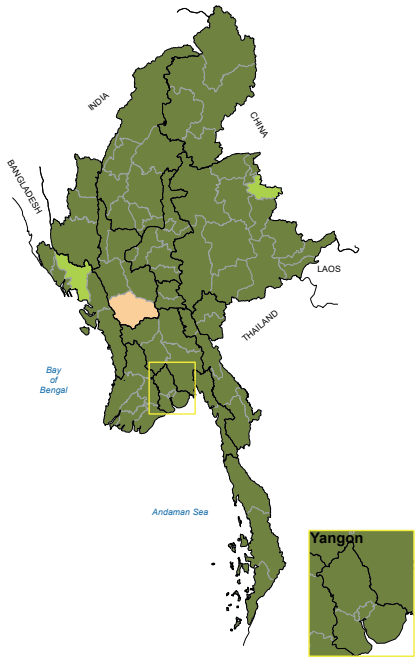


Table 8.7 Proportion of Population in Conventional Households with Access to Improved Sanitation, States/Regions and Districts, Urban and Rural

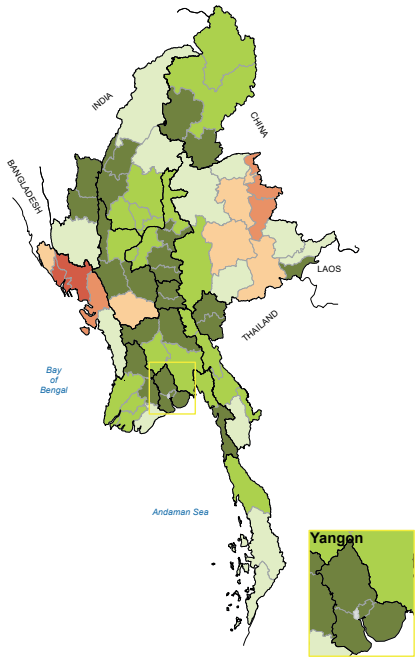
State/Region District	Proportion of Population in Households with Access to Improved Sanitation		
	Urban & Rural	Urban	Rural
UNION	**74.5**	**92.5**	**67.2**
Kachin	**85.9**	**92.1**	**82.3**
Myitkyina	81.6	91.6	67.7
Mohnyin	91.6	92.2	91.4
Bhamo	87.7	93.8	85.1
Putao	71.2	90.1	65.6
Kayah	**89.4**	**95.0**	**87.6**
Loikaw	91.1	95.2	89.7
Bawlakhe	79.2	93.6	75.2
Kayin	**68.7**	**94.7**	**61.6**
Hpa-An	67.7	92.4	63.7
Pharpon	76.9	83.7	69.7
Myawady	84.1	98.0	67.1
Kawkareik	63.1	95.4	56.3
Chin	**76.1**	**93.5**	**71.7**
Haka	93.7	99.2	91.1
Falam	93.0	99.2	91.6
Mindat	54.6	83.3	49.0
Sagaing	**72.1**	**90.9**	**68.3**
Sagaing	74.6	91.4	70.4
Shwebo	72.2	92.9	69.4
Monywa	77.9	91.8	71.4
Katha	60.9	84.4	58.0
Kalay	80.8	87.5	78.2
Tamu	95.1	97.6	92.3
Mawlaik	81.4	93.2	80.0
Hkamti	59.4	90.8	55.3
Yinmarpin	72.0	94.0	71.3
Tanintharyi	**66.3**	**89.9**	**59.0**
Dawei	75.0	96.0	69.3
Myeik	62.0	89.1	54.5
Kawthoung	60.9	83.3	48.3
Bago	**74.9**	**90.0**	**70.8**
Bago	70.8	89.5	64.4
Toungoo	77.7	88.5	75.1
Pyay	82.8	92.3	79.8
Thayawady	72.1	90.3	69.2
Magway	**69.5**	**83.9**	**67.0**
Magway	79.2	92.5	76.0
Minbu	81.8	94.8	80.4
Thayet	34.8	40.7	33.9
Pakokku	68.2	91.5	64.6
Gangaw	92.7	97.4	92.1
Mandalay	**80.9**	**93.0**	**74.8**
Mandalay	89.4	93.1	77.7
Pyin Oo Lwin	78.9	94.7	72.9
Kyaukse	81.1	95.2	79.4
Myingyan	70.1	91.2	66.3
Nyaung U	66.1	87.9	60.1
Yame`thin	81.8	84.2	81.4
Meiktila	84.2	95.2	81.5
Mon	**79.5**	**93.0**	**74.3**
Mawlamyine	82.7	94.2	76.6
Thaton	74.6	89.5	71.6
Rakhine	**31.5**	**75.0**	**22.8**
Sittway	28.6	76.5	13.3
Myauk U	19.0	62.2	12.4
Maungtaw	46.0	81.5	35.1
Kyaukpyu	29.1	76.0	24.0
Thandwe	58.7	87.4	52.5
Yangon	**91.7**	**95.5**	**82.7**
North Yangon	91.8	95.2	87.7
East Yangon	96.6	96.7	86.8
South Yangon	80.7	89.4	77.0
West Yangon	96.1	96.1	n/a
Shan	**62.4**	**92.3**	**53.5**
Taunggyi	79.9	94.8	74.6
Loilin	49.8	87.1	39.0
Linkhe`	66.9	88.7	57.2
Lashio	61.5	92.4	44.1
Muse	66.0	89.3	53.6
Kyaukme	64.0	93.2	58.7
Kunlon	36.7	89.6	31.1
Laukine	36.5	91.5	27.9
Hopan	25.0	65.4	19.2
Makman	30.9	94.2	27.3
Kengtung	54.3	98.7	45.5
Minesat	39.0	90.2	32.8
Tachileik	90.2	99.6	85.6
Minephyat	60.9	97.2	56.6
Ayeyawady	**75.0**	**90.7**	**72.5**
Pathein	75.8	92.3	72.3
Phyapon	63.2	85.4	60.0
Maubin	79.8	88.6	78.7
Myaungmya	74.9	91.8	72.7
Labutta	68.0	85.3	66.0
Hinthada	84.0	95.3	82.2
Nay Pyi Taw	**87.3**	**94.5**	**84.3**
Ottara (North)	88.8	95.0	86.6
Dekkhina (South)	86.0	94.1	82.2

Map 8.6 Access to Improved Sanitation, Districts

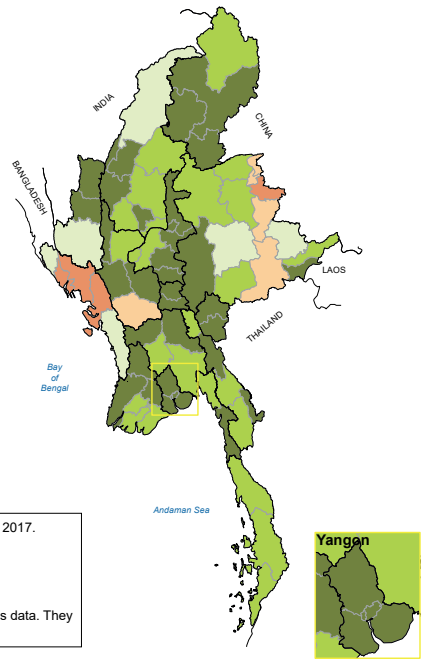
a) Urban



b) Rural



c) Urban and Rural



Proportion of population with access to improved sanitation

Average at Union level: 95.2 urban, 67.2 rural, 74.5 urban and rural

- 12.4 - 15.0
- 15.1 - 30.0
- 30.1 - 45.0
- 45.1 - 60.0
- 60.1 - 75.0
- 75.1 - 99.6
- No rural population (West Yangon)

State/Region boundary
District boundary

0 50 100 Miles
161 Km

The base population for this indicator is individuals that were living in conventional households. The indicator gives the percentage of the population that was using improved sanitation facilities, defined as flush toilets or improved pit latrines at the time of the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

Improved sanitation - a sanitation facility is considered to be improved if it allows for the hygienic disposal of human excreta without it coming into contact with humans (Department of Population, 2017f). For the 2014 Census:

- Improved sanitation facilities included flush toilets and water-sealed pit latrines.
- Unimproved sanitation facilities included traditional pit latrines, buckets and no toilet (open defecation).

8.7 Access to Electricity

Sustainable Development Goal 7

Ensure access to affordable, sustainable and modern energy for all

Target 7.1: By 2030, ensure universal access to affordable, reliable and modern energy services.

Indicator 7.1.1: Proportion of population with access to electricity.

This final section describes geographic and urban/rural differences in the proportion of the population living in conventional households that, as reported in the 2014 Census, had access to electricity. Of all the household amenities, it is electricity to which access was most scarce and unequal. For the Union as a whole, only one-third of the population had access to electricity for lighting and cooking purposes, and among the populations of States and Regions, access ranged from more than 70 per cent in Yangon to less than 10 per cent in Tanintharyi. In all States/Regions except for Yangon, less than 50 per cent of the population had access to electricity (Table 8.8).

The difference between access in urban areas (78.1 per cent) and access in rural areas (15.2 per cent) is striking. Figure 8.5 shows that these particularly large urban/rural differentials in levels of access were in evidence in all but one State/Region. The widest gap was in Magway, where the proportion for urban residents was 78 percentage points higher than for rural residents. Differentials in Mandalay, Nay Pyi Taw and Shan were also notable, at more than 60 percentage points. Only in Tanintharyi were access rates for its urban and rural populations similar, but at 12.4 per cent and 7.6 per cent respectively, the very limited availability of electricity is a problem throughout the Region, in urban and rural communities alike. Indeed, Tanintharyi's urban level of access was, by a long way, the lowest of all the States/Regions.

Less than 35 per cent of the rural population in all 15 States/Regions had access to electricity. Even in Kayah, the State with the second highest overall score (48 per cent), only a third of its rural population had access to electricity. In Chin, Tanintharyi and Rakhine, electricity was available to less than 10 per cent of the rural population, and in Ayeyawady, the level of access was as low as 4.2 per cent.

The maps opposite show three striking aspects of access to electricity in Myanmar. Firstly, Map 8.7c shows the generally low access rates in Districts throughout the country. Secondly, comparing Maps 8.7a and b reveals the even greater magnitude of the urban/rural differential at the District level. Thirdly, the three maps together reflect the fact that Myanmar is, as has been noted elsewhere in this atlas, still a predominantly rural country. The low proportion of the total population with access to electricity shown in Map 8.7c is influenced much more strongly by access rates in rural areas (Map 8.7b) than by access rates in urban areas (Map 8.7a). This is also true of the pattern of access to safe drinking water and improved sanitation mapped in the previous sections.

That electricity only reached a third of the population in 2014 means that attaining Sustainable Development Goal 7 (see Box above) will require Myanmar to invest very heavily in electricity generation and distribution infrastructure. This will pose major financial and engineering challenges, but it also represents a great opportunity for Myanmar to modernize its energy sector in ways that are innovative, efficient and sustainable.

Figure 8.5 Proportion of Population in Conventional Households with Access to Electricity, States/Regions, Urban and Rural

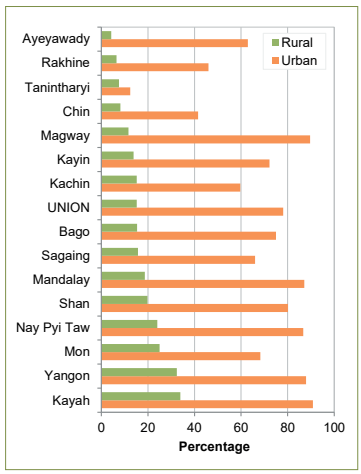
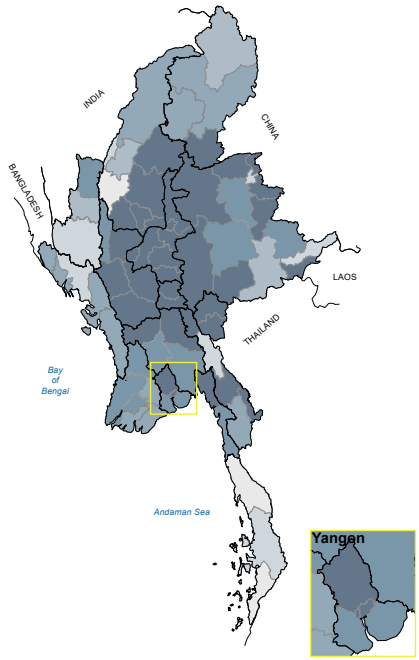


Table 8.8 Proportion of the Population in Conventional Households with Access to Electricity, States/Regions and Districts, Urban and Rural

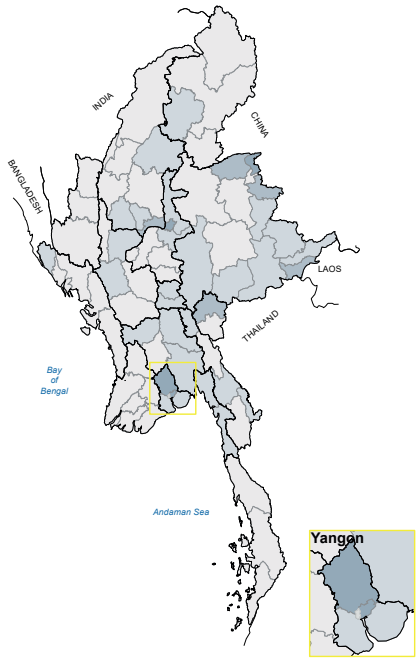
State/Region District	Proportion of Population in Households with Access to Electricity		
	Urban & Rural	Urban	Rural
UNION	**33.4**	**78.1**	**15.2**
Kachin	**31.6**	**59.6**	**15.2**
Myitkyina	38.1	58.0	10.4
Mohnyin	29.0	53.4	21.6
Bhamo	31.6	77.3	12.3
Putao	10.6	36.3	3.0
Kayah	**47.9**	**90.9**	**33.9**
Loikaw	51.0	92.3	37.3
Bawlakhe	27.9	80.1	13.7
Kayin	**26.4**	**72.2**	**13.8**
Hpa-An	26.1	83.6	16.8
Pharpon	10.0	16.1	3.6
Myawady	59.2	86.8	25.4
Kawkareik	13.8	48.6	6.5
Chin	**14.9**	**41.5**	**8.2**
Haka	20.8	35.9	13.7
Falam	21.1	61.5	12.1
Mindat	7.3	29.0	3.1
Sagaing	**24.2**	**66.0**	**15.7**
Sagaing	41.8	87.6	30.4
Shwebo	21.5	80.2	13.5
Monywa	42.7	85.4	23.0
Katha	25.3	92.5	17.0
Kalay	6.8	11.6	5.0
Tamu	15.9	18.7	12.8
Mawlaik	9.6	39.8	5.9
Hkamti	9.5	46.4	4.6
Yinmarpin	20.3	79.1	18.2
Tanintharyi	**8.7**	**12.4**	**7.6**
Dawei	5.0	7.0	4.5
Myeik	11.8	18.2	10.1
Kawthoung	7.0	8.5	6.2
Bago	**28.2**	**75.0**	**15.4**
Bago	29.2	69.9	15.0
Toungoo	30.5	78.8	18.3
Pyay	37.2	85.0	22.0
Thayawady	16.5	69.9	8.0
Magway	**23.1**	**89.6**	**11.6**
Magway	25.3	93.8	8.5
Minbu	23.4	89.2	16.3
Thayet	19.3	86.5	8.7
Pakokku	25.7	90.4	15.6
Gangaw	11.7	60.9	5.6
Mandalay	**41.7**	**87.2**	**18.7**
Mandalay	78.7	89.0	46.7
Pyin Oo Lwin	37.4	77.8	22.1
Kyaukse	29.2	87.4	22.2
Myingyan	23.9	87.7	12.2
Nyaung U	30.0	87.8	14.1
Yame`thin	14.3	83.0	5.8
Meiktila	28.8	89.0	13.9
Mon	37.0	68.3	25.0
Mawlamyine	37.3	65.9	22.0
Thaton	36.5	75.6	28.6
Rakhine	**13.1**	**46.0**	**6.5**
Sittway	17.8	55.6	5.7
Myauk U	7.6	24.9	5.0
Maungtaw	28.3	51.3	21.3
Kyaukpyu	10.6	51.8	6.1
Thandwe	15.4	50.4	7.8
Yangon	**71.2**	**87.9**	**32.4**
North Yangon	67.3	83.5	47.3
East Yangon	90.0	90.5	46.2
South Yangon	31.0	68.4	15.3
West Yangon	97.5	97.5	n/a
Shan	**33.7**	**80.1**	**19.8**
Taunggyi	35.7	87.9	17.0
Loilin	21.6	70.3	7.6
Linkhe`	40.4	83.5	21.2
Lashio	32.3	73.9	9.0
Muse	52.6	86.2	34.7
Kyaukme	23.8	75.9	14.3
Kunlon	6.6	21.4	5.1
Laukine	58.8	95.4	53.1
Hopan	42.8	87.7	36.4
Makman	30.8	96.9	27.0
Kengtung	29.1	65.0	22.0
Minesat	20.9	39.9	18.6
Tachileik	59.6	89.8	44.7
Minephyat	23.2	28.8	22.6
Ayeyawady	**12.3**	**62.9**	**4.2**
Pathein	15.0	63.4	4.4
Phyapon	10.4	58.0	3.4
Maubin	9.4	59.7	3.3
Myaungmya	11.2	68.0	3.7
Labutta	6.9	46.4	2.3
Hinthada	16.2	72.0	7.1
Nay Pyi Taw	**42.5**	**86.7**	**24.0**
Ottara (North)	35.7	81.7	19.1
Dekkhina (South)	48.5	90.2	28.7

Map 8.7 Access to Electricity, Districts

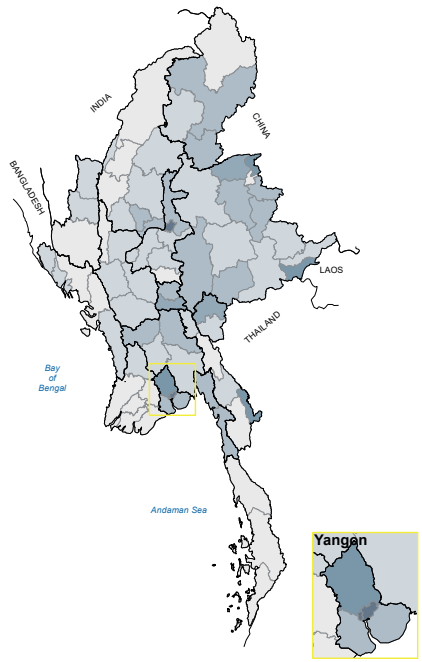
a) Urban



b) Rural



c) Urban and Rural



Percentage of population with access to electricity

Average at Union level: 78.1 urban, 15.2 rural, 33.4 urban and rural

- 2.3 - 15.0
- 15.1 - 30.0
- 30.1 - 45.0
- 45.1 - 60.0
- 60.1 - 75.0
- 75.1 - 97.5
- No rural population (West Yangon)

State/Region boundary

District boundary

0 50 100 Miles

161 Km

The base population for this indicator is individuals that were living in conventional households. The indicator gives the percentage of the population that was using electricity as its main source for lighting or cooking at the time of the 2014 Census.

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Source of statistical data: 2014 Population and Housing Census of Myanmar.
Source of geographic data: Department of Population GIS Unit.

Administrative boundaries are shown on maps in this atlas purely for the purpose of presenting census data. They may not reflect the true location of administrative boundaries on the ground.

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Annex 22

Republic of the Union of Myanmar, *The Child Rights Law*
(The Pyidaungsu Hluttaw Law No. 22, 2019)
(The 7th Waning Day of Waso, 1381 M. E., 23 July 2019)

The Child Rights Law

(The Pyidaungsu Hluttaw Law No. 22, 2019)

The 7th Waning Day of Waso, 1381 M. E.

(23 July 2019)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Jurisdiction and Definitions

1. This Law shall be called **the Child Rights Law**.
2. If any offence relating to the sale of children or child prostitution or production or distribution of the child pornography is consistent with the following facts, it can only be adjudicated under this Law:
   (a) it is committed by any person within the State;
   (b) it is committed abroad to any child by a citizen or a holder of the foreign registration certificate taking permanent residency in the State or a foreigner holding the permit for the permanent residency in Myanmar;
   (c) it is committed on a vessel or aircraft registered under any existing law of the State that has the right to fly the State flag;
   (d) in case where a person accused of committing an offence in Chapter XVIII of this Law is not extradited to a foreign country, such a person remains within the State.
3. The following expressions in this Law shall have the same meanings given below:
   (a) **State** means the Republic of the Union of Myanmar;
   (b) **Child** means the person who has not attained the age of 18 years;
   (c) **Documentary evidence of age** means the birth certificate, true copy of an extract of the school admission register, citizenship scrutiny card or registration card of a foreigner residing permanently in the State, medical certificate from the relevant doctor serving in the Ministry of Health and Sports, household list and any other credible document regarding the age of the child;
   (d) The best interests of the child means the enjoyment of the rights of the child for the greatest physical and psychological benefits of the child in the Constitution of the Republic of the Union of Myanmar and this Law for ensuring the right to survival of the child, the right to development, the right to protection and the right to participation in

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society. This expression includes the primary consideration for the best interests of the child in managing the affairs of the child or adjudicating on juvenile crimes;

(e) Child accused of committing an offence means a child who is accused of or charged with a crime as a defendant under any existing law of the State;

(f) Juvenile crime means an offence for which a child is sent up for prosecution to a Juvenile Court under any existing law;

(g) Juvenile Court means the court established by the Supreme Court of the Union to adjudicate juvenile crimes under this Law;

(h) Guardian means a person who provides care and protection to the child under this Law, or any other existing law, or any custom and tradition, in accordance with family and social obligation;

(i) Caregiver means a person who is responsible for providing care and protection to a child in need of care and protection in accordance with this Law;

(j) Training school refers to a training school established by the Ministry, to which a child in need of care and protection or a child who is convicted of a crime is sent for rehabilitation, custody and care for the interests of the child including physical, mental and moral benefits under this Law;

(k) Shelter means a camp, home, school or centre established by a volunteer or social organization, government department or government organization or non-governmental organization under this Law with their own arrangement for the purpose of protection, care and nurture of a child in need of care and protection;

(l) Temporary care centre or shelter means a station established under this Law for temporary custody and care of the child accused of committing an offence, during the investigation of the case and during the trial in the Juvenile Court;

(m) Alternative care means any provision of foster care to a child who has lost or deprived of parental care under any situation. This expression includes the provisions of care such as kinship care, institution-based care and temporary care;

(n) Diversion means other programmes for the best interests of the child accused of committing an offence before prosecution or during the trial in the Juvenile Court with intent to correctional purpose rehabilitation and reintegration into the society instead of punishment;

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(o) Township Coordination Body refers to the Township Coordination Body established under this Law for diversion;

(p) Sale of children means the transfer of a child by an individual or a gang to other persons for money, consideration, promise or agreement;

(q) Prostitution means the use of a child in sexual activities for money, consideration or promise and agreement;

(r) Production or distribution of child pornography means any depiction of actual or simulated sexual intercourse with a child by any person or sexual organs of a child or exposing, broadcasting or distribution of such items through news media or web-portal and media or any other way for sexual purposes;

(s) Exploitation includes a person obtaining or agreeing to obtain money or any benefit for prostitution of a child, sexual activity in any way, forced labour, forced to provide service, slavery, servitude, debt bondage or removal or sale of children's body organ;

(t) Worst forms of child labour includes any of the following acts:

(i) sale of children, slavery, servitude, serfdom, trafficking, debt bondage, forced or compulsory labour including forced or compulsory recruitment of a child for use in armed conflict;

(ii) inducing, procuring, use or offering of a child for prostitution, production and distribution of child pornography or pornographic performances;

(iii) inducing, procuring, use or offering of a child for illegal activities of drugs including the production and smuggling of drugs;

(iv) work which, by its nature or circumstance in which it is carried out, is detrimental to the health, safety or moral of a child;

(u) Discrimination means the act of making distinction based on citizenship, ethnicity, nationality, caste, origin, colour, sex, language, religion, occupation, status, culture, economic condition, disability, politics, belief or sexual orientation;

(v) Physical violence means any of the following act done by an adult or other child to a child:

(i) torture, cruelty, inhumane or degrading treatment;

(ii) any form of penalty including corporal punishment;

(iii) physical bullying;

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(w) Emotional violence means frequent abuse, humiliation, exploitation, causing mental trauma or neglect which can result in psychological harm to a child. This expression includes the following acts:

(i) an act that causes the psychological harm to a child repeatedly;

(ii) an act that frightens, scares, threatens, isolates, and neglects a child;

(iii) exposing a child to domestic violence or ill treatments;

(iv) degrading treatment of a child;

(v) bullying that causes psychological harm to a child;

(x) Sexual violence means any sexual act or abetting to commit a sexual act by abduction, force, threat or coercion done by an adult or other child to a child. This expression includes the following sexual acts of a child:

(i) touching, groping, rape and sexual harassment by force;

(ii) commercial sexual abuse or exploitation;

(iii) production and distribution of child pornography on web-portal and media by using electronic technology;

(iv) forced marriage or getting married;

(y) Neglect means the failure of parents, guardian or the persons interacting with a child to provide the basic needs for children such as sufficient food, clothing, health care and education, love and warmth;

(z) Child with disability means a child suffering from one or more forms of long-term physical, visual, verbal, auditory, cognitive, mental, intellectual or sensory impairment which may be either congenital or otherwise;

(aa) Fund refers to a fund established for the rights of children under this Law;

(bb) Permit for establishment means the permit issued by the Department of Social Welfare under this Law to a volunteer, social organization or non-governmental organization for the establishment of a shelter or temporary care centre or shelter;

(cc) Certificate means a certificate issued by the Department of Social Welfare under this Law to any government department or government organization for the establishment or proposed establishment of a shelter or temporary care centre or shelter;

(dd) National Committee refers to the National Committee on the Rights of the Child formed under this Law;

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(ee) Ministry means the Ministry of Social Welfare, Relief and Resettlement of the Union Government;

(ff) Local Committee means the Region or State Committee on the Rights of the Child, Union Territory Committee on the Rights of the Child, Self-Administered Division or Self-Administered Zone Committee on the Rights of the Child, District Committee on the Rights of the Child or Township Committee on the Rights of the Child formed under this Law;

(gg) Social Welfare Officer means a person who has been assigned to perform the duties of a Social Welfare Officer under this Law;

(hh) Probation Officer means a person who has been assigned to perform the duties of a Probation Officer under this Law;

(ii) Social Welfare Officer for registration of adoption means the respective Social Welfare Officer from the relevant Region or State Social Welfare Office, Union Territory Social Welfare Office, Self-Administered Division or Self-Administered Zone Social Welfare Office and District Social Welfare Office assigned by the Department of Social Welfare for registration of adoption under this Law;

(jj) Imprisonment for life means the sentence of imprisonment to a convicted person to serve in prison until death.

Chapter II

Objectives

4. The objectives of this Law are:

(a) to implement the rights of the child in the United Nations Convention on the Rights of the Child;

(b) to ensure the best interests of children, and to protect the entitlement of the rights of the child in accordance with law;

(c) to take necessary measures for basic health, nutrition, educational opportunity of all-round development of children;

(d) to protect the children who are suffering from neglect, abuse, cruelty and exploitation by the State, volunteers, and non-governmental organizations;

(e) to proceed a separate trial of a juvenile crime, and to ensure the rehabilitation of character of a juvenile offender;

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(f) to ensure that all children have the relevant equal rights and protection prescribed according to the existing law, and there is no discrimination of children.

Chapter III

Formation of the National Committee and its Functions and Duties

5. The Union Government:

(a) shall form the National Committee on the Rights of the Child with the following persons to implement the objectives of this Law effectively:

(i)	Union Minister, Ministry	Chairperson
(ii)	Deputy Ministers from the relevant Union Ministries	Member
(iii)	Chief of Police, Myanmar Police Force, Ministry of Home Affairs	Member
(iv)	Permanent Secretary or Directors General from the relevant Union Ministries, government departments and government organizations	Member
(v)	representatives from social organizations and non-governmental organizations who are working for the best interests of the child, and volunteers	Member
(vi)	Director General, Department of Social Welfare	Secretary

(b) may appoint vice-chairperson and joint-secretary in the formation of the National Committee under subsection (a);

(c) may re-form the National Committee formed under subsection (a).

6. The functions and duties of the National Committee are as follows:

(a) designing the required policies, guidelines and plans to implement the objectives of this Law effectively;

(b) ensuring to acquire necessary resources in implementing to respect, protect and fulfil the rights of the child in accordance with polices designed in subsection (a);

(c) forming necessary working committees and sub-committees to carry out its functions and duties effectively, and assigning their functions and duties;

(d) coordinating and cooperating with the relevant government departments, government organizations, United Nations organizations, international and regional organizations,

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volunteers, social organizations, non-governmental organizations in the implementation of the rights of the child as may be necessary;

(e) accepting cash and property donated by the local and foreign well-wishers, and raising fund for the best interests of the child, and providing guidance and supervision for the effective utilisation of those fund;

(f) conducting educational training, workshops and seminars on the rights of the child in coordination with the relevant government departments, government organizations, United Nations organizations, international and regional organizations, social organizations and non-governmental organizations, as may be necessary;

(g) taking precautionary measures for not committing an offence by children;

(h) assessing and evaluating the progress of action plans of the child of the relevant government departments, government organizations, volunteers, social organizations and non-governmental organization from time to time;

(i) compiling the necessary annual reports and statistics related to child activities requested from the relevant government departments and organizations, and submitting them to the Union Government;

(j) performing other functions and duties related to the child directed by the Union Government.

7. (a) The Department of Social Welfare shall undertake the office works related to the functions and duties of the National Committee.

(b) The expense of the National Committee shall be borne by the budget of the Ministry.

Chapter IV

Formation of Various Levels of Local Committees and their Functions and Duties

8. (a) The Region or State Government or Nay Pyi Taw Council shall form the Region or State Committee on the Rights of the Child, Union Territory Committee on the Rights of the Child, Self-Administered Division or Self-Administered Zone Committee on the Rights of the Child, District Committee on the Rights of the Child and Township Committee on the Rights of the Child as necessary, comprising the representatives from various levels of the relevant government department and government organization, and other suitable persons.

(b) The Region or State Government and Nay Pyi Taw Council:

(i) may re-form various levels of the Local Committee formed under subsection (a);

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(ii) shall assign the functions and duties of various levels of the Local Committee in respect of the functions and duties related to the rights of the child, in accordance with the guidance of the National Committee;

(iii) may guide, supervise and support the Local Committee in connection with their functions and duties.

9. The various levels of the Local Committee shall carry out the functions and duties related to the rights of the child with the guidance and supervision of the relevant Region or State Government, Nay Pyi Taw Council and various levels of the Committee.

10. (a) The various levels of the Local Committee shall submit the report on functions and duties related to the rights of the child to the higher level of the Local Committee in accordance with the specifications.

(b) The various levels of the Region or State Committee on the Rights of the Child or Union Territory Committee on the Rights of the Child shall submit the report on the functions and duties related to the rights of the child to the relevant Region or State Government or Nay Pyi Taw Council and the National Committee in accordance with the specifications.

Chapter V

Appointing Social Welfare Officers and Probation Officers

11. The Ministry may appoint necessary Social Welfare Officers and Probation Officers with the formation of the following various levels of the Department of Social Welfare in accordance with the organizational structure allowed by the Union Government:

(a) Department of Social Welfare;

(b) Region or State Social Welfare Office and Union Territory Social Welfare Office;

(c) Self-Administered Division or Self-Administered Zone Social Welfare Office;

(d) District Social Welfare Office;

(e) Township Social Welfare Office.

12. The Ministry:

(a) may assign the duties of Social Welfare Officers and Probation Officers under this Law to civil servants or citizens who are not civil servants in the regions where various levels of social welfare offices have not been established under section 11, and shall reward the specified amount of remuneration to citizens who are not civil servants;

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(b) shall, in advance, coordinate with the relevant government departments and government organizations if the person who is to be assigned duties under subsection (a) is a civil servant from other departments.

Chapter VI

Establishment and Supervision of Training Schools, Shelters and Temporary Care Centres or Shelters

13. The Department of Social Welfare shall establish the following training schools and temporary care centres or shelters in accordance with the guidance of the Ministry:

(a) training schools established for the child in need of care and protection or a child who is convicted of a crime is sent for rehabilitation, custody and care for their physical, mental and moral benefits under this Law;

(b) temporary care centres or shelters that are required to provide temporary custody, care and protection to a child who is accused of committing an offence before and during the police investigation, or before making decision according to a diversion programme, or during proceedings at a Juvenile Court.

14. (a) If any government department or government organization establishes or wants to establish a shelter or temporary care centre or shelter, it shall apply to the Department of Social Welfare for a certificate.

(b) The Department of Social Welfare shall:

(i) review the applications under subsection (a) whether they are in line with the specifications, and issue the certificates if they are in line with the specifications or issue the certificates after causing to fill the requirements if they are not in line with the specifications;

(ii) prescribe conditions in issuing certificates under clause (i). If any condition is violated, the Department shall coordinate with the relevant government department and government organization whether the certificate should be continued and issued for the best interests of the child;

(iii) provide appropriate technical assistance to the shelter or temporary care centre or shelter to which certificates were issued.

15. (a) If a volunteer or social organization or non-governmental organization wants to establish a shelter or temporary care centre or shelter, an application shall be submitted

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to the Department of Social Welfare to obtain the permit for establishment in accordance with the specifications.

(b) The Department of Social Welfare may allow or refuse to issue the permit for establishment after scrutinizing the application under subsection (a) in accordance with the specifications. If the application is allowed, the permit shall be issued to the applicant by prescribing the tenure and conditions of the permit for establishment. If the application is refused, the Department shall reply a letter with the reason for rejection to the applicant.

(c) The Department of Social Welfare shall proceed to renew the permit for establishment in accordance with the specifications upon the application for renewal of the permit after the expiry.

16. For the shelters and temporary care centres or shelters issued the permit for establishment, the Department of Social Welfare:

(a) shall provide the necessary guidance, supervision, inspection, appropriate technical assistance, and support;

(b) may assign a suitable Social Welfare Officer or a Probation Officer or a board comprising such persons to investigate whether they comply with the prescribed conditions and submit the findings.

17. The Department of Social Welfare may pass any of the following administrative orders or decision if it is found that the holder of the permit for establishment violates any of the prescribed conditions:

(a) warning and imposing the prescribed fine;

(b) temporary suspension of the permit for establishment by prescribing a certain period of time;

(c) revocation of the permit for establishment.

Chapter VII

Rights of a Child

18. The State recognizes that every child has the rights to survival, development, protection and participation in society.

19. Every child:

(a) is entitled to the inherent right to survival;

(b) is entitled to the best interests of the child;

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(c) is entitled to live and grow up with one or both of his or her parents if they are still alive;

(d) shall not be discriminated for any reason;

(e) is entitled to freedom of speech and expressions of their beliefs and opinion;

(f) is entitled to freely practice religion, language, literature, culture, custom and tradition;

(g) is entitled to participate in lawful associations or organizations relating to children, or social or religious organizations;

(h) is entitled to participate in cultural and artistic activities;

(i) is entitled to read literature, acquire knowledge and access to information beneficial to his or her all-round development;

(j) is entitled to leisure and playing time, and to participate in age-appropriate sports activities;

(k) is entitled to succession in accordance with law;

(l) is entitled to own property and legal protection of property;

(m) is entitled to legal protection from arbitrary infringement of his or her dignity, privacy and security;

(n) is entitled to the rights specified in subsections (a) to (m) and other rights equally as prescribed in this Law.

20. With regard to the loss of any right of the child, the child victim himself or herself or parents or guardian on behalf of the child or any close person is entitled to report the case to the relevant Local Committee or government department or government organization or court.

21. Regarding birth registration of a child:

(a) every child borne within the State is entitled to birth registration at free of charge without any discrimination;

(b) if a child is delivered at hospital, maternity clinic, or any other place, the parents, guardian or any relevant person shall inform the relevant government department for birth registration in accordance with the specifications;

(c) the relevant government department shall register child birth, record it in the register, and issue the birth certificate in accordance with the specifications;

(d) in case of a child whose birth has not been registered, a parent or guardian or any relevant person shall inform the birth of the child to the relevant government

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department for registration with the recommendation of the child's birth from the relevant ward or village tract administrator or a proof certificate of delivery issued by the officer-in-charge of the relevant hospital or maternity clinic. This birth registration shall be considered as documentary evidence of the age of the child.

22. Every child registered for birth shall have the right to citizenship in accordance with the provisions under the existing law.

23. The age of marriage for both male and female shall be 18 years.

24. In order to ensure that every child fully enjoys the rights in this Law:

(a) relevant government departments and government organizations shall undertake the duties according to their responsible sectors;

(b) volunteers, social organizations and non-governmental organizations are entitled to perform the duties in accordance with law.

Chapter VIII

Adoption of a Child

25. Any Myanmar citizen capable of providing foster care to a child is entitled to adopt a child in accordance with the specifications.

26. The Department of Social Welfare may assign the relevant Social Welfare Officer for registration of adoption to register the adoption under this Law.

27. (a) Any Myanmar citizen may, in accordance with the specifications, apply to the relevant Social Welfare Officer for registration of adoption for the following child:

(i) orphan child;

(ii) a child who is not being cared for by parents or a child whose parents have given the consent for adoption in case a child is cared for by parents but they cannot provide the best interests of the child;

(iii) a child who is permanently away from parents or guardian and not being cared for by relatives;

(iv) other child specified, by notification, by the Ministry.

(b) Any person who wants to adopt a child may adopt the child in accordance with the provisions of the existing Registration of Kittima Adoption Act after registering the adoption contract at the relevant Office of the Registration of Deeds without registering the adoption to the Social Welfare Officer for registration of adoption.

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(c) The relevant Office of the Registration of Deeds shall, when registering the adoption contract of a child under subsection (b), notify the relevant Social Welfare Officer for registration of the adoption together with a copy of the adoption contract within 30 days from the date of registering it in order to enjoy the rights of adopted children under this Law.

28. The relevant Social Welfare Officer for registration of adoption:

(a) may allow or refuse the application for adoption under section 27 after scrutinizing it in accordance with the specifications;

(b) shall, if the application is allowed under subsection (a), register the adoption at the relevant Social Welfare Office by making the adoption contract between the adoptee and adopter in accordance with the specifications;

(c) shall submit the adoption list registered under subsection (b) or adoption list submitted by the relevant Office of the Registration of Deeds under subsection (c) of section 27 together with the copies of the adoption contract to the Department of Social Welfare.

29. The adoptive parents who register the adoption contract of the child at the Office of the Registration of Deeds under the existing Registration of Kittima Adoption Act or to a Social Welfare Officer for registration of adoption according to the provisions in this Chapter shall:

(a) report the situation of care and protection and the all-round development of the adopted child to the relevant Social Welfare Officer for registration of adoption in accordance with the specifications;

(b) comply with the duties and conditions prescribed by the Department of Social Welfare;

(c) not do kidnapping abroad, sale, forced labour, forced service or torture upon the adopted child by themselves or in collaboration with other persons.

30. The relevant Social Welfare Officer for registration of adoption may, after the adoption has been registered, enquire, monitor or investigate, if necessary, whether the adoptive parents violate any duty and condition or prohibition relating to adoption in accordance with the specifications and if it is found that they violate any duty and condition or prohibition, he or she shall submit that the adoption should be cancelled with a remark to the Department of Social Welfare.

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31. The Department of Social Welfare may pass a cancellation order or other suitable order or any decision after scrutinizing the submission under section 30.

32. (a) After registering the adoption by the Social Welfare Officer for registration of adoption, it shall be considered that the rights and responsibilities of the parents and guardians before adoption are ceased and transferred to the adoptive parents.

(b) The adopted child shall have the right to succession and other rights of the adoptive parents in accordance with the law or Customary Law related to the adoptive parents.

Chapter IX

Alternative Care

33. The Department of Social Welfare shall:

(a) take priority over arrangements for alternative care such as kinship care on behalf of biological parents, foster care, training school-based care, care at a temporary care centre or shelter, to children who have lost or deprived of parental care for any situation;

(b) ensure that the removal of children from their family environment shall be temporary and of the shortest possible duration unless the permanent removal is in their best interests;

(c) practise the training school-based care and care at a temporary care centre or shelter for children deprived of care in a family environment for a last resort;

(d) prescribe the care standards supported the development of the child in training schools, shelters, and temporary care centres or shelters;

(e) take responsibility for relocation of the children according to the alternative care programme in order to provide appropriate care. In doing so, it may coordinate with relevant government departments, government organizations and non-governmental organizations, if necessary;

(f) review regularly the relocation of the children for appropriate care according to the alternative care programme, and consider the possibility of entrusting them back to their family.

Chapter X

Guardianship and Custody

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34. The parents including guardians shall take into consideration to the best interests and agreement of the child depending on age and maturity of the child in providing guardianship and custody to the child and in managing property belonging to the child.

35. Both parents shall:

(a) be considered the original guardians of the child;

(b) naturally have the responsibility for raising the child and managing the property belonging to the child.

36. If the two parents are separated:

(a) either the parent that lives with and has a continuous relationship with the child or both parents shall have the rights to care and custody for the child;

(b) either parent or both of them shall have the responsibility to raise the child and the right to manage the property belonging to the child, taking into consideration for the best interests of the child.

37. Upon the death of a parent that has a continuous relationship with the child, the surviving mother or father shall exercise the parental powers and responsibilities.

38. Any of the following persons who wants to be the guardian of a child may apply to the relevant court for passing judgement and decree of appointing as a guardian:

(a) a person who wants to be the guardian of a child after the parents have separated or divorced;

(b) a person who wants to be the guardian of a child and wants the best interests of a child subjected to neglect or abuse or cruelty or exploitation for the purpose of raising the child and managing the property belonging to the child.

39. The relevant court:

(a) may, after scrutinizing the application under section 38, pass judgement and decree of appointing as a guardian to a parent or grandparent or any biological relatives of the child or any other suitable person in their absence, taking into consideration for the best interests of the child;

(b) shall take the consent of the child in passing judgement and decree for guardianship and custody of the child depending on the age and maturity of the child.

40. Every child shall have the right to meet with his parents, and grandparents after appointing as a guardian who is not a parent of the child by the relevant court except where there is needed to separate for the best interests of the child.

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Chapter XI

Allowance

41. The parents of the child shall be responsible for raising the child and providing the basic needs of the child.

42. (a) Every father shall be responsible for providing allowance for each of his child whether he is divorced or not.

(b) If the father who is responsible to provide allowance to a child under subsection (a) fails to provide allowance for a child without reasonable grounds, the mother or guardian on behalf of the child may file a lawsuit against the father to provide allowance at the relevant court.

43. The relevant court:

(a) may pass an order to provide allowance not exceeding 50,000 kyats for a child per month, if it is found that the father fails to provide allowance for a child without reasonable grounds in the application under subsection (b) of section 42;

(b) if the respondent fails to provide the allowance imposed under subsection (a), shall consider it is failed to pay a fine imposed in accordance with the Code of Criminal Procedure and the fine collected under the procedure of imposing fine shall be paid to the applicant for allowance imposed.

Chapter XII

Rights to Health

44. Every child:

(a) shall be entitled to the rights to health without discrimination;

(b) is entitled to receive health care in accordance with the health policies adopted by the State;

(c) shall be entitled to health care in conformity with physical and psychological health standards.

45. The Ministry of Health and Sports shall:

(a) report the necessary allocation of support and resources of the State to the Union Government to be entitled to the rights to health care of the children effectively;

(b) design the necessary health care projects for the development of health of every child including infants;

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(c) take necessary measures after assessing the community and traditional practices including food, commodities and medications which are harmful to the health of the child.

Chapter XIII

Rights to Education

46. Every child:

(a) shall be entitled to educational opportunities without discrimination;

(b) is entitled to free education at the basic education schools established by the State in accordance with the National Education Law;

(c) is entitled to learn and maintain for the development of literature, language, culture, art and tradition of ethnic groups.

47. The Ministry of Education shall:

(a) report the necessary allocation of support and resources of the State to the Union Government to be entitled to the rights to the education of children effectively;

(b) lead and implement to provide free education at the basic education schools established by the State up to a specified level;

(c) take necessary measures to ensure school enrollment, regular attendance and reduce drop-out rates for the full enjoyment of the educational opportunity of the children;

(d) take necessary measures for other practical vocational training including alternative education for the right to education for children who cannot attend schools and for children who cannot pursue education at schools established by the State for any reason;

(e) support the establishment of training for the development of literature, language, culture, art and tradition of ethnic groups.

Chapter XIV

Employment of and Worst Forms of Labour to Children

48. (a) No child shall be forced to work or employed in the worst forms of labour.

(b) The age of the employable child shall not be younger than 14 years of age. If the age prescribed for the free compulsory education system envisaged by the State is more than 14 years, the employable age of children to be in school is not younger than that age.

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(c) The child who has attained the age specified in subsection (b) has the right to employment in accordance with the existing Labour Law and Employment Law if he or she is in good health and capable of working the relevant work.

49. The Ministry of Labour, Immigration and Population shall:

(a) prescribe the hazardous types of employment and workplace in coordination with the relevant employer and employee organizations;

(b) coordinate with the relevant Union Ministries to ensure the employment opportunity for children, and full enjoyment of rights and protection for the occupational safety and health of working children including physical and verbal harassment.

Chapter XV

Children with Disabilities

50. The children with disabilities:

(a) are entitled to fundamental freedom including the inherent right to survival, rights of the child, freedom of expression, freedom of religion in the same way as other children;

(b) are entitled to equal rights in the same way as other children in addition to the rights prescribed in the Right of the Persons with Disabilities Law;

(c) are entitled to be arranged by their parents or guardian for their best interests on behalf of them who are not capable of making decision in accordance with the existing law;

(d) are entitled to protection from abuse, exploitation and discrimination including coercion and various kinds of domestic violence.

51. Every child with disability:

(a) shall be entitled to educational opportunities including the early childhood care and development, and lifelong learning;

(b) is entitled to free education at schools established by the State near their community or region up to a level specified by the Ministry of Education in the same way as other persons.

52. The Ministry of Education, in coordination with the Ministry, shall:

(a) take measures providing necessary curricula and syllabi, facilities, transportation support and teaching aids in learning for children with disabilities from the level of Basic Education to University Education;

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(b) take measures for enabling to learn the rights of persons with disabilities and teaching methodologies and interpersonal communication systems for different types of disabilities in the inclusive education system or special education system, education colleges and universities.

53. The Ministry of Health and Sports, in coordination with the Ministry, shall:

(a) provide health care services for the prevention of disabilities;

(b) design the projects to minimize the incidence of disabilities among infants and children;

(c) arrange to be accessible the good quality health care and services for children with disabilities up to rural areas, either free of charge or an affordable rate.

54. The Ministry shall present and request to the Union Government to obtain the Union budget for children with disabilities to ensure that they can enjoy their fundamental rights in sections 50 and 51, and implement separate programmes for this purpose.

55. The National Committee shall design and implement the projects with the Committee fund and contributions of local and foreign well-wishers for the psychological and physical reformation and rehabilitation of children with disabilities.

Chapter XVI

Protection of the Child from Violence

56. No one shall commit physical, emotional or sexual violence that will inflict either losses or injury in any way upon the child.

57. The children who have suffered, or are subjected to any of the following situations including the children who have experienced violence as described in section 56 shall be considered as children in need of care and protection:

(a) a child who has no parent or guardian;

(b) a child under the custody of the cruel or abusive parent or guardian;

(c) a child working under the worst forms of labour;

(d) a street child;

(e) a child facing trial in a court;

(f) a child who is sexually exploited;

(g) a child who is trafficked;

(h) a child of divorced or separated parents;

(i) a child suffering from AIDS or a child of parents suffering from AIDS;

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(j) a child beggar;

(k) a child used in production, sale and transport of narcotic drugs or psychotropic substances;

(l) an insane child or child infected with a contagious disease;

(m) a child who is delinquent beyond control by the parent or guardian;

(n) a child who is affected by natural disasters or armed conflicts;

(o) a poor and disabled child;

(p) a child prescribed by the Ministry from time to time.

58. (a) Any person who thinks that a child specified in section 57 should be protected and cared may inform the relevant Social Welfare Officer, with reasons.

(b) If the Social Welfare Officer receives the notice under subsection (a) or obtains information by any means by himself or herself, he or she shall investigate whether the child is in need of care and protection in accordance with the specifications, and submit the findings together with his or her remarks to the Department of Social Welfare in accordance with procedures. Moreover, the Social Welfare Officer may instruct to be entrusted the child to the parent or guardian, training school, shelter or temporary care centre or shelter.

(c) The Social Welfare Officer shall report the case to the relevant police station if he or she finds that any person committed a crime against a child during the investigation.

59. If the police officer or Social Welfare Officer considers that the child who is under temporary care and custody at a training school, shelter or temporary care centre or shelter due to being accused of committing a crime needs medical treatment, the child shall be sent to a nearby hospital or clinic for treatment.

Chapter XVII

Child in Armed Conflict

60. In order to respect, protect and fulfil the rights of children who have been affected by armed conflicts, the relevant government departments and government organizations, armed forces and armed groups shall:

(a) take feasible measures to prevent and protect a child against physical, emotional and sexual violence, neglect and exploitation within the State territory;

(b) consider the children involved in or affected or displaced by armed conflicts as victims and implement the best interests of the children as a priority;

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(c) take measures against the recruitment and use of those in armed conflicts who have not attained the age of 18 years within the State territory and for discharge of such recruits;

(d) ensure the prosecution of any person who is responsible for violations against children in connection with armed conflicts. If the violators are defence services personnel, the cases shall be transferred to a court-martial for taking action under military jurisdiction. After transferring the case, a certified copy of the decision of the court-martial shall be requested and sent it to the family of the violated child;

(e) withdraw the case in which children involved in armed conflicts prosecuted under any other offence other than offences punishable by death, imprisonment for life, imprisonment for unlimited period or imprisonment for 20 years, and transfer the children to the Department of Social Welfare for reformation and care at a training school, shelter or temporary care centre or shelter;

(f) take into consideration for the vulnerability of displaced children and victims as a result of armed conflicts, and ensure safety and access to the basic services as a priority;

(g) disseminate information and give awareness to all adults and children in appropriate manners to know and adhere widely the provisions of this Chapter;

(h) take measures and provide appropriate assistance for treatment and rehabilitation of children recruited or used, or affected in armed conflict for their education and reintegration into society to restore their physical and psychological well-being.

61. Any person amounts to an offence if he or she breaches any of the following violation against children during armed conflict:

(a) recruitment and use of children in armed conflict;

(b) coercion or summons of children to transport weapons and food supplies;

(c) maiming or killing;

(d) sexual violence;

(e) attack on schools or hospitals where children are treated;

(f) refuse and impediment to humanitarian assistance, support and services.

62. The children in armed conflict shall have:

(a) the right to protection from physical, emotional or sexual violence, neglect and exploitation;

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(b) the right to protection of children from coercion, torture or other cruel, inhuman or degrading treatment or recruitment as punishment for non-compliance or forced involvement in armed conflict;

(c) exemption from arrest and detention for any reason or internment in camps that are not allowed to go outside;

(d) the right to receive appropriate assistance to facilitate the physical and psychological rehabilitation of child victims and survivors whose rights have been violated and subjected to physical, emotional and sexual violence and their reintegration into society;

(e) the right to receive support for damages and losses, rehabilitation and assistance from the Legal Aid Body in criminal proceedings;

(f) the right to obtain necessary documents of their rights.

63. No one shall:

(a) recruit, conscript or enlist persons who have not attained the age of 18 years into the Defence Services;

(b) use persons under the age of 18 years in battle.

64. No one shall:

(a) recruit persons under the age of 18 years into other armed groups that are not the Defence Services;

(b) use persons under the age of 18 years in battle of any other armed groups that are not the Defence Services.

65. The provisions of subsection (c) of section 60, subsection (a) of section 61 and subsection (a) of section 63 shall not apply to schools, institutions and universities supervised and taught by the Defence Services.

Chapter XVIII

Sale of Children, Child Prostitution, Production or Distribution of Child Pornography and Extradition

66. Any person who commits any of the following acts against children with or without the consent of the child shall be considered as an offender:

(a) child sexual exploitation, transferring body organs of a child for benefits, forced child labour or selling, offering, transferring or receiving children for such purposes;

(b) prostitution, offering, acquiring, purchase or support for such purposes;

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(c) production or distribution of child pornography, or offering, selling, possessing, importing or exporting for such purposes.

67. (a) The offences in this Chapter shall be considered to be included in extraditable offences under any extradition treaty that has been made among the members of the Optional Protocol to the Convention on the Rights of the Child.

(b) The extradition among the members of the Optional Protocol to the Convention on the Rights of the Child or mutual assistance shall be granted in accordance with the existing law for any offence in this Chapter.

Chapter XIX

Ethics for the Child and Responsibilities of Parents, Guardians and Teachers

68. Every child shall observe the following ethics according to their age:

(a) to observe and abide by the law;

(b) to exercise their rights by respecting and following the admonition of parents or guardians as they grow and become mature;

(c) to acquire education by adopting the admonition of parents, guardians and teachers;

(d) to observe the school discipline and community discipline or social discipline and religious ethics, and conduct as a conscientious person in the community;

(e) to preserve good traditions, values, language, religions, beliefs, and culture of their community;

(f) to abstain from drinking alcohol, smoking, using narcotic drugs or psychotropic substances, gambling or other immoral conduct.

69. The parents, guardians or teachers shall guide the child to foster the habits of observing ethics and discipline in section 68 without using any form of punishment including corporal punishment.

70. The National Committee shall impart knowledge and education widely to parents, community elders and teachers to ensure that children observe the ethics and discipline in section 68, and parents, guardians or teachers ensure to follow the guidelines in section 69.

Chapter XX

Diversion

71. With regard to the child accused of committing an offence:

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(a) the following conditions shall be taken into consideration whether diversion programmes should be implemented:

(i) the nature of the offence, reason for committing and circumstances;

(ii) such offence is repeatedly committed or not;

(iii) cognitive development and maturity of the child;

(iv) family situation and influence of environment;

(v) the loss and damages of the victim can be remedied or not;

(vi) there is sufficient evidence or not that the child committed the offence;

(vii) there is safety or not in the community;

(b) the diversion programme may be implemented in accordance with the provisions in this Chapter at the stage of before investigation or under investigation by the police as to the relevant stages, where appropriate.

72. Regardless the conditions in subsection (a) of section 71, the diversion programme shall not be proceeded if the child accused of committing an offence falls under the following conditions:

(a) committing an offence punishable with imprisonment up to seven years and above including death, imprisonment for life, imprisonment for unlimited period or imprisonment for 20 years;

(b) finding the sufficient evidence that the child is of so unruly or depraved a character or absolutely uncontrollable;

(c) having a previous conviction of any offence punishable with imprisonment up to three years and above.

73. The Department of Social Welfare shall, under the guidance of the National Committee, practise and provide the training by local and foreign experts for responsible persons from the relevant government departments or government organizations and volunteers from social welfare organizations or non-governmental organizations including juvenile judges, law officers, police force and Social Welfare Officers in order to implement the diversion programme for the best interests of the child accused of committing an offence.

74. The Region or State, or the Union Territory Committee on the Rights of the Child shall, under the guidance of the National Committee, establish the Township Coordination Bodies comprising suitable persons from the relevant township level government departments or government organizations or non-governmental organizations in

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coordination with the Region or State Advocate General's Office, General Administration Department, Police Force and Social Welfare Office in order to implement the diversion programme for the child accused of committing an offence.

75. The Township Coordination Bodies:

(a) shall take into the consideration of the conditions under subsection (a) of section 71 and section 72 for implementing the diversion programme related to a child accused of committing an offence, and initially determine to implement such programme;

(b) shall summon the child accused of committing an offence, his or her parents or guardians, and the victim, his or her parents or guardians if the victim is a child, and may decide to implement the diversion programme in one or more of the following appropriate measures according to the mutual agreement:

(i) admonishing the child accused of committing an offence;

(ii) causing to apologize in writing or oral to the victim and his or her parent or guardian by the child accused of committing an offence, or his or her parent or guardian, or both of them;

(iii) causing to do any community service;

(iv) causing to pay appropriate reparation or compensation to the victim for the damage or consequences;

(v) returning the lost or damaged property, substituting such property or causing to pay compensation for such property;

(vi) subjecting the offender to admonition by community elders, and comforting to the victim;

(vii) reformation and custody of the child accused of committing an offence in training schools, shelters or temporary care centres or shelters to provide education and vocational training for the best interests of the child;

(viii) causing to do any proficiency and other development programme;

(ix) causing to consult with the doctor for recovery and rehabilitation from drug or alcohol addiction.

(c) shall implement the diversion programme decided under subsection (b) in accordance with specifications;

(d) may form a Sub Coordination Body comprising suitable persons led by a member of the Township Coordination Body, and implement the diversion programme.

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76. The Juvenile Court shall notify the Township Coordination Body for implementation according to the diversion programme if it conforms with the conditions in subsection (a) of section 71 in the case filed by the police force or a direct complaint before passing the final order during trial subject to section 72, and may close the case.

77. The decision on a diversion programme made by the Township Coordination Body under section 75 or according to the information of the Juvenile Court under section 76 shall be final.

Chapter XXI

Criminal Proceedings against the Child and Exemption

78. (a) Nothing is an offence which is done by a child who has not attained the age of 10 years.

(b) Nothing is an offence which is done by a child above 10 and under 12 years of age, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his or her conduct on that occasion.

79. Before the documentary evidence of age is submitted by the child accused of committing an offence, he or she shall be entitled to the rights of the child under this Law according to his or her young age and appearance that he or she is seemed to be a child who has not attained the age of 18 years.

80. The police officer who arrests the child accused of committing an offence shall:

(a) identify himself or herself properly;

(b) explain the reason for arrest and the offence alleged in simple language that is understandable to the child;

(c) refrain from threat, coercion or unnecessary use of force, torture, cruelty or any other inhumane treatment;

(d) not handcuff, tie with a rope or any other ways;

(e) not detain the child in police custody under any reason;

(f) not keep the child with adult prisoners. If the child is a girl, she shall be placed with a female guard;

(g) inform the respective parents or guardian as soon as possible and allow the child to meet with his or her parents, guardian, relative or lawyer;

(h) only examine the child in accordance with the specifications related to the offence committed;

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(i) promptly send the child to the relevant Juvenile Court in the absence of a diversion process;

(j) release the child upon making a bond for good behaviour if the child cannot be sent to the Juvenile Court under subsection (i). If the child cannot be released with a bond, the child shall be referred to a temporary care centre or shelter or other appropriate place;

(k) obtain the documentary evidence of age to determine the age of a child.

81. Where the child accused of or convicted of committing an offence absconded from a training school, shelter, temporary care centre or shelter, parents, guardian or caregiver, a police officer:

(a) may arrest the child without a warrant. No action shall be taken under the Penal Code or any other special law;

(b) shall return the child to the training school, shelter, temporary care centre or shelter, parents, guardian or caregiver if he or she is arrested;

(c) may place the child in any appropriate place before returning him or her to the training school, shelter, temporary care centre or shelter, parents, guardian or caregiver under subsection (b).

Chapter XXII

Juvenile Justice

82. The Supreme Court of the Union:

(a) shall establish juvenile courts in appropriate areas within the State as necessary. Moreover, it may appoint juvenile judges;

(b) may confer the power of a juvenile judge to the Township Judge in the area where the Juvenile Court has not been established under subsection (a).

83. The Juvenile Court:

(a) shall have jurisdiction only over the child who has not attained the age of 18 years at the time of committing an offence. In trying a juvenile crime, the documentary evidence of age shall be scrutinized and determined before proceeding. The determination shall be recorded;

(b) shall continue to try the case, notwithstanding that the child accused of committing an offence has attained the age of 18 years during the juvenile crime tried by the Juvenile Court as if he or she was a child, and pass a sentence in accordance with law;

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(c) may, during trial, entrust the child sent up for prosecution to the care of parents or guardians or temporary care centre or shelter or other appropriate place, upon the execution of a bond for good behaviour subject to conditions;

(d) may cause the child to follow conditions and entrust him or her to the parents or guardian or temporary care centre or shelter or any other appropriate place only as the last resort when no bond is executed under subsection (c). The entrustment period shall be as short as possible;

(e) shall not pass a detention order to the child either in a police custody or prison under any reason;

(f) shall explain the offence which he or she is charged with simple language that is understandable to the child for any crime submitting before the Juvenile Court;

(g) shall try juvenile crimes punishable with death or imprisonment for a term exceeding three years as the prescribed manner in which a warrant case is tried;

(h) shall try all juvenile crimes except the type of offences mentioned in subsection (g) as the prescribed manner in which a summons case is tried;

(i) may, notwithstanding that a lawyer is hired in the juvenile crime, allow the parents, guardian, relatives or any responsible Social Welfare Officer providing assistance to the child in defending himself or herself;

(j) shall proceed according to the Code of Criminal Procedure in case there is necessity for the psychological expert to determine whether there is a mental defect or not.

84. In trying the juvenile crimes, the Juvenile Court:

(a) shall try the case in a separate court or building. If it is unavailable, a building or room shall be used that is not a regular venue for court proceedings;

(b) shall not present any person at the place of trial other than the parents, guardians, staff of the court, law officers, non-uniformed members of the police force on duty, persons concerned with the case and persons who have been permitted by the Juvenile Court;

(c) shall permit the parents, guardian, relatives, friends or any other suitable person to examine, apply or argue on behalf of the child in order to defend the child;

(d) shall notify the relevant law office to appear for the plaintiff by a law officer for the child who is the victim whether it is a cognizable offence;

(e) shall arrange an interpreter for the child and witnesses where necessary;

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(f) shall try the juvenile case promptly;

(g) may make a video conferencing system to be able to see, hear, ask, answer and record by the judges, law officers, Social Welfare Officers, police officers, alleged child offender, witnesses in examining witnesses, giving arguments and trial.

85. Regarding the trial of the juvenile case, the Juvenile Court:

(a) may continue to try the case in the absence of the child, notwithstanding the stage of inquiry of trial of the case, if it is considered that the alleged child offender does not need to come to the Juvenile Court;

(b) shall not allow information on the juvenile cases to be published in newspapers, magazines, journals or periodicals, or child pornography to be produced or distributed on web-portal and media by using electronics technology, or to be distributed and broadcast on any radio or television, or enter the media person to the court room except where such actions are in the best interests of the child;

(c) shall notify the relevant Social Welfare Office to submit the report of the Probation Officer in accordance with the specifications.

86. Regarding the case of the child turned the age of 18 years at the time of prosecution at a relevant court after apprehending child absconded, during the investigation of the police force or during the trial of the Juvenile Court, the Juvenile Court shall:

(a) continue to try as a child and adjudicate in accordance with law if the child is over the age of 18 years but who has not attained the age of 20 years;

(b) try the case in the way of the adults and adjudicate in accordance with law if the child has attained the age of 20 years. However, the penalty shall, in accordance with this Law, be imposed as if the offender is a child.

Exception: In imposing the penalty, the offender shall not be entrusted to the custody of the parents, guardian, committed to the temporary care centre or shelter or training school.

87. The Juvenile Court shall, before passing an order upon the child committed the offence, take into consideration the following and pass an order which will be the best interests of the child and which is a reformed character of the child:

(a) the age and character of the child;

(b) the environmental circumstance of the child;

(c) the cause of committing the offence;

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(d) the report submitted by the probation officer;

(e) priority of the diversion programmes that do not affect the detention and deprivation of the liberty of the child if possible;

(f) other circumstances which are required to be taken into consideration for the best interests of the child.

88. The Juvenile Court:

(a) shall not ordinarily sentence a child to imprisonment. The child shall be sentenced to imprisonment by considering as the last resort only when there is no alternative care or diversion programme;

(b) shall not sentence the death penalty, imprisonment for life, imprisonment for unlimited period or imprisonment for 20 years on the child notwithstanding anything in any existing law;

(c) shall sentence the child to imprisonment only when the court believes that the following two facts apply to the offence committed by the child:

(i) the offence is punishable with death, imprisonment for life, imprisonment for unlimited period or imprisonment for 20 years;

(ii) the child is of so unruly or depraved a character or absolutely uncontrollable;

(d) shall, in sentencing imprisonment under subsection (c), sentence a child to imprisonment for a term not exceeding seven years if the child has not attained the age of 16 years, and imprisonment for a term not exceeding ten years if the child is over the age of 16 years but who has not attained the age of 18 years;

(e) may impose a fine only on a child who has attained the age of 14 years and has an income. No imprisonment may be sentenced on the child for failure to pay the fine. If the child does not pay the fine, the fine shall be imposed on the parents or on the guardian of the child in the absence of parents.

89. Regarding the child who should not be sentenced to imprisonment as the child is not afoul with the two facts in the provisions of subsection (c) of section 88, the Juvenile Court may:

(a) release the child after admonition;

(b) design a diversion programme for the best interests of the child;

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(c) entrust the child to the parents or guardian on execution of a bond for good behaviour by prescribing the conditions for a period not exceeding three years in order to deter further commission of any offence;

(d) cause the child to submit to the supervision and management of the Probation Officer for a period not exceeding three years;

(e) commit the child to any training school for at least two years or until he or she attains the age of 18 years or 20 years if the child is perverted or even though the child is not perverted, he or she has no parents or guardian, or if the child has parents or guardian, but cannot be admonished and is in no circumstances for custody and care in any offence;

(f) pass an order to stay at a shelter or temporary care centre for a certain period of time subject to conditions deemed appropriate at the discretion of a juvenile judge. Any order in subsections (a) to (e) may be passed at the end of that period.

90. The Juvenile Court may:

(a) pass an order directing the child's parents or guardian to pay appropriate compensation to the victim or loser in case anyone suffered loss or damage due to the act of the child, in addition to the imprisonment sentenced under section 88;

(b) pass an amending order to entrust a child who has complied with the order passed under subsection (d) or (e) of section 89 to the custody of the relevant parents or guardian with or without a bond at any time if it conforms with the following conditions:

(i) improvement in the moral character of the child;

(ii) being a child who has parents or guardians;

(c) exercise the power in subsection (b) on the application of the relevant principal of the training school, Probation Officer or parents or guardian.

91. (a) The law officers of the Office of the Attorney General of the Union and various levels of law offices shall, in accordance with specifications, hire a lawyer to appear in the court at the expense of the State for the impoverished child offender who is charged with an offence punishable by death.

(b) A child who is accused of, detained, arrested, charged with, sentenced or imprisoned for any offence or a child victim of an offence or witnesses related to the juvenile crime who wish to request support due to special circumstances may, in accordance with the

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specifications, request legal assistance from the Legal Aid Body of the relevant Region concerning with the juvenile crime.

(c) There shall be the right of appeal or revision in accordance with law against the order or decision passed by the Juvenile Court under this Law.

(d) A copy of the judgement and order passed by the Juvenile Court or Appellate Court or Court of Revision regarding the juvenile crime shall be sent to the relevant Region or State Social Welfare Office or Union Territory Social Welfare Office, Self-Administered Division or Self-Administered Zone Social Welfare Office or District Social Welfare Office. If it is passed by the Supreme Court of the Union, the copy of such judgment and order shall be sent to the Ministry.

Chapter XXIII

Functions and Duties of the Probation Officer

92. The duties of the Probation Officer are as follows:

(a) submitting a report after making necessary investigations when assigned duty concerning with the child by the Juvenile Court;

(b) supervision of the child sentenced by the Juvenile Court to be put under his or her probation in the prescribed manner;

(c) informing the relevant Social Welfare Officer and police force if it is found that there is likelihood of danger befalling any child or that a child is in danger;

(d) returning the child to the training school, shelter, temporary care centre, guardian or caregiver if a child who has escaped from a training school, shelter, temporary care centre or shelter, guardian or caregiver is found;

(e) specifying the child is in need of care and protection, and protecting the child in accordance with the provisions in this Law if the child who has escaped under subsection (d) had escaped due to torture, corporal punishment or any form of degrading punishment;

(f) coordinating and cooperating with the parents or guardians, community elders, and persons from social organizations under the supervision of the Region or State Social Welfare Office, Union Territory Social Welfare Office, Self-Administered Division or Self-Administered Zone Social Welfare Office, District Social Welfare Office or Township Social Welfare Office for the best interests of the child;

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(g) undertaking other functions and duties regarding the child assigned by the Department of Social Welfare.

Chapter XXIV

Custody and Care of Children in Prison

93. Regarding a child who has been sentenced to imprisonment, the officer in charge of a prison shall:

(a) not keep the child together with adult prisoners until the child attains the age of 18 years;

(b) keep the child in a separate ward or room where adult prisoners cannot pass through;

(c) allow the child to meet freely with his or her parents, guardians, relatives, friends, lawyer or legal advisor. Their communications including in writing and other forms shall be kept confidential;

(d) allow food and other prescribed items except for those prohibited under any existing law to be sent to the child;

(e) not employ the child in rigorous labour or not send to any prescribed camp under the supervision of the Correctional Department;

(f) provide medical check-up regularly and arrange to provide the effective health care for the child when necessary;

(g) provide training, education and vocational training that will contribute to the reformation of the child's character, rehabilitation and reintegration into society;

(h) provide the right to remission of the prison term in accordance with the existing law, rule, regulation, by-law, notification and order.

94. The officer in charge of a prison shall:

(a) make the best possible arrangements for a pregnant female prisoner to provide health care, delivery of a baby in any hospital outside prison and care of the mother and baby. If the child was born in prison, it shall not be mentioned on the birth certificate of the child;

(b) allow the child of a female prisoner to stay with the mother in prison until he or she attains the age of 4 years if there is no guardian or caregiver outside prison or if the child was born in prison or if the mother wishes the child to remain with her. The child may be allowed to remain with the mother in prison until he or she attains the age of 6 years, if the mother so wishes;

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(c) be responsible for the food, livelihood and health care of the child who stays in prison with his or her mother who is a prisoner, and coordinate and make arrangements with the relevant government departments and government organizations in order to establish day care centres for early children and nursery schools, and to make sports and physical exercises;

(d) inform the Department of Social Welfare promptly when a female prisoner dies in prison leaving behind a child living with her, or when a child living with a female prisoner attains the age of 6 years, in order to make arrangements for the care and guardianship of the child;

(e) coordinate and make arrangements with the relevant government departments and government organizations to provide the continued formal education in prison, to supply teaching aids, to make sports and physical exercises for school-age children who are in prison and have incomplete education.

95. The Department of Social Welfare shall entrust the child in subsection (d) of section 94 to the custody and care of relatives. If there are no relatives, the child may be entrusted to an appropriate caregiver or in an alternative care programme in accordance with this Law.

Chapter XXV

Support and Protection of Child Victims and Child Witnesses

96. Regarding the child victims and child witnesses, during the police investigation or before the Juvenile Court or at any court:

(a) they are entitled to the rights in this Law and the following rights:

(i) the right to protection of privacy;

(ii) the right to be interviewed in a child-friendly environment and provide testimony as a witness;

(iii) the right to trial without delay for any case;

(iv) the right to treatment with respect and the right to ask questions and provide answers in age-appropriate simple language;

(v) the right to representation with the support of verbal or sign language, or other easily understandable method by a language expert for the child with disability who cannot make statements themselves;

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(b) they shall be entitled to the right to provide information to parents, guardians, relatives, friends or caregivers for obtaining health and psychological support and other assistance;

(c) in trying the children, they shall:

(i) be examined after taking an affirmation to tell the truth but not taking oath;

(ii) not be asked confused questions, a series of questions and repeated questions unnecessarily;

(iii) not be asked leading questions when making the re-examination after examination in chief and cross examination by the adverse party, or when making the cross examination by the adverse party, parents, guardians, relatives, helper or lawyer, notwithstanding anything in the Evidence Act;

(d) no one shall collect, publish or publicize information on the identity of the child accused of committing an offence or a child involved in a case as a witness, or photograph the child for inclusion, distribution and use in newspapers, magazines, periodicals or books, or broadcast on the radio, television and social media;

(e) the persons related to the child victims or child witnesses shall not disclose the matters related to the juvenile crime and keep it confidential.

97. The Ministry shall take measures for remedial actions and rehabilitation for the physical and psychological losses inflicted upon the child victim.

Chapter XXVI

Appeal

98. (a) Any person who is dissatisfied with an order or decision passed by a Social Welfare Officer for registration of adoption under subsection (a) of section 28 may appeal to the Department of Social Welfare within 30 days from the date of the order or decision.

(b) The Department of Social Welfare may confirm, cancel or revise the order or decision passed by the relevant Social Welfare Officer for registration of adoption after scrutinizing the appeal case under subsection (a).

99. (a) Any person who is dissatisfied with any of the following order or decision passed by the Department of Social Welfare may appeal to the Ministry within 60 days from the date of the order or decision:

(i) an order or decision to issue the permit for establishment under subsection (b) of section 15;

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(ii) an administrative order or decision passed under section 17;

(iii) an administrative order or decision for failure to take the responsibility of adoption by the adoptive parent or violation against any condition or prohibition under section 31;

(iv) an order or decision passed under subsection (b) of section 98.

(b) The Ministry may confirm, cancel or revise the order or decision passed by the Department of Social Welfare after scrutinizing the appeal case under subsection (a).

(c) The order or decision of the Ministry shall be final.

Chapter XXVII

Offences and Penalties

100. (a) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of one month to a maximum of six months or with a fine from a minimum of one hundred thousand kyats to a maximum of three hundred thousand kyats or with both:

(i) sending a child to buy alcohol or beer, selling alcohol or beer to a child, urging or permitting a child to take alcohol or beer;

(ii) allowing a child to enter a dayclub, nightclub, karaoke room or massage parlour without being accompanied by parents or relatives;

(iii) emotional violence;

(iv) corporal punishment;

(v) physical bullying.

(b) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of two months to a maximum of nine months or with a fine from a minimum of two hundred thousand kyats to a maximum of four hundred thousand kyats or with both:

(i) inducing, urging or abetting a child to gamble;

(ii) accepting as pledge any property from a child or abetting the child to pledge property;

(iii) purchasing any property sold by a child with the exception of purchasing property from a child who earns a decent livelihood by selling.

(c) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of three months to a maximum of one year

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or with a fine from a minimum of three hundred thousand kyats to a maximum of five hundred thousand kyats or with both:

(i) inducing and abetting a child to escape from a training school, shelter, temporary care centre or shelter, parent, guardian or caregiver, harbouring, concealing or preventing the child from going back to the original place, knowing that the child has escaped;

(ii) touching and groping the sexual parts of the child.

101. (a) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of four months to a maximum of one year or with a fine from a minimum of four hundred thousand kyats to a maximum of six hundred thousand kyats or with both:

(i) establishing a shelter or temporary care centre or shelter without permission;

(ii) violating the provisions in subsection (d) of section 96.

(b) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of five months to a maximum of two years or with a fine from a minimum of five hundred thousand kyats to a maximum of one million kyats or with both:

(i) employing, forcing or permitting the child to work in the business that trades in alcohol or beer;

(ii) employing or permitting the child to work in any place related to sexual industry such as dayclub, nightclub, karaoke room, or massage parlour.

102. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of six months to a maximum of three years or with a fine from a minimum of six hundred thousand kyats to a maximum of 1.2 million kyats or with both:

(a) failure to prevent a child under his or her guardianship from begging;

(b) causing a child to beg;

(c) making use of the child in his or her livelihood of begging.

103. (a) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of eight months to a maximum of five years and shall also be liable to a fine from a minimum of eight hundred thousand kyats to a maximum of 1.6 million kyats:

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(i) violence by coercion, abuse, exploitation or discrimination against the child with disability;

(ii) employing a child to do work which could pose physical or psychological harm or harm on the child's dignity;

(iii) employing or permitting a child to do work which is hazardous or harmful to health;

(iv) forced labour or forced servitude;

(v) subjecting the child to torture, cruelty or inhumane or degrading treatment.

(b) Whoever commits any of the following acts against the child during armed conflict shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of six years, and shall also be liable to a fine from a minimum of nine hundred thousand kyats to a maximum of 1.8 million kyats:

(i) use in logistic works such as subjecting to transport food, weapons or supplies, use as a guide or use by any other means;

(ii) emotional or physical violence.

104. Whoever commits:

(a) the offence in subsection (a) of section 63 due to failure to inspect systematically may be punished with imprisonment which may extend to two years, and shall also be liable to a fine. If the offence is wilfully committed, the offender may be punished with imprisonment which may extend to five years;

(b) the offence in subsection (a) of section 64 may be punished with imprisonment which may extend to five years;

(c) the offences in subsection (b) of section 63 and subsection (b) of section 64 may be punished with imprisonment which may extend to ten years.

105. (a) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of seven years, and shall also be liable to a fine from a minimum of one million kyats to a maximum of two million kyats:

(i) permitting a child under his or her guardianship to live with a person who earns a livelihood by prostitution;

(ii) neglecting knowingly that a child under his or her guardianship is earning a livelihood by prostitution;

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(iii) employing or permitting a child to work for the purposes of prostitution at a hotel, motel, guest house, lodging house, beauty parlour or restaurant;

(iv) producing or distributing the child pornography or offering, selling, possessing, importing or exporting for such purposes;

(v) forced marriage or permitting a child to be subjected to forced marriage.

(b) Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of two years to a maximum of ten years, and shall also be liable to a fine from a minimum of 1.2 million kyats to a maximum of 1.5 million kyats:

(i) employing the child to work as a prostitute;

(ii) employing a child as a prostitute for his or her own personal benefit and livelihood;

(iii) using, paying money or property, persuading or offering the child for sexual abuse or exploitation.

106. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of ten years to a maximum of 20 years, and shall also be liable to a fine from a minimum of five million kyats to a maximum of ten million kyats:

(a) selling the child;

(b) sale, purchase, illegal removal, transfer in any way or substituting knowingly the body organs of the child.

107. Whoever attempts or conspires to commit or abets in committing any offence in this Law shall, on conviction, be punished for such offence as provided in this Law.

108. Committing any offence or prohibition in this Law including exploitation which is not specified for separate punishment by this Law shall be punished under any relevant existing law.

109. The relevant court shall sentence the penalty provided upon the person who has been convicted for committing any offence in this Law, and may order the convicted person to pay an appropriate compensation to the child victim for the purpose of justice.

Chapter XXVIII

Establishment, Maintenance and Management of the Fund

110. The National Committee:

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(a) may establish the fund for the rights of the child for the best interests of the child with the following contributions:

(i) capital funds of the State through the Ministry with the approval of the Union Government and annual budget allocations from the Union Budget Law;

(ii) contributions from United Nations organizations, regional organizations, non-governmental organizations and well-wishers from the country and abroad;

(iii) interest on savings.

(b) shall establish the Fund Management Committee comprising appropriate persons for maintenance and utilization of the fund;

(c) shall prepare the necessary financial rules, regulations and procedures for maintenance, utilization, compilation of the lists and auditing of the fund in coordination with the Office of the Auditor General of the Union, and implement the activities in accordance with those rules, regulations and procedures. It shall be audited by a person authorized by the Auditor General of the Union.

Chapter XXIX

Temporary Provisions for the Transitional Period

111. Regarding the offence charged with or tried for either the child or youth under the Child Law (The State Law and Order Restoration Council Law No. 9/93) before the date of enactment of this Law:

(a) penalties or decisions sentenced to the child who has not attained the age of ten years shall be null and void;

(b) children under the age of ten years who are detained at the training school, shelter, temporary care centre or shelter or prison shall be referred to the custody of the parents, guardian, caregiver or Social Welfare Officer as soon as possible.

112. Regarding the offences committed by the child before the date of enactment of this Law:

(a) the proceedings shall be continued, by considering that subsections (a) and (b) of section 28 of the Child Law (The State Law and Order Restoration Council Law No. 9/93) that exempts from criminal proceedings have already been substituted by subsections (a) and (b) of section 78 of this Law;

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(b) the offences committed by the child who has not attained the age of ten years, which have not been completed, shall be closed regardless of the current stage of the proceedings;

(c) the offences committed by the youth who has attained the age of 16 years but have not attained the age of 18 years, which have not been completed, the proceedings shall be continued under this Law by the Juvenile Court by considering that those offences were committed by the child.

Chapter XXX

Miscellaneous

113. (a) The documentary evidence of the age of the child shall be scrutinised according to the following priority:

(i) a birth certificate;

(ii) a true copy of an extract of the school admission register;

(iii) a Citizenship Scrutiny Card or Foreigner's Registration Certificate residing permanently in the country;

(iv) a medical certificate of the relevant doctor serving in the Ministry of Health and Sports;

(v) a household list;

(vi) any other credible document if the document specified in clauses (i) to (v) are not available.

(b) Regarding the age of the child, the date of birth shall be 16th of the birth month if only the year and month of birth are known; the date and month of birth shall be 1st July of the birth year if only the year of birth is known.

114. Whoever commits rape to a child shall, on conviction, be punished under the Penal Code.

115. The provisions of the Code of Criminal Procedure shall be complied with where there are no specific provisions in this Law regarding the investigation of and the proceedings for juvenile cases.

116. Under the Child Law (The State Law and Order Restoration Council Law No. 9/93):

(a) training schools and temporary care centres or shelters established by the Department of Social Welfare shall be considered to be the training schools, shelters and temporary care centres or shelters established under this Law;

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(b) shelters established by volunteers and non-governmental organizations by registering at the Department of Social Welfare shall be considered to be shelters with the permit for establishment under this Law during the valid registration period. Upon the expiry of such registration, the permit for establishment shall be applied for under this Law.

117. The offences in this Law are determined as cognizable offences.

118. The rules, regulations, by-laws, notifications, orders, directives and procedures issued under the Child Law (The State Law and Order Restoration Council Law No. 9/93) may continue to apply which are not contrary to the provisions of this Law.

119. Any person who commits the offences in this Law shall be prosecuted only under this Law.

120. In implementing the provisions of this Law:

(a) the Ministry may issue rules, regulations and by-laws with the approval of the Union Government;

(b) the National Committee, the Supreme Court of the Union, relevant Union Ministries, and relevant government departments and government organizations may issue the notifications, orders, directives and procedures;

(c) the relevant Department may issue the notifications, orders, directives and procedures.

121. The Child Law (The State Law and Order Restoration Council Law No. 9/93) is hereby repealed.

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

Sd./ Win Myint

President

Republic of the Union of Myanmar

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