

**INTERNATIONAL COURT OF JUSTICE**

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**CASE CONCERNING  
APPLICATION OF THE CONVENTION ON  
THE PREVENTION AND PUNISHMENT OF  
THE CRIME OF GENOCIDE**

**THE GAMBIA**

*v.*

**MYANMAR**

**REJOINDER OF  
THE REPUBLIC OF THE UNION OF MYANMAR**

**VOLUME V**

Annexes 153 - 215

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**30 December 2024**



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# **DOCUMENTS OF OTHER ORGANISATIONS**



# Annex 153

M. Smith, “Burma (Myanmar): The Time for Change”, Minority Rights Group International (2002) (extract)

Available at:

<https://minorityrights.org/resources/burma-myanmar-the-time-for-change/>



# report

minority  
rights  
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international

## Burma (Myanmar): The Time for Change

By Martin Smith



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Martin Smith is a writer and journalist specializing in Burmese and ethnic minority affairs. He is author of *Burma: Insurgency and the Politics of Ethnicity*, and he has reported for a variety of media, including the *Guardian* and the BBC. His television work includes the documentaries, *Dying for Democracy* (UK Channel Four) and *Forty Million Hostages* (BBC). He has also written papers and reports for a number of academic institutions and non-governmental organizations, including Article 19, World University Service, Tokyo University of Foreign Studies and Anti-Slavery International. Other publications include *Ethnic Groups in Burma: Development, Democracy and Human Rights* and *Fatal Silence? Freedom of Expression and the Right to Health in Burma*.

### Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations which represent minority and indigenous peoples.

MRG works with over 130 organizations in nearly 60 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957

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however, did not end armed struggle by the New Mon State Party (NMSP), an NDF member, until 1995 when the NMSP agreed to a ceasefire with the SLORC. Since this time, the situation has remained unstable. In some areas, Mon villagers have resettled, development programmes have started and there has been a marked increase in Mon literacy classes. But in other areas, there have been continuing criticisms of land confiscations, forced labour and other human rights abuses,<sup>64</sup> and in the Ye area around 200 former NMSP troops broke away to resume fighting during 2001 under the new name of the Hongsawatoi Restoration Party (armed wing: Monland Defence Army). These uncertainties are also evidenced by the outflow of many Mons in border areas. Local aid workers estimate that there are around 20,000 internally displaced Mons in armed opposition areas near the border, and around 100,000 migrants working in Thailand, including many families that have taken their children with them.

Several leaders of the Mon National Democratic Front (MNDF), which won five seats in the 1990 election, have also been arrested, including the MPs-elect Dr Min Soe Lin and Dr Min Kyi Win and party vice-chair Nai Ngwe Thein, who each received seven-year jail terms with hard labour in 1998 under the 1950 Emergency Provisions Act for alleged anti-state activities intended to undermine the NMSP ceasefire. Although banned, the MNDF has tried to work closely with other elected nationality parties and the NLD in Rangoon, supporting the 1998 formation of the CRPP.

## Naga

Around 100,000 Nagas are estimated to live along the Sagaing division borders with Manipur and Nagaland in north-east India, which is home to the main population of over 1 million Nagas. Most Nagas are Christians, and the ethnic Naga insurgency is the only armed movement in Burma that has been active on both sides of an international frontier. In recent years, however, the largest force, the National Socialist Council of Nagaland, has been weakened by a split into two factions: one headed by T. Muivah, which is more active in the Indian state of Nagaland, and the other, led by Khaplang, which is based on the Burma side. In both countries, there has been considerable civilian displacement and loss of life during decades of conflict, but, at the turn of the century, both factions agreed ceasefires with the Indian government. Occasional fighting, however, has continued with the Tatmadaw on the Burma side, with dozens of fatalities reported during 2001.<sup>65</sup>

In the future, Naga politics are likely to remain driven by developments in India, but a Naga 'self-administered zone' has been designated in guidelines put forward by the

SLORC for constitutional discussions at the National Convention in Rangoon. The Naga Hills Progressive Party also won a seat in the 1990 election. However, like most organizations that stood in the polls, the party was subsequently deregistered by the government.<sup>66</sup>

## Rakhine (Arakan)

Nationality politics in the Rakhine state, formerly Arakan, represent the most serious communal flashpoint in the country. The majority population among the estimated 3 million inhabitants are ethnic Rakhine, a predominantly Buddhist people whose language is close to Burmese. Until 1784, an independent kingdom was maintained at Myohaung (Mrauk-U), but under Konbaung and British rule the territory was increasingly brought within the governance of central Burma.

Ethnic demands for greater autonomy, however, have continued, and from the late 1940s various insurgent movements, mostly pro-Buddhist or communist, took control of many rural areas. Eventually, in 1974 the 36,778 square km Rakhine state was created, and intensive counter-insurgency operations in the late 1970s pushed remaining Rakhine forces back into the Bangladesh-India borderlands, where a number of small parties, principally the Arakan Liberation Party (an NDF member) and National United Party of Arakan, were still active in the early 2000s. The Arakan (Rakhine) League for Democracy (ALD) also won the largest number of seats in the state in the 1990 election, but the party was later banned and several leaders arrested, including the historian Oo Tha Tun (who died in prison), ethnic liaison officer, Aye Tha Aung, and Dr Saw Mra Aung, who headed the CRPP.

Ethnic Rakhines, however, are not the only inhabitants of the state. In addition to Chin, Mro and other hill peoples, there is a substantial population of anywhere between 700,000 and 1.5 million Muslims, especially in the Bangladesh borders, where they have been known in recent years by the collective name of *Robingya*. As a term of 'ethnic' identity, however, this name has attracted much controversy. It is not in doubt that peoples practising or adopting Islam, such as the coastal Kamans, have historically inhabited parts of Arakan. The arguments today are over their numbers, origins and ethnicity, which has meant that – as with many Muslims in Burma – their 'nationality' status is disputed under the regulations of the 1982 Citizenship Law. 'Muslim', in general, is regarded as a cultural rather than ethnic identification. In particular, many government and Rakhine leaders believe that the indigenous Muslim population in Arakan has been boosted by a pattern of unchecked migration of ethnic Bengalis from India that started under British rule.



# Annex 154

World Bank Group, Myanmar: Ending poverty and boosting shared prosperity in a time of transition: A systematic country diagnosis (November 2014)  
(extract)

Available at:

<https://documents1.worldbank.org/curated/en/871761468109465157/pdf/930500CSD0P150070Box385388B00OUO090.pdf>

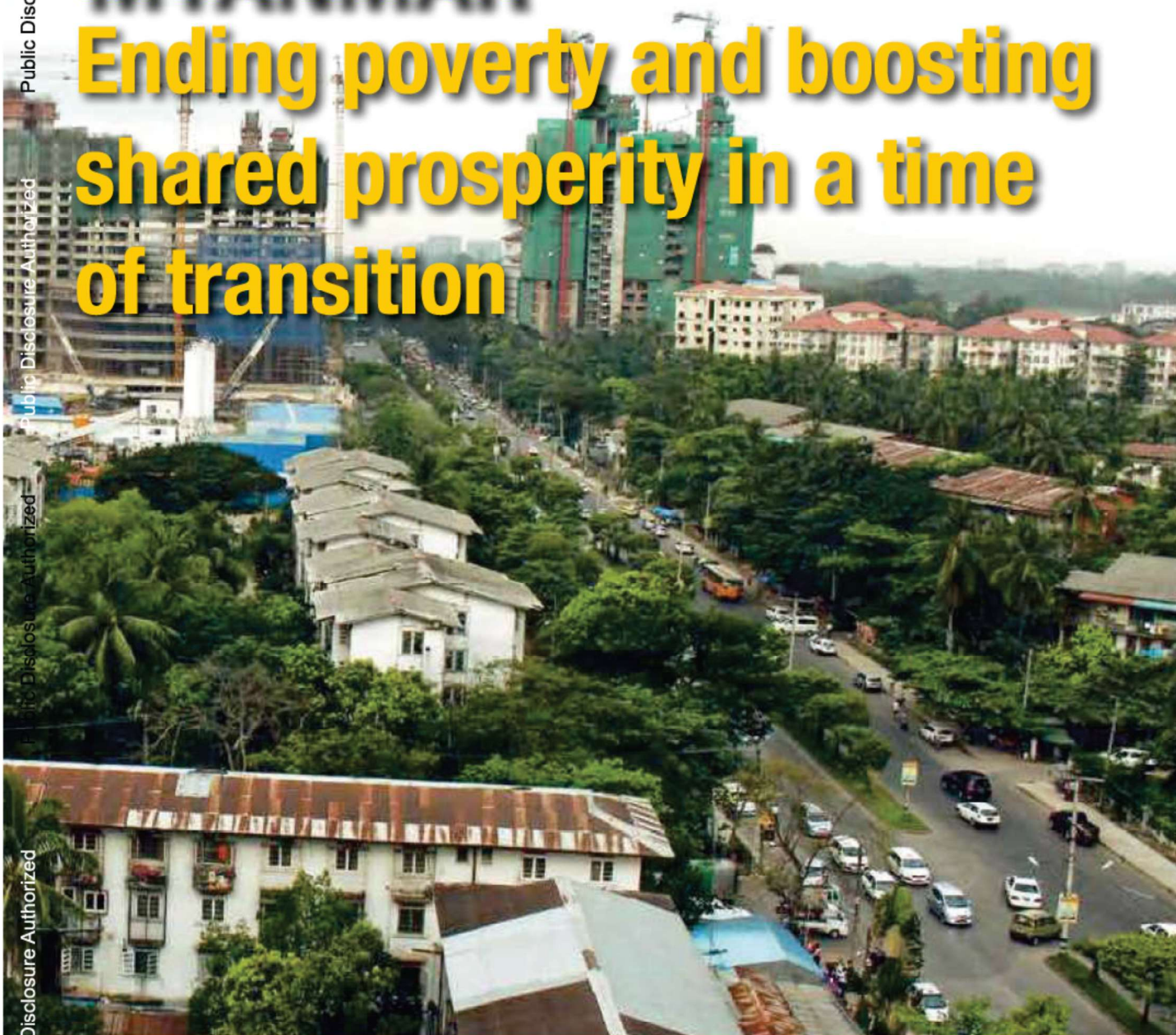


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# MYANMAR

## Ending poverty and boosting shared prosperity in a time of transition



### A SYSTEMATIC COUNTRY DIAGNOSTIC



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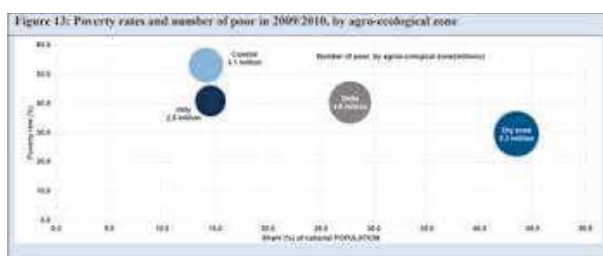
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**32. Measured consumption inequality in Myanmar is relatively low in comparison with its regional neighbors (Figure 11).** The initial analysis of the IHLCA-2 (UNDP and GoM, 2011) produced a Gini coefficient of 0.20, which would have been remarkably low by global standards. The more recent re-examination of the data, which are still subject to wide margins of error (see Box 3), yielded an estimated Gini coefficient of 0.29, higher than the initial estimate but still relatively low. Inequality is higher, in some cases considerably higher, in all of Myanmar's regional neighbors. Within Myanmar, inequality is estimated to be much higher in urban areas (0.36) than in rural areas (0.25) (Figure 12). Among Myanmar's four agro-ecological zones, inequality is estimated to be highest in the Delta (0.33), in part because the region includes the city of Yangon (0.36) but likely also due to high levels of inequality in access to key assets like agriculture land.

## B. The spatial distribution of poverty

**33. The incidence of poverty varies substantially across the different geographic regions of Myanmar.** In terms of agro-ecological zones, poverty rates are highest in the Coastal zone (53.1 percent) and lowest, surprisingly low, in the Dry Zone (29.5 percent), with the Hills (40.9 percent) and the Delta (40.4 percent) falling in the middle, close to the national rate (Figure 13).<sup>22</sup> Poverty rates vary as well, across the states and regions, in many cases even within the agro-ecological zones (Figure 14). Rakhine (in the Coastal zone) and Chin (in the Hills), on the eastern border with Bangladesh, are by far the poorest states, with poverty rates of 78 percent and 71.5 percent respectively. Ayeyarwaddy (in the Delta) and Shan (in the Hills) are next with poverty rates in mid-40s. The incidence of poverty in the regions in the Dry Zone on the other hand are uniformly lower than the national rate, as are those in the remaining hilly border states, on the north and the east, adjoining China and Thailand.



**Source:** World Bank staff estimates from new analysis of 2009-2010 IHLCA survey data.

**34. The poorest areas—the areas with the highest incidence of poverty—are not always where most of**

**the poor live and so geographic targeting of the poor needs to take account of both poverty rates and the share of the poor that live in an area.** For instance, using 2009-2010 population and poverty data (subject to the significant data quality issues set out in Box 3), although the Dry Zone and the Delta have a lower incidence of poverty than the Coastal zone or the Hills, because of the relatively high population share of the Dry Zone and the Delta, they account for nearly two-thirds of the poor in Myanmar. Conversely, although Chin has the second highest poverty rate (71.5 percent) amongst all states and regions, it accounts for only 1.4 percent of the poor due to its small population. Rakhine and Ayeyarwaddy stand out in that they both have high poverty rates and account for large shares of the poor. The available 2009-2010 data (subject to wide margins of error) indicate that Rakhine has a poverty rate of 78 percent and accounts for 14.9 percent of Myanmar's poor, while Ayeyarwaddy, given its size and moderately high poverty rate (45.7 percent), accounts for 18 percent of the poor—the highest of any state or region. Geographical targeting to reduce poverty must take account of both the rate of poverty and the population share.

**35. At 34 percent, the poverty rate for the Yangon region seems surprisingly high (Figure 14).** The 33 percent poverty rate for the Mandalay region also seems high, particularly in light of the important commercial role that both Yangon city and Mandalay city play in Myanmar's economy. These high rates of transition poverty in part reflect the high and rising cost of living in urban areas; although urban areas have much better local infrastructure and basic services, residents pay a lot to access these services. Limited access to stable, well-paid jobs is another contributing factor to urban poverty. In recent years, Yangon has become a magnet for rural migrants seeking new employment opportunities and a chance at a better life. But these new opportunities have been slow to develop. According to the 2009/10 IHLCA2, the urban poor are typically employed in the informal sector, or as casual, unskilled workers in construction or other service sectors, and many have limited education and job skills.

**36. Although the rate of poverty is high in Yangon, the depth and severity of poverty is relatively low.** Many poor households are clustered near and just below the poverty line, and promoting good growth and expanding economic opportunities could ensure they grow out of poverty very quickly. Managing this process of transition—and related issues linked to rising expectations, rising inequality, and ensuring equitable access to public assets and basic services—is an important poverty challenge for Myanmar.

<sup>22</sup> The mapping of states and regions into the four agro-ecological zones is as follows: Hills (Chin, Kachin, Kayah, Kayin, Shan), Dry Zone (Bago, Magwe, Mandalay, Sagaing), Coastal (Rakhine, Mon, Tanintharyi), and Delta (Ayeyarwaddy, Yangon).

# Annex 155

Danish Refugee Council and UNHCR, *Sittwe Camp Profiling Report*, June 2017 (extract)

Other extracts are also included at CMM, Vol. VI, Annex 253

Available at:

[https://www.jips.org/uploads/2018/11/Sittwe\\_Camp\\_Profiling\\_Report\\_LQ.pdf](https://www.jips.org/uploads/2018/11/Sittwe_Camp_Profiling_Report_LQ.pdf)





SITTWE CAMP  
PROFILING  
REPORT

2017

More desperate coping strategies that can have negative long term consequences for health and nutrition outcomes, such as reducing the number of meals eaten each day, decreasing expenses on healthcare and reducing expenses on food, were used almost exclusively by households from Muslim camps and villages. The frequency of most coping strategies was relatively standard across the different Muslim camps. Elderly-headed households were more likely to have used negative coping strategies in the past six months to meet basic household expenses (86 per cent compared with 72 per cent of non-elderly-headed households). Meanwhile, female-headed households were, on average, less likely to have resorted to negative coping mechanisms.

The proportion of households using food-specific coping mechanisms was high among Rakhine villages and relocated sites (35 per cent; 38 per cent). Households in the Muslim camps and villages were almost twice as likely to use food-specific negative coping strategies (72 per cent; 69 per cent). The most common food-based coping mechanisms used across all target populations involved resorting to less preferred and less expensive food. The frequent use among large sections of the Muslim camp and village populations of other more acute coping mechanisms, such as reducing the total number of meals in a day, and restricting consumption by females and adults so males and children can eat, is particularly concerning.

### Accessing humanitarian assistance

The vast majority of respondents from the Muslim camps reported that they did not face difficulties accessing humanitarian assistance in the last six months (95 per cent). People reporting to have experienced difficulties were more frequent in Ohn Taw Gyi North and South (6 per cent), Say Tha Mar Gyi/Phwe Yar Gone (5 per cent) and Thet Kae Pyin/Maw Thi Nyar (5 per cent) as well as the Dar Paing makeshift shelters (16 per cent).<sup>\*</sup> Food distributions were the main type of assistance people had difficulties accessing (3 per cent of all respondents), followed by healthcare (1 per cent), non-food item distributions (1 per cent) and shelter assistance (0.5 per cent). More than half of the respondents who had difficulties accessing food assistance were not receiving monthly distributions from WFP through partners, with several respondents mentioning that they were taken off food distribution lists after changing their location. The main reasons given for not being able to access food distributions was a lack of documentation (46 per cent),<sup>\*\*</sup> this was followed by a lack of services available (35 per cent) and movement restrictions (34 per cent). Nearly all households in which more than half the members were disabled (an estimated 34 households) reported having difficulties accessing humanitarian aid and approximately half reporting having difficulties accessing healthcare.

Of the population in the Muslim camps, female-headed households reported having difficulties accessing humanitarian assistance at the same rate as the rest of the population. Elderly-headed households, by contrast, were 5 percentage points more likely to report having difficulties accessing food aid and were more than twice as likely to have difficulties accessing NFI distributions, healthcare and shelter assistance. Households in which at least one member had a severe disability were 2 percentage points more likely to have difficulties accessing food distributions and were more likely to have difficulties accessing healthcare.

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<sup>\*</sup> WFP noted that they had experienced particular resistance to the introduction of a new food distribution system in these camps.

<sup>\*\*</sup> The type of documentation was not specified and may have also included ration cards. WFP and their implementing partners established complaint feedback mechanisms and helpdesks at food distribution points to address these issues.

# Annex 156

Amnesty International, *“Caged without a Roof”: Apartheid in Myanmar’s Rakhine State*, November 2017 (extracts)

Available at:

<https://www.amnesty.org/en/documents/asa16/7484/2017/en/>





# “CAGED WITHOUT A ROOF”

APARTHEID IN MYANMAR’S RAKHINE STATE

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*Cover photo: Rohingya children in a rural village in Buthidaung township, northern Rakhine State, March 2016. © Amnesty International.*

**AMNESTY  
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Since 9 October 2016, when ARSA militants launched lethal attacks on border police posts, Rohingya have reported that it is much more difficult to obtain Form 4s to travel between Maungdaw and Buthidaung townships. According to Rohingya activists, in early 2017 local authorities told community leaders that only holders of the NVC would be able to travel between townships.<sup>154</sup> However, there were reports that until the 25 August 2017, the day ARSA launched another coordinated attack on security posts, Rohingya could travel on payment of a bribe of 20,000-50,000 kyats (US\$12.50- 31).<sup>155</sup> At the time of writing, Rohingya still living in northern Rakhine State report that they are unable to travel between village tracts or between Maungdaw and Buthidaung townships, local authorities have cited security concerns as the reason for these restrictions.<sup>156</sup>

**Movement between villages of the same township:** In addition to requiring permission to travel between townships, Rohingya in northern Rakhine State also face restrictions on their movement between villages within their home township. These restrictions are more arbitrarily enforced: in some areas, Rohingya told Amnesty International they could travel between villages during the day without permission, but had to pay unofficial fees at checkpoints.

In other areas interviewees said that they needed to have a Village Departure Certificate, a document which they obtained from their Village Administrator confirming that they have permission to be outside their village. The document is usually obtained at a cost of 500 and 1,000 kyats (US\$0.5-1). Village Departure Certificates are also essential for Rohingya who stay away from their villages overnight. Villagers told Amnesty International that failure to have one could result in arrest.

In addition to obtaining the certificate, Rohingya must register as a guest of the household they are staying in, which they do by notifying their host's Village or Ward Administrator. Until recently, all people living in Myanmar who wished to spend the night outside their home were required to register as overnight guests. However, amendments to the 2012 Ward and Village Tract Administration Law in 2016 removed this requirement.<sup>157</sup> Amendments to this law have not changed the situation in northern Rakhine State however, and discriminatory local orders targeting Rohingya mean they are still required to register with local Village or Quarter Administrators if they stay overnight in a place other than their home.

In addition to being inherently discriminatory, the procedures to travel within northern Rakhine State are excessively bureaucratic and time-consuming. Official and unofficial fees to obtain these different travel permissions can also make travel prohibitively expensive for some families. Interviewees told Amnesty International that failure to comply can result in extortion, arbitrary arrest and detention.

### 3.1.2 CONTINUOUS 'CURFEWS'

Restrictions on movement in northern Rakhine State have been further exacerbated by 'curfew' orders which prohibit, among other things, people from being outside their homes and travelling at night. Curfews were first imposed in several townships, including predominantly ethnic Rakhine areas, in Rakhine State during 2012 as a way to maintain law and order in the wake of the violence.<sup>158</sup>

While these curfews have now been gradually lifted in all other parts of the state, they have been in continuous effect in Maungdaw and Buthidaung townships since 2012, and were most recently extended by township authorities on 25 October 2017. At the time of writing, a curfew is in place between 6pm and 6am in both Maungdaw and Buthidaung townships.<sup>159</sup> Interviewees and other credible sources report that in practice, the curfew is imposed selectively against Muslims by village and ward administrators and BGP officers.<sup>160</sup>

<sup>154</sup> Amnesty International communication, February 2017.

<sup>155</sup> Amnesty International communication, October 2017.

<sup>156</sup> Amnesty International communication, October 2017.

<sup>157</sup> Htoo Thant, 'Midnight inspection' clause abolished by parliament', *The Myanmar Times*, 20 September 2016, [www.mmimes.com/index.php/national-news/22620-midnight-inspection-clause-abolished-by-parliament.html](http://www.mmimes.com/index.php/national-news/22620-midnight-inspection-clause-abolished-by-parliament.html). For more information about guest registration and household inspections prior to the amendment of the 2012 Ward and Village Tract Administration Law, see Fortify Rights, *Midnight intrusions: Ending guest registration and household inspections in Myanmar*, March 2015.

<sup>158</sup> It is important to note that curfews have been imposed in other parts of Myanmar in response to a deteriorating security situation, for example during anti-Muslim riots in Meiktila in 2013, and in response to the eruption of fighting between the military and armed ethnic groups in the Kokang region in February 2015, and again in 2017.

<sup>159</sup> Prior to the first ARSA attacks in October 2016 the curfew was in place in both Maungdaw and Buthidaung townships between 11pm and 4am. This was extended to 7pm until 6am in the immediate aftermath of the attacks and shortened in February to 9pm until 5am. Immediately prior to the ARSA attacks of 25 August 2017, the curfew in Maungdaw township was in effect from 9pm until 5am and in Buthidaung township from 10pm until 4am. At 1pm on 25 August 2017, local authorities in both townships announced by loudspeakers that the curfew had been extended and would be in effect between 6pm and 6am.

<sup>160</sup> Amnesty International interview with B.W., March 2016.

A March 2016 written curfew announcement obtained by Amnesty International states that it is in place “for the sake of stability and peace in the community”, and warns that undefined legal action will be taken to prosecute those who do not follow the order.<sup>161</sup> Curfews have a significant impact on access to emergency medical treatment at night and the ability to undertake certain forms of work, such as farming and fishing (for more information on the impacts of movement restrictions on health and access to livelihoods, see Chapter 4).

The legal basis for the curfew is Section 144 of Myanmar’s Code of Criminal Procedure, which grants the authorities broad discretionary powers to restrict access to certain areas if they consider the restrictions likely to prevent “disturbance of the public tranquillity, a riot, or an affray” among other things. Orders under Section 144 are supposed to be temporary in nature, but can be extended by a magistrate after two months if there is “danger to human life, health or safety, or a likelihood of a riot or an affray.”<sup>162</sup>

In Maungdaw and Buthidaung townships, the curfew order has been extended every two months for the last five years. Under Section 144 of Myanmar’s Code of Criminal Procedure, such orders are supposed to be imposed by a magistrate, however according to non-governmental sources, in northern Rakhine State are imposed and extended by the Maungdaw and Buthidaung Township Administrators operating under the GAD.<sup>163</sup> Renewals are usually announced by loudspeaker in Maungdaw and Buthidaung towns and written confirmation is also disseminated among Village Administrators in the two townships.

The use of curfews as a temporary measure in Rakhine State during the 2012 violence and in the immediate aftermath of the October 2016 attacks were justified by the authorities on security grounds. However the widespread imposition of the curfew for years, in predominantly Rohingya areas and during periods when there were no reports of violence, cannot be justified. The fact that curfews are only maintained in the two Muslim majority townships strongly suggests that they are applied with discriminatory intent, and further evidence of official policy to deny Rohingya their right to freedom of movement.

### 3.1.3 CHECKPOINTS, EXTORTION, AND PHYSICAL VIOLENCE BY SECURITY FORCES



↑ Myanmar border police stand guard at the check point near the entrance of Maungdaw township in northern Rakhine State on 28 August, 2017. © AFP/Getty Images

<sup>161</sup> March 2016 curfew announcement, unofficial translation, on file with Amnesty International.

<sup>162</sup> Myanmar Code of Criminal Procedure, Section 144(6).

<sup>163</sup> Confidential correspondence, May 2015, on file with Amnesty International. OHCHR, *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*, para. 29.

A man asked if they were Maung Maung's relatives, and then what race Maung Maung was. He then informed them that Maung Maung was dead and told them to come to collect the body. Because of the curfew, Maung Maung's father was not able to travel to Maungdaw until 4am the next morning.

When he arrived at the hospital, two BGP officers informed him Maung Maung had not stopped at a checkpoint and that his death was an accident. Photographs of Maung Maung's body, which were shared with Amnesty International, clearly show a gunshot wound to the head. Two BGP officers were subsequently arrested and family members were told they had been charged with murder and misuse of their weapons. To date, Amnesty International does not know if the two BGP officers have been tried for Maung Maung's death.<sup>171</sup>

Almost every Rohingya Amnesty International interviewed in northern Rakhine State complained about the extortion and arbitrary taxes demanded by the BGP at checkpoints. Indeed, Amnesty International's research indicates that checkpoints serve little other function than to demand and receive bribes from travelling Rohingya. Reasons given by the BGP to extort money include not having the proper documents, unclear or "untidy" handwriting on permission letters and travel permits, and identity documents where the signature was either missing or illegible.<sup>172</sup>

A Rohingya woman living in northern Rakhine State explained that her husband lost his "white card" years ago, and so was not able to surrender the card and collect a receipt from the authorities. As a result, he is often extorted by BGP when passing through checkpoints: *"He doesn't have a temporary approval card so he has to pay 5,000 kyats to get permission to travel outside of the township. I have one, and I still have to pay 1,500 each time."* She continued, *"I worry about him a lot when he travels...They could detain him at any time because he doesn't have documents."*<sup>173</sup>

Interviewees told Amnesty International that failure to pay bribes can result in physical punishment or arbitrary arrest, and as a result, many people limit their travel to avoid harassment at checkpoints.

## 3.2 RESTRICTIONS ON MOVEMENT IN CENTRAL RAKHINE STATE

**"Since the conflict [2012 violence] we can't go into the town. The authorities issued a verbal order not to go there after the conflict, and it's never changed since. The Township Administrator communicates it down to the Village Administrators and they inform the villagers. We can only go to other Rohingya villages. We are not allowed to go to the Rakhine villages at all."**

A 45-year-old Rohingya man, who is a head of 100 households in a village in Mrauk-U township.<sup>174</sup>

Amnesty International's research found that while restrictions on movement were not as strictly imposed in central Rakhine State and in Sittwe township (See Section 3.3) as in northern Rakhine State prior to the 2012 violence, since then local authorities have imposed *de facto* restrictions even when they were not declared formally, and actively pressured Muslim communities to remain confined to their villages.

<sup>171</sup> Amnesty International interview with B.B., March 2016.

<sup>172</sup> Amnesty International interviews with A.N., A.T., A.U., March 2016.

<sup>173</sup> Amnesty International interview with A.T., March 2016.

<sup>174</sup> Amnesty International interview with C.X., September 2016.

### 3.2.1 CONFINEMENT TO VILLAGES

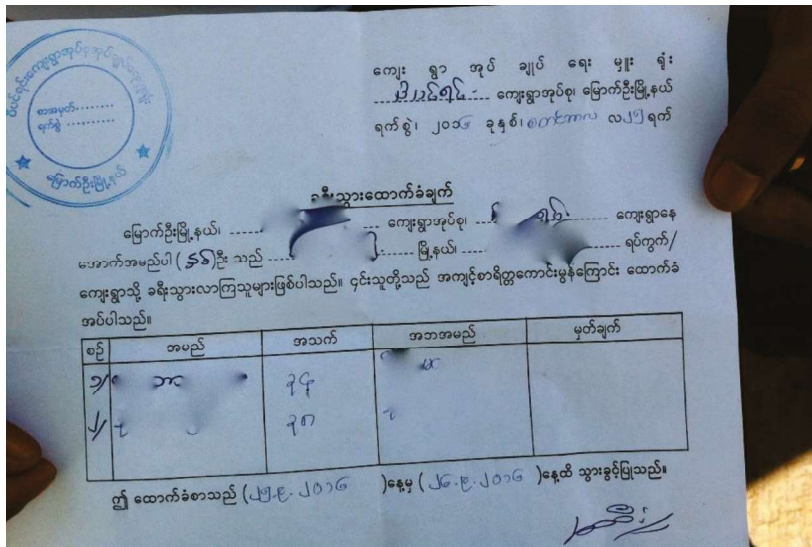
In central Rakhine State, Amnesty International's research paints an extremely bleak picture of Rohingya trapped in villages which they have essentially been unable to leave since 2012. All of the Rohingya Amnesty International interviewed in 11 different villages in central Rakhine State said that they are not allowed to travel to Rakhine villages, and have not been able to travel to the main town of their township (for example Kyauktaw town in Kyauktaw township) since 2012. The only travel permitted is to other Muslim villages in the township, however they are not allowed to use roads and can only use waterways to reach these villages. A Rohingya villager living in Kyauktaw township explained:

*"We cannot go by land to other Rohingya villages, only by waterway and only to villages inside Kyauktaw township. Most villages are [by the] riverside. We can't go to Rakhine villages, and can't go into Kyauktaw or Mrauk-U towns. We can't go to other townships except Sittwe in an emergency."*<sup>175</sup>

Another Rohingya man living in a different village in Kyauktaw township confirmed these restrictions, explaining that people who do not comply risk complaints and hostility from the local Rakhine community:

*"The Township Administrator informed us that we cannot travel around (the village), we can only go by boat to other Muslim villages. We cannot use the road, we can go near it, and cross it to go to our paddy fields, but we cannot walk on it. If we do, the Rakhine make problems to us."*<sup>176</sup>

In most villages Amnesty International visited in Mrauk-U and Kyauktaw townships, interviewees reported that they had to request some sort of permission to travel even between Muslim villages. The process for this varied. Some reported they had to verbally inform their Village Administrator, while others said they needed written permission. In both cases, villagers said the cost was around 200 kyats (US\$0.10) each and every time they leave their village.<sup>177</sup> Interviewees from two different villages showed Amnesty International copies of the written permission slips, which they said they had obtained from their village administrator.<sup>178</sup>



<sup>178</sup> ^ A Rohingya villager shows the permission slip he needed to get in order to leave his village in central Rakhine State, September 2016. ©Amnesty International

<sup>175</sup> Amnesty International interview with A.A., February 2016.  
<sup>176</sup> Amnesty International interview with D.O., September 2016.  
<sup>177</sup> Amnesty International interview with C.Y., September 2016.  
<sup>178</sup> Amnesty International took photographs of these permission forms and obtained professional translations, both of which remain on file with the organization.



### COMMUNITY-IMPOSED MOVEMENT RESTRICTIONS

While restrictions on movement are primarily enforced and maintained by the state, other factors also play a role in limiting the movement of Rohingya and other Muslims in both central Rakhine State and Sittwe township. Chief among them are inter-communal tensions.

Five years after waves of violence between Buddhist and Muslim communities swept Rakhine State, the situation remains volatile, and all communities fear fresh outbreaks of violence. For Muslim communities, fear of violence stems in large part from the Myanmar security force's failure to respond to threats and violence by extremist Rakhine groups. Many Muslim interviewees cited incidents, some recent, some dating back several years, when hardline Rakhine individuals and groups had attacked and injured Muslim villagers, and police had failed to prevent the attacks or else did not intervene to stop them or to hold those responsible to account. For their part, ethnic Rakhine villagers Amnesty International interviewed said they feared outbreaks of violence if Muslims came in to their area, and expressed concern that police would not take action, and often failed to take action to investigate Muslim villagers who committed petty crimes in the area.

The role of hardline individuals and groups within the Rakhine community in restricting Muslim movement was also clearly recognized by a Senior Rakhine State government official who explained: "Restrictions on movement are there because of the conflict... if they [the Rohingya] want to go to Sittwe [town] they need police security. They cannot leave their areas without permission and security because of the Rakhine residents."<sup>207</sup> While it is true that there are security concerns, more so since the ARSA attacks which have contributed to fear and mistrust among communities throughout the state, the reality is that effective state action would largely mitigate these concerns. What all communities, but most especially Rohingya and Muslim communities, are most at risk from is a state policy that has fostered rather than challenged discrimination.

An illustration of this was given to when Amnesty International spoke to a Kaman couple who had travelled to Sittwe town for business in December 2015, and who were temporarily detained by police after hardline Buddhist monks protested against their presence. The man, a 52-year-old Kaman with full citizenship explained:

*"My wife and I went to Sittwe to do a job downtown. While we were there some monks arrived. They asked "are you Kaman?" When I replied yes they told us that we could not come there [to downtown] because we are Kaman. I explained that we have citizenship, both my wife and I, but they said it didn't matter, even if we are Kaman we still believe in Islam. They called the police who quickly arrived and took us to the police station. We were detained there for around an hour. The police asked if I was Kaman, and told me that we shouldn't come downtown. Fortunately I have a good relationship with the military commander who oversees our area, so I called him and he came and collected us."*

Their experience further confirms the role of the state, in this case the police, in both restricting Muslim movement and in bowing to pressure from hardline groups.

By imposing arbitrary and discriminatory restrictions on freedom of movement under pressure from such groups, the police are failing in their obligation to exercise due diligence to protect individuals from abuses of their human rights by non-state actors.

This also indicates that even if state-imposed movement restrictions were removed, community-imposed movement restrictions would likely continue unless the authorities take effective action. Concerns about violence and hostility have created a climate of fear among all communities, and is exacerbated by state failures to protect the people of Rakhine State, investigate incidents of violence, and hold perpetrators to account. Policies of segregation, which have meant there has been little to no interaction between Muslim and Rakhine communities over the past five years, have further fueled these fears.

<sup>207</sup> Amnesty International interview, Senior Rakhine State government official, March 2016.



# **Annex 157**

ICRC, Joint Three Month Report for Response in Rakhine State (15 September 2017 to 31 December 2017), 31 January 2018





International Federation of Red Cross and Red Crescent Societies  
 Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge  
 Federación Internacional de Sociedades de la Cruz Roja y de la Media Luna Roja  
 الاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر

## JOINT THREE MONTH REPORT FOR RESPONSE IN RAKHINE STATE (15<sup>th</sup> September to 31<sup>st</sup> December 2017).

Reporting Period: 3,5 Month	Date of Report Issue: 31 <sup>st</sup> January 2018
Report Starting Date: 15 September 2017	Report Ending Date: 31 <sup>st</sup> December 2017
Project Budget Allocated: 17,063,480 CHF	
No. of People assisted: 180,000	No. of Volunteers Involved: 220

### 1. BACKGROUND

Following the violence that broke out on 25 August 2017, upon the request of the Union Government, the Red Cross Movement - comprised of the International Committee of the Red Cross (ICRC), the Myanmar Red Cross Society (MRCS) and the International Federation of the Red Cross and Red Crescent Societies (IFRC) - has been providing humanitarian assistance in Maungdaw and Sittwe districts.

An emergency appeal of 17 million Swiss francs was launched by the ICRC and the resulting funds enabled the Red Cross Movement to deliver assistance and provide protection and support to 36,000 families (180,000 people) in Rakhine. The assistance was delivered over a period of 3.5 months, with a focus on the following sectors: food, health, shelter (and non-food relief items), water, sanitation and hygiene promotion, food security and livelihoods, and protection.

Throughout Rakhine, as everywhere in the world, the Red Cross is responding in accordance with its Fundamental Principles of neutrality, impartiality and independence. This means the Red Cross works on behalf of all affected people, regardless of ethnicity or religion, and delivers assistance based on needs. The Red Cross maintains regular contact and operates in full transparency with the Government of Myanmar.

#### KEY ACHIEVEMENTS AND CONSTRAINTS

- 180,000 people assisted in 3 months.
- Nearly 200 Red Cross Movement staff and volunteers supported the response.
- Assistance provided at 140 different locations (villages, village tracts, temporary relocation sites, transit points).
- MRCS response capacity is strengthened through renovation of the Rakhine state branch office, direct training of 202 staff and volunteers, technical support and replenishment of emergency relief items.
- Security and logistical challenges: roads in poor condition, long distances and remote locations.

### 2. RED CROSS ACTION

Over the past three months, the Red Cross has gradually reached all areas affected by the violence. Teams operating in Rakhine have used trucks, cars, boats, a helicopter and cargo ships to deliver aid. They often walked great distances to meet with affected communities, assess emergency needs, and deliver assistance. In order to transport essential supplies, and establish a logistical supply chain to reach populations, the Red Cross upgraded the

Maungdaw jetty, and the jetty access road. Four rub halls have been constructed for warehousing and positioning of stock. These facilities will be in use after the emergency response. MRCS Rakhine state warehouse rehabilitation plans were drafted during this time phase and the new infrastructure will be developed in 2018. Temporary office and warehousing spaces have been set up in Sittwe as a backup to its branches offices all over Rakhine.

More than **175,000** people have received food rations, and over **89,000** people have been assisted with emergency items such as tarpaulins, hygiene kits, oral rehydration salts, etc.

Close to 609,000 liters of clean drinking water have been distributed, and thousands have benefited from Red Cross support to the health system and mobile clinics. For more than 13,200 people with access to markets, including temporarily relocated persons, the Red Cross delivered unconditional cash grants, in order to support the resumption of their economic activity and their reintegration into their home communities. The Red Cross is also looking at the medium-term needs of affected communities in Rakhine and has distributed seeds and fertilizer to more than 10,000 people ahead of the next harvest.

### 3. COORDINATION

The Red Cross Movement response is coordinating internally through a strategic decision-making body in Yangon, and simultaneously through operational/technical coordination mechanisms established in Sittwe and Maungdaw. Authorities are engaged at the national, state, district and township levels to ensure that all concerned parties are well informed. Coordination with authorities is key to access to affected areas, in order to deliver humanitarian assistance in accordance with the Fundamental Principles and other Movement policies.

It is an essential priority for the Red Cross Movement to consider the point of view of all communities, and this is achieved through multiple information and networking channels including face-to-face communication, over the phone, and often online.

In order to strengthen understanding and acceptance throughout the communities where it is operating, and mitigate any concerns by community members, Red Cross teams regularly meet with various community and government leaders to convey messages concerning the impartial nature of the Movement's humanitarian work and to listen to their advice and concerns

In addition, representatives of the Red Cross have participated in meetings of the Humanitarian Country Team to reduce duplication of efforts when international organizations re-engage. There are other stakeholders such as the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, which will become increasingly important during the recovery phase. The Red Cross will coordinate with these organizations in order to share information and activities, and disseminate the mandate and principles of the Red Cross Movement. Relations with Civil Society Organizations are also important to further the Red Cross Movement's access and the safety and security of its operations.

### 4. EMERGENCY ASSISTANCE

Over the past few months, Red Cross teams conducted rapid assessments in order to understand the needs of communities whose economic activity was disrupted during the aftermath of the violence and upheaval. Based on these assessments, teams distributed rations of food to villages throughout Rakhine in food parcels that included rice, cooking oil,

sadawpeas (butter beans), fish cans, a wheat-soya cereal blend, iodized salt and tea. The Red Cross provided daily rations to temporarily relocated persons in different areas of Rakhine such as Sittwe, Kyauktaw, Minbya, Ponnagyun and others.

For nearly 13,200 people who retained access to markets, teams distributed cash grants. Cash grants were also distributed to thousands of temporarily relocated persons to support the return to their villages of origin, encourage economic activity, and support reintegration into their home communities.

In a second phase, the Red Cross distributed monthly rations of food in villages without access to fields and markets in Maungdaw, Buthidaung and Rathedaung. Daily rations were provided to populations in transit to Bangladesh.

To date, nearly 175,000 people have received food assistance. In various locations where the agricultural cycle was disrupted but individuals retained the ability to access and work their fields, Red Cross teams are providing seeds and fertilizer. These distributions, primarily of winter crops, will allow a return to the normal agricultural cycle. Currently over 10,000 persons benefit from this assistance. Finally, Red Cross teams distributed essential household items to over 89,000 people, in packages that include mosquito nets, blankets, hygiene parcels and dignity kits.

### **5. PROTECTION**

During the needs assessment in Maungdaw district, Red Cross teams monitored the humanitarian situation of the people affected by the violence. The findings of these assessments were shared with the concerned authorities. In addition, the Movement offered its tracing services, with a view to restore and maintain links between families separated due to the violence. Detention visits were conducted in the main prisons in Rakhine State.

### **6. WATER, SANITATION, HYGIENE AND SHELTER**

Since the onset of the emergency, Red Cross teams have supported temporarily relocated persons with water and sanitation services at various relocation sites in Maungdaw and Sittwe Districts. The humanitarian situation also required the Red Cross to provide emergency assistance in Ah Ley Tan Kyaw and Pya Na Pyin Gi beaches in Maungdaw Township, where people were transiting towards Bangladesh.

The Red Cross regularly delivered clean drinking water through water tanking and the distribution of 1 litre bottles, and teams constructed water points and latrines to ensure basic health and sanitation measures were available to mitigate the spread of disease and unsafe living conditions.

### **7. EMERGENCY HEALTH**

Red Cross health teams are working directly with the Ministry of Health and Sports (MoHS) to assess the existing medical infrastructure, including 26 health facilities and mobile clinics, throughout Rakhine State. Drugs and medical equipment were donated to support primary and secondary health care structures and mobile clinics. Emergency oral rehydration salts, clean delivery kits and first aid kits were distributed to affected populations, and Red Cross health teams have been present at distributions. The Red Cross also provided the Ministry of Health and Sports with logistical assistance to support the mobility of MoHS mobile teams, assisted MoHS in identifying and training Community Health Workers to increase health coverage and rebuild the community disease surveillance system. The Red Cross also supported MoHS in the Japanese Encephalitis vaccination campaign with transport of immunization teams and community awareness. The Red Cross continue support to the MoHS for the Emergency Patients Referral System.

## **8. STRENGTHENING THE NATIONAL SOCIETY RESPONSE CAPACITY**

MRCS capacity to respond in Rakhine has been strengthened through emergency preparedness, infrastructure upgrading, strategic dialogue and communication, trainings, as well as financial, logistical and material support.

The Rakhine state branch office was rehabilitated which has enabled more effective delivery of services. Five fabricated office containers were installed on the state branch grounds and a wiikhall (fabric covered building) purchased with the purpose of relocating stocks during the reconstruction of the MRCS warehouse in Sittwe in 2018. The renovation activities have been complimented with the purchase of volunteers' safety and security protective equipment items, office and IT equipment that will enable 10 branches in Rakhine and headquarters to better assist the affected populations.

Another important component of this capacity building was the replenishment and pre-positioning of disaster preparedness stocks such as hygiene parcels, dignity kits, tarpaulins, mosquito nets and other relief items to ensure continuous response to the current and future needs.

As many of the volunteers and staff working in the operation are newly recruited, trainings on governance, fundamental principles, logistics and warehouse management and communications have been conducted to over 200 people, to equip them with the necessary knowledge and skills to implement response and recovery activities now and in the future.

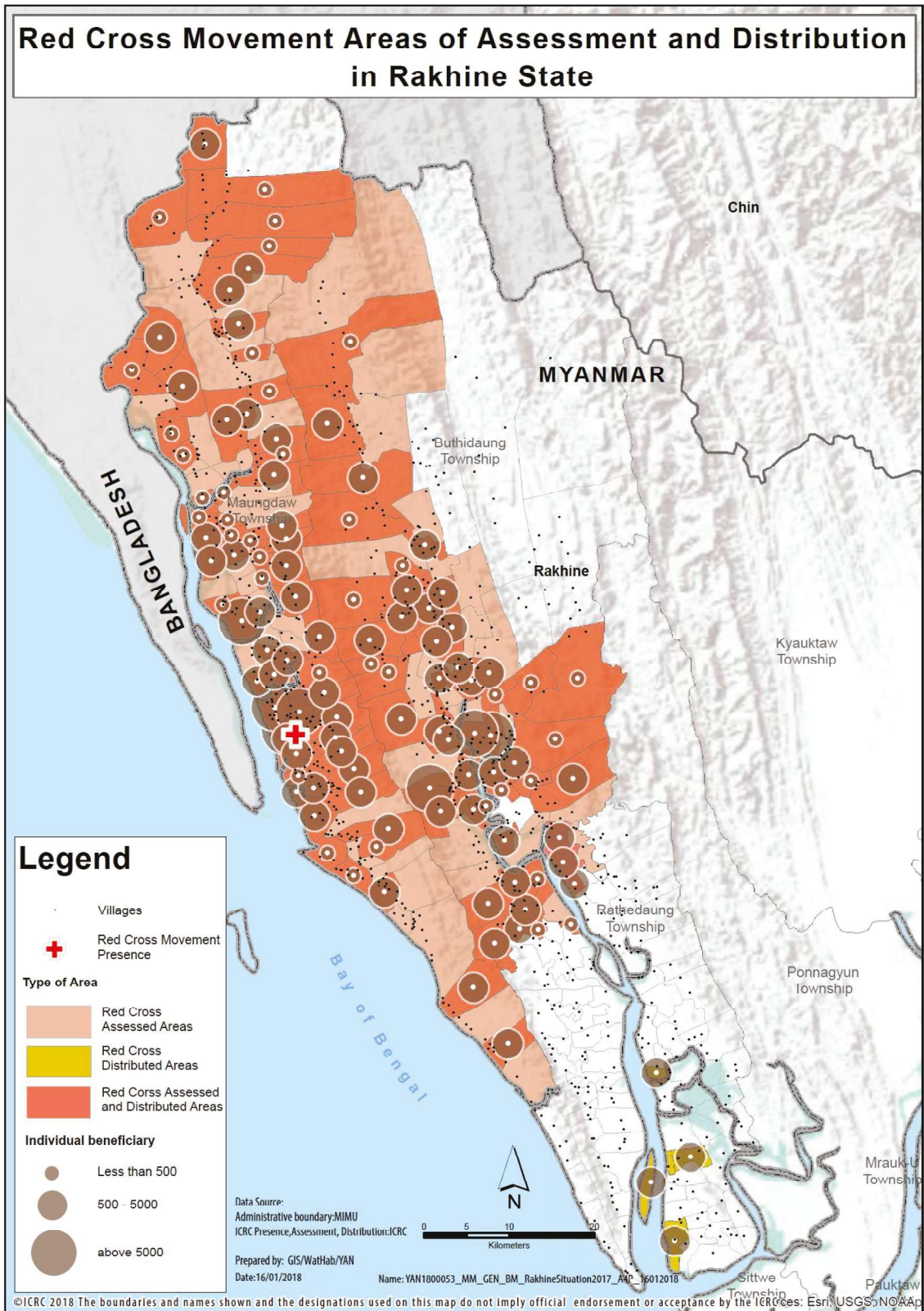
## **9. LOOKING AHEAD IN 2018**

We appreciate the trust the Government of Myanmar placed in the Red Cross Movement to respond to the crisis in Rakhine State in 2017. We believe that as a Movement, the MRCS's local knowledge, capability, volunteers and staff, the ICRC's global operational expertise and violence-sensitive programming, and the training and capacity-building skills of the IFRC, is a powerful combination which was able to deliver in 2017 and can be effective in addressing existing and changing humanitarian needs in 2018 and beyond.

As the situation in Rakhine stabilizes, it will remain a sensitive area with significant potential for further violence. Thus, although the Red Cross Movement intends to shift its approach in 2018 towards recovery and long-term development efforts, a solid emergency response capacity and violence-sensitive programming will still be needed in case violence re-erupts.

In line with the recommendations of the Rakhine Advisory Commission, the aim of the Red Cross Movement is to contribute to the development of Rakhine State, and help build a more peaceful co-existence among communities following the recent violence, so people can lead healthier, productive and safer lives.

**ANNEX 1: RED CROSS MOVEMENT AREAS OF ASSESSMENT AND DISTRIBUTION**



## ANNEX 2: IMPLEMENTATION DETAILS ACCORDING TO THE SUBMITTED POA

Emergency Relief				
<b>Outcome:</b> Those in need are provided with emergency assistance, household needs or in kind and cash support This population will be followed up in 2018 as they continue to move or settle				
<b>Output 1.</b> Target Populations are provided with food, essential household items / non-food items and / or cash				
Activities	Implementation on time?		2017 Sept-Dec % achievement	Remarks
	Yes (x)	No (x)		
1.1 Food rations will be distributed to 20,000 families on a monthly basis, focusing on those with limited access to market	X		160%	Reached 31,961 HHs, but not necessarily monthly.
1.2 EHI/NFI and hygiene kits will be distributed to 20,000 families, including both long-time residents and displaced people in affected areas	X		87%	Reached 17,310 HHs
1.3 Displaced people will also receive daily food rations or ready-to-eat rations. This will require daily presence and activities in target areas.	X		129,875 people	Number refers to displaced people in Ahlethanyaw & PaNaungpingy.
1.4 Seeds distribution support will be provided for those remaining in their communities and support for individuals to harvest at least a portion of their rice paddies is being considered	X		1,999 HHs	Target was no set, as limited information existed during the planning phase.
<b>Output 2.</b> Target populations (6,000 families) are provided with Unconditional Cash Grants (UCG)				
Activities	Implementation on time?		2017 Sept-Dec % achievement	Remarks
	Yes (x)	No (x)		
2.1 UCG will be distributed to 6,000 families (30000 Pop - 5 /1 HH) that have freedom of movement and access to markets.	X		59%	Reached 17,589 people

Health				
<b>Outcome:</b> The immediate and medium-term risks to the health of the affected population are reduced and there is access to existing health services.				
<b>Output 1.</b> An agile and responsive primary health approach is backed by epidemiological surveillance, setting of priorities and the targeted mobilization of resources.				
Activities	Implementation on time?		2017 Sept-Dec % achievement	Remarks
	Yes (x)	No (x)		
1.1 Movement multi-disciplinary assessments include / integrate health.	X			All VT in Maungdaw District visited
1.2 Health surveillance support to Ministry of Health and Sports (MoHS) mobile clinic assistance to all communities		X		No MoHS or RCM mobile clinic authorised up to Dec
1.3 Compile data and report/share with Township Medical Officer (TMO)/District Medical Officer (DMO) and Rakhine State Health Director to advocate for response in priority areas	X			Regular discussions took place.
1.4 Advocacy regarding referrals and access to adequate secondary health care facilities.	X			Regular discussions took place.
1.5 Direct advocacy with MoHS to open space for humanitarian action.	X		80%	Union Minister of MoHS supported an official permission letter to RCM, Jan 18.
1.6 Follow up during the arrival of returnees, identify new sites, and prioritize needs.	X		20%	Arrival of returnees from SIT district was followed up; new sites were identified by Government.
1.7 Support the MoHS to establish Rapid Response Teams (RRT), as a temporary solution to immediately gaps in health	X		10%	RCM involved in MoHS mobile clinics.

services. The RRTs will form the MoHS mobile health teams.				
<b>Output 2.</b> Gaps in the medical infrastructures and items for the affected population are filled or mitigated.				
Activities	Implementation on time?		2017 Sept-Dec % achievement	Remarks
	Yes (x)	No (x)		
2.1 Identify and highlight MoHS human resource (HR) needs in Rural Health Centre and Station Hospitals, Township hospitals and make recommendations to the Township medical officers and State Health Department.	X		30%	Discussions with MoHS to persuade MoHS staff to go back to their duty stations and resume activities
2.2 Identify health structures affected / requiring structural support	X			Discussions with health authorities on priority structures for secondary level referral system
2.3 Identify needs regarding medical material, drugs, and furniture to enable MoHS to run activities in their structures.	X		50%	Drugs and medical material provided to MoHS
2.4 Continue supporting the transportation of MoHS Mobile Clinics in Maungdaw and Buthidaung to immediately address gaps in health services in rural areas; MRCS mobile clinics continue to provide services in Sittwe and possibly expand to other areas in the north as required.	X		30%	Supported the transportation of MoHS Mobile Clinics in Maungdaw. Planned to send one of the 3 Mobile Clinic teams operating in Sittwe to Maungdaw. One MRCS mobile clinic provided services to TDPs in Sittwe.
2.5 Facilitate donation (transport/delivery /distribution) of "non-medical" items such as plumpynut (supplementary feeding), provided by INGOs.	X		40 %	Provided Health Kits, ORS, and Clean delivery kit
2.6 Continue supporting the ICRC supported Emergency Patient Transport System (EPTS) transportation in both Maungdaw and Buthidaung.	X			142 patients utilised EPTS in Maungdaw and Buthidaung
2.7 Consider supporting the provision of first aid training for Community Health Workers in Buthidaung and Maungdaw, organized by the MoHS.	X		100%	Supported two First Aid trainings for Community Health Workers organized by the State Health Department, including meal, travel cost, First Aid Kit, First Aid Manual, Triangular Bandages for participants and Facilitators.
<b>Output 3:</b> Community health capacity reinforced, to response both regular health issues as well as health emergencies and traumatic injuries.				
Activities	Implementation on time?		2017 Sept-Dec % achievement	Remarks
	Yes (x)	No (x)		
3.1 Community health capacity reinforced, to respond to both regular health issues as well as health emergencies and traumatic injuries	X			RCM provided health education on usage of Clean Delivery Kits and First Aid Kits to Community Health Workers and Traditional Birth Attendants

3.2 Support training for Community Health Workers, Traditional Birth Attendants, Auxiliary Midwives, Health Assistants and others (after coordination with Township medical officer and State health director.	X		60%	40 CHW identified and trained in Buthidaung and Rathedaung
3.3 Provide First Aid training to community and when feasible, with Border Guard Police.		X		RCM provided health education on usage of First Aid Kits to BGP. Discussions held with BGP for formal First Aid Training in quarter 1 of 2018.

<b>Water, Sanitation, hygiene and shelter</b>				
Targeted population : 10,000 families				
<b>Outcome:</b> The immediate and medium-term risks to public health, linked with poor access to drinking water and sanitation are mitigated. Adapted shelter improvements are proposed to displace or resident affected populations.				
<b>Output 1.</b> Risk of waterborne, water related and vector-borne diseases in affected communities are reduced. Minimum standards of shelter are available.				
<b>Activities</b>	<b>Implementation on time?</b>		<b>2017 Sept-Dec % achievement</b>	<b>Remarks</b>
	<b>Yes (x)</b>	<b>No (x)</b>		
1.1 10,000 families supported based on need with drinking water, emergency latrines and bathrooms, shelter materials, and tools to repair shelters.	X		30%	500,000 liters of drinking water have been distributed; 197 water filters have been distributed; 217 sanitation infrastructure construction have been installed; 180 shelter materials (Tarpaulin) have been distributed
1.2 Movement multi-disciplinary integrated assessments include WASH and are supported / complemented by the ICRC Water and Habitat (Wathab) department.	X			All assessments included WASH component.
1.3 Based on the findings, mobilise Movement teams according to access and priorities	X			
1.4 Follow up during the arrival of returnees, identify needs, gaps and priority communities based on a detailed assessment.	X		20%	Arrival of returnees from SIT district was followed up; new sites were identified by Government.
<b>Output 2.</b> Educational facilities in affected communities (3-5) are functioning through support which stimulates the capacity of the local community				
<b>Activities</b>	<b>Implementation on time?</b>		<b>2017 Sept-Dec % achievement</b>	<b>Remarks</b>
	<b>Yes (x)</b>	<b>No (x)</b>		
2.1 In close cooperation with MRCS, repair or rebuild 3-5 school in affected areas where population is still on site through community based project or cash for work.		X	0%	To be considered in next phase.
2.2 Red Cross to support donations of school equipment, uniforms and materials.		X	0%	School Uniforms may be distributed during next phase
<b>Output 3:</b> Damaged or inadequate health facilities in affected communities are repaired and upgraded appropriately				
<b>Activities</b>	<b>Implementation on time?</b>		<b>2017 Sept-Dec % achievement</b>	<b>Remarks</b>
	<b>Yes (x)</b>	<b>No (x)</b>		

3.1 Health infrastructures may be repaired or upgraded in support of the Health Department strategy of access to health.		X	0%	To be considered in the next phase
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Restoring Family Link (RFL)				
<b>Outcome:</b> Contacts are re-established and maintained between family members separated by the violence.				
<b>Output 1.</b> Clarify the fate of the persons reported Missing.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
1.1 Red Cross Movement Multi-disciplinary assessments include / integrate RFL and protection aspects.		X	0%	No RFL Cases
1.2 Cases of unaccompanied minors and vulnerable adults with RFL needs will be registered and followed up.		X	0%	No RFL Cases
1.3 Targeted RFL support for affected populations with specific needs enable them to have initial and then regular contact with family in Bangladesh or in Myanmar.		X	0%	No RFL Cases
1.4 Tracing cases collected in Bangladesh will be followed up in Myanmar when relevant.		X	0%	No RFL Cases
<b>Output 2.</b> Facilitate exchanges of family news.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
2.1 Provide people separated by the violence with appropriate support to re-establish and maintain contact with loved ones (means of communication, Red Cross messages, and energy sources, top up cards).		X	0%	No RFL Cases

Rapid and efficient scale up of operations				
<b>Outcome:</b> (no outcome in Plan)				
<b>Output 1.</b> Distributions are supported by adequate distribution sites, logistics and fleet capacity.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
1.1 A full logistic set up is established in several locations (rub-hall, parking), roads (tracks) are upgraded, including cash for work with workers from neighbouring villages.	X		30%	a wiikhall purchased with the purpose of relocating stocks during the reconstruction of MRCS warehouse in Sittwe
1.2 Maungdaw jetty upgraded.	X			Completed
1.3 Road (track) upgraded to serve distribution points	X			Access to Pa Nyaung pyin Gyi beach was upgraded
1.4 Cars: Maungdaw/Buthidaung is equipped with 6 land cruisers (2 already allocated and 4 already deployed from other ICRC structures)	X			Completed
1.5 MRCS will send additional vehicles as available	X		30%	2 Vehicles were sent
1.6 Boats: one additional speedboat will be purchased for Rakhine (TBD where to be based).		X	0%	Will be purchased in next phase
1.7 Trucks: a fleet of 20 rented trucks with drivers is deployed	X		100%	

1.8 Two additional warehouses in Maungdaw Town and Buthidaung expand the capacity of stock-age currently centralized in Sittwe.	X		100%	
1.9 Two smaller warehouses are set-up in Mrauk-U and Magway.		X	50%	New warehouse in Magway. No need in Mrauk-U.
<b>National Society Capacity Strengthening</b> Targeted branches : 5				
<b>Outcome:</b> The emergency preparedness capacity building is a collaborative effort by MRCS leadership and the Federation team (including the ICRC in conflict situations).				
<b>Output 1.</b> A well-functioning logistics system for warehousing at Headquarters / strategic locations is in place.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
1.1 Renovation/renting of MRCS warehouse for incoming DP stocks.	X		100%	As planned (space in Yangon)
1.2 Procurement of warehouse equipment.	X		100%	As planned
1.3 Printing of warehouse documents	X		100%	As planned
1.4 Procurement of Rubb hall		X	100%	Delay as delivery took 2 extra weeks. Wiik hall was installed in early January 2018, completed now.
<b>Output 2.</b> MRCS branch office facilities are improved with renovation of premises and facilities.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
2.1 Renovation of Rakhine State branch is partially completed to allow volunteers to use the premises; MRCS Yangon office meeting room and OM Unit office is partially complete.	X		110%	Additional renovations of MRCS Rakhine state branch were undertaken.
2.2 A plan for the MRCS township branch reconstruction is put in place.	X		100%	Was designed at the same time as the renovations. Reconstruction is planned for 2018
2.3 Procurement and office space for volunteers of Rakhine Specific Project (RSP) is improved and a strategy for longer term programming put in place (Sittwe and Maungdaw)	X		100%	Office equipment was procured and warehouse rehab for Rakhine put in place. Construction of new warehouse plus office on RSP premises are planned for 2018.
2.4 Procure furniture and operational equipment for 5 branch offices in northern area of Rakhine.	X		100%	As planned. 10 branches in Rakhine will benefit from some of the items.
<b>Output 3:</b> MRCS branch governance, staff and volunteers have detailed knowledge and skills in institutional and programme management and decision making through appropriate trainings.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
3.1 Conduct trainings (Leadership training for key branches, Induction for staff and volunteers, RC principles, Warehousing	X		140%	5 trainings were planned and 7 were held (one additional

& General Logistics, Fleet Management, Field Monitoring and Reporting).				logistics and one leadership training for governance in NPD)
3.2 Participation of MRCS staff in emergency needs assessment training in Philippines and Regional Disaster Response Team (RDRT) training participation.	X		100%	As planned. The RDRT participant was funded through regular RDRT budget however.
<b>Output 4:</b> MRCS surge support capacities for emergency preparedness at Headquarters and Rakhine state levels are enhanced.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
4.1 MRCS HR Support (Staff Recruitment)	X		100%	As planned; over 20 new MRCS staff were recruited
4.2 IFRC HR Recruitment (Yangon and Sittwe)	X		100%	As planned; IFRC HR was scaled up with surge personnel
4.3 M&E and Coordination _MRCS and IFRC	X		100%	As planned; surge staff was recruited to support coordination in Sittwe and M&E
4.4 Finance and Operational Support	X		100%	As planned
4.5 Emergency communications technical support	X		100%	As planned
4.6 Logistics Support	X		100%	As planned
4.7 National Society Development support	X		100%	As planned

Preparedness				
<b>Outcome:</b> The MRCS is better prepared to respond to the immediate needs of people affected by disasters in Rakhine State				
<b>Output 1.</b> Emergency response readiness capacity is in place and supports the immediate response of MRCS.				
Activities	Implementation on time?		2017 Sept –Dec % achievement	Remarks
	Yes (x)	No (x)		
1.1 Procurement and installation of IT equipment in Sittwe, Bauthidaug and Maungdaw.	X		60%	All procurement was undertaken; Installation completed in Maungdaw
1.2 Procurement of motorcycles	X		100%	As planned, 3 land cruisers were also purchased.
1.3 Maintenance of motorcycles and land cruisers	X		100%	All vehicles were serviced and went through regular maintenance
1.4 Sub EOC Capacity enhancement in Sittwe (procurement of equipment).	X		100%	As planned
1.5 Procurement and prepositioning of disaster preparedness stocks (see list/MRCS and IFRC).	X		100%	All procurement done and stocks were prepositioned.
<b>Output 2.</b> Capacity of MRCS' protection, safety, search, rescue and communications is enhanced.				
Activities	Was implementation on time?		2017 Sept –Dec	Remarks

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	Yes (x)	No (x)	% achievement	
1.1 Protection and visibility equipment: (flags, vests, budes, polo shirts, megaphones and backpacks)	x		100%	As planned
1.2 Search and rescue equipment (at sea and fire)	x		100%	As planned

## ANNEX 3: ASSISTANCE OPERATIONS IN RAKHINE

Township	Essential Household Items		Food parcels		Sanitation		Water distribution	
	HH	Pop	HH	Pop	HH	Pop	HH	Pop
Buthidaung	6'279	32'562	14'469	81'530	417	2'094	0	0
Kyauktaw	378	1'430	306	1'142	275	1'069	0	0
Maungdaw	6'259	34'241	12'952	74'064	404	1'982	770	3'810
Minbya	133	658	133	658	0	0	0	0
MraukU	176	670	207	722	77	289	0	0
Ponnagyun	130	466	67	227	0	0	0	0
Rathedaung	2'147	11'867	2'211	11'867	0	0	0	0
Sittwe	1'765	7'548	1'346	5'458	0	0	0	0
Thandwe	8	28	0	0	0	0	0	0
Toungup	35	164	0	0	0	0	0	0
<b>Total</b>	<b>17'310</b>	<b>89'634</b>	<b>31'691</b>	<b>175'668</b>	<b>1'173</b>	<b>5'434</b>	<b>770</b>	<b>3'810</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Buthidaung	Ah Htet Kywe Cho Maw (a)Nyaung Chaung Kywe Gyo Maw	Kar Di 1			60	320				
Buthidaung	Ah Htet Kywe Cho Maw (a)Nyaung Chaung Kywe Gyo Maw	Kar Di 2			80	408				
Buthidaung	Ah Lel Chaung	Let Thar	408	2'040	408	2'040				
Buthidaung	Ah Twin Hngat Thay	Thein Taung			990	7'090				
Buthidaung	Ba Gone Nar	Ah Lel			660	4'363				
Buthidaung	Buthidaung town	Ahlin Yaung Monastery	69	210	69	210	28	140		
Buthidaung	Buthidaung town	Alo Taw Pyae Monastery	58	319	58	319				
Buthidaung	Buthidaung town	Dama Mandyne Monastery	26	146	26	146				
Buthidaung	Buthidaung town	jetty					28	140		
Buthidaung	Buthidaung town	Lann Ma Monastery	55	314			28	140		
Buthidaung	Buthidaung town	Mya Sein Yaung Monastery					28	140		
Buthidaung	Buthidaung town	Myo Oo Monastery					28	140		
Buthidaung	Buthidaung town	Shwe Kyin Monastery					28	140		
Buthidaung	Buthidaung town	Thri Mandil Monastery - KTY					18	99		
Buthidaung	Buthidaung town	Thu Dhamma Yone Monastery	100	317	100	317	28	140		
Buthidaung	Buthidaung town	USDP office	20	90	20	90				
Buthidaung	Buthidaung town	Wai Nay Ya Thu Kha					28	140		
Buthidaung	Chin Tha Mar	Chin Tha Mar			105	536				
Buthidaung	Chin Tha Mar	Maung Nu	183	915	183	915				
Buthidaung	Dar Paing Sa Yar	Dar Paing Sa Yar	439	2'195	439	2'195				
Buthidaung	Du Oe Thei Ma	Du Oe Thei Ma			371	2'980				

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Buthidaung	Du Pyin Shey	Kyein Taung			64	274				
Buthidaung	Gu Dar Pyin	Gu Dar Pyin			89	445				
Buthidaung	Gu Dar Pyin	Hnet Pyaw Chaung			19	90				
Buthidaung	Gu Dar Pyin	Kyauk Sar Taung			70	348				
Buthidaung	Gu Dar Pyin	Tha Yet Taung			176	1'287				
Buthidaung	Inn Chaung	Ba Da Nar Ku Lar			15	30				
Buthidaung	Inn Chaung	Inn Chaung Daing Net			69	345				
Buthidaung	Inn Chaung	Inn Chaung Zay			5	9				
Buthidaung	Inn Chaung	Zay Teit Kaung			12	68				
Buthidaung	Kun Taing (a) Zee Pin Taung	Ah Nauk	184	920	184	920				
Buthidaung	Kun Taing (a) Zee Pin Taung	Kun Taing Ywar Gyi	314	1'570	314	1'570				
Buthidaung	Kun Taing (a) Zee Pin Taung	Nan Yar Kone	170	850	170	850				
Buthidaung	Kyun Pauk	Kyun Pauk			947	4'735				
Buthidaung	Maung Gyi Taung	Maung Gyi Taung			112	828				
Buthidaung	Maung Gyi Taung	Sin Oe Pyin (Middle)			168	510				
Buthidaung	Maung Hna Ma (a) Pa Oe Thei Ma	Maung Hnit Ma			39	173				
Buthidaung	Mee Chaung Zay	Mee Chaung Zay			203	1'278				
Buthidaung	Mee Kyaung Khaung Swea	Mee Kyaung Khaung Swea	136	680	154	772				
Buthidaung	Myauk Ye (a) Pan Be Chaung	Kwin Chaung			20	118				
Buthidaung	Myauk Ye (a) Pan Be Chaung	Pan Be Chaung Rakhine			240	1'054				
Buthidaung	Nan Yar Kone	Nan Yar Kone Ywar Thit			318	2'518				
Buthidaung	Nga Hlan Pyin	Nga Hlan Pyin			88	420				
Buthidaung	Nga Yant Chaung (a) Taung Bazar	Kyee Hnoke Thee			100	500				
Buthidaung	Nga Yant Chaung (a) Taung Bazar	Nga Yant Chaung			23	112				
Buthidaung	Nga Yant Chaung (a) Taung Bazar	Pauk Taw Pyin			9	89				
Buthidaung	Nga Yant Chaung (a) Taung Bazar	Yin Ma Zay - Hindu			33	233				
Buthidaung	Nga Yant Chaung (a) Taung Bazar	Yin Ma Zay - Muslim			23	112				
Buthidaung	Nga Yant Chaung (a) Taung Bazar	Yin Ma Zay - Rakhine Buddhist			76	470				
Buthidaung	Pauk Taw	Pauk Taw			101	505				
Buthidaung	Pauk Taw	Shwe Tar			95	480				
Buthidaung	Pyaing Taung	Taung Maw			209	975				
Buthidaung	Pyin Chaung	Pyin Chaung	96	480	96	480				
Buthidaung	Sein Hnyin Pyar	Sein Hnyin Pyar Zay	300	1'800	1'311	6'555	175	875		
Buthidaung	Tha Yet Kin Ma Nu	Tha Yet Kin Ma Nu			284	1'901				

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Buthidaung	Thein Taung Pyin	Thein Taung Pyin (Daing Net)			54	315				
Buthidaung	Thein Taung Pyin	Thein Taung Pyin (Muslim)			347	2'696				
Buthidaung	U Hla Hpay	U Hla Hpay			798	5'320				
Buthidaung	Wa Ya Kyun	Doe Tan	467	2'335	467	2'335				
Buthidaung	Zee Hton	Taung Gyi Yin			144	500				
Buthidaung	Tha Peik Taung	Tha Peik Taung (Rakhine)	564	2'820	564	2'820				
Buthidaung	Tat Min Chaung	Tat Min Chaung	398	1'990	398	1'990				
Buthidaung	Myaung Nar	Myaung Nar	358	2'931	358	2'931				
Buthidaung	Kyauk Hpyu Thar Thay Kan	Thay Kan	350	1'750	350	1'750				
Buthidaung	Hpon Nyo Leik	Hpon Nyo Leik (ward3)	181	905	181	905				
Buthidaung	San Goe Taung	Nwar Yon Taung	198	990	198	990				
Buthidaung	San Goe Taung	San Goe Taung	101	505	101	505				
Buthidaung	San Goe Taung	Sin Thay Pyin	256	1'280	256	1'280				
Buthidaung	Hpoe Khaung Chaung (a) Kan Pyin	Hpoe Khaung Chaung	528	2'640	528	2'640				
Buthidaung	Nga Kyin Tauk	Nga Kyi Tauk Ku Lar	320	1'570	320	1'570				
<b>Buthidaung Total</b>			<b>6'279</b>	<b>32'562</b>	<b>14'469</b>	<b>81'530</b>	<b>417</b>	<b>2'094</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Kyauktaw	Ah Lel Kyun	Ah Lel Kyun	44	156	44	156	44	156		
Kyauktaw	Ah Lel Kyun	Shwe Pyi - Monastery	14	45	14	45	13	45		
Kyauktaw	Doke Kan Chaung	Doke Kan Chaung - Monastery	19	95	19	95	43	153		
Kyauktaw	Kan Sauk	Kan Sauk - Monastery	20	39	20	39	20	39		
Kyauktaw	Kar Di	Kar Di - Monastery	53	202	53	202	53	202		
Kyauktaw	Kyauktaw Town	Maha Kan Gyi Shin temple	106	406	106	406	40	200		
Kyauktaw	Kyauktaw Town	Paik Thei Quarter					40	200		
Kyauktaw	Kyauktaw Town	Sarsana Beikman	50	199	50	199	22	74		
Kyauktaw	Min Thar Taung	Min Thar Taung	3	12						
Kyauktaw	Ohn Pa Tee	Ohn Pa Tee	19	79						
Kyauktaw	Sa Par Seik	Sa Par Seik	11	45						
Kyauktaw	Ywar Ma Pyin	Ywar Ma Pyin - Monastery North	11	49						
Kyauktaw	Ywar Ma Pyin	Ywar Ma Pyin - Monastery South	28	103						
<b>Kyauktaw Total</b>			<b>378</b>	<b>1'430</b>	<b>306</b>	<b>1'142</b>	<b>275</b>	<b>1'069</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Maungdaw	(Du) Chee Yar Tan	Kin Chaung			84	404				
Maungdaw	(Du) Nyaung Pin Gyi	(Du) Nyaung Pin Gyi	108	300	116	685				

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Maungdaw	Ah Lel Than Kyaw	Maw Tu Lar	11	55	11	55				
Maungdaw	Aung Zay Ya (Nyein Chan Yay)	Aung Zay Ya (Nyein Chan Yay)	32	160	33	166				
Maungdaw	Chan Pyin	Chan Pyin			22	100				
Maungdaw	Chan Pyin	Sa Bai Pin Yin			60	309				
Maungdaw	Du Oe Thei Ma	Ngwe Taung - 4 miles ward	74	376	74	376				
Maungdaw	Gaw Du Thar Ra (Ywar Thit Kay)	Gaw Du Thar Ra (Sein Pan Myaing)			47	237				
Maungdaw	Hpar Wut Chaung (Ywar Thit)	Hpar Wut Chaung (Ywar Thit)	104	520	104	520		12	60	
Maungdaw	In Tu Lar	Baw Tu Lar	110	531	110	531				
Maungdaw	Inn Din	Inn Din (Middle)			75	337				
Maungdaw	Inn Din	Inn Din (Middle) - Monastery	3	15						
Maungdaw	Inn Din	Pae Youne (NaTaLa)	188	940	188	940				
Maungdaw	Ka Nyin Tan (a) Alel Than Kyaw Ka Nyin Tan	Ka Nyin Tan			26	250				
Maungdaw	Ka Nyin Tan (a) Myo Ma Ka Nyin Tan	Maung Ni			500	2'500				
Maungdaw	Ka Nyin Tan (a) Myo Ma Ka Nyin Tan	(blank)			100	500		10	48	
Maungdaw	Ka Nyin Taw	Ka Nyin Taw			500	3'534				
Maungdaw	Kat Pa Kaung	Kat Pa Kaung	24	80	24	120				
Maungdaw	Kha Maung Seik	Ah Shey Kha Maung Seik			165	550				
Maungdaw	Kha Maung Seik	Min Kha Maung (NaTaLa)	102	510	102	510				
Maungdaw	Kyauk Chaung	Kyauk Chaung Ywar Thit			30	100				
Maungdaw	Kyauk Hlay Kar	Kyauk Hlay Kar			268	1'828				
Maungdaw	Kyauk Hlay Kar	Thea Chaung Pyu Su	337	2'039	337	2'039				
Maungdaw	Kyauk Pan Du	Kyauk Pan Du			77	319				
Maungdaw	Kyauk Pan Du	Kyauk Pan Du (NaTaLa)	78	390	78	390				
Maungdaw	Kyee Kan Pyin	Aung Thar Yar (NaTaLa)	103	515	113	515				
Maungdaw	Kyee Kan Pyin	Aung Zay Ya (Su See)	63	315	66	315				
Maungdaw	Kyee Kan Pyin	Kyee Kan Pyin (Middle)	25	200	25	200	0	0	10	48
Maungdaw	Kyee Kan Pyin	Kyee Kan Pyin (South)	31	229	40	229				
Maungdaw	Kyein Chaung	Kyein Chaung	11	55	11	55				
Maungdaw	Kyet Yoe Pyin	Kyet Yoe Pyin (Ywa Ma)	185	759	300	893				
Maungdaw	Laung Don	Gyt Chaung	79	525	79	525	0	0		
Maungdaw	Leik Ya	Leik Ya (Middle)	22	113	50	150				
Maungdaw	Maung Hna Ma	Aung Mingalar (NaTaLa)			103	580				
Maungdaw	Maungdaw town	3 Ward primary school	143	928						
Maungdaw	Maungdaw town	Alo Taw Pyae Monastery	25	125						

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Maungdaw	Maungdaw town	Ay Thar Liah			111	800				
Maungdaw	Maungdaw town	B.E.H.S No1			160	1'605				
Maungdaw	Maungdaw town	High school nb1	151	945			149	840	208	1'040
Maungdaw	Maungdaw town	Maungdaw town (East) - Ywa Thit Kay			150	1'214				
Maungdaw	Maungdaw town	Maungdaw town (Middle) - Ywa Thit Kay			180	1'633				
Maungdaw	Maungdaw town	Maungdaw town (West) - Ywa Thit Kay			150	1'334				
Maungdaw	Maungdaw town	Middle school BRC4	65	348					24	120
Maungdaw	Maungdaw town	Myin Gyi Monastery	67	335	73	365				
Maungdaw	Maungdaw town	Myoma monastery	93	500			56	280	88	440
Maungdaw	Maungdaw town	Myoma North ward 3 - Muslim	61	305	61	305				
Maungdaw	Maungdaw town	Myoma North ward 3 - Rakhine	119	595	119	595				
Maungdaw	Maungdaw town	Na Ta La not in the MIMU	29	145						
Maungdaw	Maungdaw town	Primary school nb2 - BEPS2	60	300			10	50	48	240
Maungdaw	Maungdaw town	Primary school nb4 - BEPS4							24	120
Maungdaw	Maungdaw town	Thar Thar Na Beik Man	174	424			0	0	40	200
Maungdaw	Maungdaw town	Yan Aung Pyin monastery	75	375	75	375				
Maungdaw	Mee Taik	Mee Taik	132	770	132	770				
Maungdaw	Min Gyi (Tu Lar Tu Li)	Min Gyi (Tu Lar Tu Li)	73	352	78	387				
Maungdaw	Min Gyi (Tu Lar Tu Li)	Tarine			97	450				
Maungdaw	Myaw Taung	Myaw Taung	75	500	75	500				
Maungdaw	Myo Thit	Myo Thit	24	40	24	65				
Maungdaw	Myo Thu Gyi	3 miles - Cashewnut garden					54	179		
Maungdaw	Myo Thu Gyi	3 miles - Monastery	38	191	25	125	44	178		
Maungdaw	Myo Thu Gyi	4 Miles - checkpoint	31	157						
Maungdaw	Myo Thu Gyi	4 miles - monastery	44	178					208	1'040
Maungdaw	Myo Thu Gyi	4 miles - school	139	576			63	315	56	280
Maungdaw	Myo Thu Gyi	Myo Thu Gyi (Yar Zar Bi)	139	695						
Maungdaw	Myo U	Auk (Let Thar)			250	1'317				
Maungdaw	Myo U	Bar Su Ba			128	864				
Maungdaw	Myo U	Haw Ri Tu Lar			110	797				
Maungdaw	Myo U	Let Thar (Lower)			120	600				
Maungdaw	Myo U	Sar Kon Boke (Gunner Para)			180	900				
Maungdaw	Myo U	Sar Kon Boke (Hindu Para)			12	30				
Maungdaw	Myo U	Zin Tu Lar			150	1'120				
Maungdaw	Myo U	Zu La			184	1'205				

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Maungdaw	Nan Yar Kaing	Nan Yar Kaing	108	677	108	677			
Maungdaw	Nga Khu Ya	Nga Khu Ya - Hindu			130	833			
Maungdaw	Nga Khu Ya	Nga Khu Ya - Rakhine	269	1'449	59	115			
Maungdaw	Nga Khu Ya	Nyar Khu Ya (Muslim)			154	800			
Maungdaw	Ngan Chaung	Gone Nar	135	570	135	570			
Maungdaw	Ngan Chaung	Ngan Chaung			150	750			
Maungdaw	Nwar Yon Taung	Yae Myet Taung	35	55	35	55			
Maungdaw	Nyaung Chaung	Nyaung Chaung	120	600	144	600		5	24
Maungdaw	Nyaung Chaung	Shwe Yin Aye (NaTaLa)	89	445	89	445			
Maungdaw	Pa Din	Ka Nyin Tan			36	180			
Maungdaw	Pa Din	Pa Din						10	48
Maungdaw	Pan Taw Pyin	Pan Taw Pyin Ywar Thit	323	1'615	370	1'850		5	24
Maungdaw	Paung Zar	Pyin Hpyu			563	3'595			
Maungdaw	Pyu Ma Ka Nyin Tan	Auk Pyue Ma (Rakhine)			29	125			
Maungdaw	Shwe Zar Kat Pa Kaung	Aung Ba La			112	560			
Maungdaw	Shwe Zar Kat Pa Kaung	Gaung Nyar			75	467			
Maungdaw	Shwe Zar Kat Pa Kaung	Gone Nar			345	1'780			
Maungdaw	Shwe Zar Kat Pa Kaung	Ka Nyin Chaung			3	15			
Maungdaw	Shwe Zar Kat Pa Kaung	Kan Beit			199	1'393			
Maungdaw	Shwe Zar Kat Pa Kaung	Kan Paing Nar			80	486			
Maungdaw	Shwe Zar Kat Pa Kaung	Shwe Zar (Middle)			132	680			
Maungdaw	Shwe Zar Kat Pa Kaung	Shwe Zar (North)			134	675			
Maungdaw	Shwe Zar Kat Pa Kaung	Shwe Zar (West)			128	640		10	48
Maungdaw	Shwe Zar Kat Pa Kaung	Shwe Zar Kat Pa Kaung			241	1'811			
Maungdaw	Shwe Zar Kat Pa Kaung	Zay Di Pyin			223	1'340			
Maungdaw	Ta Man Thar	Min Ga lar Nyut	67	153	67	153			
Maungdaw	Ta Man Thar	Ta Man Thar (Muslim)	58	88	58	88		12	30
Maungdaw	Taung Pyo Let Yar (Taungpyoletwea Sub-township)	Taung Pyo Let Yar - Monastery	27	135			28	140	
Maungdaw	Tha Yet Oke	Min Ga Lar Ahr Sheik Kyar	382	3'698	382	3'698			
Maungdaw	Tha Yet Oke	Tha Yet Oke	13	35	13	35			
Maungdaw	Thea Chaung	Thea Chaung Maw La Bi			6	30			
Maungdaw	Thea Chaung	Thin Baw Hla (Muslim)			145	725			
Maungdaw	Thea Chaung	(blank)			19	95			
Maungdaw	Thi Ho Kyun	Har Bi (Middle)	315	2'498	389	2'498			
Maungdaw	Thu U Lar	Thu U Lar - Muslim	100	850	100	850			
Maungdaw	Thu U Lar	Thu U Lar - Rakhine	18	50	18	50			
Maungdaw	U Daung	U Daung (Kone Tan)	80	363	87	363			
Maungdaw	U Shey Kya	U Shey Kya			451	1'827			

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Maungdaw	Yae Myet Taung	Yae Myet Taung (NaTaLa)			44	228				
Maungdaw	Yae Twin Pyin	Taung Ywar			45	230				
Maungdaw	Yae Twin Pyin	Yae Twin Pyin (Ale Ywa)	45	225	45	225				
Maungdaw	Ywet Nyo Taung	Ywet Nyo Taung (Middle)	39	85	39	85				
Maungdaw	Zaw Ma Tet	Kine Gyi (NaTaLa)	119	595	121	595				
Maungdaw	Zin Paing Nyar	Thar Zay Kone (Thar Zi Kone)	310	1'854	310	1'854				
Maungdaw	Zin Paing Nyar	Zin Paing Nyar			217	1'085				
Maungdaw	Done Paik (Aung Seik Pyin)	Ran Aung Pyin (NaTaLa)	108	530	108	530				
Maungdaw	Pwint Hpyu Chaung	Pwint Hpyu Chaung	35	175	35	175				
Maungdaw	Ah Htet Pyu Ma	Ah Htet Pyu Ma	17	85	17	85				
<b>Maungdaw Total</b>			<b>6'259</b>	<b>34'241</b>	<b>12'952</b>	<b>74'064</b>	<b>404</b>	<b>1'982</b>	<b>770</b>	<b>3'810</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Minbya		Kyae Ma chay	7	35	7	35				
Minbya		Zay Chaung	5	25	5	25				
Minbya	Minbya Town	Ward 8	93	465	93	465				
Minbya	Na Ga Yar	Nyaung Pin Waing	5	19	5	19				
Minbya	Pa Zin Maw	Pa Zin Maw	1	4	1	4				
Minbya	Pale Pauk	Pale Pauk	2	10	2	10				
Minbya	Than Shin	x	20	100	20	100				
<b>Minbya Total</b>			<b>133</b>	<b>658</b>	<b>133</b>	<b>658</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
MraukU	MraukU town	Cittaung Monastery	26	122						
MraukU	MraukU town	Law Ka Man Pagoda	45	155	45	155	14	70		
MraukU	MraukU town	Lay Myo Sa Monastery			28	87				
MraukU	MraukU town	Phaya Paw Phaya Thein	31	156	31	156				
MraukU	MraukU town	Pher Taw Monastery	11	18	11	18				
MraukU	Tein Nyo	Tein Nyo (Ywar Thit) - Monastery	46	153	46	153	46	153		
MraukU	Way Thar Li	Thar Lar War Di - Pauk Taw Pyin Monastery	17	66	46	153	17	66		
<b>MraukU Total</b>			<b>176</b>	<b>670</b>	<b>207</b>	<b>722</b>	<b>77</b>	<b>289</b>	<b>0</b>	<b>0</b>

**Annex 157**

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Ponnagyun	Ponnagyun town	Ah Tet Myat Lae	13	45						
Ponnagyun	Ponnagyun town	Lawka Marazein pagoda	67	227	67	227				
Ponnagyun	Shin Taw (Daing Net)	Shin Taw (Daing Net)	50	194						
<b>Ponnagyun Total</b>			<b>130</b>	<b>466</b>	<b>67</b>	<b>227</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Rathedaung	Ah Nauk Pyin	Ah Nauk Pyin	631	2'890	631	2'890				
Rathedaung	Nyaung Pin Gyi	Nyaung Pin Gyi (Muslim)	345	1'799	345	1'799				
Rathedaung	Oke Hpo (Oe Hpauk)	Kan Sit	240	1'278	240	1'278				
Rathedaung	Rathedaung town	Ahlo taw Pyae Monastery	20	66	20	66				
Rathedaung	Rathedaung town	Danyawaddy Monastery	10	29	10	29				
Rathedaung	Rathedaung town	Zayti Taung Monastery	15	46	15	46				
Rathedaung	Rathedaung town	Zayti Yanna Monastery	37	121	37	121				
Rathedaung	Sin Khone Taing	Sin Khone Taing (Muslim)	430	2'775	441	2'775				
Rathedaung	Yet Khone Taing	Ahr Kar Taung	419	2'863	472	2'863				
<b>Rathedaung Total</b>			<b>2'147</b>	<b>11'867</b>	<b>2'211</b>	<b>11'867</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Sittwe	Sittwe town	Adeik Htan Monastery	106	384	106	384				
Sittwe	Sittwe town	Ahlo taw Pyae Monastery	84	277	84	277				
Sittwe	Sittwe town	Aung Dama Yeik Thar Monastery	23	57	23	57				
Sittwe	Sittwe town	Aung Myae Kone Monastery	35	176	35	176				
Sittwe	Sittwe town	Buddha Maw Monastery	79	380	79	380				
Sittwe	Sittwe town	Damar Yama monastery	101	281	101	281				
Sittwe	Sittwe town	Damma Parla	76	402	76	402				
Sittwe	Sittwe town	Danyawaddy Stadium - Hindu TRP site	206	1'030						
Sittwe	Sittwe town	Dekhina Yama Monastery	43	215	43	215				
Sittwe	Sittwe town	Det Oo Monastery	30	139	30	139				
Sittwe	Sittwe town	Dhamma Sarria Thetkato	20	100	20	100				
Sittwe	Sittwe town	Hindu Temple Monastery	118	590						
Sittwe	Sittwe town	Ka Thae Monastery	32	167	32	167				
Sittwe	Sittwe town	Lanmadaw Monastery	32	155	32	155				
Sittwe	Sittwe town	Layaung Win Monastery	25	120	24	120				

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Sittwe	Sittwe town	Let Thar Ywar - Hindu TRP site	40	200					
Sittwe	Sittwe town	Mani Yadanar Monastery	96	348	96	348			
Sittwe	Sittwe town	Maramagyi TRP site	102	510					
Sittwe	Sittwe town	Myo Ma Par Ri Yeti Sartin Taik			48	240			
Sittwe	Sittwe town	Ngasarite Chaung Monastery	41	197	41	197			
Sittwe	Sittwe town	Oaktara Monastery	21	105	21	105			
Sittwe	Sittwe town	Pa Htan (Kaw Wi Da) Monastery	15	61	15	61			
Sittwe	Sittwe town	Phaya Lay Suu Monastery	40	145	40	145			
Sittwe	Sittwe town	Pyigiyi Mandyne Monastery	35	120	35	120			
Sittwe	Sittwe town	Saikta Ihukha Monastery (Nyarna Setka)	84	273	84	273			
Sittwe	Sittwe town	Su Tg Pyae Monastery	37	116	37	116			
Sittwe	Sittwe town	Tha Yet Taw Monastery	60	250	60	250			
Sittwe	Sittwe town	Theikdi Kar Yone Monastery	34	116	34	116			
Sittwe	Sittwe town	Wi Thudarama Monastery	38	179	38	179			
Sittwe	Sittwe town	Yadanar Beikman Monastery	58	185	58	185			
Sittwe	Sittwe town	Zeyawaddy Monastery	54	270	54	270			
<b>Sittwe Total</b>			<b>1'765</b>	<b>7'548</b>	<b>1'346</b>	<b>5'458</b>	<b>0</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Thandwe	Kha Maung Tone	(blank)	8	28						
<b>Thandwe Total</b>			<b>8</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Township	VT	Village	Essential Household Items		Food parcels		Sanitation		Water distribution	
			HH	Pop	HH	Pop	HH	Pop	HH	Pop
Toungup	Kan Day	Chaung Thone Gwa	7	27						
Toungup	MaEi_Town	MaEi_Town	5	23						
Toungup	Pa Dar (Ma Ei Sub-township)	Pa Dar (Ma Ei Sub-township)	6	29						
Toungup	Toungup_Town	G Phyu Taung	1	7						
Toungup	Toungup_Town	Hone Pout camp	12	55						
Toungup	Toungup_Town	Kyauk Dagar	4	23						
<b>Toungup Total</b>			<b>35</b>	<b>164</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>			<b>35</b>	<b>164</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**ANNEX 4: TRAININGS FOR THE MRCS ORGANIZATIONAL DEVELOPMENT**

Training	Township	Training Objectives	No of Participants		
			Female	Male	Total
Leadership training for key branches	Thandwe (30 October - 01 November, 2017)	Orient branch leaders of the RCRC movement, Principles, well-functioning branches and auxiliary role of RCRC.	3	24	27
Warehousing & General Logistics #1	Sittwe (10-12 November 2017)	Ensure understanding of Warehousing Principles and logistics among staff and volunteers.	9	4	13
Warehousing & General Logistics #2	Buthedaung with participants from Maungdaw. (14-16 November, 2017)	Ensure understanding of Warehousing Principles and logistics among staff and volunteers.	11	9	20
Road Safety and Fleet Management	Sittwe (for all Rakhine State) (11-16 November 2017)	Ensure understanding of Fleet Principles and systems and procedures among staff and volunteers.		18	18
Leadership orientation	Naypitaw (20-21 November 2017)	Induction for new Central Council members and new senior management staff of Myanmar Red Cross	24	62	86
Field Monitoring and Reporting	Thandwe (25-26 December 2017)	Equip participants with knowledge and skills for data collection, monitoring and reporting.	7	7	14
Induction for staff and volunteers	Thandwe (27-29 December, 2017)	Ensure understanding of the RCRC movement, Principles and Values among staff and volunteers.	16	8	24
<b>Total</b>			<b>70</b>	<b>132</b>	<b>202</b>
			<b>35%</b>	<b>65%</b>	

## **ANNEX 5: MITIGATION OF OPERATIONAL CHALLENGES**

Access to all affected areas and the acceptance of the Movement within Rakhine communities were the main two key challenges during the initial stage of the operation.

Regarding access, despite distance, accessibility and road conditions, the growing number of the Movement teams operating on the ground were gradually able to reach affected areas and the people in need. The Movement used various means of transportation (trucks, cars, boats and cargo ships, and a helicopter) and teams often walk great distances to meet affected communities, assess emergency needs and deliver assistance.

Regarding Movement acceptance, the teams carried out networking activities to convey messages concerning the impartial nature of the Movement's humanitarian work, and develop strategies to enhance community engagement. Means to rapidly mitigate media bias and concerns about our work were also established, carried out in person, over the phone, and often online. Movement teams worked tirelessly to ensure acceptance throughout the communities and villages where we work.

Operating in coordination with the authorities, the Red Cross Movement activities were regularly notified to the Union and Rakhine State authorities in Rakhine. Standard Operating Procedures were shared with the government. A simplified logistics procedure, as agreed with the government, facilitated the Movement response to expand the operations in line with humanitarian needs. A more flexible notification of staff movement was also agreed, while the Movement continues to improve coordination and planning of the emergency response.




# Annex 158

International Federation of Red Cross and Red Crescent Societies, Red Cross Movement, Rakhine Operational Response, January 2018 (extract)

Available at:

[https://www.icrc.org/sites/default/files/wysiwyg/Worldwide/asia/Myanmar/rakhine\\_operational\\_response\\_public\\_version\\_en\\_low\\_res.pdf](https://www.icrc.org/sites/default/files/wysiwyg/Worldwide/asia/Myanmar/rakhine_operational_response_public_version_en_low_res.pdf)



 International Federation  
of Red Cross and Red Crescent Societies



ICRC

# RED CROSS MOVEMENT

## RAKHINE OPERATIONAL RESPONSE

JANUARY 2018



## CURRENT CRISIS

Following the violence that broke out on 25 August 2017, upon the request of the Union Government, the Red Cross Movement — comprised of the International Committee of the Red Cross (ICRC), the Myanmar Red Cross Society (MRCS) and the International Federation of the Red Cross and Red Crescent Societies (IFRC) — has been providing humanitarian assistance in Maungdaw and Sittwe districts.

An emergency appeal of 17 million Swiss francs was made to enable the Red Cross Movement to deliver assistance and provide protection and support to 36,000 families (180,000 people) in Rakhine. The assistance is being delivered over a period of 3.5 months, with a focus on the following sectors: food, health, shelter (and non-food relief items), water, sanitation and hygiene promotion, food security and livelihoods, and protection.

Throughout Rakhine, as everywhere in the world, the Red Cross is responding in accordance with its Fundamental Principles of neutrality, impartiality and independence. This means the Red Cross works on behalf of all affected people, regardless of ethnicity or religion, and delivers assistance based on needs. The Red Cross maintains regular contact and operates in full transparency with the Government of Myanmar.



### KEY RESULTS AND CONSTRAINTS

**180,000** people assisted in **3** months;  
 Nearly **200** Red Cross Movement staff;  
 Support at over **140** different locations  
 (villages, village tracks, temporary relocation sites, transit points);  
 Security and logistical challenges: roads in poor conditions, long distances and remote locations.

## RED CROSS ACTION

Over the past three months, the Red Cross has gradually reached all areas affected by the violence. Teams operating in Rakhine have used trucks, cars, boats, a helicopter and cargo ships to deliver aid. They often walk great distances to meet with affected communities, assess emergency needs, and deliver assistance. In order to transport essential supplies, and establish a logistical supply chain to reach populations, the Red Cross upgraded the Maungdaw jetty, and the jetty access road. Four rub halls are currently being constructed for warehousing and positioning of stock. These facilities will be in use after the emergency response.

Close to 500,000 liters of clean drinking water have been distributed, and thousands have bene-



More than **155,000** people have received food rations, and over **40,000** people have been assisted with emergency items such as tarpaulins, hygiene kits, oral rehydration salts, etc.

fit from Red Cross support to the health system and mobile clinics. For people with access to markets, the Red Cross delivered unconditional cash grants, assisting more than 15,000 people, including temporary relocated persons, in order to support their return to places of origin. The Red Cross is also looking at the medium-term needs of affected communities in Rakhine through the distribution of seeds and fertilizer to more than 3,000 people ahead of the next harvest.

## COORDINATION

The Red Cross Movement response is coordinating internally through a strategic decision-making body in Yangon, and simultaneously through operational/technical coordination mechanisms established in Sittwe and Maungdaw. Authorities are engaged at the national, state, district and township levels to ensure that all concerned parties are well informed. Coordination with authorities is key to access to affected areas, in order to deliver humanitarian assistance in accordance with the Fundamental Principles and other Movement policies.

*It is a priority for the Red Cross Movement to consider the point of view of all communities, and this is achieved through multiple information channels including face-to-face communication, over the phone, and often online. It is an essential part of the Red Cross operations for the immediate and long-term.*

In order to strengthen understanding and acceptance throughout the communities where it is operating, and mitigate any concerns by community members, Red Cross teams regularly meet with various interlocutors to convey messages concerning the impartial nature of the Movement's humanitarian work.

In addition, representatives of the Red Cross have participated in meetings of the Humanitarian Country Team to reduce duplication of efforts when international organizations re-engage. There are other stakeholders such as the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, which will become increasingly important during the recovery phase. The Red Cross will coordinate with these organizations in order to share information and activities, and disseminate the mandate and principles of the Red Cross Movement. Relations with Civil Society Organizations are also important to further the Red Cross Movement's access and the safety and security related to its operations.



## ECONOMIC SECURITY

Over the past few months, Red Cross teams conducted rapid assessments in order to understand the needs of communities whose economic activity was disrupted during the aftermath of the violence and upheaval. Based on these assessments, teams distributed rations of food to villages throughout Rakhine in parcels that included rations include rice, cooking oil, sadawpeas (butter beans), fish cans, a wheat-soya cereal blend, iodized salt and tea. The Red Cross started providing daily rations to temporarily relocated persons in different areas of Rakhine such as Sittwe, Kyauktaw, Minbya, Ponnagyun and others.

For people who retained access to markets, teams distributed instead cash grants to nearly 15,000 individuals. Cash grants were also distributed to thousands of temporarily relocated persons to support their return to villages of origin, encouraging economic activity, and supporting reintegration into their home communities.



In a second phase, the Red Cross distributed monthly rations of food in villages without access to fields and markets in Maungdaw, Buthidaung and Rathedaung. Daily rations were provided to populations in transit to Bangladesh.

To date, nearly 155,000 people have received food assistance. In various locations where the agricultural cycle was disrupted but individuals retained the ability to access and work their fields, Red Cross teams are providing seeds and fertilizer. These distributions, primarily of winter crops, will allow a return to the normal agricultural cycle. Currently over 3,000 persons benefited from this assistance. Finally, Red Cross teams distributed essential household items to over 40,000 people, in packages that include mosquito nets, blankets, hygiene parcels and dignity kits.

## WATER, SANITATION, HYGIENE AND SHELTER

Since the onset of the emergency, Red Cross teams supported temporarily relocated persons with water and sanitation services at various relocation sites in Maungdaw and Sittwe Districts. The humanitarian situation also required the Red Cross to provide assistance in Ah Ley Tan Kyaw and Pya Na Pyin Gi beaches in Maungdaw Township, where people were transiting towards Bangladesh.

The Red Cross regularly delivered clean drinking water through water tanking and the distribution of 1 litre bottles, and teams constructed water points and latrines to ensure basic health and sanitation measures were available to mitigate the spread of disease and unsafe living conditions.

# Annex 159

Kofi Annan Foundation, *Advisory Commission on Rakhine State: Lessons Learned* (June 2018) (extract)

Available at:

[https://www.kofiannanfoundation.org/wp-content/uploads/2018/06/180530\\_Rakine\\_Lessons-Learned\\_final.pdf](https://www.kofiannanfoundation.org/wp-content/uploads/2018/06/180530_Rakine_Lessons-Learned_final.pdf)





**Kofi Annan**  
FOUNDATION

Towards a fairer, more peacefull world

# Advisory Commission on Rakhine State: Lessons Learned

June 2018



Advisory Commission on Rakhine State: Lessons Learned

the Government from international criticism: “Whenever there is an accusation from the international community, we say we are taking action in line with the recommendations of the Kofi Annan commission. The commission is serving as a shield for us.”<sup>46</sup> Such statements cast doubts on the Government’s sincerity in addressing the challenges in Rakhine and undermined the credibility of the Commission.

The Commission did not react publicly to U Zay Htay’s statement but submitted a complaint to the Office of State Counsellor. This was an appropriate decision, as any public display of disagreement between the Commission and the Government would have amplified the news story. Instead of turning into a public shouting match, the story died out quickly.

Lastly, it should also be mentioned that the Commission never developed a full-fledged media strategy. While the initial communication plan provided a useful framework for media-related activities, the Commission never discussed whether such activities should be an integrated part of the Commission’s over-arching purpose – such as strengthening inter-communal cohesion in Rakhine. In the words of a Kofi Annan Foundation official, the media approach represented a “bare minimum”, as the Commission did not make any concerted efforts to influence the public discourse on Rakhine (beyond its reports, statements and press conferences). However, the Commission did share its findings at key moments, as promised, and more sustained media engagement may not have been appropriate in light of the Commission’s advisory mandate.

**Lesson learned (25):** In general, the Commission’s media handling was appropriate. Yet, the Commission may have benefitted from a broader internal debate on its media strategy, exploring the possibility for a more ambitious outreach – seeking to integrate its media-related work into its over-arching goals.



## Part V:

## Lessons Learned: Political Considerations

### Did the Commission achieve its goals?

The objective of the Commission – as defined by its ToR – was “to provide recommendations to the Government of Myanmar on measures for finding lasting solutions to the complex and delicate issues in the Rakhine State, in accordance with established international standards”. Building on this framework, the broader goal of the Commission was to contribute to a *process of positive change* – assisting the Government and the people of Rakhine to overcome the destructive dynamics which for decades have undermined security, development and inter-communal cohesion in the state. To paraphrase the title of the final report, the Commission sought to assist the process “towards a peaceful, fair and prosperous future for the people of Rakhine”.<sup>47</sup>

In one sense, the Commission succeeded. Its final report provided fair and actionable recommendations within all the thematic areas defined by the ToR. The recommendations were endorsed by a variety of key stakeholders, including the Myanmar Government and the vast majority of international partners. In mid-October 2017, the Commission’s work was endorsed by all fifteen members of the UN Security Council, securing a greater degree of international buy-in and legitimacy than anyone could have expected at the onset. To this day, the implementation of the Commission’s recommendations remains a core component of the Rakhine strategy of the Myanmar Government, the UN and a broad segment of the international community. While relations between the

Advisory Commission on Rakhine State: Lessons Learned

Myanmar Government and its international partners have suffered major setbacks, the Commission's recommendations provide one of the few frameworks where they all agree.

However, during and immediately after the mandate period, the situation on the ground in Rakhine State deteriorated rapidly, and the conflict in the state developed into one of the main refugee disasters in the world. Inter-communal relations, which were already strained, have now been shattered. Prospects for economic development, social integration and the restoration of rights for marginalized communities, have suffered an immense setback.

It is true that despite the advice and recommendations provided by the Commission, the situation in Rakhine went from bad to worse. However, virtually all stakeholders interviewed in the context of the "lessons learned process" considered the Commission's contribution to be vital, some arguing that the situation would have been even worse without it.

It may be argued that the Commission had yet another objective, not explicitly mentioned in the ToR but arising from the hopes and expectations of various stakeholders: to bridge national and international interpretations of the conflict in Rakhine. This was no easy feat. For years, meaningful dialogue has been complicated by the lack of a shared understanding of the basic elements of the conflict. And with every eruption of violence, polarization has increased. As noted by the historian Thant Myint U, **"perceptions of the crisis have been veering in opposite directions for some time, but it's the violence of the past year, and the vastly different narratives around what actually happened, that's created an almost unbridgeable divide".**<sup>48</sup>

While this was beyond its mandate, the Commission may have successfully



demonstrated the *possibility* of bridging that divide. Its final report – a compromise based on input from both national and international members of the Commission – may serve as a blueprint for a joint narrative on Rakhine. It is true however that achieving consensus was not easy for the Commission, and some issues generated intense internal deliberations, occasionally threatening to undermine internal cohesion. The outbreak of violence in northern Rakhine State in October 2016 also served to accentuate internal divisions, as commissioners were pulled in opposite directions by their respective constituencies.

However, at the end, a compromise was reached, resulting in a text that all commissioners were ready to underwrite. According to an independent analyst interviewed during the “lessons learned” exercise, this was arguably the Commission’s greatest success: despite a wide range of centrifugal forces, it managed to remain intact, achieve consensus, and jointly present a fair and meaningful vision for the future of Rakhine. It also managed to strike the right balance in its analysis and recommendations, enabling both the Myanmar Government and international partners to endorse its vision. As such, the Commission’s bridge-building efforts may possibly become its main legacy.

**Lesson learned (33):** During and immediately after the Commission’s mandate period, northern Rakhine State descended into violence, generating one of the greatest refugee disasters in the world. This does not mean that the Commission’s work was in vain: the Commission successfully carried out its mandate, presenting fair and implementable recommendations to the Myanmar Government. The final report was endorsed by the Government – which pledged to implement its recommendations – and the vast majority of international partners. Many actors contend that the situation could have been even worse without the Commission’s report. While the relationship between Myanmar and its international partners has deteriorated sharply, the implementation

Advisory Commission on Rakhine State: Lessons Learned

of the Commission's recommendations remains a unique platform for cooperation and mutual agreement.

**Lesson learned (34):** In a context where national and international narratives on Rakhine continue to drift apart, the Commission's greatest achievement was arguably to demonstrate the possibility of bridging the divide. Despite increasing polarization, the Commission managed to maintain its internal cohesion, and present a joint platform which all commissioners – despite vast differences in background and political affiliations – were able to agree upon. The Commission's bridge-building efforts may over time be its most lasting legacy.

### Consultant's Background

From September 2016 to August 2017, Andreas Indregard directed the work of the Secretariat of the Advisory Commission on Rakhine State. In this capacity, he managed the day-to-day work of the Commission, and assisted the drafting process of the Commission's interim and final reports. Indregard has worked in Myanmar for five years, including as country director for Norwegian People's Aid (NPA). Prior to moving to Myanmar, he spent seven years in the Middle East, working as a senior analyst for International Crisis Group (ICG) and head of the Norwegian contingent to the Temporary International Presence in Hebron (TIPH). He has also worked for UN-OCHA, both in Israel/Palestine and Cote d'Ivoire.




# Annex 160

International Federation of Red Cross and Red Crescent Societies, Red Cross Movement, Rakhine Operational Response, June 2018 (extract)

Available at:

[https://www.icrc.org/sites/default/files/wysiwyg/Worldwide/asia/Myanmar/rakhine\\_operational\\_response\\_public\\_version\\_en\\_low\\_res.pdf](https://www.icrc.org/sites/default/files/wysiwyg/Worldwide/asia/Myanmar/rakhine_operational_response_public_version_en_low_res.pdf)



 International Federation  
of Red Cross and Red Crescent Societies



# RED CROSS MOVEMENT

## RAKHINE OPERATIONAL RESPONSE

JUNE 2018



## INTRODUCTION

Since the crisis in Rakhine began on 25 August 2017, the Red Cross Movement has been actively responding to the humanitarian needs of affected communities in areas of northern Rakhine. In the initial phase of our operation in 2017, the Red Cross reached 180,000 people in 3.5 months.

On 30 March 2018, Red Cross Movement partners met with Dr Win Myat Aye, the Union Minister for Social Welfare, Relief and Resettlement, and agreed with a renewed affirmation by the Union Government that the Red Cross Movement would continue to provide assistance and protection to affected persons in the northern areas of Rakhine State<sup>1</sup>. We will concurrently deliver long-term programmes in Rakhine, in order to build resilience of vulnerable communities, and contribute to the stability in Rakhine by strengthening critical elements of the state's infrastructure and social services.

The following document provides an overview into our operations as well as our plans in 2018. It complements the first Rakhine Operational Response Report published in January 2018, which outlines the achievements from the initial phase of our emergency operations.

Red Cross Movement staff get ready to distribute emergency aid in Inn Chaung village tract, Maungdaw township for more than 5,000 people.



Hla Yamin Ein/ICRC

*The main goal of Red Cross interventions in 2018 is focused on protection and the provision of humanitarian assistance for affected populations. Yet we recognize the resilience of communities is inextricably linked to the broader social and economic situation in Rakhine State, and it is equally important to move towards more sustainable solutions that support the long-term peace and stability.*

1. For the purpose of this report, the townships referred to under 'northern areas of Rakhine' are Rathedaung, Buthidaung and Maungdaw, even though administratively Rathedaung is part of Sittwe District which is part of central area of Rakhine State.

# Annex 161

World Bank Group, Statement, “The World Bank and Myanmar’s Rakhine State”, 12 June 2019

Available at:

<https://www.worldbank.org/en/news/statement/2019/06/12/the-world-bank-and-myanmars-rakhine-state>



Who We Are

STATEMENT | JUNE 12, 2019

The World Bank and Myanmar's Rakhine State



The World Bank has joined the international community in condemning the deadly violence in Myanmar's Rakhine State, which led to forced displacement of more than 730,000 Rohingya. Since that crisis, we have adjusted our country strategy in Myanmar with a much greater focus on social inclusion, particularly in conflict-affected areas.

We are deeply concerned about continued mobility and other restrictions in place in Rakhine State. These restrictions have a profound impact on the livelihoods of affected communities and the economic and social development of the state.

We are committed to supporting both Rohingya refugees in Bangladesh and programs in Rakhine that will help all communities, including the remaining Rohingya, access essential services and economic opportunities. To this end, we are working closely with relevant UN agencies and consulting with communities in Rakhine, international NGOs, advocacy groups and our shareholders, who have encouraged us to continue to stay engaged.

To help Rohingya refugees and their host communities in Bangladesh, we have made available close to half-a-billion dollars in grants that are financing operations in areas such as health, education, and water and sanitation services.

In Rakhine State, we are considering a project that would directly support communities through short-term employment and basic income-generating activities. Project activities would start in central Rakhine and move to other areas as conditions allow, in coordination with development partners. For remaining Rohingya, some of whom depend on humanitarian assistance, the project would provide a much-needed cash influx to families and help them build skills for future livelihoods.

The project would build on several UN initiatives that are working to alleviate extreme poverty in the state and would support implementation of recommendations by the Advisory Commission on Rakhine State that was led by the late Kofi Annan, which are universally accepted as the blueprint for resolving the crisis.

The World Bank has been engaged in Myanmar since 2012 to support the country's fundamental economic transition. Our portfolio helps build modern institutions and systems, while expanding provision of basic services like rural electrification, basic education and primary health care in all states and regions of the country.

The World Bank's involvement in any project depends on clear social and environmental principles which do not tolerate exclusion or discrimination, and we have made it clear to the government of Myanmar that the proposed project would need to benefit all communities in Rakhine. Requirements for unimpeded access by all communities to project-supported services and livelihood opportunities would be integral to the proposed project.

We understand that efforts to reduce poverty and promote more inclusive growth alone are not sufficient to address insecurity and discrimination in Rakhine State. They are one element of what is needed to improve the welfare of the estimated 600,000 remaining Rohingya and others living in the state, and could help begin to create the conditions for an eventual voluntary, safe and dignified return of refugees.

Since the project was first proposed, we have had productive and open discussions with international and local NGOs that have raised issues of how the project would be implemented and monitored to ensure safety and inclusion. We share many of these concerns and are committed to finding ways to address them in both project design and in our dialogue with the government.

The project is in the early stages of preparation and much due diligence is yet to be completed before our Board of Executive Directors would consider it for approval. If it becomes clear that conditions in Rakhine State are such that the project cannot be effective, we will not pursue it.

We will remain closely engaged with our development partners and shareholders to find ways to help all the people of Rakhine State. The development needs in the state are acute. Its per capita GDP is 25 percent below the country average and 78 percent of the population lives below the poverty line. People in Rakhine have less access to sanitation, drinking water, and electricity than in any other state in Myanmar. We believe that inclusive development will be essential for social cohesion, and we will continue to work to help lay the groundwork for a more peaceful and prosperous future for Rakhine State and Myanmar.

Contacts

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<p><b>SURBHI GOYAL</b>   MAR 15, 2024</p> <p>India: unlocking the potential of floating solar power</p>	<p><b>GEORGINA MARIN, MINITA VARGHESE, AMBROSE WONG</b>   MAR 15, 2024</p> <p>Cash vs Digital: How do digital government-to-person payments ease the lives of recipients?</p>	<p><b>ASMEEN KHAN, SIBONGILE MAZIBUKO</b>   MAR 15, 2024</p> <p>Heat mapping by citizen scientists points the way to a cooler future</p>	<p><b>NGAO MUBANGA, VALERIE HI</b>   MAR 15, 2024</p> <p>The forest economy: Supporting economic growth of rural communities in Zambia</p>
<p>Community Ownership helps Improve Health Services in Nagaland</p>	<p>Benin: A win-win partnership for the inclusion of young people with little or no education</p>	<p>New Report Outlines Pathways to Sustainable Growth in Rwanda</p>	<p>World Bank Helps Boost Digital Transformation in the Philippines</p>

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# Annex 162

D. Coyle et al., “Clan, Community, Nation: Belonging Among Rohingya Living in Makeshift Camps”, (Bangladesh International Organization for Migration, 2020) (extract)

Available at:

[https://www.researchgate.net/publication/338645066\\_CLAN\\_COMMUNITY\\_NATION\\_Belonging\\_among\\_Rohingya\\_living\\_in\\_makeshift\\_camps](https://www.researchgate.net/publication/338645066_CLAN_COMMUNITY_NATION_Belonging_among_Rohingya_living_in_makeshift_camps)



# ãarar dilor hota

VOICES OF OUR HEARTS

## CLAN, COMMUNITY, NATION:

Belonging among Rohingya living in makeshift camps



DANIEL COYLE, ABDUL-KADAR (AK) RAHIM, MOHAMMED ABDULLAH JAINUL



## CLAN, COMMUNITY, NATION:

Belonging among Rohingya living in makeshift camps



DANIEL COYLE, ABDUL-KADAR (AK) RAHIM, MOHAMMED ABDULLAH JAINUL



Suggested Citation: Danny Coyle, Abdul Kadar (AK) Rahim, and Mohammed Abdullah Jainul (2020). "Clan, Community, Nation: Belonging Among Rohingya Living in Makeshift Camps." Bangladesh: IOM.

# INTRODUCTION

This consultation began as an initial attempt to understand self-organization and collective identity units among the Rohingya population displaced in Bangladesh; both in terms of how they had historically organized themselves and how they are currently reconfiguring value systems and social structures to address their new context within the displacement camps. It has often been cited that little is known about the Rohingya as a cultural group.<sup>1</sup> This series of consultations arises out of an often stated need to better understand “the Rohingya” outside of a political or humanitarian context - ideally from one in which their worldviews and perspectives on issues are better represented. It is worth noting that a description of the political history of the Rohingya often prefaces many discussions about them but there is a noted lack of in-depth engagement in Rohingya’s understanding of their own identities, values, communities and histories outside of the dominant political discourses that continue to shape their lives. It is possible that in failing to understand Rohingya’s historical and contemporary cultural values and social systems, the very thing that differentiate them from other groups living in both Myanmar and Bangladesh, means that humanitarian assistance, political negotiations, and broader discussions surrounding the Rohingya have failed to take into account how the Rohingya identify themselves and how they socially organize. As a result, it is hard to claim that humanitarian action is responsive to Rohingya people’s own senses of being and belonging. There were no doubt many contextual and political reasons inhibiting engagement in these questions to date, including access restrictions to Rakhine prior to their displacement. However, the respondents involved in this consultation showed a sense of appreciation and openness when asked about their values, social systems, and histories. This consultation in no way makes claim to correcting a larger collective ignorance about the Rohingya, but hopefully contributes small but meaningful gains in understanding more about the Rohingya, as a people, and how we can better engage them in decisions about their lives and futures. In particular, this work sought to better understand how Rohingya were beginning to identify, organize, and situate their lives “within the camps,” which social memberships were most significant to them prior to and after displacement, and whether these social organizations and identities had undergone significant changes as they were displaced.

---

<sup>1</sup>Leider (2015), Munsoor (2013), Washaly (2019), Smith (2019) among many other grey literatures cite a lack of anthropological, “Rohingya voices”, or studies concerning the Rohingya culture, identity or social groups.



# Annex 163

Fortify Rights, “*The Torture In My Mind*”: *The Right to Mental Health for Rohingya Survivors of Genocide in Myanmar and Bangladesh* (December 2020) (extract)

Available at:

<https://www.fortifyrights.org/downloads/The%20Torture%20in%20My%20Mind%20-%20Fortify%20Rights%20-%20December-10-2020.pdf>



# "THE TORTURE IN MY MIND"

The Right to Mental Health for  
Rohingya Survivors of Genocide in  
Myanmar and Bangladesh

DECEMBER 2020



## Summary

found that 88.7 percent of Rohingya survey participants reported experiencing symptoms indicative of depression, 84 percent reported symptoms indicative of emotional distress, and 61.2 percent report symptoms indicative of PTSD.

This report further reveals that the pervasive human rights violations experienced or perceived by Rohingya in Myanmar contribute to depression, emotional distress, and PTSD in Rohingya refugees at statistically significant levels. For example, the findings demonstrate that personally experiencing or perceiving restrictions on education, freedom of movement, healthcare, religious expression, and other violations contribute to trauma, depression, and anxiety symptoms. The data also demonstrates that pervasive human rights violations have long-term mental health impacts, given that Rohingya reporting experiences with symptoms of mental distress had left Myanmar almost a year prior to the initial surveys.

The data also indicates that traumatic events and chronic stressors contribute to mental health distress. These mental health symptoms—including PTSD, depression, and anxiety—increase the difficulty of refugees to function. For example, 91.3 percent of surveyed Rohingya refugees reported experiencing some level of difficulty carrying out common daily activities, such as maintaining basic hygiene, engaging in social or religious activities, or performing other daily tasks. Of the Rohingya survey participants who experienced some level of difficulty functioning, 62.3 percent attributed these difficulties to their mental health symptoms.

“I feel like it is very difficult to do anything,” said Saiful. “I cannot go to the market because of the pain . . . It is very difficult for me to do any work.”

“The military broke my shoulder,” said “Rashida Begum,” 40, referencing an attack she survived in Myanmar in 2017. “I still have pain in my legs, breasts, knees, and shoulder.” She continued:

I cannot sleep well at night. When I try to sleep, I imagine what the military and Buddhist have done to me. I feel like they are coming, chasing, and shooting me. I think of how they hacked and killed people and threw children on the fires. When I am in bed, the imagination of the torture appears in my mind.

The quantitative and testimonial evidence documented in this report indicate an ongoing mental health crisis among Rohingya refugees in Bangladesh resulting from pervasive human rights violations and violence perpetrated against Rohingya in Myanmar. The data included in this report provides further evidence of genocide and crimes against humanity as well as how the human right to mental health for Rohingya has been largely overlooked.

\* \* \*

The Rohingya are a predominantly Muslim ethnic minority indigenous to Myanmar’s Rakhine State. There are an estimated 2.5 million Rohingya worldwide, including approximately 600,000 in Rakhine State and approximately one million living as refugees in Bangladesh. For decades, the Buddhist-majority Government of Myanmar has committed pervasive human rights violations against Rohingya, including through official State policies restricting Rohingya marriages, childbirth, freedom of movement, education, and other aspects of everyday life. The government prevented Rohingya from voting or running for office in the 2015 and 2020 national elections and continues to deny them citizenship.



# Annex 164

Justice Rapid Response and Legal Action Worldwide, Press Release, “Paths to Justice: The international pursuit of justice for the Rohingya”, 25 May 2021

Available at:

<https://reliefweb.int/attachments/28f07b49-0955-3547-b884-1582e48ee1dd/EMBARGOED%20PR%20Paths%20to%20Justice%20250521.pdf>





Press Release

STRICTLY EMBARGOED UNTIL: Tuesday 25 May 2021

**Paths to Justice: The international pursuit of justice for the Rohingya**

**Geneva** – Justice Rapid Response and Legal Action Worldwide announced on Tuesday that the role of survivor voices combined with strong international support is vital to achieving justice for the Rohingya people with the creation of a new microsite, [Paths to Justice](#).

Rohingya people have been subject to killings, rape and torture, as well as the razing of their homes and villages in their home country Myanmar.

[Paths to Justice](#) focuses on survivor testimonies and explains the uniquely high number of avenues of justice that have opened up as international mechanisms are being utilized in unprecedented ways.

“In the absence of local accountability processes, harnessing international justice mechanisms is often the only manner that the stories of victims can be told,” said Federica Tronchin, Head of the International Justice Programme at Justice Rapid Response.

The Gambia accused Myanmar of breaching the Genocide Convention at the International Court of Justice, unusual in that the countries are so geographically far from one another. The International Criminal Court opened an investigation into crimes against humanity, and civil society organizations have petitioned courts in Argentina to open an investigation under the principle of universal jurisdiction.

Justice Rapid Response and Legal Action Worldwide have worked towards gathering evidence to support these legal cases.

Their [Paths to Justice](#) microsite includes video interviews of three survivors involved in the justice process and an article covering further survivor perspectives and commentary from legal experts. The site also breaks down the various UN, civil society organizations, and international justice mechanisms and actors at play globally - from The Hague, to Geneva, via The Gambia, and Argentina.

Further materials for sharing/publishing can be found in our online [press kit](#) including photos (Credit: Turjoy Chowdhury / Justice Rapid Response) and posters, gifs and video for social media. The full videos and other materials can also be shared directly from the microsite.

For further information or interview requests, please contact [Clarisse Douaud](#) at [c.douaud@justicerapidresponse.org](mailto:c.douaud@justicerapidresponse.org) or phone +41 (0) 079 884 55 54.

Media support in raising awareness of the Rohingya situation, helping to tell their stories and advocating for justice is crucial.

### Survivor profiles

**Hasina Begum** is an advocate for the Rohingya community, speaking about her experiences and calling for justice. She fled with her young children to Bangladesh. She had been raped and tortured by the Myanmar military, and her brother and husband were killed in front of her. Since then, she has travelled to The Hague to attend the International Court of Justice emergency hearings and is part of the women's survivor group, Shanti Mohila (Peace Women), in Cox's Bazar, Bangladesh.

*"I went to The Hague to tell my story. I wanted to tell the whole word. Sooner or later we will get justice. The world has heard us and one day we'll be able to go back to our country peacefully."*

After fleeing Myanmar, **Hamida Khatum** is actively pursuing justice for her people. She is one of the leaders of the women's survivor group, Shanti Mohila, helping gather testimonials as evidence. As a widow in her 50s, Hamida is well positioned in her community to speak out and engage in public life. She too travelled to The Hague to attend the International Court of Justice emergency hearings. It was there that she experienced for the first time what it could be like to live without ethnic or gender discrimination.

*"What I experienced is that men and women are all equal. There is no discrimination. People from different communities also live side by side. Together they can go to the court, they can seek justice, they can walk on the street."*

As a community leader in Myanmar **Yousuf Ali** had to engage with authorities and the military. He has been arrested, detained, and tortured, including sexualized torture, by the Myanmar military. He was forced to flee after soldiers attacked his village in 2017. He is now part of a men's survivor advocate group in Cox's Bazar, Bangladesh and travelled to The Hague to attend the International Court of Justice emergency hearings.

*"The international support for us, the Rohingya, is very important. Without this we wouldn't be able to move on. We wouldn't be able to build our lives again."*

– ENDS –

**Justice Rapid Response** is the only global facility that provides rapidly deployable specialized justice experts to assist with investigations of reported war crimes, genocide, crimes against humanity, and serious human rights violations.

**Legal Action Worldwide** works towards equality of all before the law and to deliver access to justice to those who need it most – victims and survivors of human rights violations and abuses in conflict-affected and fragile environments.

# Annex 165

Legal Action Worldwide, 'ICC Victim Submission for Rohingya clients following NUG Declaration', 25 August 2021

Available at:

<https://legalactionworldwide.org/where-we-work/rohingya-crisis/law-icc-victim-submission-for-rohingya-clients-following-nug-declaration/>



## **LAW: ICC Victim Submission for Rohingya clients following NUG Declaration**

**Wednesday, 25 August 2021**

COX'S BAZAR, BANGLADESH: International human rights organisation, Legal Action Worldwide (LAW) will prepare and file a victim submission with the International Criminal Court (ICC) on behalf of its Rohingya clients following a declaration by the National Unity Government (NUG) of Myanmar accepting ICC jurisdiction for crimes committed in Myanmar since July 2002.

LAW's announcement comes on 25 August 2021, Rohingya Genocide Remembrance Day, which marks four years since the beginning of 2017 'clearance operations,' in which thousands of Rohingya were killed, tortured and subjected to brutal sexual violence by Myanmar's military (Tatmadaw). More than 800,000 Rohingya were fled to neighbouring Bangladesh where they remain to date. The UN Independent International Fact-Finding Mission on Myanmar described the 'clearance operations' as a "human rights catastrophe" and recommended senior Tatmadaw figures be investigated and prosecuted for international crimes, including genocide.

Antonia Mulvey, LAW's Executive Director said: "LAW's Rohingya clients wholeheartedly support all international efforts to end Tatmadaw impunity for decades of criminal conduct. Our clients were disappointed and frustrated to see Aung San Suu Kyi defend the Tatmadaw at the International Court of Justice case brought by The Gambia against Myanmar on the Genocide Convention in December 2019. They cautiously welcome recent efforts by the NUG to address past injustices, though call for greater engagement by NUG directly with the displaced Rohingya population."

She continued: LAW's clients request that the ICC recognise the NUG's declaration and expand its existing investigation to include all international crimes perpetrated within Myanmar since 2002, including the crime of genocide."

In November 2019, the ICC Office of the Prosecutor was authorised to initiate an investigation into crimes where part of the criminal conduct takes place on the territory of a State Party, enabling investigation of 'continuing crimes' such as the crime against humanity of forced deportation which began in Myanmar but continues in Bangladesh, a State Party of the Rome Statute. If accepted, the declaration, made under article 12(3) of the Rome Statute by the NUG (Myanmar's civilian government in exile, following an unlawful military coup in February

LAW represents more than 500 Rohingya clients, including Rohingya women’s network Shanti Mohila (Peace Women) and a group of male survivors of sexual violence – three victim submissions have already been made to the ICC on behalf of LAW’s Rohingya clients. A majority were forcibly displaced from their homes during the 2017 ‘clearance operations.’ LAW works to ensure meaningful participation by its clients and the Rohingya community as a whole in international justice proceedings.

One of LAW’s Rohingya clients, Abdul (pseudonym), based in Teknaf, stated: “I’m very glad to hear that the NUG accepts the ICC jurisdiction. It is so important that the Rohingya survivors and communities get justice for what we experienced.”

You can read more about LAW’s work on the Rohingya crisis [here](#).

For more information, please contact Kirsty Hare, Legal Advisor, at [hare@legalactionworldwide.org](mailto:hare@legalactionworldwide.org)

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# Annex 166

Fortify Rights, News Release, “U.N. Member States: Join and Support Genocide Trial Against Myanmar Junta”, 22 July 2022

Available at:

<https://www.fortifyrights.org/mya-inv-2022-07-22/>





News Release

# U.N. Member States: Join and Support Genocide Trial Against Myanmar Junta

Myanmar

July 22, 2022



Privacy - Terms



## World Court rejects military junta's objections, genocide case to proceed

(BANGKOK, July 22, 2022)—U.N. member states should join and support The Gambia's case at the International Court of Justice (ICJ) against Myanmar authorities for committing genocide against the Rohingya people of Rakhine State, said Fortify Rights today.

Today, the ICJ, also known as the World Court, delivered a judgment rejecting the Myanmar junta's preliminary objections in a case filed by The Gambia in 2019 arguing that Myanmar authorities are responsible for genocide committed against the Rohingya. Today's decision clears the way for the ICJ to adjudicate the merits in The Gambia's case against Myanmar. The first public hearing on the merits of the case is expected to be in early 2024.

***"Today is a momentous day for the Rohingya and all people of Myanmar. International justice is slow but steady, and it can be improved with practical support from U.N. member states,"*** said Matthew Smith, Chief Executive Officer at Fortify Rights. ***"Jurisdiction in this case is settled. The international community should immediately get behind The Gambia in this case and support other efforts across mechanisms to hold the Myanmar military to account for its horrific crimes against the people of Myanmar."***

The Gambia **initiated proceedings** against Myanmar on November 11, 2019, alleging violations of the Genocide Convention. Myanmar's preliminary objections claimed that the ICJ lacked the necessary jurisdiction to adjudicate

the case since The Gambia is not an injured party and the Genocide Convention does not provide the right to initiate cases in public interest as a non-injured party. The junta's legal team also alleged that the case should be dismissed because it was being brought by the Organization of Islamic Cooperation and not The Gambia—which is untrue.

In its ruling, the ICJ rejected all four of the Myanmar junta's preliminary objections to the case, in unanimous or near-unanimous votes. The court stated: "All the states party to the Genocide Convention thus have a common interest to prevention, suppression, and punishment of genocide by committing themselves to fulfill the obligations contained in the convention."



Rohingya women calling for justice at the International Court of Justice. ©Fortify Rights, 2019

During public hearings of the junta's objections in February 2022, Ko Ko Hlaing, the junta's minister for international cooperation, represented Myanmar. This was despite **strong calls** from civil society, including from Fortify Rights, warning the ICJ that it risked legitimizing the junta by allowing it to represent Myanmar on the

global stage.



The Myanmar military junta should immediately comply with the orders of the ICJ and stop ongoing acts of genocide against Rohingya, said Fortify Rights.

In its case, The Gambia claims that starting in 2016 and continuing in 2017, the Myanmar military and other security forces engaged in genocidal acts, including killings, rapes, and the burning and destruction of villages, as part of so-called "clearance operations" aimed at destroying the Rohingya population.

Dating back to 2015, Fortify Rights has comprehensively documented the military-led genocide against the Rohingya. Following the 2016 and 2017 Myanmar-military-led attacks on Rohingya civilians, Fortify Rights and the U.S. Holocaust Memorial Museum published a joint report documenting how Myanmar state security forces and civilian perpetrators committed mass killings in dozens of villages in Maungdaw Township, Rakhine State in the first wave of violence in 2016 and in villages throughout all three townships of northern Rakhine State after August 25, 2017.

This was followed by the publication of "They Gave Them Long Swords," a 160-page report by Fortify Rights proving how the Myanmar authorities made "extensive and systematic preparations" for attacks against Rohingya civilians that amounted to genocide.

The U.S. Secretary of State Antony Blinken cited Fortify Rights and others' work in a speech delivered at the U.S. Holocaust Memorial Museum, on March 21, 2022, while announcing the U.S. government's determination that Myanmar's military had committed genocide against the Rohingya.

The ICJ held its first round of public hearings in the case filed by The Gambia from December 10 to 12, 2019. In a historic move, on January 23, 2020, the court unanimously ordered provisional measures to protect the rights of the Rohingya. The unanimous vote meant that the justice appointed by Myanmar, as the court allows, also voted in favor of provisional measures of protection for

Rohingya. These measures ordered Myanmar to cease and prevent further genocidal acts against Rohingya, to prevent the destruction of any evidence related to acts of genocide against the Rohingya, and to report to the court on a semi-annual basis on measures taken to implement the courts orders.

In December 2021, [new evidence](#) published by Fortify Rights indicated that the junta breached the ICJ's provisional measures.

In June 2022, Fortify Rights also published a report titled [Genocide by Attrition: The Role of Identity Documents in the Holocaust and the Genocides of Rwanda and Myanmar](#), which provides further information about the junta's ongoing persecution of the Rohingya. The 63-page report provides details on how the Myanmar junta is using identity documents to facilitate its genocide of the Rohingya people, mirroring tactics used in the Holocaust and Rwandan genocides and violating existing ICJ orders for Myanmar authorities to cease ongoing acts of genocide.

To date, only Canada and The Netherlands have publicly [pledged](#) support to The Gambia's case at the ICJ. Other states should now consider supporting The Gambia's case against Myanmar, Fortify Rights said.

***"The junta lacks any political support among the Myanmar population and is committing atrocity crimes throughout the country," said Matthew Smith. "States should do everything in their power to deprive the junta of weapons, finances, and political legitimacy. The junta is a criminal regime that must be held accountable."***

**Stay Updated!**



# Annex 167

F. D'Alessandra *et al.*, “Anchoring Accountability for Mass Atrocities” (Oxford Institute for Law, Ethics and Armed Conflict, 2022) (extract)

Available at:

<https://www.elac.ox.ac.uk/wp-content/uploads/2023/04/Oxford-ELAC-Anchoring-Accountability-for-Mass-Atrocities.pdf>





OXFORD INSTITUTE  
FOR ETHICS,  
LAW AND  
ARMED CONFLICT



# ANCHORING ACCOUNTABILITY FOR MASS ATROCITIES

## The Permanent Support Needed to Fulfil UN Investigative Mandates

Federica D'Alessandra, Ambassador Stephen J. Rapp, Kirsty Sutherland, and Sareta Ashraph  
May 2022



### **Anchoring Accountability for Mass Atrocities**

The Permanent Support Needed to Fulfil UN Investigative Mandates

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#### **Disclaimer**

The research informing this report was carried out within the Oxford Institute for Ethics, Law and Armed Conflict's Programme on International Peace and Security, under the academic supervision of Federica D'Alessandra, and with the sponsorship/partnership of the International Bar Association and the US Holocaust Memorial Museum Simon Skjodt Center for the Prevention of Genocide. The views expressed here do not necessarily reflect the position of our partner(s)/sponsor(s).

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longer to be approved, delaying the necessary dispersal of funds that would allow for recruitment of staff. In the case of one COI or FFM, a respondent noted that as recruitment was initiated only once the budget was approved, 'some team members joined the team six to seven months from the start of the mandate, leaving at best two months for the effective work'. Respondents also pointed to late recruitment caused by delays in the release of staff from their previous employment, administrative delays to secondments, visa delays, and the unavailability of selected staff who found other posts due to the length of time that the recruitment process took. Several noted sharply that COIs and FFMs particularly suffered from gaps in funding where recruitment needed to be revisited with each cycle of the mandate period.

**In addition to, and despite, indications of unduly protracted recruitment processes, just 11.70% of respondents agreed that the recruitment yielded staff with the requisite expertise and skills.**

However, there was a more positive assessment from those working for the three investigative mechanisms: 48.94% of these respondents agreed that recruitment yielded staff with the requisite expertise and skills. Respondents who had worked or are working in COIs and FFMs, in particular indicated there were significant differences in expertise, knowledge, and skills between investigators who were supposed to carry out the same work. Two staff members speaking about their work on separate OHCHR-supported investigative bodies in 2020 and 2021, also stated that they believed significant pressure exists to recruit Geneva-based OHCHR staff into OHCHR-supported investigations, even where they lacked the expertise needed for that particular mandate.

Such challenges are the direct result of these entities' set-up. **Often, as noted, there is a gap between the time in which a mandate is established and the availability of the funds to recruit staff to get it off the ground. This is due to a misalignment between UN budgetary cycles (which affect all positions funded through the UN regular budget) and the establishment of mandates** by the HRC. **Even once funds are in place, a further elapse of time often passes to allow for UN recruitment processes, particularly where the decision is made to recruit fixed term staff, to swing into effect.** This means, as we mentioned above, that externally recruited positions often cannot be in place until six to nine months after a mandate's establishment. Under such circumstances, the 'loaning' (or, more appropriately, 'temporary assignment') of OHCHR staff to human rights investigations, and the provision of personnel by UN Women through its partnership with JRR or by States in the form of GPPS or NPRLs, are currently the only way to allow them to function and get off the ground. Recruiting under temporary contracts, which are less attractive to applicants due to the lower level of entitlements and greater lack of job security, may also allow for faster recruitments.

*It is crucial that all investigative mandates required to make contributions to accountability are staffed with the right substantive expertise and operational experience. When it came to the current realities of staff recruitment, the majority of respondents to our anonymised survey 'somewhat disagreed' (40.43%) or 'strongly disagreed' (28.72%) that the current recruitment process for staff of UN mandates was efficient. In addition to, and despite, indications of unduly protracted recruitment processes, just 11.70% of respondents agreed that the recruitment yielded staff with the requisite expertise and skills. Respondents' comments indicated that this was largely due to structural issues, including the fact that the budget often takes longer to be approved, delaying the necessary dispersal of funds that would allow for recruitment of staff. Inefficiencies in early recruitment, however, carries knock-on challenges even for later phases of mandates' operation.*



# Annex 168

ISEAS Perspective: “A Background to the Security Crisis in Northern Rakhine”, 23 October 2023, Issue 2017, No. 79, Yusof Ishak Institution (extract)

Available at:

[https://www.iseas.edu.sg/wp-content/uploads/pdfs/ISEAS\\_Perspective\\_2017\\_79.pdf](https://www.iseas.edu.sg/wp-content/uploads/pdfs/ISEAS_Perspective_2017_79.pdf)



# PERSPECTIVE

RESEARCHERS AT ISEAS – YUSOF ISHAK INSTITUTE ANALYSE CURRENT EVENTS

**Singapore** | 23 October 2017

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## **A Background to the Security Crisis in Northern Rakhine**

*Ye Htut\**

### **EXECUTIVE SUMMARY**

- On 25 August 2017, the day after Kofi Annan’s Rakhine Advisory Commission submitted its report, the Rohingya group ARSA simultaneously attacked 30 police outposts and one army regiment’s headquarters. The Myanmar Army responded with a massive security operation that led to more than 500,000 Rohingya people fleeing to Bangladesh.
- Rakhine State has had a history of Muslim separatist movements since 1948, and successive governments have tried to control illegal immigration and prevent separatist movements in Northern Rakhine State. In 2004, the removal of military intelligence chief General Khin Nyunt weakened the Myanmar government’s intelligence network in Rakhine State, and in 2013, the security situation worsened when the Border and Immigration Control Command was disbanded.
- Without these two security apparatuses, the government lacked intelligence on separatist sentiments and illegal operations in Northern Rakhine State, and security forces were caught off-guard by the ARSA attacks in October 2016 and August 2017.
- The current humanitarian crisis, the breakdown of law and order, and the communal violence and hatred in Northern Rakhine State are not only a legacy of the past but also contemporary developments that are seeing the emergence of a new terrorist group with extremist links.

*\* Ye Htut is Visiting Senior Fellow at ISEAS – Yusof Ishak Institute and former Information Minister of Myanmar.*



# Annex 169

International Crisis Group, *Breaking Away: The Battle for Myanmar's Rakhine State*, Crisis Group Asia Report No. 339, 27 August 2024 (extract)

Available at:

[https://www.crisisgroup.org/sites/default/files/2024-08/339-battle-rakhine-state\\_0.pdf](https://www.crisisgroup.org/sites/default/files/2024-08/339-battle-rakhine-state_0.pdf)





# Breaking Away: The Battle for Myanmar's Rakhine State

Asia Report N°339 | 27 August 2024

Headquarters

**International Crisis Group**

Avenue Louise 235 • 1050 Brussels, Belgium

Tel: +32 2 502 90 38 • [brussels@crisisgroup.org](mailto:brussels@crisisgroup.org)

*Preventing War. Shaping Peace.*

ists.<sup>87</sup> The Arakan Army is far from alone in believing that RSO has official backing; many Rohingya refugees and analysts share this view.<sup>88</sup> Formed in the early 1980s, RSO had been defunct as an armed group for at least two decades until it re-emerged in late 2022 and began challenging ARSA for control of the camps. ARSA had established a firm grip on the camps shortly after they were set up in 2017. For years, and despite much evidence to the contrary, Dhaka insisted that ARSA was not active in Bangladesh. After the group assassinated a prominent Rohingya leader, Mohib Ullah, in September 2021, it acknowledged ARSA's involvement in the attack and began arresting the group's members. This crackdown ramped up after ARSA killed a Bangladeshi military officer in November 2022.<sup>89</sup>

Conflict between the two groups, RSO and ARSA, escalated in 2023, leading to a sharp rise in violence and crime in the camps. By early 2024, RSO had secured control of most of the 33 camps. Many ARSA members simply switched their allegiance. Their continued predatory behaviour was making RSO increasingly unpopular even before its forced recruitment campaigns. When Crisis Group interviewed Rohingya in Cox's Bazar in mid-2023, some expressed optimism that RSO would be an improvement on ARSA; today, it is rare to hear such sentiments among refugees.

To back their claims that Bangladesh is supporting RSO, both refugees and Arakan Army officials point to the fact that law enforcement agencies did not attempt to stop the group from recruiting in the camps, particularly at the peak of the forced recruitment in May. Given the presence of the Armed Police Battalion and National Security Intelligence within the camps, it seems implausible that large public meetings organised by the group took place without these forces' knowledge.<sup>90</sup> Armed Police Battalion officers appear to have attended at least one such meeting.<sup>91</sup> When lawmaker and former foreign minister Abdul Momen held a meeting in the camps in May, the head of RSO's political wing, Ko Ko Linn, sat in the front row of the audience, directly in front of him.<sup>92</sup> The fact that armed groups have been able to move refugees across the border also suggests a level of collusion with local authorities, critics argue.<sup>93</sup>

Despite rapidly shifting developments in Rakhine State, the official position of Hasina's government toward Myanmar did not change. Even though the military was no longer in control of most of Rakhine State, Bangladesh's foreign ministry contin-

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<sup>87</sup> Crisis Group notes of Arakan Army press conference.

<sup>88</sup> See Crisis Group Report, *Crisis Mounts for Rohingya Refugees*, op. cit.; and "Competing Armed Groups Pose New Threat to Rohingya in Bangladesh", International Institute for Strategic Studies, 11 December 2023.

<sup>89</sup> Crisis Group Report, *Crisis Mounts for Rohingya Refugees*, op. cit.

<sup>90</sup> Since a mass rally in the camps in August 2019 to mark the second anniversary of the Rohingya expulsion from Rakhine, Bangladeshi officials have placed tighter controls on public gatherings. At the same time as these meetings were taking place, 32 young Rohingyas were detained for holding a seminar without permission. See "32 Rohingyas detained for holding seminar without permission in Cox's Bazar", *The Business Standard*, 17 May 2024.

<sup>91</sup> Crisis Group interview, Rohingya refugee, May 2024.

<sup>92</sup> Tweet by Shafiur Rahman, @shafiur, journalist, 7:07pm, 12 May 2024. Momen was foreign minister from January 2019 to January 2024. As a parliamentarian for the ruling Awami League until the fall of Hasina's regime in August, he chaired the parliamentary standing committee on foreign affairs.

<sup>93</sup> Crisis Group interview, humanitarian agency official, May 2024.

# Annex 170

Legal Action Worldwide, Website, 'Where we work – Myanmar', accessed 15 November 2024

Available at:

<https://legalactionworldwide.org/where-we-work/myanmar>





Where we work

## Myanmar

The use of serious human rights violations and international crimes has been a hallmark conduct on consecutive military regimes in Myanmar for decades. Murder, torture, destruction of property, forced displacement, unlawful deprivation of liberty and brutal sexual and gender-based violence perpetrated against civilian populations have been consistently documented by United Nations actors, international and national civil society, and media.

## History and overview

In February 2021, the military (sit-tat) initiated an unlawful coup d'état to seize power from the elected civilian government. Senior political figures, including State Counsellor, Aung San Suu Kyi, were detained as the coup maker – military Commander-in-Chief Min Aung Hlaing – installed himself as the chair of a State Administration Council and subsequently Prime Minister.

Since the coup d'état, Myanmar has faced its most significant period of armed conflict, with the post coup period displacement figures surpassing 2,344,000 individuals, 60,500 of whom have been displaced to neighbouring countries, and with 18,6 million people within Myanmar in need of humanitarian assistance. Fuelled by the on-going regime's direct attacks on civilians, including but not limited to airstrikes on civilian targets, torture and killings of activists, and gruesome sexual violence

Although the international community has consistently condemned Myanmar’s military, the UN General Assembly (though its Credentials Committee) has yet to formally accept the credentials of Myanmar’s civilian government (the National Unity Government (NUG)), opting to repeatedly defer its decision. This has complicated international justice efforts. The military has appointed a new agent and legal team in respect of the case between The Gambia and Myanmar at the International Court of Justice. In 2021, the NUG submitted an article 12(3) communication to the Office of the Prosecutor of the International Criminal Court (ICC) recognising ICC jurisdiction; it has received no formal response to this submission.

Myanmar’s perpetual crisis, in part, results from decades of failure and inability to make successive generations of Myanmar military leadership accountable for their crimes committed against the people of Myanmar.

Generations of Myanmar communities, survivors, and victims are owed justice. Building on its work supporting Rohingya access to and engagement with international justice, in 2022, LAW established its Myanmar programme focused on post-coup crimes.

## Ongoing projects

Through its ongoing work, in Myanmar, LAW supports the documentation of Conflict Related Sexual Violence, and other human rights violations and international crimes, and seeks to support and empower survivors in pursuing justice.

### About us

Our Vision

### What we work on



Accountability & Rule of Law

Transformative Justice

Child Victim Response Database

### Where we work

Globally

# Annex 171

Website of the University of Southern California, Shoah Foundation,  
“Collecting Testimonies”, accessed 19 November 2024

Available at:

<https://sfi.usc.edu/collecting>



## Collecting Testimonies

Since amassing more than 50,000 testimonies of Holocaust survivors during the 1990s, the organization that became USC Shoah Foundation – The Institute for Visual History and Education continues to collect testimonies from the Holocaust and other genocides.

The bulk of the 55,000-plus video testimonies stored in the Institute’s Visual History Archive are from Holocaust survivors and witnesses interviewed between 1994 and 1999. But the Institute in recent years has been expanding the Archive to include testimonies pertaining to not only the Holocaust, but also other humanitarian atrocities such as the 1915 Armenian Genocide, the 1937 Nanjing Massacre and the 1994 Rwandan Tutsi Genocide.

When collecting testimonies during its formative years, the organization – then called the Shoah Visual History Foundation -- devised a methodology that the Institute continues to employ.

Although many recently acquired testimonies have been collected by outside groups that often adhere to their own interviewing approach, the interviews conducted by USC Shoah Foundation interviewers are typically carried out using the original technique.

The methodology goes as follows:

One week prior to the interview, the interviewer meets with the survivor or witness to fill out a pre-interview questionnaire seeking detailed biographical information about the interviewee. During that preliminary meeting, the interviewer explains the format and prepares the interviewee to think about what he or she would like to say. The time spent working together on the questionnaire also helps establish a rapport that carries over to the videotaped interview.

Each interviewee is required to read and sign a release agreement before his or her interview begins. Most interviews are conducted in the interviewees’ homes and in their language of choice, and cover the interviewees’ lives before, during, and after the genocidal campaign. At the conclusion of the interview, interviewees are invited to show photographs and documents as well as to introduce family members. Upon the completion of every interview, the Institute provides the interviewee with a copy of his or her videotaped testimony, which average over two hours in length.

## The Original Mission

The original mission to collect at least 50,000 interviews was a monumental task. Carrying out the vision of founder Steven Spielberg, the Shoah Visual History Foundation interviewed Jewish survivors, homosexual survivors, Jehovah’s Witness survivors, liberators and liberation witnesses, political prisoners, rescuers and aid providers, Roma and Sinti (Gypsy) survivors, survivors of Eugenics policies, and war crimes trials participants.

Locating the men and women who would become interviewees required perseverance and sensitivity. Methods varied by country and included both far-reaching media campaigns and grassroots efforts such as the distribution of an outreach flier translated into 20 languages along with other forms of local outreach.

Through the process of searching, the Institute came to realize that the challenge of locating interested survivors and other witnesses was matched by the challenge that cultural differences would pose to the gathering of testimonies. Some survivors had never been asked—either by family or outsiders—to recount their experiences during the Holocaust; the Institute and its regional representatives worked locally to establish relationships of mutual trust and respect.

Providing interviewees with copies of their testimonies for their private use proved to be the best form of outreach. Once survivors and other witnesses began to receive their copies, word of mouth became as powerful as any media campaign.

After developing an interviewing methodology in consultation with Holocaust historians, psychologists, and experts in the field of oral history, the Institute trained 2,300 interviewer candidates in 24 countries, hired 1,000 videographers, and recruited more than 100 regional coordinators and staff in 34 countries to organize the interviewing process in their respective regions. Interviewer guidelines and videographer guidelines ensured that the interviews would be conducted with a consistent approach.

### Resource Documents

- [Outreach Flier](#)
- [Archive User Manual](#)
- [Pre-Interview Questionnaire](#)
- [Interviewer Guidelines](#)
- [Videographer Guidelines](#)
- [Release Agreement](#)
- [Indexing Term Thesaurus](#)
- [Indexing Guidelines](#)

## **Annex 172**

S. Wilkinson, “Standards of Proof in International Humanitarian Law and Human Rights Fact-Finding and Inquiry Missions”, Geneva Academy of International Humanitarian Law and Human Rights



Académie de droit international humanitaire  
et de droits humains à Genève  
Geneva academy of international humanitarian law  
and human rights



## **Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions**



**By Stephen Wilkinson**

This research project was undertaken under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights in close cooperation with Geneva Call.

Stephen Wilkinson led the research at the Geneva Academy of International Humanitarian Law, assisted by Amélie Larocque, while Jonathan Somer coordinated Geneva Call's input.

*United Nations in the Field of the Maintenance of International Peace and Security*, which says that fact-finding under the auspices of the United Nations, is:

*“any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in order to exercise effectively their functions in relation to the maintenance of international peace and security.”*<sup>[13]</sup> (Emphasis added.)

This general and institutionally specific definition has been developed and tailored specifically to cover human rights and humanitarian fact-finding by both practitioners and academics, and may be read alongside the definition offered by J.N. Agnieszka in the Max Planck Encyclopaedia of Public International Law on “*fact-finding*”, who describes it as a dispute settlement mechanism in public international law.<sup>[14]</sup> The following definitions from recent research and academic commentary add precision to what we will broadly classify as “*humanitarian fact-finding*”:

T. Frank & S. Fairley (1980)

*“Invoking broadly recognized normative standards, fact-finders typically examine data, hear testimony, and consider contextual circumstances, they also deduce whether normative standards have been violated and may thus reach conclusions about conditions, which involves them in making a quasi judicial determination. The fact-finders’ report, given full publicity, serves to clarify misconceptions, absolve or embarrass the investigated party, influence public opinion, and, where appropriate, facilitate further expressions of community disapprobation.”*<sup>[15]</sup>

Guidelines on International Human Rights Fact-Finding Visits and Reports (The Lund-London Guidelines) (2009)

*“For the purposes of these guidelines, fact-finding means a mission or visit mandated by an NGO to ascertain the relevant facts relating to and elucidating a situation of human rights concern, whether allegedly committed by state or non-state actors. In many instances this activity will result in a report.”*<sup>[16]</sup>

Théo Boutruche, Legal Advisor to the EU Led Georgia-Russia Inquiry (2011):

*“A method of ascertaining facts through the evaluation and compilation of various information sources... Fact-finding serves to illuminate the circumstances, causes, consequences and aftermath of an event from a systematic collection of facts. This can be done to dispel or verify allegations. The contexts, forms, techniques and purposes of fact-finding vary greatly in international relations.”*<sup>[17]</sup>

To recapitulate in simple terms, for the purposes of this paper, international fact-finding is deemed to refer to predominately *ad hoc* investigative mechanisms tasked with ascertaining relevant facts and information relating to a situation of human rights or humanitarian concern, by means of which it is determined whether or not the relevant international normative framework has been violated by states or non-state actors. They are most commonly called “*international commissions of inquiry*” or ‘fact-finding missions’ (the acronym FFM will be used hereafter<sup>[18]</sup>) and will involve the collection of first-hand information (at the location in question, or by other forms of direct access).

- What it is not

While fact-finding may involve many bodies and take many forms, one thing is clear and undisputed: fact-finding itself is not able or tasked to make authoritative or binding judicial declarations. Its findings cannot therefore be compared to those made by courts or tribunals. (This point is made in many fact-finding reports.) FFMs do not, and cannot be expected to apply the same degree of scrutiny or

standard of certainty and it follows that, if the findings of formal criminal processes subsequently contradict them, this does not of itself invalidate the value or justification of FFM reports.<sup>[19]</sup>

Fact-Finding must be distinguished not only from “*top-end*” mechanisms, such as formal judicial processes and mechanisms of binding legal authority, but from mechanisms at the “*low-end*” of the enforcement spectrum. Here we are mainly dealing with monitoring and reporting. A possible example would be the Report of the Secretary General’s Panel of Experts on Accountability in Sri Lanka. In this case, the panel who themselves openly stated that they were not a fact finding mission, could not be described as fact-finding, because it did itself directly assess whether human rights standards had been violated *per se*.<sup>[20]</sup> The report predominately assessed the steps Sri Lanka had taken in response to reports of human rights abuses.<sup>[21]</sup> Vocally supported by the human rights community, its report called for a full international inquiry.<sup>[22]</sup>

### ***b. Importance of fact finding in international relations***

Despite some limitations (notably their *ad hoc* nature, limited timeframe and non-binding nature), FFMs serve a clear and necessary function.<sup>[23]</sup> In specific terms, they set out key facts on situations of international concern; are often the only independent source of information; provide an explicit (if limited) legal adjudication on state or group behaviour (especially important in a system that lacks a central mechanism of implementation); identify individuals involved in or responsible for specific abuses; or are a precursor for formal judicial or reparatory action. The Goldstone Report provides a good example of the last effect as it led the government of Israel to instigate more than 400 investigations. The Darfur inquiry, was followed by the Security Council referring the situation of Darfur to the International Criminal Court, offers another. While the findings of the FFMs may not be the only factor leading to subsequent criminal action, they certainly played an important role.

### ***c. Application of general standards in humanitarian fact finding***

As we can see from the above, when FFMs make determinations, their weight and significance should not be downplayed. If FFMs findings are to be credible, they need to be able to stand up to honest and fair scrutiny, which implies setting clear objective standards to help frame their work and help to ensure they make accurate, impartial and non-arbitrary findings of fact.

As Frank & Fairly aptly state, “*the prospects for fact-finding rest upon a fragile assumption of fairness and credibility that only a conscious vigilance can sustain*”.<sup>[24]</sup> In consequence, “*since the efficacy of fact-finding rests so largely on credibility, and credibility emanates primarily from manifest integrity of process, sound procedures are not merely desirable but a functional prerequisite*”.<sup>[25]</sup>

Several aspects of process are relevant to the credibility, impartiality and accuracy of a FFM’s work. They include the terms of reference, the selection of commissioners and staff, the team’s methodology, the use made of the product, etc.<sup>[26]</sup> A central component is naturally the procedures employed in the investigative process which should allow the fact finder to distinguish “*between objective facts and slanted information...*”.<sup>[27]</sup> One aspect to this is the degree of certainty applied to make any finding of legal fact.

### ***d. Centrality of the Standard of Proof***

A “*standard of proof*”:

*“marks a point somewhere along the line between two extremes: a mere conjecture at one end, and absolute certainty at the other. Proof furnished in support of a particular proposition must meet or surpass this point for*



**CONSTITUTIONS AND  
LEGISLATION OF OTHER  
STATES**



# Annex 173

Australia, International Criminal Court (Consequential Amendments) Act 2002,  
No. 42, 2002 (extract)

Available at:

[http://www7.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/num\\_act/iccaa2002543/](http://www7.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/num_act/iccaa2002543/)





## **International Criminal Court (Consequential Amendments) Act 2002**

**No. 42, 2002**

**An Act to amend the *Criminal Code Act 1995* and  
certain other Acts in consequence of the enactment  
of the *International Criminal Court Act 2002*, and  
for other purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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# **International Criminal Court (Consequential Amendments) Act 2002**

**No. 42, 2002**

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**An Act to amend the *Criminal Code Act 1995* and  
certain other Acts in consequence of the enactment  
of the *International Criminal Court Act 2002*, and  
for other purposes**

[Assented to 27 June 2002]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *International Criminal Court  
(Consequential Amendments) Act 2002*.

---

## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day after this Act receives the Royal Assent	28 June 2002
2. Schedules 1 to 7	The day fixed under column 2 of item 2 of the table in subsection 2(1) of the <i>International Criminal Court Act 2002</i>	26 September 2002, ( <i>Gazette</i> 2002, No. GN38)

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendment of the Criminal Code Act 1995

### 1 Chapter 8 of the Schedule to the *Criminal Code* (heading)

Repeal the heading, substitute:

### **Chapter 8—Offences against humanity and related offences**

### 2 The Schedule to the *Criminal Code* (before Division 270)

Insert:

### **Division 268—Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court**

#### **Subdivision A—Introductory**

#### **268.1 Purpose of Division**

- (1) The purpose of this Division is to create certain offences that are of international concern and certain related offences.
- (2) It is the Parliament's intention that the jurisdiction of the International Criminal Court is to be complementary to the jurisdiction of Australia with respect to offences in this Division that are also crimes within the jurisdiction of that Court.
- (3) Accordingly, the *International Criminal Court Act 2002* does not affect the primacy of Australia's right to exercise its jurisdiction with respect to offences created by this Division that are also crimes within the jurisdiction of the International Criminal Court.

#### **268.2 Outline of offences**

- (1) Subdivision B creates offences each of which is called *genocide*.
  - (2) Subdivision C creates offences each of which is called a *crime against humanity*.
-

- 
- (3) Subdivisions D, E, F, G and H create offences each of which is called a *war crime*.
  - (4) Subdivision J creates offences each of which is called a *crime against the administration of the justice of the International Criminal Court*.

### Subdivision B—Genocide

#### 268.3 Genocide by killing

A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

#### 268.4 Genocide by causing serious bodily or mental harm

(1) A person (the *perpetrator*) commits an offence if:

- (a) the perpetrator causes serious bodily or mental harm to one or more persons; and
- (b) the person or persons belong to a particular national, ethnical, racial or religious group; and
- (c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such.

Penalty: Imprisonment for life.

(2) In subsection (1):

*causes serious bodily or mental harm* includes, but is not restricted to, commits acts of torture, rape, sexual violence or inhuman or degrading treatment.

#### 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction

(1) A person (the *perpetrator*) commits an offence if:

# Annex 174

France, Loi no 92-684 du 22 juillet 1992 portant réforme des dispositions du code pénal relatives à la répression des crimes et délits contre les personnes, Journal officiel de la République française n° 169 du 23 juillet 1992, NOR : JUSX8900010L (Law No. 92-684 of 22 July 1992 reforming the provisions of the Criminal Code relating to the punishment of crimes and offences against persons, Official Journal of the French Republic No. 169 of 23 July 1992) (extract)

Available at:

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000540288>





**RÉPUBLIQUE  
FRANÇAISE**

*Liberté  
Égalité  
Fraternité*

**Légifrance**

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## **LOI no 92-684 du 22 juillet 1992 portant réforme des dispositions du code pénal relatives à la répression des crimes et délits contre les personnes (1)**

NOR: JUSX8900010L

[Accéder à la version consolidée](#)

[JORF n°169 du 23 juillet 1992](#)

### **Intitulé(s) non officiel(s)**

- > loi antiterroriste
- > loi antiterroriste [1992]
- > ensemble des lois antiterrorisme et sécurité intérieure

### **Version initiale**

L'Assemblée nationale et le Sénat ont adopté,

Le Président de la République promulgue la loi dont la teneur suit:

Article unique. - Les dispositions du code pénal relatives à la répression des crimes et des délits contre les personnes sont fixées par le livre II annexé à la présente loi.

Ces dispositions entreront en vigueur à la date qui sera fixée par la loi relative à l'entrée en vigueur du nouveau code pénal et à la modification de certaines dispositions de droit pénal et de procédure pénale rendue nécessaire par cette entrée en vigueur.

ANNEXE

LIVRE II

DES CRIMES ET DELITS CONTRE LES PERSONNES

TITRE Ier

DES CRIMES CONTRE L'HUMANITE

C HAPITRE Ier

Du génocide

Art. 211-1. - Constitue un génocide le fait, en exécution d'un plan concerté tendant à la destruction totale ou partielle d'un groupe national, ethnique, racial ou religieux, ou d'un groupe déterminé à partir de tout autre critère arbitraire, de commettre ou de faire commettre, à l'encontre de membres de ce groupe, l'un des actes suivants:

- atteinte volontaire à la vie;
- atteinte grave à l'intégrité physique ou psychique;
- soumission à des conditions d'existence de nature à entraîner la destruction totale ou partielle du groupe;
- mesures visant à entraver les naissances;
- transfert forcé d'enfants.

Le génocide est puni de la réclusion criminelle à perpétuité.

Les deux premiers alinéas de l'article 132-23 relatif à la période de sûreté sont applicables au crime prévu par le présent article.

### C HAPITRE II

#### Des autres crimes contre l'humanité

Art. 212-1. - La déportation, la réduction en esclavage ou la pratique massive et systématique d'exécutions sommaires, d'enlèvements de personnes suivis de leur disparition, de la torture ou d'actes inhumains, inspirées par des motifs politiques, philosophiques, raciaux ou religieux et organisées en exécution d'un plan concerté à l'encontre d'un groupe de population civile sont punies de la réclusion criminelle à perpétuité.

Les deux premiers alinéas de l'article 132-23 relatif à la période de sûreté sont applicables aux crimes prévus par le présent article.

Art. 212-2. - Lorsqu'ils sont commis en temps de guerre en exécution d'un plan concerté contre ceux qui combattent le système idéologique au nom duquel sont perpétrés des crimes contre l'humanité, les actes visés à l'article 212-1 sont punis de la réclusion criminelle à perpétuité.

Les deux premiers alinéas de l'article 132-23 relatif à la période de sûreté sont applicables aux crimes prévus par le présent article.

Art. 212-3. - La participation à un groupement formé ou à une entente établie en vue de la préparation, caractérisée par un ou plusieurs faits matériels, de l'un des crimes définis par les articles 211-1, 212-1 et 212-2 est punie de la réclusion criminelle à perpétuité.

Les deux premiers alinéas de l'article 132-23 relatif à la période de sûreté sont applicables au crime prévu au présent article.

### C HAPITRE III

#### Dispositions communes

Art. 213-1. - Les personnes physiques coupables des infractions prévues par le présent titre encourrent également les peines suivantes:

- 1o L'interdiction des droits civiques, civils et de famille, selon les modalités prévues par l'article 131-26;
- 2o L'interdiction d'exercer une fonction publique, selon les modalités prévues par l'article 131-27;
- 3o L'interdiction de séjour, selon les modalités prévues par l'article 131-31;
- 4o La confiscation de tout ou partie de leurs biens.

Art. 213-2. - L'interdiction du territoire français peut être prononcée dans les conditions prévues par l'article 131-30, soit à titre définitif, soit pour une durée de dix ans au plus, à l'encontre de tout étranger coupable de l'une des infractions définies au présent titre. Les exceptions prévues aux 1o à 4o de l'article 131-30 ne sont pas applicables.

Art. 213-3. - Les personnes morales peuvent être déclarées responsables pénalement de crimes contre l'humanité dans les conditions prévues par l'article 121-2.

Les peines encourues par les personnes morales sont:

- 1o Les peines mentionnées à l'article 131-39;
- 2o La confiscation de tout ou partie de leurs biens.

# Annex 175

Germany, *Grundgesetz* (Basic Law), Article 44 (4)

Available at:

[https://www.gesetze-im-internet.de/englisch\\_gg/englisch\\_gg.html](https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html)



Federal Ministry  
of JusticeFederal Office  
of Justice

Übersetzung durch Professor Christian Tomuschat, Professor David P. Currie, Professor Donald P. Kommers und Raymond Kerr, in Kooperation mit dem Sprachendienst des Deutschen Bundestages

Translated by Professor Christian Tomuschat, Professor David P. Currie, Professor Donald P. Kommers and Raymond Kerr, in cooperation with the Language Service of the German Bundestag

Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch das Gesetz vom 19. Dezember 2022 (BGBl. I S. 2478)

Version information: The translation includes the amendment(s) to the Act by the Act of 19 December 2022 (Federal Law Gazette I p. 2478)

Zur Nutzung dieser Übersetzung lesen Sie bitte den Hinweis unter "[Translations](#)".

For conditions governing use of this translation, please see the information provided under "[Translations](#)".

### Basic Law for the Federal Republic of Germany

Full citation: Basic Law for the Federal Republic of Germany in the revised version published in the Federal Law Gazette Part III, classification number 100-1, as last amended by the Act of 19 December 2022 (Federal Law Gazette I p. 2478).

The Parliamentary Council, meeting in public session at Bonn am Rhein on 23 May 1949, confirmed that the Basic Law for the Federal Republic of Germany, which was adopted by the Parliamentary Council on 8 May 1949, was ratified in the week of 16 to 22 May 1949 by the parliaments of more than two thirds of the participating German *Länder*.

By virtue of this fact the Parliamentary Council, represented by its Presidents, has signed and promulgated the Basic Law.

The Basic Law is hereby published in the Federal Law Gazette pursuant to paragraph (3) of Article 145.

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#### Preamble

Conscious of their responsibility before God and man,

Inspired by the determination to promote world peace as an equal partner in a united Europe, the German people, in the exercise of their constituent power, have adopted this Basic Law.

Germans in the *Länder* of Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia have achieved the unity and freedom of Germany in free self-determination. This Basic Law thus applies to the entire German people.

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#### I. Basic Rights

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##### Article 1

##### [Human dignity – Human rights – Legally binding force of basic rights]

(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

**Article 39**  
**[Electoral term – Convening]**

(1) Save the following provisions, the Bundestag shall be elected for four years. Its term shall end when a new Bundestag convenes. New elections shall be held no sooner than forty-six months and no later than forty-eight months after the electoral term begins. If the Bundestag is dissolved, new elections shall be held within sixty days.

(2) The Bundestag shall convene no later than the thirtieth day after the elections.

(3) The Bundestag shall determine when its sessions shall be adjourned and resumed. The President of the Bundestag may convene it at an earlier date. He shall be obliged to do so if one third of the Members, the Federal President or the Federal Chancellor so demand.

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**Article 40**  
**[Presidency – Rules of procedure]**

(1) The Bundestag shall elect its President, Vice-Presidents and secretaries. It shall adopt rules of procedure.

(2) The President shall exercise proprietary and police powers in the Bundestag building. No search or seizure may take place on the premises of the Bundestag without his permission.

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**Article 41**  
**[Scrutiny of elections]**

(1) Scrutiny of elections shall be the responsibility of the Bundestag. It shall also decide whether a Member has lost his seat.

(2) Complaints against such decisions of the Bundestag may be lodged with the Federal Constitutional Court.

(3) Details shall be regulated by a federal law.

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**Article 42**  
**[Public sittings – Majority decisions]**

(1) Sittings of the Bundestag shall be public. On the motion of one tenth of its Members, or on the motion of the Federal Government, a decision to exclude the public may be taken by a two-thirds majority. The motion shall be voted upon at a sitting not open to the public.

(2) Decisions of the Bundestag shall require a majority of the votes cast unless this Basic Law otherwise provides. The rules of procedure may permit exceptions with respect to elections to be conducted by the Bundestag.

(3) Truthful reports of public sittings of the Bundestag and of its committees shall not give rise to any liability.

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**Article 43**  
**[Right to require presence, right of access and right to be heard]**

(1) The Bundestag and its committees may require the presence of any member of the Federal Government.

(2) The members of the Bundesrat and of the Federal Government as well as their representatives may attend all sittings of the Bundestag and meetings of its committees. They shall have the right to be heard at any time.

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**Article 44**  
**[Committees of inquiry]**

(1) The Bundestag shall have the right, and on the motion of one quarter of its Members the duty, to establish a committee of inquiry, which shall take the requisite evidence at public hearings. The public may be excluded.

(2) The rules of criminal procedure shall apply, *mutatis mutandis*, to the taking of evidence. The privacy of correspondence, posts and telecommunications shall not be affected.

(3) Courts and administrative authorities shall be required to provide legal and administrative assistance.

(4) The decisions of committees of inquiry shall not be subject to judicial review. The courts shall be free to evaluate and rule upon the facts that were the subject of the investigation.

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**Article 45**  
**[Committee on the European Union]**

The Bundestag shall appoint a Committee on European Union Affairs. It may authorise the committee to exercise the rights of the Bundestag under Article 23 vis-à-vis the Federal Government. It may also empower it to exercise the rights granted to the Bundestag under the contractual foundations of the European Union.

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**Article 45a**  
**[Committees on Foreign Affairs and Defence]**

- (1) The Bundestag shall appoint a Committee on Foreign Affairs and a Defence Committee.
- (2) The Defence Committee shall also have the powers of a committee of inquiry. On the motion of one quarter of its members it shall have the duty to make a specific matter the subject of inquiry.
- (3) Paragraph (1) of Article 44 shall not apply to defence matters.

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**Article 45b**  
**[Parliamentary Commissioner for the Armed Forces]**

A Parliamentary Commissioner for the Armed Forces shall be appointed to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight. Details shall be regulated by a federal law.

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**Article 45c**  
**[Petitions Committee]**

- (1) The Bundestag shall appoint a Petitions Committee to deal with requests and complaints addressed to the Bundestag pursuant to Article 17.
- (2) The powers of the Committee to consider complaints shall be regulated by a federal law.

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**Article 45d**  
**Parliamentary Oversight Panel**

- (1) The Bundestag shall appoint a panel to oversee the intelligence activities of the Federation.
- (2) Details shall be regulated by a federal law.

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**Article 46**  
**[Immunities of Members]**

- (1) At no time may a Member be subjected to court proceedings or disciplinary action or otherwise called to account outside the Bundestag for a vote cast or a remark made by him in the Bundestag or in any of its committees. This provision shall not apply to defamatory insults.
- (2) A Member may not be called to account or arrested for a punishable offence without permission of the Bundestag unless he is apprehended while committing the offence or in the course of the following day.
- (3) The permission of the Bundestag shall also be required for any other restriction of a Member's freedom of the person or for the initiation of proceedings against a Member under Article 18.
- (4) Any criminal proceedings or any proceedings under Article 18 against a Member and any detention or other restriction of the freedom of his person shall be suspended at the demand of the Bundestag.

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**Article 47**  
**[Right of refusal to give evidence]**

## Grundgesetz für die Bundesrepublik Deutschland

GG

Ausfertigungsdatum: 23.05.1949

Vollzitat:

"Grundgesetz für die Bundesrepublik Deutschland in der im Bundesgesetzblatt Teil III, Gliederungsnummer 100-1, veröffentlichten bereinigten Fassung, das zuletzt durch Artikel 1 des Gesetzes vom 19. Dezember 2022 (BGBl. I S. 2478) geändert worden ist"

**Stand:** Zuletzt geändert durch Art. 1 G v. 19.12.2022 I 2478

### Fußnote

(+++ Textnachweis Geltung ab: 14.12.1976 +++)  
(+++ Maßgaben aufgrund des EinigVtr vgl. GG Anhang EV +++)

### Eingangsformel

Der Parlamentarische Rat hat am 23. Mai 1949 in Bonn am Rhein in öffentlicher Sitzung festgestellt, daß das am 8. Mai des Jahres 1949 vom Parlamentarischen Rat beschlossene Grundgesetz für die Bundesrepublik Deutschland in der Woche vom 16. bis 22. Mai 1949 durch die Volksvertretungen von mehr als Zweidritteln der beteiligten deutschen Länder angenommen worden ist. Auf Grund dieser Feststellung hat der Parlamentarische Rat, vertreten durch seine Präsidenten, das Grundgesetz ausgefertigt und verkündet. Das Grundgesetz wird hiermit gemäß Artikel 145 Abs. 3 im Bundesgesetzblatt veröffentlicht:

### Präambel

Im Bewußtsein seiner Verantwortung vor Gott und den Menschen, von dem Willen beseelt, als gleichberechtigtes Glied in einem vereinten Europa dem Frieden der Welt zu dienen, hat sich das Deutsche Volk kraft seiner verfassungsgebenden Gewalt dieses Grundgesetz gegeben. Die Deutschen in den Ländern Baden-Württemberg, Bayern, Berlin, Brandenburg, Bremen, Hamburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, Nordrhein-Westfalen, Rheinland-Pfalz, Saarland, Sachsen, Sachsen-Anhalt, Schleswig-Holstein und Thüringen haben in freier Selbstbestimmung die Einheit und Freiheit Deutschlands vollendet. Damit gilt dieses Grundgesetz für das gesamte Deutsche Volk.

## I. Die Grundrechte

### Art 1

(1) Die Würde des Menschen ist unantastbar. Sie zu achten und zu schützen ist Verpflichtung aller staatlichen Gewalt.

(2) Das Deutsche Volk bekennt sich darum zu unverletzlichen und unveräußerlichen Menschenrechten als Grundlage jeder menschlichen Gemeinschaft, des Friedens und der Gerechtigkeit in der Welt.

(3) Die nachfolgenden Grundrechte binden Gesetzgebung, vollziehende Gewalt und Rechtsprechung als unmittelbar geltendes Recht.

### Art 2

### Art 40

(1) Der Bundestag wählt seinen Präsidenten, dessen Stellvertreter und die Schriftführer. Er gibt sich eine Geschäftsordnung.

(2) Der Präsident übt das Hausrecht und die Polizeigewalt im Gebäude des Bundestages aus. Ohne seine Genehmigung darf in den Räumen des Bundestages keine Durchsuchung oder Beschlagnahme stattfinden.

### Art 41

(1) Die Wahlprüfung ist Sache des Bundestages. Er entscheidet auch, ob ein Abgeordneter des Bundestages die Mitgliedschaft verloren hat.

(2) Gegen die Entscheidung des Bundestages ist die Beschwerde an das Bundesverfassungsgericht zulässig.

(3) Das Nähere regelt ein Bundesgesetz.

### Art 42

(1) Der Bundestag verhandelt öffentlich. Auf Antrag eines Zehntels seiner Mitglieder oder auf Antrag der Bundesregierung kann mit Zweidrittelmehrheit die Öffentlichkeit ausgeschlossen werden. Über den Antrag wird in nichtöffentlicher Sitzung entschieden.

(2) Zu einem Beschlusse des Bundestages ist die Mehrheit der abgegebenen Stimmen erforderlich, soweit dieses Grundgesetz nichts anderes bestimmt. Für die vom Bundestage vorzunehmenden Wahlen kann die Geschäftsordnung Ausnahmen zulassen.

(3) Wahrheitsgetreue Berichte über die öffentlichen Sitzungen des Bundestages und seiner Ausschüsse bleiben von jeder Verantwortlichkeit frei.

### Art 43

(1) Der Bundestag und seine Ausschüsse können die Anwesenheit jedes Mitgliedes der Bundesregierung verlangen.

(2) Die Mitglieder des Bundesrates und der Bundesregierung sowie ihre Beauftragten haben zu allen Sitzungen des Bundestages und seiner Ausschüsse Zutritt. Sie müssen jederzeit gehört werden.

### Art 44

(1) Der Bundestag hat das Recht und auf Antrag eines Viertels seiner Mitglieder die Pflicht, einen Untersuchungsausschuß einzusetzen, der in öffentlicher Verhandlung die erforderlichen Beweise erhebt. Die Öffentlichkeit kann ausgeschlossen werden.

(2) Auf Beweiserhebungen finden die Vorschriften über den Strafprozeß sinngemäß Anwendung. Das Brief-, Post- und Fernmeldegeheimnis bleibt unberührt.

(3) Gerichte und Verwaltungsbehörden sind zur Rechts- und Amtshilfe verpflichtet.

(4) Die Beschlüsse der Untersuchungsausschüsse sind der richterlichen Erörterung entzogen. In der Würdigung und Beurteilung des der Untersuchung zugrunde liegenden Sachverhaltes sind die Gerichte frei.

### Art 45

Der Bundestag bestellt einen Ausschuß für die Angelegenheiten der Europäischen Union. Er kann ihn ermächtigen, die Rechte des Bundestages gemäß Artikel 23 gegenüber der Bundesregierung wahrzunehmen. Er kann ihn auch ermächtigen, die Rechte wahrzunehmen, die dem Bundestag in den vertraglichen Grundlagen der Europäischen Union eingeräumt sind.

### Art 45a

(1) Der Bundestag bestellt einen Ausschuß für auswärtige Angelegenheiten und einen Ausschuß für Verteidigung.



# Annex 176

Sierra Leone, The Citizenship Act of 1973 (with amendments)

Available at:

<https://www.refworld.org/legal/legislation/natlegbod/2017/en/20479>

[https://www.parliament.gov.sl/uploads/bill\\_files/The%20Citizenship%20\(Amen dt\)%20Act,%202017.pdf](https://www.parliament.gov.sl/uploads/bill_files/The%20Citizenship%20(Amen dt)%20Act,%202017.pdf)

<https://www.sierra-leone.org/Laws/2006-11.pdf>



# Sierra Leone: The Citizenship Act of 1973

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## **PART I - PRELIMINARY**

### **1. Interpretation**

(1) In this Act, unless a contrary intention appears-

"Act" means Act of Parliament;

"alien" means a person who is not a Commonwealth citizen or a citizen of the Republic of Ireland;

"certificate of naturalisation" means a certificate of naturalisation granted under this Act;

"Commonwealth" means the Commonwealth as defined in subsection (3) of section 12 of this Act, and any dependency of any country names therein;

"father" includes a natural, but not an adoptive father;

"foreign country" means a country (other than the Republic of Ireland) that is not part of the Commonwealth;

"the Minister" means the member of Cabinet charged with responsibility for matters relating to citizenship;

"person of negro African descent" means a person whose father and father's father are or were negroes of African origin;

"Sierra Leone Consulate" means an office of a consular officer of the Government of Sierra Leone or any other office as may be prescribed for the purposes of this Act;

(2) For the purpose of this Act, a person born aboard a registered or unregistered ship or aircraft of the Government of any country shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purpose of this Act, be of full age if he has attained the age of twenty-one years, and of full capacity if he is not of unsound mind.

(4) A person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

## **PART II - CITIZENSHIP BY BIRTH**

### **2. Citizenship by birth**

Every person who, having been born in Sierra Leone before the nineteenth day of April, 1971, or who was resident in Sierra Leone on the eighteenth day of April, 1971, and not the subject of any other State shall, on the nineteenth day of April, 1971, be deemed to be a citizen of Sierra Leone by birth:

Provided that-

- (a) his father or his grandfather was born in Sierra Leone; and
- (b) he is a person of negro African descent;

### **3. Citizenship by birth in Sierra Leone**

Every person born in Sierra Leone on or after the nineteenth day of April, 1971, in the circumstances set out in section 2, shall be

deemed to be a citizen of Sierra Leone by birth.

#### **4. Citizenship by birth outside Sierra Leone**

Every person born or resident outside Sierra Leone on or before the eighteenth day of April, 1971, and who, but for such birth or residence outside Sierra Leone would be a citizen of Sierra Leone by virtue of section 2, shall, on the nineteenth day of April 1971, be deemed to be a citizen of Sierra Leone by birth.

#### **5. Citizenship by descent**

Every person born outside Sierra Leone on or after the nineteenth day of April 1971, of a father who was or would but for his death have been a citizen of Sierra Leone by virtue of sections 2, 3 and 4, is a citizen of Sierra Leone by birth.

#### **6. Other category of citizenship**

Every person whose mother is or was a citizen of Sierra Leone by virtue of sections 2,3, 4 and 5 and who does not or did not acquire the citizenship of another State shall be deemed to be a citizen of Sierra Leone by birth.

### **PART III - CITIZENSHIP BY NATURALIZATION**

#### **7. Citizenship by naturalization of married women**

Every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leone citizen, may, on application being made by her in the manner prescribed, be granted a certificate of naturalization.

#### **8. Citizenship by naturalization of other persons**

(1) Every person of negro African descent born in Sierra Leone after the eighteenth day of April, 1971, may on application being made by him in the manner prescribed, be granted a certificate of naturalization:

Provided that a person shall not be granted a certificate by virtue of this section if at the time of his birth -

(a) neither of his parents was a citizen of Sierra Leone and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Sierra Leone; or

(b) his father was an enemy alien and the birth occurred in a place then under occupation of the enemy.

(2) Every person of full age and capacity, either of whose parents is a person of negro African descent who is resident in Sierra Leone and has been continuously so resident for a period of not less than eight years may, on application in the prescribed manner being made by him that he is qualified for naturalization under the Second Schedule, be granted a certificate of naturalization.

(3) Every person of full age and capacity, neither of whose parents is a person of negro African descent, who is resident in Sierra Leone and has been continuously so resident for a period of not less than fifteen years may, on application being made by him in the manner prescribed, be granted a certificate of naturalization if he satisfies the Minister that he is qualified for naturalization under the provisions set forth in the Third Schedule.

(4) Any person under the age of twenty-one years -

(a) whose father or mother was a citizen of Sierra Leone by

Supplement to the Sierra Leone Gazette Vol. CXXXVII, No. 60 dated 28th December, 2006

Passed in Parliament this 28th day of September, in the year of our Lord two thousand and six.

J. A. CARPENTER,  
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

J. A. CARPENTER,  
Clerk of Parliament.

Note: (This Act No. 11 of 2006 supersedes the Act No. 10 of 2006 by the same title published in Government Notice No. 222 as supplement to the Sierra Leone Gazette No. 50 dated Thursday, 26th October, 2006).

SIGNED this 26th day of October, 2006

ALHAJI DR. AHMAD TEJAN KABBAH,  
President.



No. 11



Sierra Leone

2006

The Sierra Leone Citizenship (Amendment) Act, 2006.

Short title.

Being an Act to amend the Sierra Leone Citizenship Act, 1973 so as to grant the right of dual citizenship and citizenship by birth directly through the mother.

/ Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTING DEPARTMENT, SIERRA LEONE.  
GAZETTE No. 60 OF 28TH DECEMBER, 2006.

- Commence-  
ment.
- 1.** This Act shall come into operation on such date as the Minister may fix by Order in a statutory instrument.
- Amendment  
of section 1  
of Act No. 4  
of 1973.
- 2.** Subsection (1) of section 1 of the Sierra Leone Citizenship Act, 1973 is amended as follows:—
- “mother” means a natural but not an adoptive mother”.
- “person of negro African descent” means a person whose mother or father and any of the grand parents of the mother or father is or was a Negro of African descent”.
- Repeal and  
replacement  
of proviso to  
section 2.
- 3.** The proviso to section 2 of the principal Act is repealed and replaced by the following proviso:—
- “Provided that his father, mother or any of his grand parents was born in Sierra Leone and is or was a person of Negro African descent”.
- Repeal and  
replacement  
of section 9  
of Act No. 4  
of 1973.
- 4.** Section 9 of the principal Act is repealed and replaced by the following section:—
- “Conditions precedent to grant of certificate. 9. Notwithstanding anything contained in this Act, no person applying for citizenship under sections 7 and 8 shall be granted a certificate of naturalization unless—
- (a) he is of full age and capacity;
- (b) he has taken an oath of allegiance to the Republic of Sierra Leone in accordance with the First Schedule;
- (c) he has made and registered a declaration satisfactory to the Minister concerning residence and employment; and
- (d) he has paid such fees as may be prescribed”.
- Repeal and  
replacement  
of section 10  
of Act No. 4  
of 1973.
- 5.** Section 10 of the principal Act is repealed and replaced by the following section:—
- “Dual citizenship. 10. A citizen of Sierra Leone may hold a citizenship of another country in addition to his citizenship of Sierra Leone”.
- Repeal and  
replacement  
of section 16  
of Act No. 4  
of 1973.
- 6.** Section 16 of the principal Act is repealed and replaced by the following section:—
- “Deprivation of citizenship in the public interest. 16. The Minister may by Order, deprive any person, who is a citizen by naturalization, of his citizenship if he is satisfied that it would not be conducive to the public good that such person, being of full age and capacity, should continue to be a citizen of Sierra Leone”.
- Insertion of  
new section  
19A in Act  
No. 4 of  
1973.
- 7.** The principal Act is amended by the insertion immediately after section 19 of the following new section:—

“Resumption of citizenship-ship. 19A. Where any citizen of Sierra Leone, being of full age and capacity, has at any time-

- (a) acquired the citizenship of any foreign country-
- (i) by birth; or
- (ii) by any voluntary or formal act; or
- (b) done any act or thing the sole or primary purpose of which or the effect of which was or is to acquire the citizenship of a foreign country,

and that person ceased to be a Sierra Leonean citizen by reason thereof, he may, if he so wishes resume his Sierra Leonean citizenship.”

Insertion of new section 22A in Act No. 4 of 1973.

8. The principal Act is amended by the insertion immediately after section 22 of the following new section:-

22A Where the Minister deprives a person of his citizenship under sections 16 and 19, the person may appeal to a committee comprising-

- (a) a judge of the Superior Court of Judicature to be appointed by the Chief Justice, who shall be chairman;

- (b) the Ombudsman;
- (c) the chairman of the Human Rights Commission;
- (d) a representative each of the Christian Council of Sierra Leone and the Sierra Leone Council of Imams.

(2) An appeal against deprivation of citizenship shall be supported by an affidavit setting out the grounds of the appeal.

(3) The Committee, after considering an appeal under subsection (1) may uphold or reverse the decision of the Minister, in which latter case the appellant’s citizenship shall be restored ”.

9. Sections 6, 11 and 23 of the principal Act are hereby repealed. Repeal of sections 6, 11 and 23 of Act No. 4 of 1973.

10. The Third Schedule to the principal Act is amended by the repeal of paragraph (c) thereof. Amendment of Third Schedule to Act No. 4 of 1973.

2 No. *Citizenship (Amendment) Act* 2017

Section 5 of Act No. of 1973 1. Section 5 of the Citizenship Act, 1973 is repealed and replaced by the following new section—

“Citizenship by descent 5. Every person born outside Sierra Leone on or after the nineteenth day of April 1971 of a father or mother who was or would but for the death of the person have been a citizen of Sierra Leone by virtue of sections 2, 3 and 4, is a citizen of Sierra Leone by birth.”

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend section 5 of the Citizenship Act, 1973 to take into cognizance the amendment made to the Citizenship Act in 2006 wherein citizenship by birth can now be granted directly through the mother. This new clause proposes the insertion of the word “mother” to take into consideration the 2006 amendment.

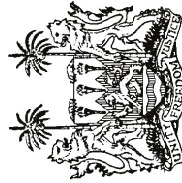
MAJOR RTD. PALO CONTEH,  
*Minister of Internal Affairs.*

FREETOWN,  
SIERRA LEONE,  
JUNE, 2017.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTING DEPARTMENT, SIERRA LEONE.  
*GAZETTE* No. 34 OF 22ND JUNE, 2017

**BILL**

*Supplement to the Sierra Leone Gazette Vol. CXLVIII, No. 34 dated 22nd June, 2017*



No. **2017**

**Sierra Leone**

**A BILL ENTITLED**

**The Citizenship (Amendment) Act, 2017**

Short title.

**Being an Act to amend the Citizenship Act, 1973, to take into consideration the amendment made to the Citizenship Act in 2006 providing for citizenship by birth to be granted through the mother.**

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

# Annex 177

United Kingdom, British Nationality and Status of Aliens Act 1922, section 1,  
amending the British Nationality and Status of Aliens Act 1914, section 1  
(extract)

Available at:

[https://www.legislation.gov.uk/ukpga/1922/44/pdfs/ukpga\\_19220044\\_en.pdf](https://www.legislation.gov.uk/ukpga/1922/44/pdfs/ukpga_19220044_en.pdf)



[12 & 13 GEO. 5.] *British Nationality and Status of Aliens Act, 1922.* [CH. 44.]



#### CHAPTER 44.

An Act to amend the British Nationality and Status of Aliens Acts, 1914 and 1918, as respects the acquisition of British nationality by persons born out of His Majesty's Dominions. A.D. 1922.  
 [4th August 1922.]

**BE** it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.** Section one of the principal Act (which contains the definition of a natural-born British subject) shall be amended as follows:—

(1) The following paragraph shall be substituted for paragraph (b) of subsection (1):—

“(b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—

“(i) his father was born within His Majesty's allegiance; or

“(ii) his father was a person to whom a certificate of naturalization had been granted; or

“(iii) his father had become a British subject by reason of any annexation of territory; or

Amendment  
of definition  
of natural-  
born British  
subject.

[CH. 44.] *British Nationality and Status of Aliens Act, 1922.* [12 & 13 GEO. 5.]

A.D. 1922.

“(iv) his father was at the time of that person’s birth in the service of the Crown; or

“(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and”

(2) The following shall be inserted at the end of subsection (1):

“Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorised in special cases by regulations made under this Act—

“(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and

“(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly.”

Consequen-  
tial amend-  
ment.

**2.** At the end of subsection (1) of section twenty-seven of the principal Act, the following words shall be inserted:—

“The expression ‘British Consulate’ means the office of any British consular officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty, the office of such resident or representative.”

---

*Status: This is the original version (as it was originally enacted).*

---



# British Nationality and Status of Aliens Act 1914

## 1914 CHAPTER 17

### PART I

#### NATURAL-BORN BRITISH SUBJECTS

#### **1 Definition of natural-born British subject**

- (1) The following persons shall be deemed to be natural-born British subjects, namely :—
- (a) Any person born within His Majesty's dominions and allegiance; and
  - (b) Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the following conditions, that is to say, if either—
    - (i) his father was born within His Majesty's allegiance; or
    - (ii) his father was a person to whom a certificate of naturalization had been granted; or
    - (iii) his father had become a British subject by reason of any annexation of territory; or
    - (iv) his father was at the time of that person's birth in the service of the Crown; or
    - (v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and
  - (c) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's

---

**Status:** *This is the original version (as it was originally enacted).*

---

allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects:

Provided also that any person whose British nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorised in special cases by regulations made under this Act—

- (i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act; and
  - (ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such nationality accordingly
- (2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.
  - (3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.
  - (4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive.

# Annex 178

United Kingdom, Burma Independence Act 1947 (extract)

Available at:

<https://digitalrepository.trincoll.edu/cgi/viewcontent.cgi?article=1277&context=eastbooks>





## CHAPTER 3.

An Act to provide for the independence of Burma as a country not within His Majesty's dominions and not entitled to His Majesty's protection, and for consequential and connected matters.

[10th December 1947.]

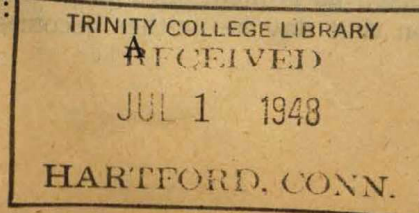
**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) On the appointed day, Burma shall become an Independence independent country, neither forming part of His Majesty's of Burma. dominions nor entitled to His Majesty's protection.

(2) In this Act, the expression "the appointed day" means the fourth day of January, nineteen hundred and forty-eight.

(3) The suzerainty of His Majesty over the part of Burma known as the Karenni States shall lapse as from the appointed day, and with it all treaties and agreements in force between His Majesty and the rulers of the Karenni States, all functions exercisable by His Majesty with respect to the Karenni States, all obligations of His Majesty towards the Karenni States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty in or in relation to the Karenni States by treaty, grant, usage, sufferance or otherwise.

2.—(1) Subject to the provisions of this section, the persons Certain specified in the First Schedule to this Act, being British subjects persons to immediately before the appointed day, shall on that day cease to be British subjects :  
to be British subjects :  
Certain persons to cease to be British subjects.



Provided that a woman who immediately before the appointed day is the wife of a British subject shall not cease by virtue of this subsection to be a British subject unless her husband ceases by virtue of this subsection to be a British subject.

(2) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day and is immediately before that day domiciled or ordinarily resident in either—

- (a) any part of the United Kingdom ;
- (b) any of the Channel Islands ;
- (c) the Isle of Man ;
- (d) Newfoundland ;
- (e) any colony ;
- (f) any territory in respect of which a mandate from the League of Nations was accepted by His Majesty, being a territory under the sole administration of His Majesty's Government in the United Kingdom ;
- (g) any territory administered under the trusteeship system of the United Nations, being a territory under the sole administration of His Majesty's Government in the United Kingdom ;
- (h) any British protectorate ;
- (i) any British protected state outside Burma ; or
- (k) any other place outside Burma in which, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty has jurisdiction over British subjects,

may, by a declaration made before the expiration of the two years beginning with the appointed day to such person and in such manner as may be prescribed, elect to remain a British subject, and if he so elects, the provisions of subsection (1) of this section (including the proviso thereto) shall be deemed never to have applied to or in relation to him or, except so far as the declaration otherwise provides, any child of his who is under the age of eighteen years at the date of the declaration :

Provided that a declaration under this subsection shall be of no effect unless it is registered in the prescribed manner in pursuance of an application made within, or within the prescribed period after the expiration of, the said two years.

In this subsection, the expression "prescribed" means prescribed by regulations of the Secretary of State or of such Government, authority or person as may be authorised in that behalf by the Secretary of State, and different provision may be made under this subsection for different classes of cases.

(3) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day, not being such a person as is mentioned in subsection (2) of this section, shall, if on that day he neither becomes, nor becomes qualified

SCHEDULES.

## Section 2.

FIRST SCHEDULE.

## PERSONS WHO CEASE TO BE BRITISH SUBJECTS.

1. The persons who, being British subjects immediately before the appointed day, are, subject to the provisions of section two of this Act, to cease on that day to be British subjects are the following persons, that is to say—

(a) persons who were born in Burma or whose father or paternal grandfather was born in Burma, not being persons excepted by paragraph 2 of this Schedule from the operation of this sub-paragraph; and

(b) women who were aliens at birth and became British subjects by reason only of their marriage to any such person as is specified in sub-paragraph (a) of this paragraph.

2.—(1) A person shall be deemed to be excepted from the operation of sub-paragraph (a) of paragraph 1 of this Schedule if he or his father or his paternal grandfather was born outside Burma in a place which, at the time of the birth,—

(a) was within His Majesty's dominions, was a British protectorate, was a British protected state, was a territory in respect of which a mandate from the League of Nations had been accepted by His Majesty and which was under the administration of the Government of any part of His Majesty's dominions or was a territory under the trusteeship system of the United Nations which was under the administration of the Government of any part of His Majesty's dominions; or

(b) was a place where, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty had jurisdiction over British subjects:

Provided that a person shall not be excepted under this sub-paragraph from the operation of the said sub-paragraph (a) by virtue of the place of birth of his father or paternal grandfather unless his father or, as the case may be, his paternal grandfather, was at some time before the appointed day a British subject.

(2) A person shall also be deemed to be excepted from the operation of the said sub-paragraph (a) if he or his father or his paternal grandfather became a British subject by naturalisation or by annexation of any territory which is outside Burma.

(3) Where, in pursuance of the British Nationality and Status of Aliens Act, 1914, the name of a child has been included in a certificate of naturalisation granted to his parent, or where, in pursuance of any Act repealed by that Act, any child has been deemed to be a naturalised British subject by reason of residence with his parent, that child shall, for the purposes of this paragraph, be deemed to have become a British subject by naturalisation.

3. For the purposes of this Schedule, a person born in a ship, other than an unregistered ship, shall be deemed to have been born in the country in which the ship was registered.

4. In this Schedule the expression "Burma" means the territories which, immediately before the appointed day, were included in Burma.

4 & 5 Geo. 5.  
c. 17.



# **Annex 179**

United Kingdom, International Criminal Court Act 2001 (extract)

Available at:

<https://www.legislation.gov.uk/ukpga/2001/17/contents>





# International Criminal Court Act 2001

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- (6) The regulations may provide that the reasonable costs of and incidental to the registration and enforcement of an order are recoverable as if they were sums recoverable under the order.
- (7) Regulations under this section—
- (a) may make different provision for different kinds of order, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## PART 5

## OFFENCES UNDER DOMESTIC LAW

*Introduction***50 Meaning of “genocide”, “crime against humanity” and “war crime”**

- (1) In this Part—
- “genocide” means an act of genocide as defined in article 6,
  - “crime against humanity” means a crime against humanity as defined in article 7, and
  - “war crime” means a war crime as defined in article 8.2.
- (2) In interpreting and applying the provisions of those articles the court shall take into account—
- (a) any relevant Elements of Crimes adopted in accordance with article 9, and
  - (b) until such time as Elements of Crimes are adopted under that article, any relevant Elements of Crimes contained in the report of the Preparatory Commission for the International Criminal Court adopted on 30th June 2000.
- (3) The Secretary of State shall set out in regulations the text of the Elements of Crimes referred to in subsection (2), as amended from time to time.
- The regulations shall be made by statutory instrument which shall be laid before Parliament after being made.
- (4) The articles referred to in subsection (1) shall for the purposes of this Part be construed subject to and in accordance with any relevant reservation or declaration made by the United Kingdom when ratifying any treaty or agreement relevant to the interpretation of those articles.
- Her Majesty may by Order in Council—
- (a) certify that such a reservation or declaration has been made and the terms in which it was made;
  - (b) if any such reservation or declaration is withdrawn (in whole or part), certify that fact and revoke or amend any Order in Council containing the terms of that reservation or declaration.
- (5) In interpreting and applying the provisions of the articles referred to in subsection (1) the court shall take into account any relevant judgment or decision of the ICC.

Account may also be taken of any other relevant international jurisprudence.

- (6) The relevant provisions of the articles of the ICC Statute referred to this section are set out in Schedule 8 to this Act.

No account shall be taken for the purposes of this Part of any provision of those articles omitted from the text set out in that Schedule.

*England and Wales*

**51 Genocide, crimes against humanity and war crimes**

- (1) It is an offence against the law of England and Wales for a person to commit genocide, a crime against humanity or a war crime.
- (2) This section applies to acts committed—
- (a) in England or Wales, or
  - (b) outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction.

**52 Conduct ancillary to genocide, etc. committed outside jurisdiction**

- (1) It is an offence against the law of England and Wales for a person to engage in conduct ancillary to an act to which this section applies.
- (2) This section applies to an act that if committed in England or Wales would constitute—
- (a) an offence under section 51 (genocide, crime against humanity or war crime), or
  - (b) an offence under this section,
- but which, being committed (or intended to be committed) outside England and Wales, does not constitute such an offence.
- (3) The reference in subsection (1) to conduct ancillary to such an act is to conduct that would constitute an ancillary offence in relation to that act if the act were committed in England or Wales.
- (4) This section applies where the conduct in question consists of or includes an act committed—
- (a) in England or Wales, or
  - (b) outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction.

**53 Trial and punishment of main offences**

- (1) The following provisions apply in relation to—
- (a) offences under section 51 (genocide, crimes against humanity and war crimes),
  - (b) offences under section 52 (conduct ancillary to genocide, etc. committed outside jurisdiction), and
  - (c) offences ancillary to an offence within paragraph (a) or (b) above.
- (2) The offence is triable only on indictment.
- (3) Proceedings for an offence shall not be instituted except by or with the consent of the Attorney General.

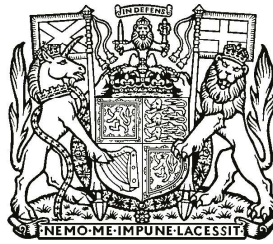
# Annex 180

United Kingdom, Scotland, International Criminal Court (Scotland) Act 2001  
(extract)

Available at:

<https://www.legislation.gov.uk/asp/2001/13/contents>





# International Criminal Court (Scotland) Act 2001 2001 asp 13

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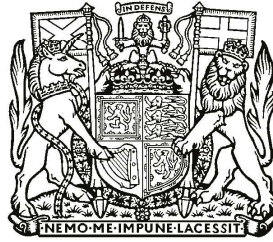
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# International Criminal Court (Scotland) Act 2001 2001 asp 13

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 13th September 2001 and received Royal Assent on 24th September 2001**

An Act of the Scottish Parliament to make provision for offences under the law of Scotland corresponding to offences within the jurisdiction of the International Criminal Court; to enable assistance to be provided to that court in relation to investigations and prosecutions; to make provision in relation to the enforcement of sentences and orders of that court; and for connected purposes.

## PART 1

### OFFENCES

#### *Offences*

#### **1 Genocide, crimes against humanity and war crimes**

- (1) It shall be an offence for a person to commit genocide, a crime against humanity or a war crime.
- (2) Subsection (1) above applies to acts committed—
  - (a) in Scotland; or
  - (b) outwith the United Kingdom by a United Kingdom national or a United Kingdom resident.
- (3) The Genocide Act 1969 (c.12) is repealed.
- (4) In subsection (1) above—
 

“genocide” means an act of genocide as defined in article 6;

“crime against humanity” means a crime against humanity as defined in article 7;

and

“war crime” means a war crime as defined in article 8.2.
- (5) The relevant provisions of the articles mentioned in subsection (4) above are set out in schedule 1 to this Act.
- (6) For the purposes of this Part of this Act, no account shall be taken of any provision of the articles omitted from the text set out in that schedule.

**2 Conduct ancillary to genocide etc.**

- (1) It shall be an offence for a person to engage in conduct ancillary to an act that constitutes—
  - (a) an offence under section 1(1) of this Act; or
  - (b) an offence under this section.
- (2) Subsection (1) above applies where the conduct in question consists of or includes an act committed outwith Scotland by a United Kingdom national or a United Kingdom resident.
- (3) It shall be an offence for a person to engage in conduct ancillary to an act committed (or intended to be committed) outwith Scotland by a person other than a United Kingdom national or a United Kingdom resident that, if the act were committed in Scotland (or were committed by a United Kingdom national or a United Kingdom resident), would constitute—
  - (a) an offence under section 1(1) of this Act; or
  - (b) an offence under this section.
- (4) Subsection (3) above applies where the conduct in question consists of or includes an act committed—
  - (a) in Scotland; or
  - (b) outwith the United Kingdom by a United Kingdom national or a United Kingdom resident.
- (5) The references in subsections (1) and (3) above to conduct ancillary to an act are to conduct that would constitute an ancillary offence in relation to that act if—
  - (a) that conduct consisted of or included an act committed in Scotland; and
  - (b) that act were committed in Scotland.

**3 Trial and punishment of main offences**

- (1) This section applies in relation to—
  - (a) offences under section 1 of this Act;
  - (b) offences under section 2 of this Act; and
  - (c) offences ancillary to an offence within paragraph (a) or (b) above.
- (2) The offence shall be triable only on indictment.
- (3) If an offence is committed outwith Scotland proceedings may be taken in any place in Scotland; and the offence may for incidental purposes be treated as having been committed in that place.
- (4) A person convicted of—
  - (a) an offence involving murder; or
  - (b) an offence ancillary to an offence involving murder,shall be dealt with as for an offence of murder or, as the case may be, the corresponding ancillary offence in relation to murder.



# **Annex 181**

United States of America, 18 U.S. Code § 1091 (genocide)



PUBLIC LAW 100-606—NOV. 4, 1988

102 STAT. 3045

Public Law 100-606  
100th Congress

## An Act

To implement the International Convention on the Prevention and Punishment of  
Genocide.Nov. 4, 1988  
[S. 1851]*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Convention Implementa-  
tion Act of 1987 (the Proxmire Act)".Genocide  
Convention  
Implementation  
Act of 1987 (the  
Proxmire Act).  
18 USC 1091  
note.

## SEC. 2. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended  
by inserting after chapter 50 the following:**"CHAPTER 50A—GENOCIDE**"Sec.  
1091. Genocide.  
1092. Exclusive remedies.  
1093. Definitions.**"§ 1091. Genocide**"(a) BASIC OFFENSE.—Whoever, whether in time of peace or in  
time of war, in a circumstance described in subsection (d) and with  
the specific intent to destroy, in whole or in substantial part, a  
national, ethnic, racial, or religious group as such—

"(1) kills members of that group;

"(2) causes serious bodily injury to members of that group;

"(3) causes the permanent impairment of the mental faculties  
of members of the group through drugs, torture, or similar  
techniques;"(4) subjects the group to conditions of life that are intended  
to cause the physical destruction of the group in whole or in  
part;"(5) imposes measures intended to prevent births within the  
group; or"(6) transfers by force children of the group to another group;  
or attempts to do so, shall be punished as provided in subsection (b)."(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an  
offense under subsection (a) is—"(1) in the case of an offense under subsection (a)(1), a fine of  
not more than \$1,000,000 and imprisonment for life; and"(2) a fine of not more than \$1,000,000 or imprisonment for  
not more than twenty years, or both, in any other case."(c) INCITEMENT OFFENSE.—Whoever in a circumstance described  
in subsection (d) directly and publicly incites another to violate  
subsection (a) shall be fined not more than \$500,000 or imprisoned  
not more than five years, or both."(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance  
referred to in subsections (a) and (c) is that—

“(1) the offense is committed within the United States; or

“(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

“(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

“§ 1092. Exclusive remedies

“Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

“§ 1093. Definitions

“As used in this chapter—

“(1) the term ‘children’ means the plural and means individuals who have not attained the age of eighteen years;

“(2) the term ‘ethnic group’ means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

“(3) the term ‘incites’ means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

“(4) the term ‘members’ means the plural;

“(5) the term ‘national group’ means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

“(6) the term ‘racial group’ means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

“(7) the term ‘religious group’ means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

“(8) the term ‘substantial part’ means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.”.

PUBLIC LAW 100-606—NOV. 4, 1988

102 STAT. 3047

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 50 the following new item:

"50A. Genocide ..... 1091".

Approved November 4, 1988.

**LEGISLATIVE HISTORY—S. 1851 (H.R. 4243):**

HOUSE REPORTS: No. 100-566 accompanying H.R. 4243 (Comm. on the Judiciary).

SENATE REPORTS: No. 100-333 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Apr. 25, H.R. 4243 considered and passed House.

Oct. 14, S. 1851 considered and passed Senate.

Oct. 19, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Nov. 4, Presidential remarks.



# **DOCUMENTS OF OTHER STATES**



# Annex 182

Joint statement of Canada and the Kingdom of the Netherlands regarding intention to intervene in The Gambia v. Myanmar case at the International Court of Justice, Diplomatic statement, 2 September 2020

Available at:

<https://www.government.nl/documents/diplomatic-statements/2020/09/02/joint-statement-of-canada-and-the-kingdom-of-the-netherlands-regarding-intention-to-intervene-in-the-gambia-v.-myanmar-case-at-the-international-court-of-justice>





Government of the Netherlands

## Joint statement of Canada and the Kingdom of the Netherlands regarding intention to intervene in The Gambia v. Myanmar case at the International Court of Justice

Diplomatic statement | 02-09-2020

Canada and the Kingdom of the Netherlands would like to express their joint intention to intervene in the matter of The Gambia v. Myanmar, a contentious case brought by The Gambia against Myanmar at the International Court of Justice (ICJ) alleging violations of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).

The Gambia's application shows the discrimination and persecution of the Rohingya in Myanmar, which created the conditions for Myanmar's security forces to perpetrate targeted and systemic atrocities against the Rohingya. It states that Myanmar's violations include the commission of genocide against the Rohingya, mostly by way of the systematic and widespread perpetration of mass murder, sexual violence, torture, forced displacement, and denial of access to food and shelter. These conditions have caused over 850,000 Rohingya to flee to Bangladesh since 2016.

The Genocide Convention embodies the solemn pledge to prevent the crime of genocide and hold those responsible to account. In bringing this application to the ICJ, The Gambia took a laudable step towards ending impunity for those committing atrocities in Myanmar and upholding this pledge. Canada and the Netherlands consider it our obligation to support these efforts which are of concern to all of humanity. As part of this intervention, Canada and the Kingdom of the Netherlands will assist with the complex legal issues that are expected to arise and will pay special attention to crimes related to sexual and gender based violence, including rape.

States Parties to the Genocide Convention must resolve to prevent genocide but also, critically, to hold perpetrators to account. Canada and the Kingdom of the Netherlands reiterate their call to all States Parties to the Genocide Convention to support the Gambia in its efforts to address these violations.

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### Ministry responsible

› [Ministry of Foreign Affairs](#)



# Annex 183

Germany, Die Beauftragte der Bundesregierung für Aussiedlerfragen und nationale Minderheiten (Federal Government Commissioner for Matters Related to Ethnic German Resettlers and National Minorities), “Dänische Minderheit” (“Danish Minority”)

Available at:

<https://www.aussiedlerbeauftragte.de/Webs/AUSB/DE/themen/minderheiten-sprachgruppen/daenische-minderheit/daenische-minderheit.html;jsessionid=27CDFBDF87240C91F032033FA91D0D31.live892>



## ARTICLE

### Danish minority

The members of the Danish minority live in the federal state of Schleswig-Holstein.

The Danish minority in the state of Schleswig-Holstein is traditionally based in the border town of Flensburg, the districts of Nordfriesland and Schleswig-Flensburg, and in the northern part of the district of Rendsburg-Eckernförde. They refer to their settlement area as South Schleswig. Conversely, a German minority lives in North Schleswig in the Kingdom of Denmark.

#### organizations of the Danish minority

The largest association and cultural umbrella organization of the Danish minority is the **South Schleswig Association** (Sydslesvigsk Forening eV (registered association) - SSF). The SSF is responsible for organizing the annual meeting ("Årsmøde") of the Danish minority every year at the end of May/beginning of June, with a variety of events. Politicians and other socially relevant personalities from Denmark are also regularly invited to underline the cultural ties of the minority with the Kingdom of Denmark.

The minority is politically active through its own party, the **South Schleswig Voters' Association** (SSW). The party, which is exempt from the five percent clause under Schleswig-Holstein's state election law, regularly sends representatives to the Schleswig-Holstein state parliament and has its own members in numerous municipal and district councils.

#### own school and education system

The **Danish School Association** (Dansk Skoleforening for Sydslesvig) maintains a well-developed private school system for the Danish minority with primary and secondary schools, two of which have upper secondary levels, and a boarding school. The Danish School Association is also responsible for adult education.

Danish culture is also strengthened by its own library system ( **Dansk Centralbibliothek** ) and the Danish-language daily newspaper "**Flensborg Avis**".

#### Own church and social institutions

The **Evangelical Lutheran Danish Church** (Dansk Kirke i Sydslesvig), as a free church with numerous congregations, enables the church life of the minority in the country.

**The Danish Health Service** (Dansk Sundhedstjeneste for Sydslesvig) runs social centers, old people's homes, and homes for children and young people. The Danish Youth Association of Southern Schleswig (Sydslesvigs danske Ungdomsforeninger) organizes work with children and young people. In addition, members of the Danish minority are organized in numerous other associations.

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### ARTIKEL

## Dänische Minderheit

Im Bundesland Schleswig-Holstein leben die Angehörigen der dänischen Minderheit.

Die dänische Minderheit im Land Schleswig-Holstein ist traditionell in der Grenzstadt Flensburg, den Landkreisen Nordfriesland und Schleswig-Flensburg sowie im nördlichen Teil des Landkreises Rendsburg-Eckernförde ansässig. Sie bezeichnet ihr Siedlungsgebiet als Südschleswig. Umgekehrt lebt in Nordschleswig im Königreich Dänemark eine deutsche Minderheit.

### Organisationen der dänischen Minderheit

Größter Verein und kultureller Dachverband der dänischen Minderheit ist der **Südschleswigsche Verein** (Sydslesvigsk Forening e.V. (eingetragener Verein) – SSF). Federführend organisiert der SSF unter anderem jedes Jahr Ende Mai/ Anfang Juni das Jahrestreffen ("Årsmøde") der dänischen Minderheit mit einer Vielzahl von Veranstaltungen. Regelmäßig sind auch Politiker und andere gesellschaftlich relevante Persönlichkeiten aus Dänemark eingeladen, um die kulturelle Verbundenheit der Minderheit mit dem Königreich Dänemark zu unterstreichen.

Politisch ist die Minderheit durch eine eigene Partei, den **Südschleswigschen Wählerverband** (SSW) aktiv. Die nach dem Landeswahlgesetz Schleswig-Holsteins von der Fünfprozentklausel befreite Partei entsendet regelmäßig Abgeordnete in den Schleswig-Holsteinischen Landtag und stellt eigene Mitglieder in zahlreichen Gemeinde- und Kreisvertretungen.

### Eigenes Schul- und Bildungswesen

Der **Dänische Schulverein** (Dansk Skoleforening for Sydslesvig) unterhält ein gut ausgebautes Privatschulsystem für die dänische Minderheit mit Grund- und Gemeinschaftsschulen, davon zwei mit gymnasialer Oberstufe, und einem Internat. Dem Dänischen Schulverein obliegt auch die Erwachsenenbildung.

Die dänische Kultur wird zudem gestärkt durch ein eigenes Bibliothekssystem (**Dansk Centralbibliothek**) und die dänischsprachige Tageszeitung "**Flensborg Avis**".

### Eigene Kirche und soziale Einrichtungen

Die **evangelisch-lutherische Dänische Kirche** (Dansk Kirke i Sydslesvig) ermöglicht als Freikirche mit zahlreichen Kirchengemeinden das kirchliche Leben der Minderheit im Land.

Sozialstationen, Altenheime und Heime für Kinder und Jugendliche betreibt der **dänische Gesundheitsdienst** (Dansk Sundhedstjeneste for Sydslesvig). Der dänische Jugendverband Südschleswigs (Sydslesvigs danske Ungdomsforeninger) organisiert die Kinder- und Jugendarbeit. Daneben haben sich Angehörige der dänischen Minderheit noch in zahlreichen weiteren Vereinen organisiert.

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# **Annex 184**

Report on Illegal Migration into Assam, Submitted to the President of India  
by the Governor of Assam, 8 November 1998



**Illegal Migration into Assam**

REPORT ON  
ILLEGAL MIGRATION INTO ASSAM

SUBMITTED TO  
THE PRESIDENT OF INDIA

BY  
THE GOVERNOR OF ASSAM  
8 November, 1998

RAJ BHAVAN  
GUWAHATI

D. O. No. GSAG.3/98/  
November 8, 1998

Dear Adarniya Rashtrapatiji,

Large scale illegal migration from East Pakistan/Bangladesh over several decades has been altering the demographic complexion of this State. It poses a grave threat both to the identity of the Assamese people and to our national security. Successive Governments at the Centre and in the State have not adequately met this challenge.

As Governor of Assam, I feel it is my bounden duty, both to the Nation and the State I have sworn to serve, to place before you this report on the dangers arising from the continuing silent demographic invasion. I have also formulated my recommendations for dealing with this issue of vital importance. I earnestly hope that this matter will receive due consideration and suitable action taken to avert the grave danger that has been building up for some time.

With profound regards.

Yours sincerely,

(Lt Gen (Retd) S K Sinha, PVSM)

Shri K R Narayanan,  
President of India,  
Rashtrapati Bhawan,  
New Delhi

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**CONTENTS**

I. Introduction

II. Migration into Assam

III. Preventing Infiltration

IV. Detection and Deportation

V. Conclusion

Appendix: Summary of Recommendations

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**Chapter I  
INTRODUCTION**

1. The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State, has been a matter of grave concern. It threatens to reduce the Assamese people to a minority in their own State, as happened in Tripura and Sikkim.
2. Illegal migration into Assam was the core issue behind the Assam student movement. It was also the prime contributory factor behind the outbreak of insurgency in the State. Yet we have not made much

tangible progress in dealing with this all important issue.

3. There is a tendency to view illegal migration into Assam as a regional matter, affecting only the people of Assam. Its more dangerous dimension of greatly undermining our national security, is ignored. The long cherished design of Greater East Pakistan/Bangladesh, making inroads into the strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North East, with all its rich resources, from the rest of the country. This will have disastrous strategic and economic consequences.
4. I have held prolonged discussions about illegal migration with a large number of people in Assam of different background and with different shades of opinion. This has included politicians, leaders of the minority community, journalists, lawyers, Government officials, both serving and retired, social workers and so on. I have also discussed this issue at length with the Indian High Commissioner at Dhaka. Besides, I have extensively toured the border areas of Assam with Bangladesh, visiting a number of land and riverine BOPs of the Border Security Force. Further, I have studied the relevant literature and statistics on this subject. On this basis, I have formulated my views and recommendations contained in this report. Different aspects connected with the illegal migration have been examined. Recommendations have been made for more effectively arresting the ongoing influx of illegal migrants and taking practical steps to soften the adverse fall outs from the large scale infiltration that has already taken place.

#### Content

### Chapter II MIGRATION INTO ASSAM

#### Historical Background

1. Illegal migration from Bangladesh into Assam should be viewed against the backdrop of past history, present realities and future designs. Migration into Assam has been taking place from the dawn of history. However, after the British annexed Assam, large scale population movement from the South (Bengal, East Pakistan and now Bangladesh) has been an ongoing phenomenon for over a century. Initially, this movement was for economic reasons only but with the approach of Independence, it started developing both communal and political overtones. After Independence, it acquired an international dimension and it now poses a grave threat to our national security.
2. The British developed the tea industry in Assam. They imported labour from Bihar and other provinces to work in the tea gardens. The Assamese people living mostly in Upper Assam and cultivating one crop per year, were not interested in working as labour in the tea gardens nor in increasing or expanding land cultivation to meet the additional requirement of food for the large labour population employed in the tea gardens. Therefore, the British encouraged Bengali Muslim peasants from present Bangladesh to move into Lower Assam for putting virgin land under cultivation. This set in motion a movement pattern which despite changed conditions, has been continuing to this day.
3. When Lord Curzon partitioned erstwhile Bengal Presidency in 1905, Assam was a Chief Commissioner's province. It was merged with the new Muslim majority province of East Bengal. This led to tremendous popular resentment in the country and it ushered political awareness, ultimately culminating in India's Independence. In 1911, the British Government annulled the partition of Bengal. Assam was restored its status as a province and was now placed under a Lieutenant Governor. The Assamese fear of losing their identity and being swamped by Bengalis goes back to this merger and even earlier. This fear had been aroused both by the Bengali Hindus dominating the administration and the professions, and the Bengali Muslims altering the demography of the province. The Bengali Muslims were hard working peasants who occupied vacant land and put virgin areas under cultivation. They made a significant contribution to the agricultural economy of Assam.
4. With Constitutional Reforms, the country started advancing towards democracy, which is a game of numbers. The Muslim League now came up with its demand for Partition, on the basis of religion. This added a new twist to this population movement. During Sir Mohammad Sadulla's Muslim League Ministry, a concerted effort was made to encourage the migration of Bengali Muslims into Assam for political reasons. The Viceroy, Lord Wavell wrote in the Viceroy's Journal, "The chief political problem is the desire of the Muslim Ministers to increase this immigration into the uncultivated Government lands under the slogan of Grow More Food but what they are really after, is Grow More Muslims."
5. When the demand for Partition was raised, it was visualised that Pakistan would comprise Muslim majority provinces in the West and Bang-e-Islam comprising Bengal and Assam, in the East. Mr. Moinul Haque Chowdhary the Private Secretary of Jinnah, who after Independence became a Minister in Assam and later at Delhi, told Jinnah that he would "present Assam to him on a silver platter". Jinnah confidently declared at Guwahati that Assam was in his pocket. The Cabinet Mission Plan placed Assam in Group C with Bengal. Both the Congress High Command and the Muslim League accepted the grouping plan but Lokapriya Gopinath Borodoloi vehemently opposed it. He was supported by Mahatma Gandhi. The grouping plan was foiled and Assam was saved from becoming a part of Pakistan.
6. Partition brought about a sea change in the situation. An international border now separated Assam and East Pakistan. Population movement from East Pakistan continued but it was initially mostly of Hindu refugees, fleeing from religious persecution. Unlike the West, where refugee movement lasted for a few months only, in the case of the East, this spread over several years and is still continuing. Hindu population in East Pakistan started declining steeply. In 1947 it was 27%, by 1971 it got reduced to 14% and by 1991 it was down to 10%. Along with Hindu refugees, Muslim infiltrators continued migrating into Assam for economic reasons. The movement of Hindu refugees into Assam got largely arrested due to anti-Bengali riots and as a result of violence in the wake of insurgency in the State. However, Hindu

refugee movement from Bangladesh has continued to Tripura and West Bengal. Illegal migrants from Bangladesh into Assam are now almost exclusively Muslims.

7. Failure to get Assam included in East Pakistan in 1947 remained a source of abiding resentment in that country. Zulfikar Ali Bhutto in his book, *Myths of Independence* wrote, "it would be wrong to think that Kashmir is the only dispute that divides India and Pakistan, though undoubtedly the most significant. One at least is nearly as important as the Kashmir dispute, that of Assam and some districts of India adjacent to East Pakistan. To these Pakistan has very good claims." Even a pro-India leader like Sheikh Mujibur Rahman in his book, *Eastern Pakistan: Its Population and Economics*, observed, "Because Eastern Pakistan must have sufficient land for its expansion and because Assam has abundant forests and mineral resources, coal, petroleum etc., Eastern Pakistan must include Assam to be financially and economically strong".
8. Leading intellectuals in Bangladesh have been making out a case for "labansraum" (living space) for their country. Mr. Sadeq Khan, a former diplomat wrote in *Holiday* of October 18, 1991, "All projections, however, clearly indicate that by the next decade, that is to say by the first decade of the 21st century, Bangladesh will face a serious crisis of labansraum... if consumer benefit is considered to be better served by borderless competitive trade of labour, there is no reason why regional and international co-operation could not be worked out to plan and execute population movements and settlements to avoid critical demographic pressure in pockets of high concentration... A natural overflow of population pressure is there very much on the cards and will not be restrainable by barbed wire or border patrol measures. The natural trend of population over-flow from Bangladesh is towards the sparsely populated lands in the South East in the Arakan side and of the North East in the Seven Sisters side of the Indian sub-continent". Mr. Abdul Momin, former Foreign Secretary and Bangladesh's first Ambassador to China writing in the same magazine in its issue of November 22, 1991 stated, "The runaway population growth in Bangladesh resulting in suffocating density of population in a territorially small country, presents a nightmarish picture". Urging that along with borderless circulation of goods and commodities there should be borderless competitive trade of labour, he proposed that "if we in Bangladesh ingratiate ourselves with the hill tribes within our borders, our bulging population might find a welcome in adjacent land inhabited by kindred peoples". The views of Jinnah, Zulfikar Ali Bhutto, Sheikh Mujibur Rahman, Sadeq Khan and Abdul Momin have a common thread running through them. No matter how friendly our relations with Bangladesh, we can ill afford to ignore the dangers inherent in demographic invasion from that country.

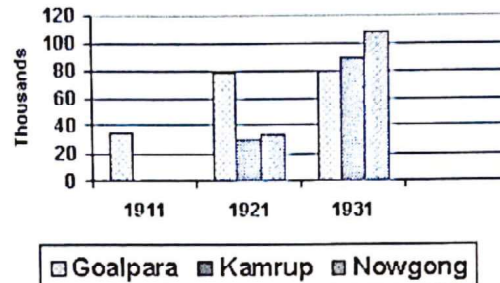
#### Contributory Factors

9. Illegal migration from Assam has been taking place primarily for economic reasons. Bangladesh is the world's most densely populated country with a population density of 969 per square kilometre. The growth rate of population in that country is 2.2 per cent and its population is growing at the rate of 2.8 million per year. Each year nearly one third of Bangladesh gets inundated by floods, displacing 19 million people. 70 million people constituting 60 per cent of the population live below the poverty line. The per capita income in Bangladesh is 170 dollars per year, which is much lower than the per capita income in India. The border between India and Bangladesh is very porous. In these circumstances, the continued large scale population movement from Bangladesh to India, is inevitable, unless effective measures are taken to counter it.
10. Besides the above considerations, there are other contributory factors facilitating infiltration from Bangladesh. Ethnic, linguistic and religious commonality between the illegal migrants and many people on our side of the border, enables them to find shelter. It makes their detection difficult. Some political parties have been encouraging and even helping illegal migration, with a view to building vote banks. These immigrants are hard-working and are prepared to work as cheap labour and domestic for lower remuneration, than the local people. This makes them acceptable. Moreover, with corruption being all pervasive, corrupt officials, are bribed to provide help. Recently, a racket has been busted in Lakhimpur. Four individuals were found to have been providing forged citizenship certificates and other documents to illegal migrants for the last 14 years.
11. There is no evidence of Bangladesh authorities organising the movement of population but they certainly have made no attempts to prevent it and indeed, may be welcoming it, to ease their problem of bursting population. Thus, there is now even an attempt to cover up this movement. Prime Minister Sheikh Haseena has recently asserted that no Bangladeshi is illegally living in India.

#### Illegal Migrants

12. Illegal migrants have been defined in Assam Accord as those who infiltrated illegally after 24 December 1971. However, the stream that infiltrated illegally between 1 January 1966 and 24 December 1971 was not to be deported and was to be given Indian citizenship after a lapse of ten years. No doubt, Hindus required special consideration at the time of Partition and had to be treated as refugees, but this cannot be allowed to continue for ever. Post - 1971 Hindu illegal migrants cannot justifiably claim refugee status.
13. No census has been carried out to determine the number of these illegal migrants. Precise and authentic figures are not available but on the basis of estimates, extrapolations and various indicators, their number runs into millions.
14. Mr. S.C. Mullan, ICS, Census Superintendent of Assam, wrote in 1931, "Probably the most important event in the province during the last twenty five years - an event, moreover, which seems likely to alter permanently the whole future of Assam and to destroy more surely than did the Burmese invaders of 1829, the whole structure of Assamese culture and civilisation - has been the invasion of a vast horde of land hungry Bengali immigrants; mostly Muslims, from the districts of Eastern Bengal sometime before 1911 and the census report of that is the first report which makes mention of the advancing host. But, as we now know, the Bengali, immigrants censused for the first time on their char islands of Goalpara in 1921 were merely the advance guard - or rather the scouts - of a huge army following closely at their heels. By 1921 the first army corps had passed into Assam and had practically conquered the district of Goalpara... Where there is waste land thither flock the Mymensinghias. In fact, the way in which they

have seized upon the vacant areas in the Assam valley seems almost uncanny. Without fuss, without tumult, without undue trouble to the district revenue staffs, a population which must amount to over half a million has transplanted itself from Bengal into the Assam Valley during the last twenty-five years. It looks like a marvel of administrative organisation on the part of Government but it is nothing of the sort; the only thing I can compare it to is the mass movement of large body of ants... it is sad but by no means improbable that in another thirty years Sibsagar district will be the only part of Assam in which an Assamese will find himself at home". The Census Report of 1931 has graphically shown the growth of Mymensingias in the three undivided districts of Goalpara, Kamrup and Nowgong from 1911 to 1931, as follows:-



15. I have quoted the 1931 census report in extenso for three reasons. First, it contains precise figures for migration from Bengal into Assam even when this did not involve any movement across international border. Unfortunately, today we have no census report on the basis of which we can accurately define the contours of trans-border movement. Thus we have to rely on broad estimates of theatrical extrapolations to work out the dimension of illegal migration that has taken place from East Pakistan/Bangladesh. Second, Mr. Mullan described this invasion using military terminology which in present geostrategic context, underscores the strategic aspect of the problem. It is unfortunate that to this day, after half a century of Independence, we have chosen to remain virtually oblivious to the grave danger to our national security arising from this unabated influx of illegal migrants. Third, the prophecy that except in Sibsagar District, the Assamese people will not find themselves at home in Assam, is well on its way to becoming true as reflected by the present demographic pattern of Assam.
16. Shri Indrajit Gupta, the then Home Minister of India stated in the Parliament on 6 May, 1997 that there were 10 million illegal migrants residing in India. Quoting Home Ministry/Intelligence Bureau source, the 10 August 1998 issue of India Today has given the breakdown of these illegal migrants by States - West Bengal 5.4 millions, Assam 4 millions, Tripura 8 millions, Bihar 0.5 million, Maharashtra 0.5 million, Rajasthan 0.5 million and Delhi 0.3 million making a total of 10.83 millions.
17. On 10 April, 1992, Shri Hiteshwar Saikia, the then Chief Minister of Assam stated that there were 3 million Bangladeshi illegal migrants in Assam but two days later, he committed a volt face and declared that there were no illegal migrants in Assam. However, one can see for oneself, the large scale infiltration of Bangladeshis that has taken place into Assam. Looking at the population in the border areas of Assam, sometimes one wonders whether one is in Assam or in Bangladesh. Shri E.N. Rammohan, DG. BSF, who is an IPS officer of Assam cadre, in his report of 10 February, 1997 has stated, "As Additional S.P. in 1968 in Nowgaon, I did not see a single Bangladeshi village in Jagi Road or in Kaziranga. In 1982, when I was posted as DIGP, Northern Range, Tezpur, five new Bangladeshi Muslim villages had come up near Jagi Road and hundreds of families had built up their huts encroaching into the land of the Kaziranga Game Sanctuary". He mentioned that in 1971 the large island of Chawalkhoa comprising 5000 bighas of land was being cultivated by Assamese villagers from Gorukhut and Sanuna and went on the state, "In 1982 when I was posted as DIGP, Tezpur, there was a population of more than 10,000 immigrant Muslims on the island. The pleas of the Assamese villagers to the District Administration to evict those people from the island fell on deaf ears. Any honest young IAS, SDO of Mangaldoi Sub-division who tried to do this, found himself transferred. In 1983 when an election was forced on the people of Assam... the people of the villages living on the banks of the Brahmaputra opposite Chawalkhoa attacked the encroachers on this island, when they found that they had been given voting rights by the Government. It is of interest that Assamese Muslims of Sanuna village attacked the Bengali Muslim encroachers on this island. I am a direct witness to this."
18. The following indicators of the dimension of illegal migration taking place are relevant :-
- Bangladesh census records indicate a reduction of 39 lakhs Hindus between 1971 and 1981 and another 36 lakhs between 1981 and 1989. These 75 lakhs (39+36) Hindus have obviously come into India. Perhaps most of them have come into States other than Assam.
  - There were 7.5 lakh Bihari Muslims in refugee camps in Bangladesh in 1971. At the instance of Saudi Arabia, Pakistan was persuaded to accept 33,000 Bihari Muslims. There are at present only 2 lakh Bihari Muslims in refugee camps in Bangladesh. The unaccounted for 5.17 lakhs must have infiltrated into India, as there is little possibility or evidence of there having merged into Bangladesh society.
  - In 1970 the total population of East Pakistan was 7.5 crores but in 1974 it had come down to 7.14 crores. On the basis of 3.1% annual population growth rate of that period, the population in 1974 should have been 7.7 crores. The shortfall of 6 million people can be explained only by large scale migration.
19. Assam specific figures of illegal migrants have been worked out from available statistics as follows :-

a. Recent enumeration of electors list in Assam by the Election Commission shows more than 30% increase in 17 Assembly constituencies and more than 20% increase in 40 constituencies between 1994 and 1997. Whereas the All India average growth for a three year period intervening the two intensive revisions in 1994 and 1997, is 7%, the growth in Assam for this period is 16.4%.

b. (b) Relative decadal percentage growth of population of Assam, All India and Bangladesh is as follows :-

Year	Assam	All India	Bangladesh
(i) 1901-1911	16.99	5.75	9.1
(ii) 1911-1921	20.48	-0.31	5.4
(iii) 1921-1931	19.91	11.00	7.06
(iv) 1931-1941	20.40	14.22	17.6
(v) 1941-1951	34.98	21.51	0.1
(vi) 1951-1961	34.95	24.80	29.83
(vii) 1971-1981	23.8	24.66	31.83
(viii) 1981-1991	23.8	23.85	22.00

#### Explanatory Notes

- There was no census in Assam in 1981. The figures indicated have been worked out on the basis of 1971-91 growth rate.
- There was no census in Bangladesh in 1971. It was carried out in 1974. The population grew by 40.4% between 1961-74 and another 21.9% during 1974-81.
- The much higher percentage of growth rate in Assam from 1911 to 1971 over the All India and Bangladesh figures indicate migration into Assam. The All India growth rate for 1921 should be treated as an aberration but even in that decade Assam's growth rate was higher than neighbouring Bengal districts which now constitute Bangladesh.
- The reduced percentage of growth rates for Assam in 1971-91 presents a distorted picture unless one relates it to community-wise percentage of growth in Assam as compared to All India figures. This is shown at sub-para (c) below.

#### c. Community-wise growth:

Year	Assam		All India	
	Hindus	Muslims	Hindus	Muslims
(i) 1951-1961	33.71	38.35	20.29	25.61
(ii) 1961-1971	37.17	30.99	23.72	30.85
(iii) 1971-1991	41.89	77.42	48.38	55.04

#### Explanatory Note

The decadal growth rate for both Hindus and Muslims for the period 1951-61 and 1961-71 was higher than their respective All India growth rate, indicating migration of both communities into Assam. However, during the period 1971-91 Hindu growth rate in Assam was much less than the All India figure. Possibly, this was due to large scale population movement of non-Assamese Hindus out of Assam during the Students movement and subsequent militancy in the State. In the case of Muslims the Assam growth rate was much higher than the All India rate. This suggests continued large scale Muslim illegal migration into Assam.

d. Muslim population of Assam has shown a rise of 77.42% in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89% in this period.

e. Muslim population in Assam has risen from 24.68% in 1951 to 28.42% in 1991. As per 1991 census, four districts (Dhubri, Goalpara, Barpeta and Hailakandi) have become Muslim majority districts. Two more districts (Nowgaon and Karimganj) should have become so by 1998 and one district (Morigaon) is fast approaching this population.

20. The growth of Muslim population has been emphasised in the previous paragraph to indicate the extent of illegal migration from Bangladesh to Assam because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims.

- 21.21. Pakistan's ISI has been active in Bangladesh supporting militant movements in Assam. Muslim militant organisations have mushroomed in Assam and there are reports of some 50 Assamese Muslim youth having gone for training to Afghanistan and Kashmir.

### Consequences

22. The dangerous consequences of large scale illegal migration from Bangladesh, both for the people of Assam and more for the Nation as a whole, need to be emphatically stressed. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so.
23. As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in their home State. Their cultural survival will be in jeopardy, their political control will be weakened and their employment opportunities will be undermined.
24. This silent and invidious demographic invasion of Assam may result in the loss of the geostrategically vital districts of Lower Assam. The influx of these illegal migrants is turning these districts into a Muslim majority region. It will then only be a matter of time when a demand for their merger with Bangladesh may be made. The rapid growth of international Islamic fundamentalism may provide the driving force for this demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become an Islamic State. Loss of Lower Assam will sever the entire land mass of the North East, from the rest of India and the rich natural resources of that region will be lost to the Nation.

### Content

## Chapter III PREVENTING INFILTRATION

### Early Years

1. Assam has 262 km border with Bangladesh out of which 92 km is riverine. In 1947 with the emergence of two dominions on the Sub-Continent, India and Pakistan, this became an international border. For the first few years, unrestricted trans-border movement continued in this sector. Bengali Hindu refugees from East Pakistan fleeing from their homes poured across the border seeking asylum. Concurrently, Bengali Muslims too continued to come across the border for economic reasons. There was also some movement of Muslims from Assam into East Pakistan.
2. Whereas in the West, the trans-border movement of refugees from India to Pakistan and vice versa was a deluge which lasted only a few months, in the East the situation was very different. Hindus from East Pakistan (Bangladesh) kept coming across for many years and indeed they still continue to come. Muslims from Assam going to East Pakistan were relatively in much less number. The traditional influx of Bengali Muslims into Assam continued unabated. The large scale movement of Bengali population, both Hindus and Muslims into Assam, caused considerable resentment among the Assamese people and there were instances of anti-Bengali riots.
3. Initially, the State Police with its limited resources policed this border but they could not stem the trans-border movement. The large influx into Assam was a matter of great concern. Government of India evolved the PIP (Prevention of Infiltration from Pakistan) scheme, which came into operation in 1964. 159 Watch Posts, 15 Patrol Posts and 6 Passport Check Posts were set up. A Police force of 1914 personnel under a DIG was deployed to check infiltration. After the 1965 war, when the Border Security Force came into being, responsibility for guarding the border was taken over by that Force. The Border organisation set up under the PIP scheme was now deployed in the interior to identify and deport illegal migrants. In 1987 this organisation was augmented by 1280 officers and men provided by Government of India and 806 by Government of Assam, making a total of 4000 personnel. Currently, this organisation is functioning under an Additional DG Police of Assam.
4. Neither the BSF on the border nor the Border organisation in the interior, could prevent large scale illegal migration from Bangladesh. The border is very porous and the illegal migrants enjoyed political patronage. Efforts to prevent their ingress or to deport them were not very successful. Nevertheless in the first flush as per JIC Paper No 04/95 of 3 January 1995, 1.5 lakhs illegal migrants were pushed back but many managed to re-enter from different points on the border. There were reports of police excesses and high-handedness, as also allegation of harassment of genuine Indian Muslims.
5. The Chief Election Commissioner, Shri S.L. Shakhder told a conference of State Chief Electoral Officers in 1978, "In one State (Assam), the population in 1971 recorded an increase as high as 34.98 per cent, over the 1961 figures and this increase was attributed to the influx of a very large number of persons from the neighbouring countries. The flux has become a regular feature. I think it may not be a wrong assessment to make, on the basis of the increase of 34.98 per cent between the two censuses, the increase that is likely to be recorded in 1991 census would be more than 100 per cent over the 1961 census. In other words, a stage would be reached when the State would have to reckon with the foreign nationals who may probably constitute a sizeable percentage, if not the majority of the population of the State. Another disturbing factor in this regard is the demand made by the political parties for the inclusion in the electoral rolls of the names of such migrants who are not Indian citizens, without even questioning and properly determining the citizenship status". A few months later a by-election was to be held at Mangaldai in which there were complaints about 70,000 illegal migrants figuring in the voter's list. The people got convinced that illegal migration on a colossal scale had been taking place and this sparked the anti-foreigner's movement in Assam. Government of India forced the 1983 election in Assam on the basis of a defective voters list. This was done on the plea that there was not enough time to revise the electoral rolls before the election. There was widespread violence during this agitation including the infamous massacre of 1700 Bengali Muslims at Nellie by the Lalung tribe.

6. After years of a massive agitation, demanding detection, deletion and deportation of foreigners, the agitators reached a settlement with Government of India. Assam Accord was signed in 1985. Besides other issues agreed on, Assam Accord stipulated fencing of the border with Bangladesh, to prevent ingress of illegal migrants.

#### Border Fencing

7. A border fence may be a fool proof method of preventing infiltration but there is no better way of doing so. To be effective, border fencing has to be supplemented by vigorous patrolling and other measures. The motivating factors behind infiltration must be addressed. If this can be done successfully, then a permanent solution of the problem can be found.
8. Border policing in both Punjab and Assam should prevent trans-border movement of smugglers, militants and infiltrators. In the case of Assam, infiltration has a much bigger and a more dangerous dimension. Despite this, the measures to counter trans-border movement in Assam appear to have been given a lower priority than in Punjab. This is evident from the following facts:-
  - a. The decision to fence the border was taken in 1985 and reflected in Assam Accord but the work on fencing started seven years later in 1992. 13 years have elapsed since this Accord and fencing has not yet been completed. Whereas in Dhubri sector of Assam it is nearly complete, in the Cachar sector only a little over half has been completed. As against this, fencing in Punjab started in 1988 and was completed in 3 years by 1991.
  - b. The quality of fencing in Punjab is superior. It is two feet taller. Observation towers and lighting of the fence have been provided in Punjab, all along the border. In Assam observation towers have been constructed in Dhubri sector only and there are none in Cachar sector. There is no lighting of the fence anywhere in Assam.
  - c. The density of troops guarding the fence is higher in Punjab. A BSF battalion in Punjab holds a frontage of approximately 30 kilometres. In Assam, BSF Battalions in Dhubri sector are deployed over frontages of 70 kilometres and in Cachar sector over a frontage of 40 kilometers.
9. Border fencing in Assam must be completed forthwith on a war footing. In terms of cost outlay, it may not now be possible to provide border fencing of the same height as in Punjab but there must be lighting arrangements for the fence. Observation towers must be provided in Cachar Sector.
10. Additional BSF battalions should be provided in the East with each battalion having a frontage of 30 kilometres. It is understood that one reason for thin deployment of BSF in the East is the fact that 16 battalions are deployed on counter insurgency tasks. Such diversion of forces from border policing to other duties, when the battle against illegal migrants is on, cannot but have adverse effect. The shortage of BSF units must be made up on priority through new raising.
11. The present arrangement of guarding the riverine border with some speed boats and out-broad fitted country boats, is not adequate. There is a need to have floating BOPs on medium watercraft with four to five speed boats attached to them. A proposal for nine medium crafts has been put up by DG BSF. This should be sanctioned soon.
12. All country boats plying on the river near the border must be registered with their registration number marked on them and the registration papers available with the crew for verification, when required.

#### Other measures

13. Certain other measures are also required to be taken to deal with illegal migration. These are as follows :-
  - a. Our nationals in the border districts and for that matter in the whole State, should be provided multipurpose photo identity card. This task should be completely on high priority.
  - b. Effective arrangements must be made for registration of births and deaths in the State.
  - c. The 1950 National Register of Citizens should be updated. Computerisation will facilitate this process. A separate register for illegal migrants (Stateless citizens) should also be maintained.
14. The Brahmaputra is normally 5 to 7 Km wide and during floods has only one water channel. However, in lean season, there are two, three or even more water channels throwing up chars (river islands). Due to changing river configurations, it is difficult to survey the chars. The Bangladeshi Muslims settle on these chars. They are hardy and are prepared to face difficult living conditions, particularly when the chars gets submerged for a few days during floods, which come three to four times in a season. Chickens are put on roofs, cattle herded on platforms above the water level and in emergent situation men and cattle live in boats. This hardy community has been living on chars in the Brahmaputra from Dhubri (near the international border) to Lakhimpur. There are still several chars which are uninhabited. These should be handed over to the Forest Department and notified as forest land. Trees which can withstand 1 to 3 feet of water during the flood season should be planted on them.

#### Developments in Bangladesh

15. The measures recommended to arrest the influx of illegal migrants may not completely stop their ingress but will certainly go a long way in reducing it to a small trickle. A more lasting and effective solution can come about through economic development in Bangladesh. This will remove the motivation behind trans-border migration. Lately, there have been welcome developments in this regard in Bangladesh. There are signs of the economy picking up in that country through the unique experiment of Grameen Bank supported by a large amount of international funding and the efforts of the Government and other NGOs. The Grameen Bank has been targeting the women. Its membership has swelled to over 2 million, and of

these, 93 per cent are women. It is providing micro-credit loans without any collateral. These run into several billions and they have a record recovery rate of 98 per cent. This is bringing about a perceptible change in the rural areas. Targeting women for economic development provides multi-benefits. It adds to the earning of the family, encourages gender justice, promotes women's education, which acts as a curb on population growth, and liberated women become bulwark against the spread of Islamic fundamentalism. All these benefits suit the interests of India. India should, as far as possible, be prepared to assist in socio-economic development of Bangladesh.

### Implementation

16. The various measures recommended to stop illegal migration are non-controversial. No political party or organisation within the country can legitimately protest and demand that these steps should not be taken. Through these measures, we can bring about a sea change in the situation and trans-border migration will become a trickle. If we do not take effective measures to stop this movement and allow trans-border migration to continue unabated, then it may spell the doom of Assam and put our national security in grave jeopardy.

### Content

## Chapter IV DETECTION AND DEPORTATION

### Conflicting Viewpoints

- Measures to stem illegal migration can be undertaken without any controversy but any alternation of status quo in regard to detection and deportation of these migrants will result in strident assertion of conflicting viewpoints. The "secular" parties and the minorities do not see any danger from illegal migration. They believe that most of the so called illegal migrants are Bengali speaking Indian Muslims and this issue has been unnecessarily blown out of proportion. They fear that in the garb of deporting foreigners, Indian Muslims will be harassed. Thus they are for the continuance of IMDT Act in its present form. On the other hand, the majority community of Assam and the political parties dubbed as "communal" by the "secularists" have a diametrically opposite viewpoint. They are gravely concerned about the large influx of illegal migrants and want their ingress stopped. They also want that the highly discriminating IMDT Act be repealed forthwith. There appears to be no meeting ground between these opposing views. Notwithstanding this, it is in our national interest to work out a mutually acceptable solution to this burning problem, which not only affects the people of Assam but the entire Nation.
- The furore raised over the attempt by Maharashtra Government to deport 34 Bangladeshis from Mumbai in accordance with the due process of law, underscored the sharp divide in the country over this issue. The ugly incidents in Calcutta, the stalling of the proceedings of the Parliament and the outraged feelings so strongly expressed in the Press, showed how sensitivities got aroused on this issue. In the past few years, many illegal migrants from different States, including Maharashtra, were being pushed back into Bangladesh - 4895 in 1993, 5782 in 1994, 3612 in 1995, 2791 in 1996, 4222 in 1997 and 1597 upto September 1998. In other words such deportation had been a common feature and no protests were being raised on that account. The point about Government of West Bengal not being given prior information does not hold much water. The deportation had to be effected by a central agency, the BSF. No doubt the illegal migrants escorted by Maharashtra Police had to transit through West Bengal but for that matter, they had also to transit through other States en route. On that basis, each State Government en route could ask for prior information of their deportation. It is pertinent that during the days of terrorism in Punjab, Policemen from that State had to come to Calcutta and had picked up suspected terrorists without any intimation to West Bengal Government. The protest made about that action was almost mute compared to what happened in the case of the attempted deportation of the Bangladeshis from Mumbai. Understandably there was sharp reaction in Bangladesh. The Bangladeshi Press was highly critical of the designs of the "Hindu fundamentalist Government" in India, trying to throw out innocent Indian Muslims and dump them in Bangladesh. One newspaper went to the extent of demanding that Bangladesh should seek assistance from the USA to deal with India. Prime Minister, Sheikh Haseena, a known friend of India, issued a statement that no Bangladeshi was illegally living in India. Her predecessor, not known to be so friendly towards India, had agreed to a Joint Working Group of India and Bangladesh to be set up for examining the issue of illegal migrants. This had implied acceptance of the existence of this problem, which was now being so summarily dismissed.

### Deportation

- International law does not provide for unilateral deportation in defiance of the views of the country to which the deportation is to take place. With the stand now taken by Bangladesh, it will not be possible for India to deport millions of illegal migrants to Bangladesh. From 1993 to September 1998, the BSF tried to hand over 39,746 illegal migrants to Bangladesh Rifles. The latter accepted only 9,253 and refused to accept 30,493. The acceptance figures by Bangladesh declined from 5799 in 1993 to only 55 in 1998 (upto 30 September). With the recent developments in the wake of the attempt to deport 34 Bangladeshi Muslims from Mumbai and the statement of the Prime Minister of Bangladesh, it is unlikely that Bangladesh Rifles will now accept Bangladeshi migrants. Moreover, the bursting population of Bangladesh creates a Malthusian nightmare and is not conducive to that country accepting them. Further, our capability to identify and deport over ten million such people is questionable. In these circumstances, deportation of these illegal migrants is not now a practical proposition.

### IMDT Act

- IMDT Act was enacted at the height of the anti-foreigner's movement in Assam. The large scale violence during the movement including the Nellie massacre, had led to understandable apprehension among the minorities of harassment and victimisation. A large number of illegal migrants had been pushed back in previous years. It is possible that in this process, some genuine Indian citizens had been harassed and

pushed back. Be that as it may, the fact is that on the plea of protecting genuine Indian citizens, the IMDT Act was formulated but in practice, it has been found to be primarily serving the interests of the illegal migrants

5. The Act provided for two individuals living within a radius of 3 kilometers of a suspected illegal migrant to file a complaint accompanied with a deposit sum of Rs. 25. The 3 km restriction was modified and now the complainant can be from the same police station area as the individual being complained against. The deposit fee has been reduced from Rs. 25 to Rs. 10. The Police can also suo moto initiate action. Elaborate time consuming procedures have been laid down for screening, for examination by District Tribunals and for appeal to the Appellate Tribunal.
6. Proponents of IMDT maintain that unwarranted fears have been aroused about the large influx of population from Bangladesh when in actual fact their number is very small. They want to retain this Act at all costs. They feel that otherwise, the minorities would face great hardship and harassment.
7. The opponents of this Act demand its immediate repeal as it is a highly discriminatory legislation applying only to Assam and not to any other State. They argue that such a legislation should not have been on the statute of any sovereign State. It gives freedom to an alien to enter this country, secure in the knowledge that the country he has entered illegally, will have to prove that he is an illegal migrant to deny him citizenship. Under the Foreigners Act which applies to the rest of the country and which is in consonance with the practice followed the world over, it is for the foreigner to prove that he is an Indian national to claim Indian citizenship. The IMDT Act shifts the burden of proof on the complainant or the Police, to establish that the person complained against is a foreigner.
8. This Act caters for an Appellate Tribunal of two retired High Court Judges, sixteen district Tribunals of two retired District/Additional District Judges with supporting staff. The Border organisation of 4000 Policemen processes the cases of alleged illegal migrants. The efforts of these agencies maintained a cost of hundreds of crores to the Exchequer, extending over a period of 15 years, has led to the identification of only 9,599 illegal migrants. Out of these only 1,454 could be deported. These statistics amply establish the futility of continuing with the IMDT Act in its present form.
9. Apart from the conflicting views of the proponents and opponents of the IMDT Act, those working for executing its provisions have been facing difficulties as indicated below:-
  - a. The Tribunals have been starved of funds and resources. Out of 16 District Tribunals only 5 are functioning. The remaining 11 tribunals have only one person each on the bench and as such are non-functional. Salaries and TA bills of the staff are not paid in time. Essential facilities, like transport and telephone are lacking and funds are often not available to buy even postage stamps.
  - b. The Border Organisation required to process these cases has been encountering difficulties at every step. Often by the time a complaint is received or the Police initiates inquiry against a suspect, that individual shifts to another location and is not traceable. When the individual is available, he insists he is an Indian national and while the Police tries to collect evidence, he often disappears. The process of absconding also occurs at two subsequent stages - before the case is heard by the Tribunal and during the 30 days period allowed to the person to appear to the higher tribunal or face expulsion. Under this Act, the Police does not have the powers of search, seizure or arrest as available under the Foreigners Act. During trial by Tribunals, prosecution witnesses do not appear because there is no provision for paying them their travelling expense.
10. Any move to repeal the IMDT Act is likely to encounter strong opposition from the minorities and their supporters, for vested and opportunistic reasons. Some of these have begun to suggest that to remove the allegation of discrimination connected with this Act, its provisions should be extended to other States. They argue that the Foreigners Act of 1946 is a legacy of the British era and was meant to deal with foreign national who were ethnically and culturally different from Indians. The requirements for dealing with Bangladeshis who have ethnic, cultural, linguistic and religious affinities with our population, are different. This requires a different legislation. This line of argument ignores similarities between the Tamil people of Sri Lanka and of Tamil Nadu or for that matter, the similarities among the people living on either side of the Indo-Nepal border. It is further argued that the meagre number of foreigners detected under the IMDT Act is not due to any infirmities of this Act or in the procedures being followed, but due to the very small numbers of illegal migrants in the country. This argument flies in the face of all available statistics and other indicators, establishing the presence of a very large number of illegal Bangladeshi migrants in the country.
11. As deportation of such a large number of illegal migrants is no longer a viable option and because of the numerous infirmities in the IMDT Act which have rendered its continuation a wasteful exercise, it is imperative that this Act be repealed. It should be replaced by a more just, workable and fair enactment.

#### Replacing IMDT Act

The IMDT Act does not exclusively apply to any religious community. It is applicable as much to Bengali Hindus as to Bengali Muslims. Providing asylum to minorities fleeing from their home country was a Partition liability for both India and Pakistan. Yet in Assam no distinction has been made between Hindus and Muslims. Those migrants who came into Assam upto 24 March, 1971 have been given Indian citizenship, irrespective of the religious community to which they belong. However, the ground reality is that of late almost all the illegal migrants now coming into Assam are Muslims.

12. The repeal of IMDT Act and its replacement by another Act, must take into account the legitimate fears of the minorities. They should be assured that the new Act will be fair, just and transparent, leading to expeditious disposal of cases. The following aspects have to be noted :-

- a. Partition liability of India in relation to refugees from East Pakistan/Bangladesh is only in respect of the minority community of that country. However, this liability should not be extended beyond a reasonable time frame. A quarter of a century is adequate for this purpose. Any Hindu migrant coming to India after 24 March 1971 without valid papers should be classified as an illegal migrant.
  - b. Although India had no Partition liability for East Pakistani Muslims, Assam Accord caters for Indian citizenship being granted to all East Pakistani Muslims who came across illegally between 15 August 1947 and 24 March 1971, with a special provision that those who came between 1 January 1966 and 24 March 1971 would be eligible for this, only after a lapse of ten years of being identified as foreigners.
  - c. As per JIC Paper No. 04/95 of 3 January 1995, even after legitimising pre-1971 illegal migrants, 18% of the population of Assam in 1991 comprises illegal migrants. Since deportation is being ruled out as a viable option, even those, whether Hindus or Muslims, who came in illegally after 24 March 1971, will now not be deported. Thus the scope for harassment gets considerably reduced and the main sting in the whole process gets taken out.
13. Although illegal migrants, who came in after 24 March 1971 will not be deported, they must be identified and after identification denied voting rights and certain other facilities like acquisition of immovable property. A suitable process for doing so which may have acceptability and command credibility should be evolved. This exercise should be completed expeditiously. This process for doing so should be on the following lines:
- a. Ground survey teams each under a Magistrate assisted by the Border Organisation, should extensively tour the areas allotted to them, to identify illegal migrants. To ensure maximum objectivity and freedom from local pressures, political or otherwise, Magistrates from outside Assam be deputed for this task. The survey should be completed in a fixed time frame of a few months. Inducting Magistrates from outside will be on the lines of what happened in 1983 elections, when officers were brought into Assam from different States on temporary deputation.
  - b. Individuals identified as illegal migrants should be allowed the right of appeal before Foreigners Tribunal set up under the Foreigners Act. This will provide necessary judicial sanctity to this exercise.
  - c. Foreigners identity as illegal migrants should be denied voting rights and their children born in India should not automatically become eligible for Indian citizenship. Disenfranchisement may be a big issue for political parties who so assiduously try to build vote banks but is no hardship to the immigrant. The denial of voting rights to these migrants can by no stretch be deemed to be unjust. Over 1 lakh Hindu and Sikh refugees from West Pakistan, who settled in Jammu region in 1947, have to this day, after a lapse of over 50 years, not been given voting rights. However, refugees from West Pakistan who settled in other States were given full citizenship rights and many amongst them became Union Cabinet Ministers and one became Prime Minister.
14. The proposed arrangement should adequately assuage the legitimate fears of the minority community and will also be a humane measure for the illegal migrants. Pre-1971 illegal migrants stand already legitimised and the post-1971 illegal migrants, not now to be deported, will be partially legitimised.
15. The minority community in Assam now comprises nearly 30% of the population and with their tendency to vote as a bloc, they can hardly be considered a minority, in real terms. They have come to acquire a decisive role in Assam's democratic polity, which the majority community with its split votes, cannot match. So far as the majority community is concerned, they may resent the decision not to deport the illegal migrants but in the present circumstances, there is no other alternative. They should get reconciled to it. Illegal migrants upto 24 March 1971 have been made Indian citizens and this has been accepted by them. Illegal migrants of post-24 March, 1971 vintage will not be deported but will be made Stateless citizens. The minority community should appreciate that the repeal of IMDT Act and its replacement by a just, fair, transparent and expeditious act will provide adequate safeguards against harassment and victimisation. This will also reduce political patronage for illegal migration and will be yet another disincentive for prospective illegal migrants.

#### Content

### Chapter V CONCLUSION

1. A silent and invidious invasion of Assam has been taking place for several decades and successive Governments have failed to stem this demographic onslaught. It started as a purely economic movement contributing to the development of Assam's agricultural economy. As Independence approached, it acquired communal and political contours. And today, an international dimension with security overtones has got added to this population movement.
2. Hitherto the intrusion of illegal migrants has generally been looked upon as a local problem affecting only the people of Assam. The myopic view accounts for the more sinister and dangerous aspects being overlooked. The views expressed by Jinnah, Bhutto, Sheikh Mujib-ur-Rahman and the present day intellectuals in Bangladesh cannot be ignored. Assam can provide the much desired lebensraum for Bangladesh. This fact coupled with Assam's geostrategic importance, Bangladesh's bursting population and growing international Islamic fundamentalism, underscore the volatile situation created by this

ongoing demographic intrusion from across the border. We must not allow any misconceived notions of secularism to blind us to these realities.

3. Although Bangladeshi illegal migrants have come into several States of India and they are more numerous in West Bengal than in Assam, they pose a much greater threat in Assam than in any other State. If not effectively checked, they may swamp the Assamese people and may sever the North East land mass from the rest of India. This will lead to disastrous strategic and economic results.
4. Political parties have been underplaying the grave importance of this problem and have been viewing it as something affecting only the Assamese people. Thus an issue of great concern for national security has been made into a partisan affair and a matter of vote banks. It must be lifted above the mire of party politics and viewed as a national security issue of great importance. There is an imperative need to evolve a national consensus on this all important threat facing the Nation.
5. Concrete steps must be taken on war footing to ensure that the borders are as nearly sealed as possible and the unabated flood of infiltration, reduced to a trickle. Concurrently, the highly discriminatory IMDT Act which during the last 15 years has proved to be an exercise in futility, should be repealed. With deportation of illegal migrants to Bangladesh no longer a viable option, a new legislation needs to be introduced which will ensure a just, fair, practical and expeditious approach to detecting illegal migrants and declaring them Stateless citizens without voting rights, and without the right to acquire immovable property.
6. A summary of recommendations is attached as an appendix to this report.

(Lt. Gen. (Retd.) S. K. Sinha, PVSM)  
Governor of Assam

Guwahati  
8 November, 1998

Content

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#### Appendix

#### SUMMARY OF RECOMMENDATIONS

1. Awareness should be promoted about illegal migration into Assam being not only a threat to the identity of the Assamese people but what is more, being a grave threat to our national security.
2. Border fencing in Assam should be completed on a war footing. Observation towers and lighting should be provided on the same scale as in Punjab.
3. BSF battalions deployed in Assam should not be given responsibility to hold unduly extended frontages. As in the case of Punjab, BSF battalions should hold a frontage of 30 kilometers. Additional BSF battalions should be provided for this purpose.
4. Diversion of BSF battalions from the border in Assam for other tasks, when the battle against infiltrators is on, must be scrupulously avoided.
5. All country boats, plying in the river near the border should be registered and their registration numbers marked on them.
6. Medium crafts for floating BOPs with adequate speed boats for the riverine sector, should be made available as early as possible.
7. Multi-purpose photo identity cards should be provided to all our nationals. Districts bordering Bangladesh should be accorded higher priority.
8. Effective arrangements should be made for registration of births and deaths.
9. The National Register of Citizens should be updated and computerised. A separate register of Stateless citizens should also be maintained.
10. Vacant Chars in the river should be handed over to the Forest Department and trees planted on them.
11. As far as possible, we should assist in the process of economic development in Bangladesh. Socio-economic programmes designed to improve the lot of women should be given priority due to its multiple beneficiary spin offs - improving the family's income, women's education curbing population growth and educated women becoming a bulwark against the spread of Islamic fundamentalism.
12. Hindu illegal migrants who have infiltrated after 24 March 1971 should not be given refugee status. They should be treated as illegal migrants.
13. While maximum effort must be made to stem the ingress of illegal migrants, those who have already infiltrated after 24 March 1971 to date, may not be deported.
14. The IMDT Act should be repealed and replaced by a new legislation which should provide for detection for illegal migrants in a just, fair and expeditious manner, with due judicial sanctity accorded to the process. Those identified as illegal migrants should be allowed to stay in the country as Stateless citizens with no voting right nor the right to acquire immovable property.

15. Survey teams working under Magistrates on deputation from other States assisted by policemen of Border Organisation, should identify illegal migrants in a fixed time frame of short duration. Those identified as foreigners by these teams should be given the right of appeal to tribunals set up under Foreigners Act.



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# Annex 185

Romania, Institutul Național de Statistică (National Statistical Institute), Press Release, First provisional data for the 2021 round of the Population and Housing Census

Available at:

[https://www.recensamantromania.ro/wp-content/uploads/2022/12/Date-provizorii-RPL\\_cu-anexe\\_30122022.pdf](https://www.recensamantromania.ro/wp-content/uploads/2022/12/Date-provizorii-RPL_cu-anexe_30122022.pdf)





National Statistical Institute

www.insse.ro


**RECENSĂMÂNTUL**  
 POPULAȚIEI ȘI LOCUINȚELOR  
*om cu om, casă cu casă*

 Office of the President  
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 Fax: 021.318.18.51  
 e-mail: romstat@insse.ro

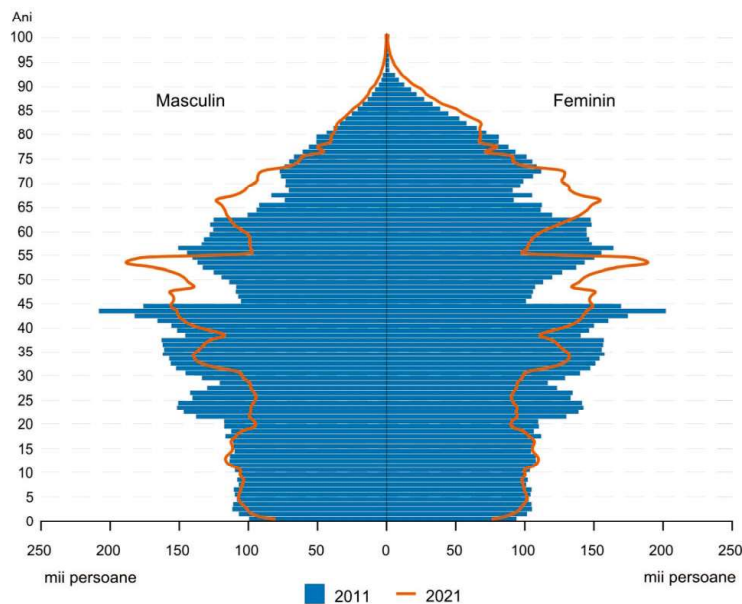
### Press release

## First provisional data for the 2021 round of the Population and Housing Census

The first provisional data from the Round 2021 Census of Population and Housing (RPL2021) round 2021 (RPL2021) presented at the end of 2022, according to the dissemination timetable, are:

- Romania's resident population = 19.053,8 thousand persons (19.053.815 persons), of which:
  - 9.808,3 thousand (representing 51,5%) female and
  - 9,941.2 thousand (52.2%) in urban areas.

Figure 1 Age pyramid





National Statistical Institute

www.insse.ro


**RECENSĂMÂNTUL**  
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**4. RESIDENT POPULATION BY SEX, BY ETHNICITY,  
 ON DECEMBER 1, 2021 - PRELIMINARY RESULTS**

ETNIA	RESIDENT POPULATION TOTAL	SEX E	
		Male	Female
A	1	2	3
<b>ROMANIA</b>	<b>19053815</b>	<b>9245544</b>	<b>9808271</b>
Romanians	14801442	7159309	7642133
Hungarians	1002151	480563	521588
Roma	569477	290760	278717
Ukrainians	45835	23033	22802
Germans	22907	11421	11486
Turci	20945	11315	9630
Russians-Lipovans	19394	9091	10303
Tatars	18156	8630	9526
Serbs	12026	5928	6098
Slovaks	10232	4890	5342
Bulgari	5975	2919	3056
Croatians	4842	2377	2465
Greeks	2086	1250	836
Italians	4039	3362	677
Jewish	2378	1358	1020
Cehi	1576	767	809
Poles	2137	1021	1116
Ruteni	834	421	413
Armenians	1213	592	621
Albanian	645	402	243
Macedonians	1089	536	553
Other ethnicity	19510	12877	6633
Information not available	2484926	1212722	1272204

Source: NSI, Population and Housing Census, 2022



Institutul Național de Statistică

www.insse.ro



**RECENSĂMÂNTUL**  
POPULAȚIEI ȘI LOCUINȚELOR  
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Fax: 021.318.18.51  
e-mail: romstat@insse.ro

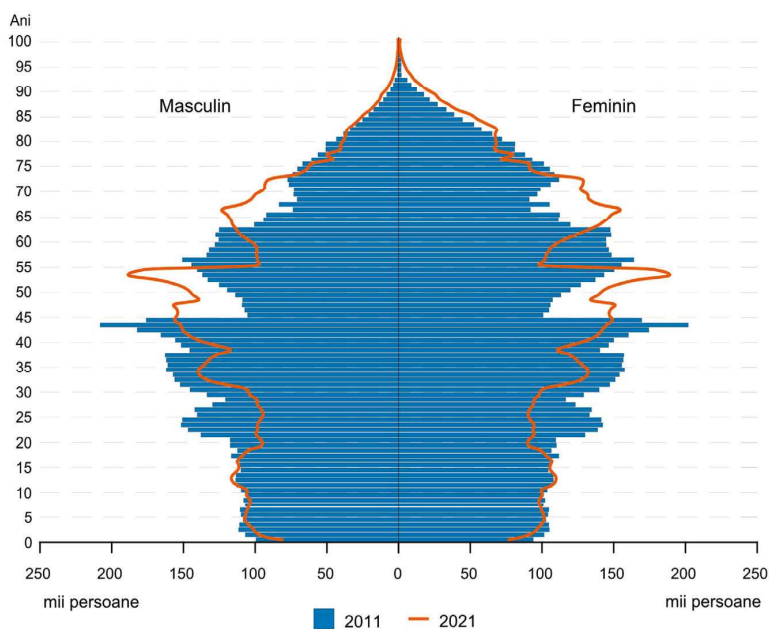
## Comunicat de presă

# Primele date provizorii pentru Recensământul Populației și Locuințelor, runda 2021

Primele date provizorii ale Recensământului Populației și Locuințelor runda 2021 (RPL2021) prezentate la finele anului 2022, conform calendarului de diseminare, sunt:

- populația rezidentă a României = 19.053,8 mii persoane (19.053.815 persoane), din care:
  - 9.808,3 mii (reprezentând 51,5%) de sex feminin și
  - 9.941,2 mii (reprezentând 52,2%) în mediul urban.

Figura nr.1 Piramida vârstelor





Institutul Național de Statistică

www.insse.ro



**RECENSĂMÂNTUL**  
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**5. POPULAȚIA REZIDENTĂ PE SEXE, DUPĂ LIMBA MATERNĂ,  
LA 1 DECEMBRIE 2021 - REZULTATE PROVIZORII**

LIMBA MATERNĂ	POPULAȚIA REZIDENTĂ  TOTAL	SEX E	
		Masculin	Feminin
A	1	2	3
<b>ROMÂNIA</b>	<b>19053815</b>	<b>9245544</b>	<b>9808271</b>
Română	15153198	7341720	7811478
Maghiară	1038806	497469	541337
Romani	199050	100748	98302
Ucraineană	40861	20561	20300
Germană	15943	7704	8239
Turcă	17101	9423	7678
Rusă	14414	6536	7878
Tătară	13805	6494	7311
Sârbă	10058	4815	5243
Slovacă	9241	4343	4898
Bulgară	4478	2123	2355
Croată	4664	2284	2380
Italiană	4105	3434	671
Greacă	1069	706	363
Cehă	1130	523	607
Polonă	1539	694	845
Ruteană	594	305	289
Armeană	421	192	229
Albaneză	421	312	109
Macedoneană	201	115	86
Idiș	597	425	172
Altă limbă maternă	19741	13320	6421
Informație nedisponibilă	2502378	1221298	1281080

Sursa: INS, Recensământul populației și locuințelor, 2022

# Annex 186

Sierra Leone, Immigration Department, Policy Guidance on Sierra Leone Citizenship Laws (accessed from the website of the Sierra Leone Immigration Department (accessed on 15 November 2024))

Available at:

<https://slid.gov.sl/wp-content/uploads/2020/02/Policy-Guidance-on-Nationality.pdf>



## **POLICY GUIDANCE ON SIERRA LEONE CITIZENSHIP LAWS**

### **INTRODUCTION**

- 1.1 Citizenship is the concept of belonging to a nation or a sovereign state. It is a legal status enshrined in the constitution and/or in statute which accord members rights and privileges along with responsibilities. This include the right to live, work and pay taxes in that nation or state. In most countries people are accorded the additional right to have dual or multiple citizenship, meaning that people can belong to more than one nation or sovereign state.
- 1.2 Sierra Leone being a sovereign nation has various statutes/laws that set out the basis on which someone qualifies for citizenship and hence entitled to a Sierra Leonean passport. These statutes/laws are:
- THE CONSTITUTION OF SIERRA LEONE
  - THE CITIZENSHIP ACT OF 1973 (SIERRA LEONE)
  - THE CITIZENSHIP ACT OF 1976 (SIERRA LEONE)
  - THE CITIZENSHIP ACT OF 2006 (SIERRA LEONE)
  - THE CITIZENSHIP ACT OF 2017 (SIERRA LEONE)
- 1.3 The Sierra Leone citizenship Act, 1973 is the principle statute that defines the legal basis of becoming a citizen of Sierra Leone, although various amendments were made in subsequent years.

### **POLICY STATEMENT**

- 2.1 It is important to note that having a Sierra Leonean nationality does not guarantee you a passport. For example, you may not get a new passport (or your existing passport may be taken from you) where the applicant is:
- suspected of a serious crime and an arrest warrant has been issued;
  - a court order stopping you having a Sierra Leonean passport
  - on bail and bail conditions mean you cannot leave Sierra Leone
  - the subject of a United Nations order which restricting travel
- 2.2 A passport can also be cancelled or not renewed if it's for a child and there's a court order in place stopping the child from leaving Sierra Leone.
- 2.3 You must have Sierra Leonean citizen to apply for or hold a Sierra Leonean passport.

- 2.4 Note also that passports belong to the government and can be cancelled or withdrawn at any time.

### **CITIZENSHIP BY BIRTH**

- 3.1 The Sierra Leone Citizenship Act 1973 provides that every person who was born in Sierra Leone before 19<sup>th</sup> April 1971, or who was resident in Sierra Leone on the 18<sup>th</sup> April, 1971, and not the subject of any other State shall, on the 19<sup>th</sup> April, 1971, be deemed to be a citizen of Sierra Leone by birth provided:

- (a) his father or his grandfather was born in Sierra Leone; and
- (b) he is a person of negro African descent;

- 3.2 Section (a) above was amended in 2006 to remove the gender discrimination for those born in Sierra Leone, meaning that citizenship can now be passed through both the paternal and maternal lines. This was further extended to children born outside the country in 2017. Therefore, anyone who meets the above conditions is entitled to a Sierra Leonean passport.

### **CITIZENSHIP BY DESCENT**

- 4.1 Citizenship by descent means that if someone has ancestors (such as parents, grandparents, or even great-grandparents) from a country, they may be eligible to become a citizen of that country. In the case of Sierra Leone, it applies to people born outside of Sierra Leone either to biological parent(s) born in Sierra Leone and meet the definition of citizenship as in paragraph 2.1 above or whose parents naturalised before they were born.
- 4.2 Therefore, citizenship by descent applies to every person born outside of Sierra Leone on or after the nineteenth of April, 1971, of a father or mother who is/was a citizen of Sierra Leone by virtue of provisions of the Act is a citizen of Sierra Leone and entitled to a Sierra Leonean passport (Citizenship amendment Act, 2017, Section 1).

### **CITIZENSHIP BY NATURALISATION**

- 5.1 Naturalisation is the legal process by which a non-citizen in a country may acquire citizenship of that country. In the case of Sierra Leone, this means someone who is not Sierra Leonean applying to the Immigration Department to become a Sierra Leonean. For example, a Nigerian citizen applying to naturalise

to become a Sierra Leonean. This is a long drawn out process which requires the approval of State House through the President for an individual to become a Sierra Leonean citizen. However, applications for naturalisation are few and far between and over the years there have even been cases where the government has suspended the process for naturalisation due concerns around those applying to become Sierra Leoneans.

5.2 The Sierra Leone Citizenship Act 1973 provides that:

- (i) Every person upon attaining the age of 21 and of sound mind who is of a Negro African descent and must have resided in Sierra Leone for no less than 8 years, may on application in manner prescribed be granted a certificate of naturalisation (Section 8(2) 1973).
- (ii) Every person upon attaining the age of 21 and of a sound mind neither of whose parent is a person of Negro African descent and must have resided in Sierra Leone for years amounting to not less than 15 years may on application in the manner prescribed, be granted a certificate of naturalisation (Section 8(3) 1973).
- (iii) Any person under the age of 21, whose father or mother was a citizen of Sierra Leone by naturalisation born outside of Sierra Leone on or after the date on which the father or mother became a citizen as aforementioned may if he desires to acquire a citizenship of Sierra Leone make an application for naturalisation.

### **Naturalisation by marriage**

6.1 The Sierra Leone Citizenship Act (Section 7) 1973 provides for the acquisition of Sierra Leonean Citizenship by Marriage. The Act provides that every woman who is not a Sierra Leonean and who is or has been married to a Sierra Leonean citizen, may on application being made by her in the manner prescribed, be granted a certificate of naturalization.

### **Conditions or requirements for certificate of naturalisation**

7.1 The Sierra Leone Citizenship Act 1973 set the conditions which an individual applicant needs to meet in order to qualify for citizenship by naturalisation. However, this was amended under Section 4 of the 2006 Amendment Act. The condition stipulated under Amendment Act are:

- (i) The person should be of full age;
- (ii) and of sound mind.

- (iii) Should take an oath of allegiance to the Republic of Sierra Leone in accordance with the first schedule.
- (iv) Must make and register a declaration satisfactory to the Minister of Internal Affairs concerning residence and employment.
- (v) Must pay the prescribed fees

### **Passport Application for Naturalised citizens**

- 8.1 There is substantial number of people who were born in the country but were not unable to acquire automatic citizenship due to section (b) above which stipulate that a person has to be of negro African descent to acquire citizenship by birth. Given this position, naturalisation is the only path by which the majority of these people can acquire Sierra Leonean citizenship.
- 8.2 Where there is an application for a passport after naturalised citizen, only the Chief Immigration Officer (CIO) or his Deputy ( ) (DCIO) can approve such applications. Once the application has been through Customer Care Unit and Central Processing Unit for initial logging and vetting, the applications should be submitted to the Secretary to the CIO who will pass it on either to CIO or DCIO for final approval.
- 8.3 Once an application for a naturalised citizen has been approved and printed, the collection of the passport must be also through the Secretary to the CIO. The passport must be signed for in the log book before collection from the office of the Secretary to the Chief Immigration Officer.

### **Dual Citizenship**

- 9.1 A dual citizenship legislative instrument extends citizenship rights to emigrants who have gone through naturalization processes in other countries. In recent years, many African governments have passed the dual citizenship law to enable people in the diaspora to 'belong' to both their host countries and their countries of origin. Given that a large number of Sierra Leoneans who have migrated to other countries in the last three decades, the number of persons who seek dual citizenship in other countries is also increasing.
- 9.2 Under the Sierra Leone Citizenship Act 1973, dual citizenship was not permitted. However, this was changed under Section 5 of the 2006 Amendment Act which stipulates that a citizen of Sierra Leone may hold a citizenship of another country in addition to his citizenship of Sierra Leone. This now enable Sierra Leoneans in the diaspora to access basic rights accorded by both the countries of origin and the host countries.

### **Resumption of Citizenship**

- 10.1 The Sierra Leone Citizenship (Amendment) Act 2006 makes provision for Sierra Leoneans who may have lost their citizenship, when the law [under the previous Sierra Leone Citizenship Act 1973] did not allow for dual citizenship, to resume their citizenship. Section 7 of the 2006 Amendment Act provides that a Sierra Leonean who ceased to become a citizen of Sierra Leone upon requirement of becoming a citizen of another country, may resume his Sierra Leonean citizenship if he so wishes.



# Annex 187

United Kingdom, Ministry of Defence, Service Police Legacy Investigations, 8 August 2017, last updated 19 October 2021

Available at:

<https://www.gov.uk/guidance/service-police-legacy-investigations>



Guidance

## Service Police Legacy Investigations

SPLI investigations into allegations made by Iraqi civilians of serious criminal behaviour by UK Armed Forces in Iraq.

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From: **Ministry of Defence**

**(/government/organisations/ministry-of-defence)**

Published 8 August 2017

Last updated 19 October 2021 —

### Contents

- What work did SPLI carry out?
- Information for complainants
- Work completed
- Quarterly reports
- Contact us

Service Police Legacy Investigations (SPLI), which was led by a senior Royal Navy Police Officer, met the government's legal duty to investigate allegations made by Iraqi civilians of serious criminal behaviour by UK armed forces in Iraq.

In February 2017, the Secretary of State for Defence announced that the Iraq Historic Allegations Team (IHAT) would close and any remaining Iraq legacy investigations would be reintegrated into the service police system. SPLI took over these remaining investigations at the beginning of July 2017. Cases that were closed, or in the process of being closed, before, and up to, 30 June 2017 will be updated on the former [IHAT website](https://www.gov.uk/government/groups/iraq-historic-allegations-team-ihat) (<https://www.gov.uk/government/groups/iraq-historic-allegations-team-ihat>).

### What work did SPLI carry out?

Following the closure of IHAT, service personnel, made up of Royal Navy Police and Royal Air Force Police, considered any remaining legacy investigations which look at the alleged behaviour of UK armed forces in Iraq from 2003 to 2009.

## Information for complainants

Complainants can find information about their case in this table: [SPLI information for claimants](https://assets.publishing.service.gov.uk/media/616e8d298fa8f52982a8612f/20210824-SPLI_Information_for_Claimants.pdf) ([https://assets.publishing.service.gov.uk/media/616e8d298fa8f52982a8612f/20210824-SPLI\\_Information\\_for\\_Claimants.pdf](https://assets.publishing.service.gov.uk/media/616e8d298fa8f52982a8612f/20210824-SPLI_Information_for_Claimants.pdf)) (PDF, 111 KB, 3 pages)

## Work completed

Since SPLI took on the remaining legacy cases, on 1 July 2017, it has closed 1,291 allegations. SPLI used a detailed investigative strategy looking at every claim to ensure that credible allegations of criminality were investigated. They weeded out claims where there was not a case to answer or it was considered not proportionate to conduct a full investigation.

You can access the table showing the work SPLI has completed here: [SPLI work completed \(table\)](https://assets.publishing.service.gov.uk/media/616e8ddfe90e07197e166440/20210929-SPLI_Work_Completed_Table.pdf) ([https://assets.publishing.service.gov.uk/media/616e8ddfe90e07197e166440/20210929-SPLI\\_Work\\_Completed\\_Table.pdf](https://assets.publishing.service.gov.uk/media/616e8ddfe90e07197e166440/20210929-SPLI_Work_Completed_Table.pdf)) (PDF, 124 KB, 7 pages). This table only shows those cases that have closed after reaching full investigation.

## Quarterly reports

Written summaries issued by SPLI on progress made are available below.

- [SPLI quarterly update: 1 July to 30 September 2017](https://assets.publishing.service.gov.uk/media/5ab90deded915d78b9a45c6a/20180320-SPLI_QTR_REPORTJul-Sep17_FINAL1.docx.pdf) ([https://assets.publishing.service.gov.uk/media/5ab90deded915d78b9a45c6a/20180320-SPLI\\_QTR\\_REPORTJul-Sep17\\_FINAL1.docx.pdf](https://assets.publishing.service.gov.uk/media/5ab90deded915d78b9a45c6a/20180320-SPLI_QTR_REPORTJul-Sep17_FINAL1.docx.pdf)) (PDF, 122 KB, 2 pages)
- [التحديثالتحديث الفصلي لخدمات الشرطة للتحقيقات التاريخية – من 1 تموز 2017 الى 30 أيلول \(Arabic\)](https://assets.publishing.service.gov.uk/media/5e5fbbc8d3bf7f108a259180/20180320-SPLI_QTR_REPORTJul-Sep17_FINAL1_002.pdf) ([https://assets.publishing.service.gov.uk/media/5e5fbbc8d3bf7f108a259180/20180320-SPLI\\_QTR\\_REPORTJul-Sep17\\_FINAL1\\_002.pdf](https://assets.publishing.service.gov.uk/media/5e5fbbc8d3bf7f108a259180/20180320-SPLI_QTR_REPORTJul-Sep17_FINAL1_002.pdf)) (PDF, 134 KB, 4 pages)
- [SPLI quarterly update: 1 October to 31 December 2017](https://assets.publishing.service.gov.uk/media/5ab90df640f0b67d67479979/20180320-SPLI_QTR_REPORTOct-Dec17_FINAL1.pdf) ([https://assets.publishing.service.gov.uk/media/5ab90df640f0b67d67479979/20180320-SPLI\\_QTR\\_REPORTOct-Dec17\\_FINAL1.pdf](https://assets.publishing.service.gov.uk/media/5ab90df640f0b67d67479979/20180320-SPLI_QTR_REPORTOct-Dec17_FINAL1.pdf)) (PDF, 122 KB, 2 pages)
- [التحديث الفصلي لخدمات الشرطة للتحقيقات التاريخية من 1 تشرين الأول 2017 الى 31 كانون الأول 2017 \(Arabic\)](https://assets.publishing.service.gov.uk/media/5ab90df640f0b67d67479979/20180320-SPLI_QTR_REPORTOct-Dec17_FINAL1.pdf) ([https://assets.publishing.service.gov.uk/media/5ab90df640f0b67d67479979/20180320-SPLI\\_QTR\\_REPORTOct-Dec17\\_FINAL1.pdf](https://assets.publishing.service.gov.uk/media/5ab90df640f0b67d67479979/20180320-SPLI_QTR_REPORTOct-Dec17_FINAL1.pdf))

- [https://assets.publishing.service.gov.uk/media/5e5fbc01e90e077e35bed13c/20180320-SPLI\\_QTR\\_REPORTOct-Dec17\\_ArabicFINAL\\_002.pdf](https://assets.publishing.service.gov.uk/media/5e5fbc01e90e077e35bed13c/20180320-SPLI_QTR_REPORTOct-Dec17_ArabicFINAL_002.pdf)  
(PDF, 130 KB, 4 pages)
- SPLI quarterly update: 1 January to 31 March 2018  
[https://assets.publishing.service.gov.uk/media/5af55389e5274a25ea905fe3/20180509-SPLI\\_QTR\\_REPORT\\_Jan-Mar18\\_final\\_HQ\\_Comms.pdf](https://assets.publishing.service.gov.uk/media/5af55389e5274a25ea905fe3/20180509-SPLI_QTR_REPORT_Jan-Mar18_final_HQ_Comms.pdf)  
(PDF, 123 KB, 2 pages)
  - التحديث الفصلي لخدمات الشرطة للتحقيقات التاريخية – من 1 كانون الثاني 2018 الى 31 آذار 2018 (Arabic)  
[https://assets.publishing.service.gov.uk/media/5efb0400e90e075c5128f288/20200624-QTR\\_Report-1Jan\\_31March18.pdf](https://assets.publishing.service.gov.uk/media/5efb0400e90e075c5128f288/20200624-QTR_Report-1Jan_31March18.pdf) (PDF, 181 KB, 2 pages)
  - SPLI quarterly update: 1 April to 30 June 2018  
[https://assets.publishing.service.gov.uk/media/5b729535e5274a1d14d1bf9b/20180630-SPLI\\_QTR\\_REPORT\\_Apr-Jun18.pdf](https://assets.publishing.service.gov.uk/media/5b729535e5274a1d14d1bf9b/20180630-SPLI_QTR_REPORT_Apr-Jun18.pdf) (PDF, 193 KB, 2 pages)
  - التحديث الفصلي لخدمات الشرطة للتحقيقات التاريخية م اكانون الأول 1 نيسان 2018 الى 30 حزيران (Arabic)  
[https://assets.publishing.service.gov.uk/media/5e5fbc2de90e077e31050f37/20180630-SPLI\\_QTR\\_REPORT\\_Arabic\\_Apr-Jun18.pdf](https://assets.publishing.service.gov.uk/media/5e5fbc2de90e077e31050f37/20180630-SPLI_QTR_REPORT_Arabic_Apr-Jun18.pdf) (PDF, 162 KB, 4 pages)
  - SPLI quarterly update: 1 July to 30 September 2018  
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# **MEDIA REPORTS**



# Annex 188

*Myanmar Alinn Daily Newspaper*, “Mayu District as an Ethnic Minority Group in the Union”, 8 July 1961



(Unofficial Translation)

8-7-1961

Myanma Alinn Daily Newspaper

Page. 5

## Mayu District as a Minority in the Union (Title)

The first priority is Security. If possible, collaborate with our military and attack the insurgents.  
(Highlighted Sub-title)

*The following is the comprehensive speech delivered by Brigadier General Aung Gyi during the surrender ceremony of the Southern Mujahidin leader and his 290 followers in the Mayu frontier district.* (Abstract Text)

At this ceremony of returning into the legal fold, I would like to say a few words to those of you, comrades, who had taken up arms and fought against the government on the pretext of revolution from the time of independence of Myanmar right up to the present in the area of Maungdaw.

## What Rohingya means.

First, I would like to talk about the matter concerning all the residents in Mayu District. Our Mayu District shares border with Pakistan (now Bangladesh) on its west. Because of sharing the boundary, there exist communities of Islamic faith living along both east and west sides of the border line. The people in the west side are called Pakistani (now Bengali) and those who reside in Myanmar in the east are called Rohingya. I want to tell you a few more that it has been not a unique case of one single ethnic group residing in two separate countries. There are inter-related ethnic groups in the adjoining region adjacent to China. For instance, in Kachin State, there is an ethnic group called Lisu. Lisu are residing in both Myanmar and China. Ei Kaw [Kaw (Akhar – E – Kaw)] are also in both Myanmar and China. Lawa (Wa) are also in China and Myanmar. Likewise, there exist Shan in Myanmar and also in China in the name of Dai. Those people are speaking the same languages and having the same religions. Similarly, if we look at the *Yodaya* (Thai) border, there exist Tai race people and so are in Myanmar. Likewise, ethnic Mon people are in both Myanmar and *Yodaya*. Ethnic Karen people also are in Myanmar and in *Yodaya*. In the same way, this region, adjacent to Pakistan, while there are the people with the same religion in Pakistan side, there have a community called Rohingya in this region of Myanmar.

## Be Decisive.

Before the public here, I want to say openly. The people of this border region have relatives and families on both sides. Nevertheless, people on the other side must be Pakistani. Those who are in this side must be the people of the Union of Burma. The people residing in the border regions must have strong determination in this spirit unequivocally and irreversibly. As an instance, if you look at Kachin State, some relatives of local ethnic Kachin people are residing inside China. However, ethnic Kachin people on the other side are Chinese (citizens)

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while the same ethnic Kachin people in our side are Myanmar (citizens). Some are related as mothers-in-law and daughters-in-law. Some are related as sons-in-law or nephews. Despite such ties and belonging to the same ethnicity naturally, their countries are different. We must acknowledge that fact clearly and categorically. In the same way, it will be quite logical only when the so-called Rohingya people in our land pledge allegiance to the Union of Burma and those who are on the west side (of the border) pledge their allegiance to Pakistan. I would like to tell you, local elders and comrades, you may have relatives, parents -in-law, sons or daughters in Pakistan, on the west. Let it as it is that relatives are relatives. However, as the people living in the Union of Burma, I urge you to make up your mind resolutely to retain your

allegiance and loyalty to the Union. Likewise, your relatives, who may be either in East or West Pakistan, shall be loyal to Pakistan even though they may have relatives in our side. So that it will be naturally correct. So, I want to make a sincere request to you, all the attendees, to share this message to those who are around you clearly and exactly and tell them to be decisive on that matter.

Mistakes might be made sometimes.

I would like to tell you about a brief historical background on this issue. Previously, as you all know, people from the mainland Myanmar used to assume that the so-called Rohingya people over here were Mujahidin Muslims and who were willing to merge with Pakistan. On their part, people in this region have an opinion that being Muslims they have to join up with East Pakistan. Based on this view, political activities were taken place trying to create this region a part of Pakistan like what happened with Sudetenland in the German rule. In fact, it is irrational

and impossible. What had occurred in Germany was the situation before the War and nothing happens like this after the War. The position and attitude of Pakistan has been exactly correct. For example, in the case of *Kyee* (Crow) Island, they did not even make a demand for it. Since they did not even ask for a tiny island, it would be inconceivable for Pakistan dare to allow the wish of merging Mayu District into East Pakistan. And it would not consider about that matter too. Similarly, people from China cannot ask to put (our) Kachin State into Yunnan Province because of the homogeneity of Kachin tribes residing in both sides. This perspective is no longer relevant today. It was true in the past. Some people from the mainland Myanmar did not

consider people in this region as an indigenous race. It was also true to some extent that some people here were taking a step towards Pakistan. These were the mistakes of all. Both peoples from the mainland and here was wrong.

#### A Minority Group

From now on, I want to tell you openly. We will consider the Mayu District to be a minority group within the Union. To be exact, those who live in Mayu District must regard yourselves as a minority. If so the Mayu District will be transformed into a tranquil and peaceful region.

Thus, forget all the mistakes we committed to you in the past. For example, during our previous operations, the villages in this region may have been burned down. These incidents occurred either operationally or intentionally. Anyway, put these events out of your mind now. From now on those of you in the Mayu region must see yourselves as people of the Union of Burma, adopt loyalty to the Union of Burma and assume as a minority. Only then will the Mayu region

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have the prospects to become a peaceful region in future. I hereby request to you – religious organizations, Malvi teachers, village headmen, former members of armed revolts, old comrades who were called Rohingya and Mujahidin – to change your attitudes and try to change that of the people who do not yet to do so (as people of the Union of Burma, the loyalty to the Union of Burma and a minority in the Union.) In the years to come, we will work together with you as a minority in the Union for peace and prosperity of the region, youths in the region to be educated and healthy. This is the first point that I would like to tell you.

#### As Relatives

The second point I would like to tell you is the general assumption of the region by our Tatmadaw. As you all know, the population of the Mayu district is over 400,000 – about 500,000. Your livelihoods here depend mainly on creeks and streams, and agriculture. The population of this region is much more crowded than the farms you have. Because of the large number of mouths to feed, this region will naturally remain impoverished. So, the people here cannot buy more than two or three *longyis* in a year. People in this region lived in poverty.

*To continue page 6,*

This is the general economic assumption. I empathized for the poverty of this region as the members of the Union and as a part of the Union. The administration of the Mayu District Frontier Region will be responsible for the economic development of this area, and we have plans to develop it as part of the Union. I urge you to fully cooperate with the administrators from the Frontier Region, treating them as if they were your own family members, leaders, and government representatives while we are implementing economic development in this area. We will carry out our work in this region with the spirit of close relatives.

#### Economic progress

There might be differences in religions, customs and beliefs between you and our administrative officials. In a large country, having differences in religions, customs and beliefs, and a slight variation in languages is not a critical issue. Even in America, there are such kind of differences. And so are in UK, Russia, and China. In India, and Pakistan, as you see, there are such kinds of differences in religions and variations in languages. Despite the differences, everyone has to collaborate. You are requested to collaborate for the development, keeping in mind as the relatives without exaggerating these small differences between us. As frontier administrative officers, we are ready to carry out for your development energetically. Regarding this case, I want to say an important fact concerning the economic progress.

That is, it is important to have the security in this area. If there is a lack of security, no matter how much effort we invest in development, it will be challenging to improve this area. Therefore, the first priority must be security. The second priority is ensuring the tranquillity and safety of this area. Hence, I urge the Rohingya men, Rohingya leaders, Rohingya politicians, and Rohingya religious leaders to inform Tatmadaw and the government here as much as possible. Defend against the rebels as much as you can. If possible, collaborate with our military and attack the insurgents.

This is an order.

By conducting the defence of wards and villages, the insurgents here will be weakened, and this region will be peaceful. When the region is peaceful and tranquil, we can perform effectively for the economic development in this region. Simultaneously, we will strive for the all-round development in economic sector. The words that I uttered now are the orders for the military officials, such as Colonel Saw Myint, the officer in-charge of the Administration of the Frontier Area, and Colonel Ye Khaung, who are the attendees of this occasion. In military, this kind of instruction is an order. There is a difference between the speech on public stage politically and the speech in military. In military, this kind of words are regarded as the orders and the members of Tatmadaw, officers and other ranks must follow them. Therefore, after or before my speech, we have already embarked on certain initiatives for the region. After my speech, the officer in charge of the Frontier Area Administration and the administrators will perform actively as much as they can for the development of social welfare, of the residence, and of the economics.

Regarding the religions and culture in this region, we will encourage the respective religion that the majorities adhere to. If there are people who are suspicious about the religious affairs, we will take responsibility from now on that we will support, safeguard and protect the religions of either majorities or minorities of this region.

*To continue 9<sup>th</sup> July 1961, page 4*

Regarding the economic affairs, we will start from livestock breeding in this Mayu District. In this region, we will support for poultry farming, fish, and cattle. The respective officials of the Frontier Area Administration, led by Colonel Ye Khaung, will explain in detail occasionally. The reason why we support the livestock is because there are only a few lands for agriculture. For instance, a farmer can be in a better condition only if he incorporates the livestock breeding and agriculture. Therefore, livestock breeding is a must. We think that every farmer needs to do a kind of livestock breeding, and so we are focusing on the livestock breeding. The second point is that farmers do one-crop per year. So, we will support to grow two-crops per year. We will support the sequential cropping such as beans, pulses, and peanuts. We will specifically support the sequential cropping and livestock breeding. In some hilly areas, we will support the orchard- such as tangerines, tea leaves, rose apples, and pears. I am telling you in draft about our ideas and schemes of the administrators of the Frontier Area of the Mayu District. I would like to request the people here to distribute the information to the public in Mayu District that we establish this Mayu District Frontier Administrative Area for the regional development, to facilitate the local people to live peacefully, to develop the economy, education, culture and religion of the local people.

This is an act of gratitude.

The third point I want to say is concerned with the surrender issue. Today, those who were once engaged in the armed revolution in the southern part of Maungdaw Road, Buthidaung, surrendered in front of us. We assume that it is, in fact, the act of gratitude to the farmers and agriculturists. Doing so will facilitate to conduct the agriculture, fishing, raising chicken, and trade peacefully. I would like you to consider this act of surrender by the rebels

as an act of gratitude towards the local communities from whom they asked for food and supplies. If those who surrendered have weaknesses, I, on behalf of them, would like to plead you to forgive them. The reason behind their insurrection against the government is true to some extent. They said that the reason of this so-called Mujahidin rebellion is because of the oppression of the religion, as well as of the economic and the racial oppression. These forementioned reasons might be true to certain degree in the past. These resulted in the rebellions, and it is also true to some extent in those days. The public also supported that this was the issue of Muslims. This might be true in the past but later this is not. At present, it assuming as you all know, in Mayu District, there is no oppression of religion, no oppression of economy. Moreover, we are trying to support in every sector. That's why there is no more racial persecution. Because we recognize them as a minority group and are doing for the development of this minority.

Therefore, in this region, there is no oppression on religion, no oppression on economy, no racial oppression at all. Therefore, there is no more valid reason to revolutionize. In the past, in 1948, there might have valid and true reasons. However, today...

#### Robbery by a huge gang

... in 1961, there is no reason as before. Now, what reason will you propose? What valid reason will those who rebelled have?

*To continue 9 July page 21,*

We will support Islam which is adhered by the majority. We will donate to construct mosques.

We will support the Buddhists and monasteries. So, here is no oppression on religion, economy,

as well as racial oppression in this region. In contrast, we are ready to support their needs. Therefore, there is no reasons for rebellion for these guys. What slogan the rebels shouted in the past, what they do right now is engaging extortion, robbing, kidnapping girls, or leaders. These activities are none of concern with the reasons of the rebellions in the past. Their activities overall are the act of robbery by a big gang.

#### Invitation to come to the legal fold

Therefore, these armed gangs of robbers will meet the fate of robbers: death. If they continue robbery, they will be robbers. If they do not have any perspective like those who surrendered their weapons, they will remain as a hundred percent robbers. Robbers will die in the same way

they did one day. No armed robbers are prosperous in the world or at any period in history. If they rob, they will die in the same way they did one day. It is definitely sure. They will die soon like robbers. I can make a prediction. If they have the political spirit and patriotism for the country, they should give up and come to us like the surrendering comrades. After their surrender, they should work with all of us in Tatmadaw to develop and progress their villages. This is our heartfelt, genuine appeal to them all. However, if they think that their policy of continuing robbery is right, we will conduct the systematic operations. Up until today, Tatmadaw has received less priority in this Mujahidin region. From now on, we are ready to pay serious attention to this region. We have adequate military troops. We can send military troops, if needed, to this region. We can bring in reinforcements. If these remaining insurgents

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do not choose to come to the legal fold (enter the legal fold) in the next few months, we will have massive troop deployments to this region and before the end of the year, we will wipe the insurgency out. This is my clearest message.

Request

I wish to make an appeal to our political leaders, religious leaders and community leaders in Mayu District. We do not view those insurgents who have not surrendered yet as enemies. Please try to make them have the right perspective like the politically enlightened rebels who attended. As we view them as members of the Union of Burma, we don't want any attacks among fellow Union members. We desire no bloodshed and violence. That's why, please persuade them with loving kindness (Metta). If all the leaders: political leaders, religious leaders and community leaders in the Mayu District who come here cannot persuade them, we will launch an attack. We are in a position to defeat them. Before we launch our attacks, we want to avoid bloodshed and violence. Please, I wish to appeal to the leaders, religious leaders and community leaders to have them enlightened and have the right perspective.

In conclusion, I would like to thank you emphatically all of you who listened with great patience to what I had to say – including the Mayu region's political leaders, religious leaders, community leaders as well as the leaders and their rank-and-file members who had enlightened and surrendered weapons.

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**Reference:**

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မြန်မာ့အစိုးရသတင်းစာ

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# မေယုခရိုင်ကို လူနည်းစု တစု သဘော ထား မည်

## ပထမအရေးကြီးဆုံးဟာလုံခြုံရေး၊ အစိုးရကိုတတ်နိုင်ရင်သတင်း ပေးပါ အစိုးရတပ်နှင့်ပူးပေါင်းတိုက်ကြပါဟု သတိပေးသွားခြင်း

မေယု နယ်ခြား ခရိုင်တွင် စတင်၍ မူဟာမင် ခေါင်းဆောင်နှင့် ခန့်ကပ်ပါ ၂၉၀ တိုက်ခိုက်မှု အစိုးရအဖွဲ့နှင့် မိန့်ကြား သည့် မိန့်ခွန်းအမည်အတိုင်း စတင်၍ လိုက်ပါကြောင်း သိရသည်။

မြန်မာနိုင်ငံတော်လွတ်လပ်ရေးရတဲ့အ ချိန်ကတည်းကပင်မေယုခရိုင်မှာ မြန်မာလူမျိုးကလေးတွေနဲ့ အစိုးရတပ်တွေ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။

### ရိုဟင်ဂျာအိုတော

ကျွန်တော် ပထမဆုံးဆုံပြောချင်တဲ့အ ချိန်ကတော့ ကျွန်တော်တို့ မေယုခရိုင်က နယ်လူနည်းစုအား အစိုးရတပ်တွေ နဲ့ တွေ့ဆုံနေတဲ့ အချိန်က ဖြစ်ပါတယ်။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။

အစွေ့ပေါက်တွေမှာရှိနေရင်သူတို့လူသူတို့ ဆွေမျိုးတွေ ကျွန်တော်တို့ထက်မှာ ရှိပေ မယ်လို့ ပါကစ္စတန်ကိုသာ သူတို့ သွား ခြားကြရ လိမ့်မယ်။ အဲဒါမှ သဘာဝ ကျတယ်။ ဒီသဘောကို အခု ကြားလာတဲ့ ပုဂ္ဂိုလ်တွေဟာ နှိုးစရာလူတွေကိုသေသေ ချာချာ တိုက်ကျခေါ်ကြပါ။ ယာယီပြတ် ဆုံးပြုတတ်ကြပါလို့ ကျွန်တော်တောင်း ပန်လို့ ပါတယ်။

မူဟာမင် ခေါင်းဆောင်နှင့် ခန့်ကပ်ပါ ၂၉၀ တိုက်ခိုက်မှု အစိုးရအဖွဲ့နှင့် မိန့်ကြား သည့် မိန့်ခွန်းအမည်အတိုင်း စတင်၍ လိုက်ပါကြောင်း သိရသည်။

### မူဟာမင် ခေါင်းဆောင်

ဒီဟာနဲ့ ပတ်သက် ပြီးတော့ အရင် တုန်းက ချာခင် ကလေးကို ကျွန်တော် နဲ့ ပြောချင် ပါတယ်။ အရင် တုန်းက ဆိုရင်မေယုခရိုင်အစိုးရတပ်တွေနဲ့ တွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။

မူဟာမင် ခေါင်းဆောင်နှင့် ခန့်ကပ်ပါ ၂၉၀ တိုက်ခိုက်မှု အစိုးရအဖွဲ့နှင့် မိန့်ကြား သည့် မိန့်ခွန်းအမည်အတိုင်း စတင်၍ လိုက်ပါကြောင်း သိရသည်။

ကျွန်တော်တို့ မေယုခရိုင်မှာ မြန်မာလူမျိုးကလေးတွေနဲ့ အစိုးရတပ်တွေ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။

### မူဟာမင် ခေါင်းဆောင်

ဒီဟာနဲ့ ပတ်သက် ပြီးတော့ အရင် တုန်းက ချာခင် ကလေးကို ကျွန်တော် နဲ့ ပြောချင် ပါတယ်။ အရင် တုန်းက ဆိုရင်မေယုခရိုင်အစိုးရတပ်တွေနဲ့ တွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။

မူဟာမင် ခေါင်းဆောင်နှင့် ခန့်ကပ်ပါ ၂၉၀ တိုက်ခိုက်မှု အစိုးရအဖွဲ့နှင့် မိန့်ကြား သည့် မိန့်ခွန်းအမည်အတိုင်း စတင်၍ လိုက်ပါကြောင်း သိရသည်။

### မူဟာမင် ခေါင်းဆောင်

ဒီဟာနဲ့ ပတ်သက် ပြီးတော့ အရင် တုန်းက ချာခင် ကလေးကို ကျွန်တော် နဲ့ ပြောချင် ပါတယ်။ အရင် တုန်းက ဆိုရင်မေယုခရိုင်အစိုးရတပ်တွေနဲ့ တွေ့ဆုံနေကြတာပဲ။ အစိုးရတပ်တွေကလည်း မေယုခရိုင်မှာ အစိုးရတပ်တွေနဲ့ တွေ့ဆုံတွေ့ဆုံနေကြတာပဲ။



ရည်စူးအဖွဲ့ အဖွဲ့ဝင်များနှင့် အစိုးရအဖွဲ့ဝင်များ တွေ့ဆုံနေကြပုံ။







## Annex 189

“Burma Radio”, *Myanma Alinn*, 1 March 1962, and “Burma Radio,” *Myanma Alinn*, 2 June 1962 (extract)





Triumphs of Buddha” (Ko Thet  
Oo)  
6:35 International News  
6:45 Modern Music – Pianist Aung Gyi  
Orchestra  
7:30 Chin Language Programme  
7:40 Songs on Gramophone  
7:45 Local News  
8:00 Entertainment for the soldiers from  
the frontlines  
8:30 World of Entertainment  
9:00 International News  
9:10 OST songs of the Movie “Guests”  
9:28 Programme for Tomorrow  
9:30 The End

**Source: "Burma Radio," Myanmar Alinn, 2 June 1962, p.18.**

It is broadcast on wavelength 31 meters, 49 meters and 314 meters.

2<sup>nd</sup> June Saturday

Morning

- 7:15 Gramophone Songs
- 7: 30 The News
- 7: 40 Market Data
- 7: 50 Requested Gramophone Songs
- 8: 20 The News in the Karen Language
- 8: 30 The End

Afternoon

- 11: Birthday Wishes
- 11: 30 Today news
- 11: 40 Modern songs
- 12: 10 Requested Gramophone Songs
- 12: 30 The Experience in One's Perspective
- 12: 40 Favourite songs on Gramophone
- 1: The News and the Governments' Advertisements
- 1: 15 Gramophone Songs
- 1: 30 The End

Evening

- 5: 30 Winning numbers of the State Lottery "Aung Bar Lay" (from wavelength 62 metres)

5: 30 Programme for Minority in Frontier Areas (Rohingya)

5: 40 The News in Mon Language

5: 50 The News in Kachin Language

6: The News in Kayin Language

6: 10 The News in Shan Language

6:20 Market Data

6:30 Amateur Orchestra of Survey Department

7:15 Songs of Luck

7:30 International Songs

7:45 The News

8:00 Shwe Mann Yu Waddy Myint Myint Anyeint

8:43 Tomorrow Programme

8:45 The End

Second Session

Evening

6:00 Rural Development Programme

- 6:30 The Programme of National Commerce and Local Products
- 7:30 Oldies Songs
- 7:45 Local News
- 8:00 Orchestras of Tatmadaw and Departments of the Government
- 8:30 The News within a week
- 9:00 International News
- 9:15 Modern Songs
- 9:30 The End.

The image shows a page from a Burmese newspaper or magazine. At the top, there's a large headline in Burmese. Below it, several smaller articles and ads are visible, including one for 'Wizaya' (Wizaya) and another for 'SAMPOORANA RAMAYANA'. There are also some smaller notices and advertisements for various services and products. The layout is typical of a mid-20th-century newspaper page.

[၁၄]



၃၀၆ တာ၊ ၄၉၆ တာနှင့် လှိုင်းလက်  
၃၀၄၆ တာများမှ အသံထွင်ပါသည်  
မတ်လ ၁ ရက် ကြာသပတေး

- နံနက်ပိုင်း**
- ၇--၃၀ ပဏာမ-မင်္ဂလာရွှေမောင်း
  - ၇--၃၅ သတင်းများ
  - ၇--၅၀ ဈေးနှုန်းသတင်း
  - ၀- သီချင်းပဒေသာ
  - ၀-၂၅ ကရင်ဘာသာသတင်းများ
  - ၀--၃၀ အစီအစဉ်ပြီး၏။
- နေ့စဉ်ပိုင်း**
- ၁၀- မွေးနေ့မင်္ဂလာလက်ဆောင်
  - ၁၀--၃၀ အသံထွက်မဂ္ဂဇင်း အတွဲ  
၁၆ စာစောင်-၁၂  
ဆု (သုခုမအောင်သံ  
အဖွဲ့သူ/သားများ)
  - ၁၂-၅ ယနေ့ထုတ်သတင်းစာ
  - ၁၂-၂၀ သောတရှင်လိုရာဝါတ်ပြော  
သတင်းများ
  - ၁-၀၅ အစိုးရကြေငြိမ်းရေး
  - ၁--၂၀ ခေတ်ဟောင်းသီချင်း  
ဝါတ်ပြားများ
  - ၁--၃၀ အစီအစဉ်ပြီး၏။
- ညနေပိုင်း**
- ၅--၃၀ ရေဒီယိုအငြိမ့်  
ဖျော်ဖြေခန်း
  - ၆--၁၀ နယ်ခြားဒေသလူမျိုးစုများ  
အစီအစဉ်
  - ၆-၃၀ မင်္ဂလာဘာသာသတင်းများ
  - ၆-၄၀ ရှမ်းဘာသာအစီအစဉ်
  - ၇- ဈေးနှုန်းသတင်း
  - ၇--၁၀ ဝါတ်ပြားသီချင်း
  - ၇-၂၀ ရွှေမောင်းသံ
  - ၇-၃၀ ဇာတ်လမ်းပမာ  
နားဆင်ရော
  - ၇-၄၅ သတင်းများ
  - ၀- သီချင်းကြီး (ဆရာစိုးတူရိ  
ယာအဖွဲ့)
  - ၀-၄၃ နောက်တနေ့အစီအစဉ်
  - ၀-၄၅ အစီအစဉ်ပြီး၏။

**ဒုတိယပိုင်း**

- ညနေပိုင်း**
- ၆-၃၀ အစီအစဉ် ကျေညာချက်နှင့်  
အောင်မြင်ရှစ်ပါးပဏာမ  
(ကိုယ်ထုတ်)
  - ၆-၃၅ မိုင်ခွဲခြားသတင်းများ
  - ၆-၄၅ ကာလပေါ် - ခန္ဓယား  
အောင်ကြီးတူရိယာအဖွဲ့  
ချင်းဘာသာအစီအစဉ်
  - ၇-၃၀ ဝါတ်ပြားသီချင်း
  - ၇-၄၅ ပြည်တွင်းသတင်းများ  
စစ်မြေမှ ချစ်ဆွေများသို့  
ဖျော်ဖြေခန်း။
  - ၀-၃၀ အနုပညာလာက
  - ၉-- မိုင်ခွဲခြားသတင်းများ
  - ၉--၁၀ နေ့သည့်ရှင်ရှင်ဇာတ်ကား  
မှသီချင်းများ
  - ၉--၂၀ နောက်တနေ့ အစီအစဉ်
  - ၉-၃၀ အစီအစဉ်ပြီး၏။



၃၀၆ တာ၊ ၄၉၆ တာနှင့် လှိုင်းလက်  
၃၀၄၆ တာများမှ အသံထွင်ပါသည်  
ဇွန်လ ၂ ရက် စနေနေ့

- နံနက်ပိုင်း**
- ၇--၁၅ ဝါတ်ပြားသီချင်း
  - ၇-၃၀ သတင်းများ
  - ၇-၄၀ ဈေးနှုန်းသတင်း
  - ၇--၅၀ သောတရှင်လိုရာဝါတ်ပြား
  - ၀-၂၅ ကရင်ဘာသာသတင်းများ
  - ၀--၃၀ အစီအစဉ်ပြီး၏။
- နေ့စဉ်ပိုင်း**
- ၀၃- မွေးနေ့မင်္ဂလာလက်ဆောင်
  - ၀၃-၃၀ ယနေ့ထုတ်သတင်းစာ
  - ၀၃--၄၀ ကာလပေါ်သီချင်းများ
  - ၀၂--၁၀ သောတရှင်လိုရာဝါတ်ပြား
  - ၀၂-၃၀ ရှုစောင့်တက္ကသိုလ်မှ  
အတွေ့အကြုံ
  - ၀၂--၄၀ ကိုယ်အကြိတ်ဝါတ်ပြား  
၁-- သတင်းနှင့်  
အစိုးရကြေငြိမ်းရေး
  - ၁-၁၅ ဝါတ်ပြားသီချင်း
  - ၁-၃၀ အစီအစဉ်ပြီး၏။
- ညနေပိုင်း**
- ၅--၃၀ အစိုးရ အောင် တာခလ  
သိမ်းဆွဲပေါက်စဉ်  
(၆၂၆ တာမှ)
  - ၅--၃၀ နယ်ခြား ဒေသ လူမျိုးစုံ  
(ရိုဟင်ဂျာ)
  - ၅--၄၀ မင်္ဂလာဘာသာသတင်းများ
  - ၅--၅၀ ကရင်ဘာသာသတင်းများ
  - ၆-- ကရင်ဘာသာသတင်းများ
  - ၆-၀၀ ရှမ်းဘာသာသတင်းများ
  - ၆-၂၀ ဈေးနှုန်းသတင်း
  - ၆-၃၀ မြေတိုင်း ၄၁ န - အဖျော်  
ထမ်းတူရိယာအဖွဲ့
  - ၇-၀၅ ကံစမ်းသီချင်း
  - ၇-၃၀ ကမ္ဘာ့ဂီတ
  - ၇-၄၅ သတင်းများ
  - ၀- ရွှေမန်း ယု ဝ တီ မြင့်မြင့်  
အငြိမ့်အဖွဲ့
  - ၀-၄၅ နောက်တနေ့အစီအစဉ်
  - ၀-၄၅ အစီအစဉ်ပြီး၏။

**ဒုတိယပိုင်း**

- ညနေပိုင်း**
- ၆- တေးလက်ဖွံ့ဖြိုးရေး  
အစီအစဉ်
  - ၆--၃၀ အမျိုးသားကူးသန်းရောင်း  
စက်ရုံးနှင့် တိုင်းရင်းမြစ်  
ထွက်ကုန်များ ဖော်ထုတ်  
ရေးအစီအစဉ်
  - ၇--၃၀ ခေတ်ဟောင်းသီချင်းများ
  - ၇--၄၅ ပြည်တွင်းသတင်းများ
  - ၀- တပ်မတော်နှင့်အစိုးရပြော  
များ တူရိယာအဖွဲ့
  - ၀--၃၀ တပတ်အတွင်းသတင်း  
ပဒေသာ
  - ၀--၄၀ လက်ရွေးစင်သီချင်းများ
  - ၉- မိုင်ခွဲခြားသတင်းများ
  - ၉-၁၅ ကာလပေါ်သီချင်းများ
  - ၉--၃၀ အစီအစဉ်ပြီး၏။

# Annex 190

Myanmar News Agency, “Five arrested on suspicion of attending terrorist training”, *The Global New Light of Myanmar*, 23 June 2017 and “Six more suspects arrested in connection with October Rakhine State attack”, *The Global New Light of Myanmar*, 17 July 2017.

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-06-23-red.pdf>

And :

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-07-17-red.pdf>



23 JUNE 2017

THE GLOBAL NEW LIGHT OF MYANMAR

NATIONAL 9

## Cost of visiting Shwedagon for foreigners rises to Ks 10,000

Ko Moe

ACCORDING to the board of trusteeship of the Shwedagon Pagoda, as of 1 December, the entrance fee for foreigners to visit the Shwedagon Pagoda will go up to Ks 10,000.

The price increase was originally going to be imposed starting 1 June, but at the suggestion of the Myanmar Travel & Tour Agency, it was decided that six months notice should be given.

Presently, Ks 8,000 is being collected from foreign visitors. With the increased collection, arrangements for giving better services are under way.

"In last summer, there were few visitors to the pagoda because of the burning heat while in January, February and March foreign visitors came. With the increased collection of entrance fees, provision of better services is under way", said U Win Kyaing, the deputy head of the office of Shwedagon Pagoda's Board of Trusteeship. It has been learnt that 36,674 tourists visited the pagoda in May. From the end of January to the end of April, there were over 250,000 visitors to the



Shwedagon Pagoda is the national landmark of Myanmar. PHOTO: PHOE KHWAR

famous pagoda. Out of all international visitors to the Shwedagon pagoda, those from a neighboring country, Thailand, were the most numerous, followed by guests from China and Germany. ■

## Senior General Min Aung Hlaing meets Vice Admiral Kulekov Valaydii

DEFENCE Services Commander-in-Chief Senior General Min Aung Hlaing who was in the Russian Federation met Vice Admiral Kulekov Valaydii of the Black Sea Fleet headquarter at the Sevastopol hotel

meeting room on 22 June.

After the meeting, the Senior General toured Sevastopol and visited a battle cruiser Moskva at the northern port. Moskva is armed with guided missiles and was commis-

sioned in 1983.

It has a length of 186.5 meter, beam of 20.8 meter, draught of 8.4 meter, displaces 12,490 ton and has a speed of 32 knots.—Myanmar News Agency ■



Senior General Min Aung Hlaing holds talks with Vice Admiral Kulekov Valaydii. PHOTO: MNA

## Five arrested on suspicion of attending terrorist training

SECURITY forces arrested five men yesterday on suspicion of attending a terrorist training in Mayu mountains.

Following a tip off that suspected terrorists were in Tinsat village in Buthidaung Township, security forces carried out a patrol in the village and found nearly 15 persons

holding sticks and knives and fled towards the Mayu Mountain range.

The security forces searched the village and arrested five men including Abu Sweyauk suspected of attending terrorist trainings in the mountains.—Myanmar News Agency ■

## Britain Queen's birthday event in Nay Pyi Taw

LOCAL admirers of Her Majesty Queen Elizabeth II celebrated her 91st birthday at the Hilton Hotel in Nay Pyi Taw yesterday evening.

The event started with the playing of the national anthems of Myanmar and Britain, after which Britain's ambassador to Myanmar, Mr. Andrew Patrick, and Union Minister for Social Welfare, Relief and Resettle-

ment Dr. Win Myat Aye gave speeches.

The event was attended by the deputy speaker of Amyotha Hluttaw, Union ministers, the national security advisor to the Union government, the chiefs of staff of the army, navy and air forces and other high ranking officers of the Tatmadaw, hluttaw representatives and other invited guests.—MNA ■

## Senior General visits No. 766 Production and Technological Equipment Center in Russia

DEFENCE Services Commander-in-Chief Senior General Min Aung Hlaing in Russian Federation visited No. 766 Production and Technological Equipment Center on 20 June.

The Senior General viewed the ambulances, surgical and laboratory vehicles and other passenger vehicles in the

Production and Technological Equipment Center.

Next the Senior General observed and viewed the test driving of remote controlled mine disposal vehicles, fighting vehicles and passenger vehicles after which he test rode on an armored vehicle.—MNA ■

POEM:

### *The Goal is close*

Oh! Myanmar, never bemoan...  
Journey to peace is so long;  
Waves, though tremendous, always go under the boat,  
Mountains, even though with sky-high elevation,  
always defeated by the treads of man,  
go forward . step forward . leap forward  
till make a big distance  
that assure you grabbing the destination.  
Hey! Be united by blood, in the wake of nation's need,  
Pool our blood again to face the nation's challenges,  
With confidence and care, negotiate and coordinate;  
Be mindful and dig deep for reality and truth.  
Brethren of the Union! one colour one hue,  
one habitat, one land; till the end with hand in hand,  
in unison we strive to expedite the peace process,  
And witness the Myanmar in colours.

*Myo Myat Myat Myint Maung*

(Translated in English by Khin Maung Win, GNLM)  
(In honour of all those who take part in Peace Making)

## Stake Driving Ceremony for Mandalay High Court held

Stake Driving Ceremony of Mandalay High Court was held at auspicious pandal in the place of construction situated at 66th and 67th road between Tharaphi and Gangaw street at 9:50 am of 16 July. Union Chief Justice U Htun Htun Oo attended the ceremony.

Union Minister U Win Khaing for Electricity and Energy and Construction, Chief Minister Dr Zaw Myint Maung of Mandalay Region, Deputy Minister Dr Htun Naing for Electricity and Energy, Deputy Minister U Kyaw Lin for Construction, Speaker of Hluttaw of the Region, Union Chief Justice of the Region, Mandalay May-

or, Region Minister for Natural Resources and Environmental Conservation and Minister for Finance participated in Stake Driving Ceremony and sprayed the scented water around the pandal.

Feeding dragon ritual was done by Union Chief Justice U Htun Htun Oo in the event as a symbol of successful execution of Stake Driving Ceremony.

The Region High Court building is 240 ft long and 240 ft wide RC, 3-storied building which will be constructed on the land of 4.89 acres by Building Department (2) special team (6) of Ministry of Construction. —Myanmar News Agency ■



Stake Driving Ceremony of Mandalay High Court in progress. PHOTO: MNA

### Six more suspects arrested in connection with October Rakhine State attack

MYANMAR security forces arrested six suspects on 15 July allegedly connected to an armed attack in Ngakhura village, Maungtaw Township,

Rakhine State in October. The suspects were detained in Ngakhura police station pending further investigation. —Myanmar News Agency ■



Independent media group collecting news in Rakhine State. PHOTO: MNA

## Independent media group tours Rakhine

AN independent media group including foreign journalists interviewed the chief minister and ministers of Rakhine State cabinet at the government office in the regional capital Sittway yesterday morning.

They also gathered news at Thetkai-pyin and Dar-paing relief camps in Rakhine State.

The media group arrived back Yangon from Sittway by air in the evening. —Myanmar News Agency ■

## Kidnapped victim found dead in Buthidaung

Abdu Sulwon who was abducted by about 15 masked men at his home in Maungnama Village on 4 July was found dead near Kalan Pann Zin creek on 15 July.

Mar Mauk Tuhel, a boat

driver, in Nga Yant Chaung village, Buthidaung found a body stranded near Kalan Pann Zin creek and reported to the Taung Ba Zar Police Station. After an investigation the security forces

identified the dead person as Abdu Sulwon of Maungnama village.

The case is under investigation. — Myanmar News Agency ■

## Ms. Yanghee Lee meets Kayin State Government officials

Ms. Yanghee Lee, United Nations Special Rapporteur on the Situation of Human Rights in Myanmar led a delegation to meet with Kayin State government officials at Pyidaungsu Yeiktha in Hpa-an yesterday, according to a report from the Information and Public Relations Department (IPRD).

Ms. Lee met with Interim Kayin State Chief Minister and Minister of State Project, Finance and Development U Than Naing; with state government ministers and with Government Secretary U Pyone Cho to discuss Kayin State's security situation.

The discussion also covered

resettlement of displaced Myanmar people along the Myanmar-Thai border and local development projects, including mine clearance.

Following the meeting, the UN delegation met with civil society organizations at Thiri Hpa-an Hotel, Hpa-an. —Saw Myo Min Thein (IPRD) ■

## Maungtaw crab catchers benefit from breeding season

CRAB catchers are earning an average of Ks10,000 during the rainy season, according to local fishermen in Maungtaw Township, Rakhine State.

"Crabs are bred in rainy season and consequently the crab catching is good during this season" said Ko Soe Aung of Aungminglar Village of Maungtaw Township. Sea crabs are caught by placing traps in prawn ponds. "Sea crabs caught from Maungtaw area are sent to Sittway through Angumaw by Hilux pick-ups. Daily output is three Hilux truckloads. They are sent alive to China from Sittway", said crab trader U Tin Maung of 4<sup>th</sup> Ward of Buthidaung



Crab catchers enjoying good business in Rakhine State. PHOTO: THETKA

Township. "Dead crabs are sold to local consumers at a reasonable price." Crab traders buy crabs from crab catchers at the

price Ks15,000 to 25,000 per batch (usually a recycled 110-pound rice bag). —Myint Muang Soe, Aung Kyaw Oo ■

# Annex 191

Myanmar News Agency, “Two more suspects arrested in connection with October Rakhine State attack”, *The Global New Light of Myanmar*, 18 July 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-07-18-red.pdf>





Vice President U Henry Van Thio is seen off by diplomats, Yangon Region Chief Minister U Phyo Min Thein and Yangon Mayor U Maung Maung Soe at Yangon International Airport. **PHOTO: MNA**

## VP to attend Water & Disaster UN Session

Vice President U Henry Van Thio left for New York yesterday evening to attend the 3rd UN Special Thematic Session on Water and Disasters to be held in New York.

The Vice President was seen off at Yangon International Airport by Yangon Region Chief Minister U Phyo Min Thein, Yangon Mayor U Maung Maung Soe, officials

from Ministry of Foreign Affairs, Ministry of Social Welfare, Relief and Resettlement, Mr. John R. Groch Deputy Chief of Mission of US Embassy in Myanmar and officials.

The Vice President was accompanied by Union Minister for Social Welfare, Relief and Resettlement Dr. Win Myat Aye and officials. — Myanmar News Agency ■

## Two more suspects arrested in connection with October Rakhine State attack

Myanmar security forces arrested two additional suspects on Sunday in connection with an alleged armed attack in Ngakhura village, Maungtau Township, Rakhine State in October.

While on patrol in U Shae Kyae village in Maungtau Township on security forces arrested Marmauk Yawshee, 42 and Aryoke, 33 on suspicion of participating in an armed

attack of Rakhine State in October.

The suspects were detained in Ngakhura police station for further investigation. — Myanmar News Agency ■

## Deputy Amyotha Hluttaw Speaker receives Mr. Liam Laurence Smyth

Deputy Amyotha Hluttaw Speaker U Aye Tha Aung received Mr. Liam Laurence Smyth, the Clerk of Legislation at the House of Commons of United Kingdom at the Amyotha Hluttaw Hall (J) in Nay Pyi Taw yesterday.

During the meeting, they cordially discussed experience of the two parliaments. — Myanmar News Agency ■



Deputy Amyotha Hluttaw Speaker U Aye Tha Aung meets with Mr. Liam Laurence Smyth. **PHOTO: MNA**

## UN delegation returns to Yangon from Hpa-an

Ms. Yanghee Lee, UN Special Rapporteur on the Situation of Human Rights in Myanmar returned to Yangon by air from Hpa-an yesterday. While the

UN delegation was in Hpa-an, they met with Kayin State Government and officials of State departments at the Pado David Taw guest room on 16 July.

The delegation also met with national and local civil society organizations at Thiri Hpa-an Hotel in Hpa-an. — Saw Myo Min Thein (IPRD) ■

## 18 Community Centres in the pipeline for States and Regions

Ministry of Information is planning to establish Community Centres with a children library, training hall, multi-purpose hall, meeting hall, gymnasiums and a youth centre at 18 locations in states and regions.

At the meeting held yesterday afternoon at a meeting hall of Printing and Publishing Department in Theinbyu Street, Yangon, Union Minister for Information Dr Pe Myint and officials from Yangon Region, district and township level officials of Information and Public Relations Department (IPRD), Ministry of Information and Hluttaw representatives discussed the joint implementation works for the plan for establishing community centres.

In his speech at the meeting, Union Minister Dr Pe Myint said successive governments had setup IPRD offices under various names and the term "Public Relations" had been in use and offices were setup in towns and regions to carry out public relations. However,

depending upon the nature of the government, there were differences in work conducted. In a democracy government, there is a need to inform the public and to listen to the voice of the public, he added.

Similarly, adjustment must be made to be in accord with the requirement of the changing time, changing system, situation, equipment and materials.

In the transition period to democracy, conduct on political matters will change towards a system inclusive of majority participation and decision. A country's executive and legislative mechanism will be practiced with a system that involves the pluralism

As such, people's participation need to increase in the political process. The more the people participate, the more democratic system takes shape. Community Centre can be said to be a ward and village centered place where people can gather there, said the Union Minister.

"This is a place where peo-

ple will discuss about their ward and village. It is the place that will increase and support the public participation in the political process and that is why this meeting with the people's representatives is being held," said the Union Minister.

The voices coming out of Community Centres need to be the voices and opinions of the people. The voices and opinion of the grass root level peoples need to reach the top in a democracy era, he added.

The Centre will be formed to support all – the children, youth, people of the community, elders and middle-aged.

The plan now is to setup as Community Centres that have IPRD library and office in coordination with other organisations. Together with Daw Khin Kyi Foundation, existing one (IPRD library and office) in Natmauk, Myaungmya, Insein and Pynmana will be renovated into Community Centre while libraries will be transformed into Community Library. The effect



Union Minister Dr Pe Myint addresses at the coordination meeting on establishing community centres. **PHOTO: MNA**

of combining Community Centre and Community Library is for ward and village development. While working for youth development, discussion on ward and village matter is also being targeted.

Community Centres are not modernization and upgrading of IPRD libraries and offices but a place that supports the building of a democracy. If the place is used for ward, village and youth development rather than as a

display area, Community Centre will help and support the community as well while Myanmar society also becomes a society that supports the building of a democracy said the Union Minister. Afterward, Yangon Region Hluttaw Deputy Speaker U Lin Naing Myint, IPRD Director General U Maung Pe and Hluttaw representatives discussed and suggested on setting up Community Centre.

**SEE PAGE-6**



## Annex 192

Myanmar News Agency, “Rakhine Slayings by Insurgents”, *The Global New Light of Myanmar*, 22 July 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-07-22-red.pdf>



4,000 APARTMENTS TO BE CONSTRUCTED IN HLEGU

P-4 (LOCAL NEWS)

# THE GLOBAL NEW LIGHT OF MYANMAR

Vol. IV, No. 96, 14<sup>th</sup> Waning of Waso 1379 ME

www.globalnewlightofmyanmar.com

Saturday, 22 July 2017

**NATIONAL**

President attends stake-driving ceremony for staff housing

**PAGE-3****NATIONAL**

State Counsellor receives Ms. Yanghee Lee

**PAGE-3****NATIONAL**

VP U Henry Van Thio addresses UN special session on water and natural disasters

**PAGE-3**

Republic of the Union of Myanmar  
Ministry of the Office of the State Counsellor  
Press Release

(21<sup>st</sup> July 2017)

1. The UN Human Rights Council (HRC) passed at its 34th Session a resolution that called for the dispatch of an international fact-finding mission to Myanmar. This resolution also extended the mandate of the Special Rapporteur.
2. The resolution was based on unsubstantiated allegations. Additionally, the establishment of the fact-finding mission would do more to inflame, rather than resolve, the complex and challenging situation that confronts the country.

Myanmar therefore dissociated itself from the HRC resolution as a whole.

3. Cooperation with the United Nations is the cornerstone of Myanmar's foreign policy. Despite our dissociation, we agreed to accept the proposal for the visit of the Special Rapporteur and to facilitate the discharge of her HRC mandate.
4. Many government representatives discussed with the Special Rapporteur, during her visit, the challenges facing our country and our efforts to resolve them.
5. During these discussions we outlined clearly for the Special Rapporteur the extensive steps the government has taken to promote peace and development for the benefit of the people of Myanmar. We also stated that we are committed to overcoming the challenges we face.

**SEE PAGE-10**

## Rakhine slayings by insurgents

Journalists say militants are killing villagers who support government

IN the middle of the night on 4 July, more than a dozen masked men, dressed head-to-toe in black, surrounded Abdu Sulwon's home in northern Rakhine State. His widow says that was the last time she saw him alive.

"I saw a trail of blood where they dragged him away," said Haleda, 40, showing bruises on her body where she says the men beat her with sticks. Her husband's body was found in a ravine near their village, Maung Hna Ma, a week ago.

She gave her account to reporters during a government-organised trip for local and foreign journalists to northern Rakhine State.

Officials say Muslim insurgents are behind this and a slew of killings in the area that has been racked by violence in recent months, with security forces accused of committing atrocities against civilians.

"It is clear that Muslim militants are taking out Muslim villagers who are perceived to be collaborating with the government," U Thaug Tun, National Security Adviser of Myanmar, told diplomats in Yangon.

At least 44 civilians have been killed and 27 have been kidnapped or gone missing in



A Myanmar border guard police officer stands guard in Tin May village, Butthidaung township, northern Rakhine state, Myanmar on 14 July 2017. Picture taken July 14, 2017. PHOTO: REUTERS

northern Rakhine in the past nine months, U Thaug Tun said.

It was not possible to independently verify those figures or establish who was behind any of the killings described to journalists. Insurgents have denied

targeting civilians.

But in two cases, including that of Abdu Sulwon, relatives of the victims broadly supported the official version of events.

Journalists who have reported from Rakhine State con-

firmed that many Muslim villagers have been killed by Muslim militants.

"Villagers who have relations with the authorities are mainly targeted by the insurgents, so far about 17 have been

killed", said Myint Maung Soe, a reporter from Myanmar Alin Daily, who also took part in the recent trip to troubled areas along with local and foreign journalists.

**SEE PAGE-10**



# Annex 193

Myanmar News Agency, “31 suspects arrested in Maungdaw Township”, *The Global New Light of Myanmar*, 24 July 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-07-24.pdf>



## 31 suspects arrested in Maungtaw Tsp

A combined team comprising members of the security force detained 31 suspects in Maungtaw Township on 22 July.

The team acting on information that terrorists were holding a secret meeting in Kyauk Hlaykha Village, Area 6 in the township, made a check in the village and arrested 31 persons including 25-year-old Sway Talaung who did not meet the requirements of the household list.

Saya Mauk a 27-year-old man of Mingalayi Village of the 31 suspects holding the secret meeting at the house of his elder sister Sura Bekhaung tried to attack the team members with a 14-inch knife. He was overpowered and arrested together with the weapon. The suspects are under legal examination to ascertain whether they are connected with any terrorist organization. —Myanmar News Agency ■



Documentary photos show 31 suspects arrested in Maungtaw Township on 22 July, 2017. PHOTO: STATE COUNSELLOR OFFICE INFORMATION COMMITTEE

### INTERNATIONAL NEWS

## Panda cub at Tokyo zoo growing well, can now crawl on its own

TOKYO — A female panda cub born last month at a Tokyo zoo is growing well and can now crawl, as well as move its head from side to side, zoo officials said Sunday.

The giant panda cub has drawn public attention since its birth at the Ueno Zoological Gardens on 12 June. It is the first panda cub born there since 2012. The zoo has been closely monitoring the growth of the cub, whose birth was

celebrated in Japan as well as China.

The cub weighed 1,656.5 grams and was 34.1 centimeters long in a checkup on Saturday, which marked 40 days since its birth, the zoo said, adding the cub can also slightly open its eyes.

The zoo also said the cub was seen crawling from 17 July and two days later, and has hair growing from its limbs.

The cub was born to moth-

er Shin Shin and father Ri Ri. Their previous cub died in 2012, less than a week after its birth at Japan's oldest zoo, which opened in 1882. According to the zoo, the 12-year-old mother panda is breastfeeding the cub and helping it discharge waste.

"The mother appears to be stable in rearing its cub," said Mikako Kaneko, a zoo official. The zoo will continue monitoring the mother and cub round the clock. —Kyodo News ■

## 21 fall ill after drinking toxic tea in northern India

NEW DELHI — At least 21 people have fallen ill after drinking toxic tea at a beverage stall in the northern Indian state of Uttar Pradesh, a police official said Sunday.

"The incident took place in the state's Mirzapur district. After consuming the tea from the roadside stall, the victims complained of uneasiness and started vomiting, following

which they were soon rushed to a local health centre," he said.

Three of the victims are said to be in critical condition and have been referred to Varanasi Trauma Centre in the holy town of Varanasi for treatment, the official said.

"A probe has been ordered into the incident and tea samples from the stall have been sent for testing to ascertain what

caused the poisoning. A manhunt has also been launched to track down the owner of the tea stall who fled after reports of poisoning in his beverage," he added.

Tea or chai (in Hindi and most other Indian languages) is India's most favourite drink. And thousands of roadside joints sell the beverage across India. —Xinhua ■

## Missing villager found dead in Buthidaung Township

A missing villager was found dead on 22 July night in Buthidaung Township after a search that started soon after his disappearance was noticed.

The missing person, Raw Shee (53) of Maunggyi Taung Village left his house to work in his crop field two miles from

the village at about 7 am on that day. As he failed to come back home his family and villagers made a search and found his body near his field at about 10 pm. He died of cuts in the neck. Security forces have opened a case. —Myanmar News Agency ■

## Hidden suspect arrested in Maungtaw Township

A suspect hidden in dark was arrested by residents in the ward and sent to the police station in Maungtaw Township at night of 21 July, according to yesterday report of Myanmar News Agency.

Ji Yar Man, 18, son of Adu Yaw Kain from Shwe Zar

Gone Nar village hid in dark of Ye Paw restaurant in Myoma north ward. The residents found and sent him to Myoma police station as he resisted them.

The suspect is being investigated under the law. —Myanmar News Agency ■

## Illegal good deterred at Yaypu and Mayanchaung check points

A combined team comprised of officers and staff from the departments concerned is checking for illegal goods at Yaypu and Mayanchaung check points which were reopened on 1 March, according to a report.

There were 587 exported vehicles and 556 imported vehicles along Mandalay-Muse Pyidaungsu road as well as 52 exported vehicles and 122 imported vehicles along

Yangon-Myawady road to on 22 July.

The combined team is checking at Yaypu and Mayanchaung inspection gate. They stopped and searched the 12 wheels at the Mayanchaung inspection gate and seized the illegal goods, Brake Fluid (1116kg) and Grease (2333 kg), estimated worth Ks 7.529 million as they have no official documents. —GNLM ■

## Vehicle accidents on the Yangon-Mandalay highway

A Shwe Sin Setkyer Express bus carrying 50 people on the Yangon-Mandalay highway crashed yesterday before dawn and caused no injuries or fatalities.

The bus collided with the center guardrail near mile marker 248/2.

Later in the day, a Daihatsu Hijet vehicle headed

to Mandalay from Nay Pyi Taw on the same highway rolled over and injured five women out of a total of two men and seven women passengers.

The injured people were taken to Meiktila Hospital by the Thee Gone Highway Police.—Than Oo (Lay Myit Hnar) ■



# Annex 194

Myanmar News Agency, “Issuing notification of acknowledging and urging the people not to encourage, support and abet extremist terrorists”, *The Global New Light of Myanmar*, 28 August 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-08-28.pdf>



# THE GLOBAL NEW LIGHT OF MYANMAR

Vol. IV, No. 133, 7<sup>th</sup> Waxing of Tawthalin 1379 ME

www.globalnewlightofmyanmar.com

Monday, 28 August 2017

## Terrorists trying to destroy Maungtaw



Fire fighters putting off fire at a house in Maungtaw which was hit by extremist terrorists attacks. PHOTO: STATE COUNSELLOR OFFICE INFORMATION COMMITTEE

EXTREMIST terrorists blew out improvised bombs, set fire the villages and attacked the police outposts in Region-2 of Maungtaw yesterday from the morning to afternoon.

About 100 extremist terror-

ists attacked Ngayantchaung police outpost with four hand-made bombs. In the incident, one of the hand-made bombs exploded and the security forces repulsed the extremist terrorists who retreated from the scene

to the nearby mountain range in the east. About 500 extremist terrorists staged second attack on Ngayantchaung police outpost where they were met with a police repulse. Similarly, extremist terrorists surrounded

Minkhamoung police outpost in Region-2 where they were fought back by security personnel. Security personnel rescued a wounded woman while on patrol between Saylay and Yankha Cedi Villages. **SEE PAGE-7**

### ( Official Translation )

#### The Republic of the Union of Myanmar Anti-terrorism Central Committee

Order No. 1/2017

1379 MY 4 Waxin Da of Tawthalin  
(25 August 2017)

#### ARAKAN ROHINGYA SALVATION ARMY (ARSA) DECLARED AS TERRORIST GROUP

Following is the full text of the official translation of the announcement which declares the Arakan Rohingya Salvation Army (ARSA) a terrorist organization. An unofficial translation of the announcement was covered on the front page of the 26-8-2017 issue of the Global New Light of Myanmar.

The Anti Terrorism Central Committee has issued this Order with the approval of the Union Government in exercise of the Anti-Terrorism law Section-72 Sub-section (B).

1. The Government of the Republic of the Union of Myanmar has formed various committees to undertake the tasks to ensure security, stability and peace, rule of law and regional development in Rakhine State. It has also carried out regional security and development tasks and provided health care services fulfilling the requirements of the State.

**SEE PAGE-7**

**NATIONAL**  
Six relatives killed amid firefight between terrorists and soldiers  
**PAGE-6**



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Ethnic affairs office for Mon State  
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Medical specialists from Republic of Korea teach practical Cadaveric Surgery in University of Medicine, Mandalay  
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**NATIONAL**  
Anyeint should be mixture of artistic values and democracy essence  
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**BUINESS**  
Marine exports increased by over \$19 million in current FY  
**PAGE-5**



သဒ္ဓါထက်သန် မြန်မာအားဟန် ကမ္ဘောဇဘဏ်

## Warning In Relation With Extremist Terrorists



Extremist terrorists hatching plot for another brutal attack. PHOTO: MNA

Information Committee of State Counsellor's Office issues the warning notification which states not to do supporting to or abetting the extremist terrorists and ARSA, supplying, or writing in medias in support of extremist terrorists and ARSA, it is learnt.

Myanmar Counter-terrorism Central Committee has already declared the extremist terrorists and ARSA who perpetrated in the terrorist attacks in Maungtaw area on 25 August 2017 as Terrorist Group.

While the extremist terrorists were besieging and blocking the Taungbazar village on 26 August, the news that some INGO staffs were seen in the terrorist group was secured. The investigation is going on to verify the news. Likewise, the information about finding high-energy biscuits which had been supplied by WFP at the terrorist camps on Mayu mountain on 30, July 2017 was also issued.

Furthermore, some news media used the other terms (for instance "insurgents") in

reporting the news avoiding the use of officially acknowledged word "extremist terrorist".

Now, the news had already been issued that the United Nation, United States State Department, Ministry of Foreign Affairs of Turkey, American Embassy and British Embassy in Myanmar strongly condemned the terrorist attacks of extremist terrorists in Maungtaw area.

The responsible personnel are now undertaking the necessary procedures to inform the governments of foreign countries through the International Police to take necessary action on the persons who are connected with or helping the extremist terrorist and ARSA, or the persons or organizations that make financial support to them.

It is highly important to stamp out the extremist terrorists and ARSA since the Counter-terrorism is the common interest for the families of the world, international organizations including the United Nations, and international



Utensils and construction material seized from extremist terrorists. PHOTO: MNA



Food delivered by WFP to IDP camps are found in the hidden tents of terrorist PHOTO: MNA

governments. In this warning notification, supporting to or abetting the extremist terrorists and ARSA, supplying, or writing in medias in support of extremist terrorists

and ARSA are banned and if those acts described above are found committed in domestic, action will be taken in accordance with Counter-terrorism Law. If those from

foreign countries are found not abiding by the warning, they will be informed to the International Police for necessary action. —Myanmar News Agency ■

## Issuing notification of acknowledging and urging the people not to encourage, support and abet extremist terrorists

It is learnt according to the news release from Information Committee of State Counsellor's Office at 6.45 pm of yesterday evening the encouraging, supporting and cooperating with extremist terrorists are strictly banned.

In that news release Central Committee of Counter Terrorism of Myanmar has declared that extremist terror-

ist and ARSA, which involved in Maungtaw terrorist attacks on 25 August 2017 as Terrorist Groups.

Currently the security forces have been striving to protect the properties of people and to maintain peace and stability in Maungtaw, together with the people in accordance with the existing law. In the event of this attempt, the main target is to

subdue the acts of extremist terrorist and it does not target to the people who are not connected to or involved in the terrorist's acts.

Nevertheless, in suppressing the terrorists, terrorists has countered the attack of security forces by using the children as human shield, burning the villages of minority ethnic people and terrorized killing. Those

who get involved in those terrorist acts will be assumed as terrorists.

Bengalis who are not connected or don't abet with extremist terrorists need not be apprehensive. Besides, the news release advised the local people not to be malicious and aggressive, not to hold sticks, knives or swords or any other weapon while the security forces

are undertaking their duties and not to get outside in the time prohibited by 144 Curfew Order.

In the news release, people are urged for those who want to stay in peace and stability to cooperate with security forces and administrative personnel without any concern in keeping peace and stability in the area.—Myanmar News Agency ■

# Extremist terrorism on the rise!



Equipment left behind by terrorists. Cars torched by extremist terrorists. PHOTO: STATE COUNSELLOR OFFICE INFORMATION COMMITTEE

As the extremist terrorists were committing arson, mine and terrorist attacks against villages, security posts and Buddhist monasteries and butchering innocent people in Maungtaung area the whole day on 26 August, security forces have been launching operations to stabilize and control the area, according to the news release issued by the Information Committee of the State Counsellor Office yesterday morning.

About 50 extremist terrorists attacked members of security force with small arms from the edge of a mangrove forest about 70 yards away at 9.20 am on 26 August. The security members who joined forces with their counterparts in Kyunpaukyusu-chaungwa outpost of area 4 in Maungtaung Township from Kyaukchaung outpost were on their way back from Htanchaung-chaungwa outpost where they took their rations. The security forces arrived back at Kyunpaukyusu-chaungwa outpost after fighting back and clearing off the extremist terrorists.

At that time, about 300 extremist terrorists from Phetleikpyin and Zeebinchaung-myaik villages of Kyunpaukyusu village-tract were approaching the outpost and were reaching at a place just 500 yards from it. Hence

security forces fired back and halted them. Security forces from the Tatmadaw joined forces with the Kyunpaukyusu-chaungwa outpost shot back the extremist terrorists with small arms. The extremist terrorists retreated.

While security forces were conducting area clearance operations at 9.30 am on 26 August, extremist terrorists attacked their truck with a directional mine near Nwayontaung village. So the security forces fought back and cleared them off.

About 300 extremist terrorists armed with sticks and knives besieged Kyunpaukyusu-chaungwa outpost of area 4, Maungtaung Township at 10.20 am. Hence Ngaman gunboat of the fleet of Tatmadaw vessels at POE gate of Maungtaung rushed to the area as reinforcement.

About 20 ethnic Dienet people of Yanka-zaydi village, area 2 of Maungtaung Township, at 2.30 pm went to Aungzan ethnic village to stay there. But they were attacked by nearly 100 extremist terrorists from Kyaukdoe village armed with sticks and knives when they reached the place near the entrance bridge of the village. Only U Maung Ba Sein (28) escaped the attack. He informed the Aungthabye area office about the attack, saying

that he had no idea how many of the persons who were left behind were killed or still alive.

Seventeen improvised mines planted by extremist terrorists exploded at Zinpaingnya junction and its surrounding areas of the area 6 in Maungtaung Township from 2.45 pm to 4.42 pm on 26 August. Two home-made bombs were blown up during the time between 4.40 pm and 4.55 pm at Kyaukhlayga village. At 5.20 pm, extremist terrorists burnt down Natchaung outpost. At 5 pm, about seven extremist terrorists in two groups came and attacked about 370 students of Nanthataung Parahita monastic education school who were at the high school of Taungpyoletwei sub-township. But when Tatmadaw columns fought back extremist terrorists fled, leaving behind two dead bodies.

Meanwhile, security forces pursued and cleared off four masked extremist terrorists at Wapeik village near outpost No 4 of the No 1 border guard police force HQ. At 5.33 pm, extremist terrorists launched hit-and-run grenade attack on Zinpaingnya outpost. Security forces had to clear the mines planted by extremist terrorists near the outpost at 5.35 pm.

At 5.45 pm, extremist terror-

ists torched their own homes in Zinpaingnya village and fled. Ten minutes later, they prepared to attack a police outposts followed by an exchange of gunfire between the two sides at 6.05 pm. Security forces had to returned the fire and cleared the extremist terrorists off as they started attacking Gawduthara outpost at 6.17 pm. A mine planted by extremist terrorists exploded at 7.15 pm at Pyathat outpost. One minute later, extremist terrorists burnt down the temporarily abandoned Gatkyein outpost. At the same time, extremist terrorists and security forces exchanged fire on the road between Laundon and Kyeinchaung villages.

Extremist terrorists burnt down 42 houses, 13 shops and a village monastery at Nanthataung village, Kuntheebin village-tract, Maungtaung Township at 7.30 pm on 26 August. Ethnic people of the village are now taking refuge at Taungpyoletwei high school. At 8.25 pm, a home-made mine exploded at Kyaukhlayga village 50 yards from Pynphyu outpost. Eight minutes later, security forces while conducting area clearance operations found about 10 extremist terrorists. When the security forces pursued them, they fled after burning down their

five homes. At 8.45 pm, another home-made bomb exploded near Gawhichula village. As the extremist terrorists from Gawduthara village were moving towards the fence of Pynphyu area office at 9.45 pm security forces were taking security measures with full combat readiness.

The extremist terrorists while using broadly home-made bombs in committing terrorist acts were besieging the minority ethnic villages with mobs holding sticks, knives and guns. So the security forces have to launch area clearance operations. The extremist terrorists are murdering village administrators who are also Muslims like them while using battery-ignited launcher-like guns in committing terrorist acts.

The extremist terrorists committed their terrorist attacks in parallel with the release of the final report of the Advisory Commission on Rakhine State and the date of the UN meetings that is drawing nearer. Moreover, they chose 25th August (Friday) as their launching date.

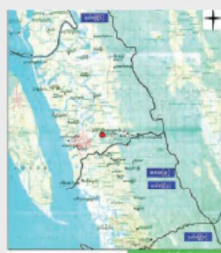
As the Central Committee for Counter Terrorism has already declared them as a terrorist group, any supporter or helper shall also be branded as terrorist. —Myanmar News Agency ■

## Six relatives killed amid firefight between terrorists and soldiers

Six members of a 12-member family were shot to death while returning to their home in Maungtaung from their jobs as labourers during clashes between terrorists gunmen and Myanmar Army soldiers, on Saturday.

During the shooting, the

family, all of them Hindus, sought cover in a nearby construction site. Two men, a woman and three children were killed. Two other women were critically injured. Four children survived without injury. The dead were taken to Maungtaung Hospital. —Myanmar News Agency ■



The red spot on the map shows where the murders took place.

## Illegal electronic products confiscated in Shan State

Law enforcement officials seized contraband electronic products they discovered during a vehicle inspection at Yaypu checkpoint, Hseindi Township, Shan State on 26 August.

The officers found televisions, mobile phone accessories and other elec-

tronic devices worth Ks17 million in a Toyota Mark II truck.

On the same day, police conducted 10 seizures of goods worth an estimated worth Ks21 million in Mayanchaung checkpoint, Kyaukto Township, Mon State. —GNLM ■

**ARAKAN ROHINGYA SALVATION ARMY (ARSA) DECLARED AS TERRORIST GROUP**

**FROM PAGE-1**

- On 9 October 2016, the terrorists launched a surprise attack on the No.1 Border Guard Police Command Headquarters (Kyikanpyin), police outpost at Kotankauk and the Ngakhuya local administrative office. In that incident, 9 policemen were killed and 48 assorted arms, 6624 bullets, 47 bayonets, and 164 bullet cartridges seized by the terrorists. Investigation reveals that terrorists had infiltrated the area where the majority of the residents were Muslims and organized violent attacks to escalate terrorist acts in that area.
- In response to the situation, Border Guard Police Command No.1 reinforced troops and has been collaborating with the Tatmadaw to provide security in the region. The multiple killings, threats and propaganda have adversely affected the process for regional peace and rule of law. Clearance operations in May Yu mountain range have also uncovered multiple terrorist training camps.
- On 25 August, extremist terrorist groups again launched sneak attacks on 30 police outposts in Maungtaw, Buthidaung and Yathedaung townships as well as against the Regiment Headquarters in Taungthazar village. 10 police officers, 1 soldier and 1 immigration officer were killed. 9 security officers and a number of civilians were wounded. 6 firearms were lost.
- The Government of the Republic of the Union of Myanmar strongly condemns these terrorist acts and will do all in its power to prevent them from occurring again. It will strive to bring the perpetrators to justice.
- The Union Government hereby declares that the Arakan Rohingya Salvation Army (ARSA) and its supporters, responsible for the acts of terrorism, as a terrorist group in accordance with the Counter-Terrorism Law Section 6, Sub-Section 5.

Chairman  
Anti-Terrorism Central Committee

# Terrorists trying to destroy Maungtaw

**FROM PAGE-1**

Extremist terrorists set fire Yeauung Chaungwa police outpost in Region-3 in Maungtaw Township before proceeding to Thayargon Village. As about 500 extremist terrorists wielding sticks and swords surrounded Thayargon Village, the security forces attempted to disperse them by opening fires. The crowd destroyed Nanthataung Village and a monastery.

Security forces were ambushed by about 200 extremist terrorists holding small firearms, sticks, swords and spears near Taungpyo-Letwe Village while making their way to Nanthataung Village. The security forces resisted the extremist terrorists who retreated to nearby villages. The security forces seized 60 rounds of ammunition and 62 spears from the perpetrators.

The security forces exchanged fires with extremist terrorists in Nwayoutaung Village in Region-6 this morning. The extremist terrorists torched the village and blew out an IED before fleeing.

Moreover, extremist terrorists blew out two IEDs about 700 yards of east of Zinpaing-



Extremist terrorists gathering to commit atrocities against innocent ethnic people. PHOTO: STATE COUNSELLOR OFFICE INFORMATION COMMITTEE

yar police outpost and an IED in the village. Similarly, two improvised explosive devices went off in Kyaukhlaygar Village. They also destroyed Pythat Village.

When four extremist terrorists wielding firearms attempted to attack the security personnel as the latter are removing sand bags placed on motor road near Maungni Village this evening, they met with warning shots from the latter. The terrorists retreated

to Maungni bazaar.

An unidentified number of extremist terrorists attacked Chopyin outpost in Region-11 with homemade bombs where they were repulsed by security personnel. No casualties reported in the incident. Likewise, about 200 extremist terrorists attacked Kyaungtaung police outpost in Region-10 in Maungtaw Township in the evening. In yesterday's incidents, one security personnel

went missing and one small gun and ammunition taken.

At 3:30 pm, extremist terrorists burned down three houses belonged to Hindus in Ywathitkay ward in Maungtaw. At 5 pm, they set fire to about 100 homes in Bengali Ward. Two handmade bombs blasted inside two houses while firefighters and security personnel were putting out the fire with the use of four fire engines.

At 5:15 pm, extremist terror-

ists fired two shots at the security forces who were putting out the fire and fled the scene.

Maungtaw, a district-level town is home to both Bengalis and ethnic minority. The extremist terrorists themselves torched their houses with the intention of flaming the violence to totally destroy the town.

(State Counsellor Office Information Committee)  
Translated by GNLM



Extremist terrorists turn homes into inferno. PHOTO: STATE COUNSELLOR OFFICE INFORMATION COMMITTEE.

# Annex 195

Myanmar News Agency, “UN, foreign countries, embassies and organisations denounce ARSA terrorist attacks in Rakhine State”, *The Global New Light of Myanmar*, 1 September 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-09-01.pdf>





Speaker of Pyithu Hluttaw U Win Myint (left) meets with local and international news media reporters in Nay Pyi Taw. PHOTO: MNA

## Pyithu Hluttaw Speaker U Win Myint meets news media

PYITHU Hluttaw Speaker U Win Myint met with editors and reporters of local and international news media yesterday afternoon in Zabuthiri Hall, Hluttaw Building in Nay Pyi Taw.

Questions by the news media were answered by the Pyithu Hluttaw Speaker. The

meeting was attended by Pyithu Hluttaw Deputy Speaker U T Khun Myat, officials of Pyithu Hluttaw office, editors and reporters from 29 local news media, locally based international news media, newspaper and journals. —Myanmar News Agency ■

## UN, foreign countries, embassies and organisations denounce ARSA terrorist attacks in Rakhine State

THE Ministry of Foreign Affairs of Japan, the embassies of Canada and China in Myanmar, the Union Solidarity and Development Party (USDP), the All-Myanmar Hindu Federation and two organisations of Myanmar Muslim Civil Society, Twe Let Myanmar and Yway Let Yar, released statements denouncing the ARSA extrem-

ist terrorist attacks in northern Rakhine State.

Other similar statements were also released by the United Nations, the foreign affairs ministries of the United States, India and Turkey and the embassies of the United States, Australia and the United Kingdom. —Myanmar News Agency ■

## Second Pyithu Hluttaw fifth ...

### FROM PAGE-2

The deputy minister said the Nantmon Aqueduct, which is three miles west of Narsaing village in Maukmai Township, southern Shan State, was constructed and maintained by locals to provide irrigation water to 235 acres of farmland. It is 200 feet long and 35 feet high, constructed with wooden poles and planks and was not very strong. In fiscal year 2013-2014, with more than Ks 40 million of state government funds, the Irrigation and Water Utilisation Management Department replaced the wooden poles with concrete pillars. In fiscal year 2015-2016, more than Ks 4 million of state government funds were used to maintain and improve the waterway, but due to a lack of funds, only about 60 per cent of the work was completed. At the current moment, there is a requirement to do more repair and maintenance work, said the deputy minister.

Afterwards, Pyithu Hluttaw Speaker U Win Myint gave a speech saying the fifth regular session was started in 18 May 2017 and today is the 54th day. During the meeting period, 310 starred and 729 non-starred questions were answered, 23 motions including two important motions were tabled, of which 11 were confirmed while 12 were put on record. Thirty-three bills were discussed, 16 were approved and 17 remain.

During the meeting period, 22 Pyithu Hluttaw representatives were sworn in, 19 reports by committees formed by the Pyithu Hluttaw were confirmed, the Pyithu Hluttaw judicial and law

committee's term was extended and the duties and responsibilities of the Pyithu Hluttaw farmers and workers affairs committee was amended and redefined. Two Tatamadaw Pyithu Hluttaw representatives were transferred and reassigned as committee members, and five Tatamadaw Pyithu Hluttaw representatives were replaced and reassigned as observers.

Representatives should take note that in conducting legislation, the primary responsibility of the hluttaw is to defend the people. If the laws confirmed and enacted by them are unable to defend the people, it is hindering and slowing down the transition to democracy. Strict laws lead to governance by law, which is an extremist type of government and should be avoided. Laws should not oppress but protect the basic human rights of the people. Only then will the laws become beneficial for the people and earn the trust and confidence of the people. Another responsibility of the hluttaw is the matter of checks and balances. With regards to this matter, everyone knew that the hluttaw representatives have the right and are doing this in accordance with laws and rules related to the hluttaw. Only a few questions that are not in accord with the restrictions and procedures were amended or changed for the dignity of the hluttaw representatives. The hluttaw speaker especially requested hluttaw representatives to act and talk in accordance to democracy practices when meeting with the people so that they gain the trust and confidence of the people during

the time when hluttaw meetings were adjourned. It is important for hluttaw representatives to earn the respect of the authorities and authoritative departments too. As we are implementing a democracy system and we need to cooperate in order for the people to have a democracy culture and practices. We all need to cooperate and work toward an all-inclusive democracy.

Finally, the hluttaw speaker said while the hluttaw representatives conduct their legislative responsibility dutifully and loyally, they also need to continuously upgrade their abilities. They must not lose touch with the people and must always be in touch with the people and become people's representatives. They need to oversee and manage the local region development works. They also need to coordinate the works of the committee to assess cases of confiscated farmlands and other lands. Cooperate to establish a democratic federal union with public democratic participation. Be vigilant for the danger of those who want to hinder and destroy democracy. Violence and terrorism that could deviate the democracy transition process, destroy and damage the rule of law, stability and peace of the community should also be prevented and defended with unity and cooperation, said the Pyithu Hluttaw Speaker.

After his speech, the Pyithu Hluttaw Speaker announced the adjournment of the 2nd Pyithu Hluttaw 5th regular session 54th day meeting and the successful completion of the 2nd Pyithu Hluttaw 5th regular session. ■

## 2nd Amyotha Hluttaw 5th Regular Session concludes at its 53rd Day Meeting

### FROM PAGE-2

Parliamentarians made 235 asterisk-marked questions and 208 non-asterisk-marked questions regarding their performance for the sake of the people. Over those questions asked by the parliamentarians, authorities concerned at the Union Level gave replies in writing or verbally, individually or collectively from the ministries. In the sector of submitting motions, six motions urging the Union Government were put forward to the Hluttaw, it was decided to accept for discussion by the Hluttaw, so four motions were approved, one put on record and one left to be car-

ried out further."

"As regards submitting bills, five bills sent from Pyidaungsu Hluttaw were put forward to the Hluttaw for discussion. Then, drafting committee read out the report. After discussions of parliamentarians over the report, it was sent to the Pyithu Hluttaw after getting the Hluttaw's approval. Out of the bills approved by Amyotha Hluttaw, sent to Pyithu Hluttaw for discussion, four bills were returned to the Hluttaw with the amendment attached. Hluttaw approved them as amended by Pyithu Hluttaw. Hluttaw sent to Pyithu Hluttaw 7 bills with amendment attached



U Kyaw Myint Oo of constituency 10 in Mandalay Region. PHOTO: MNA

and two bills as amended by Pyithu Hluttaw. Moreover, putting the bill on the amendment of anti-corruption law (third revised) forward to Hluttaw, reading out

the report of drafting committee and getting approval of Hluttaw were performed and sent it to Pyithu Hluttaw. Pyithu Hluttaw sent back the decision of approval without any amendments. Similarly, bill on Myanmar Gems and Jewellery, 2017 was put forward to Hluttaw. After reading out the report, parliamentarians made discussions and acquisition of Hluttaw's approval, sending it back to Pyithu Hluttaw", the Speaker of Amyotha Hluttaw added. "In the sector of submitting reports, reading out the reports of 12 committees to Amyotha Hluttaw, discussing in support from parliamentarians

and approving from Hluttaw were performed. Committees formed inside the Amyotha Hluttaw held 174 meetings in all, during the session. With the view to upgrading capacities of Amyotha Hluttaw representatives made eight debates. Research, Public and International Relation Department issued three short term papers for representatives during the session, with 65 parliamentarians finding 113 pieces of information they wanted, and 24 underway."

Finally, Speaker of Amyotha Hluttaw announced that the 2nd Amyotha Hluttaw 5th regular session successfully came to a close. ■



# Annex 196

Myanmar News Agency, “Order for Rule of Law in Maungtaaw”, *The Global New Light of Myanmar*, 10 September 2017 (extract)

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-09-10-red.pdf>



# THE GLOBAL NEW LIGHT OF MYANMAR

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The Myanmar Red Cross Society is helping evacuate internally displaced persons from conflict areas in northern Rakhine. MRCS has also provided aid and assistance to the people affected by armed attacks by ARSA extremists and administered first aid to them. PHOTO: SUPPLIED

**SUNDAY SPECIAL**

**SUNDAY SPECIAL**

SHARING CULTURE

Today's issue contains an 8-Page special pull-out supplement.



**NATIONAL**  
Pyithu Hluttaw Speaker U Win Myint returns from China  
**PAGE-2**

**NATIONAL**  
ASEAN, Japan ministers discuss countering fake news  
**PAGE-3**

**NATIONAL**  
Union Attorney General receives Forum of Federation's vice chairman  
**PAGE-2**

**LOCAL BUSINESS**  
Suspected terrorist arrested in Buthidaung  
**PAGE-2**

## Order for rule of law in Maungtaw

Authorities warned locals in Maungtaw not to cooperate with or support terrorists, not to set fire to homes or properties and not to enter restricted areas as part of a new order

issued yesterday. Order 3/2017, announced by the Maungtaw District General Administration Department yesterday, stated that those who violate the

rule of law and erode stability would be brought to justice. To maintain the rule of law, security forces will fire warning shots at those who break the law.

People are obliged to cooperate with the authorities by following the instructions of the authorities, added the statement.

**SEE PAGE 3**

## Action to be taken against incitement to violence

THE information committee issued a statement yesterday to take action against those who carry out incitement to violence on 11 September.

The statement said that it

is found incitements to violence attacks on 11 September were spreading to the people via mobile phone messages and social media.

The statement has also

urged the people not to incite both communities, asking the citizens to inform acts on suspicions of inciting to violence to the authorities. "It can be assumed that both communities

carry out incitements to cause panic among the people and actions will be taken against those who carry out the incitements," said the statement. —Myanmar News Agency ■

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Union Minister Dr Pe Myint and attendees pose for a documentary photo at AMRI Roundtable Discussion on Countering Fake News in Manila, the Philippines, on 9th September 2017. PHOTO: MNA

## ASEAN, Japan ministers discuss countering fake news

UNION Minister for Information Dr. Pe Myint attended the ASEAN Ministers Responsible for Information (AMRI) roundtable discussion on Countering Fake News and Communicating the Right Information held in Manila, the Philippines yesterday.

The roundtable discussion was held to share each country's experiences on incorrect news and fake news, handling the effect of such news, how officials from the government information sector respond to such news by communicating true information and to discuss cooperative work that can be done among countries

within the region in countering such news. The roundtable discussion was attended by 32 information ministers, information sector sub-committee chairmen and officials from ASEAN member countries and Japan.

Also discussed at the meeting was the effect of fake news on the socio-economic security of the people, and the political problems and that arise when unscrupulous persons post fake photos and news for their political and economic benefit. The problem spreads as television broadcasts, newspapers and some mainstream media refer

to such unverified fake and wrong news. With the advancement of technology, and the increase in the use of social media in each country, taking legal action against such acts, increasing media literacy campaign process, responding to fake/false news, cooperating in communicating the right information and regional cooperation to increase ethical and socially responsible media sector were discussed.

Later in the afternoon, the Union Minister attended the ASEAN-Japan TV Festival held in Trinoma Mall Activity Center, Quezon City, Manila. — Myanmar News Agency ■

## Union Minister Dr Win Myat Aye receives Turkish Ambassador

Dr. Win Myat Aye, the Union Minister for Social Welfare, Relief and Resettlement, received Turkish Ambassador to Myanmar H.E. Mr. Kerem Divanlioglu on Friday in the ministry.

During the meeting, the Union Minister explained the status of providing assistance to people in need who were affected by the terrorist acts in Rakhine State according to the humanitarian assistance principle for which the ministry is responsible for, the status of coordinating with the Red Cross Movement in providing humanitarian assistance in Rakhine State, and incorrect news published by international media on the attack and the killing of ethnic nationals by extremist terrorists.

The Turkish Ambassador said Turkey was assisting millions of Syrian refugees and was

experienced in providing humanitarian assistance. Turkey was the first nation to condemn the terrorist attacks of August. "Turkey does not accept extremism. With regards to Myanmar, especially the Rakhine State affair, Turkey had a constructive view. It believes that civilians not involved in terrorist acts need to be assisted without any discrimination of race and religion. Turkey is providing assistance and would like to continue assisting", the ambassador said. "Our President has spoken with the State Counsellor on the phone and, in addition to the leaders, the implementers from the two countries will cooperate", said the ambassador. The ambassador also welcomed and recognised Myanmar arrangements to provide humanitarian assistance to all. — Myanmar News Agency ■



Union Minister Dr Win Myat Aye holds talks with Turkish Ambassador Mr. Kerem Divanlioglu yesterday. PHOTO: MNA

## Outstanding first aid awards given at 2017 World First Aid Day

THE 2017 World First Aid Day and an awards ceremony for a first aid talent competition were held at the Hall of the Myanmar Red Cross Society in Nay Pyi Taw yesterday.

The 2017 World First Aid Day ceremony was held with the theme "Injuries at home, help with first aid".

Present at the ceremony were officials from the Ministry of Health and Sports, the chair of the Myanmar Red Cross Society, Nay Pyi Taw Council Red Cross supervision committee chair, members of Red Cross Society from states and regions, Red Cross nursing members, Red Cross volunteers and recognised Red Cross youths.

Dr Daw May Thu, the chair of the Myanmar Red Cross Society, delivered an opening



Dr Daw May Thu Chair of the Myanmar Red Cross Society delivers an opening speech at 2017 World First Aid Day ceremony. PHOTO: MNA

speech in which she noted that a new Red Cross Law was enacted on 26 August, 2015, and new members of executive and new members of central council and leaders from states and regions

were selected in accord with the law.

Then, she urged old leaders and volunteers of the Red Cross Society to carry out their strategy in cooperation with new public leaders select-

ed from various backgrounds of regions and states.

Outstanding awards for the first aid talent competitions, single men and women competition, double men and women competition, and four people competitions were given by officials.

Hpa-An Township was awarded for the highest first aid training opening.

Chin State was awarded the best prize of the first aid talent competition. Mandalay Region was awarded for all-round best prize and best multiplier training prize.

The Myanmar Red Cross Society holds First Aid Day annually and the first aid talent competition has been held since 2013.—Myanmar News Agency ■

## Order for rule of law in (laungtaw)

### FROM PAGE 1

The order also urges the people not to rob, steal or destroy property in the restricted areas, not to hold or store sticks, machetes or explosives and to inform authorities when they see any acts which break the prohibition.

The statement came about a week after local authorities urged Islamic villagers in Maungtaw to cooperate with them when security forces searched ARSA extremists, and asked them not to pose a threat or brandish weapons when the security forces enter their villages.— Myanmar News Agency ■

## Annex 197

Myanmar News Agency, “All Myanmar Islamic Religious Organization strongly condemns ARSA terrorist group, urges Muslims to cooperate with authorities concerned for peace and stability”, *The Global New Light of Myanmar*, 11 September 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-09-11-red.pdf>



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Monday, 11 September 2017

## President U Htin Kyaw's colon surgery successful

**NAY PYI TAW** — 10 September; President U Htin Kyaw left for Bangkok on 8th September 2017 to take necessary medical check-up. A colonic polyp was discovered in the check-up and underwent surgical operation as required. It was reported that the operation was successful.—Myanmar News Agency ■



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Deputy Speaker U Aye Tha Aung returns from Czech Republic  
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**NATIONAL**  
Local Order issued in Yathedaung Township  
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Perpetrators in Taungdwingyi incident to be brought to justice  
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# Ready to render assistance



Fire engulfs an ethnic village in northern Rakine State. PHOTO: MNA



“It is a natural that things left behind in the aftermath of the outbreak of fire are taken away by passers-by or people around the place. Every conflict-area usually has some people who breach the law.”

SEE PAGES-6+10

သဒ္ဓါထက်သန် မြန်မာအားဟန် ကမ္ဘောဇဘဏ်



## Ready to render assistance

### News Team

SOME houses of Bengali villages and ethnic villages were burnt and damaged by arson attacks of terrorists.

The following is presentation of the interview with Police Brigadier General Thura San Lwin and Maungtaung District Commissioner U Ye Htut.

**Q:** Please let me know how many villages are in Maungtaung, Buthidaung and Yathedaung areas.

**A:** Tatmadaw and Myanmar police forces are still clearing the area and it is difficult to get the precise information of the area. The exact list of the damage can be provided after ground survey on how many households in the village, how many houses were burnt and how many were left are made by General Administration Department, Land Record Department, Fire Brigade Department, City Development Department, Border guard police force and Immigration Department which usually collects 3 types of list annually.

**Q:** It was informed that the ARSA extremist terrorists and Bengalis are doing subversive activities in the burnt area with intent not to be able to put out the fire. Please explain about that information.

**A:** It is certain that ARSA extremist terrorists and Bengalis were colluding in burning the Bengali villages and ethnic villages. In those incidents improvised bombs exploded. So, we can conclude that the terrorists are resorting to subversive activities at the burnt villages.

**Q:** Is there still any arson cases up to now since the terrorist activities on 25th August?

**A:** We find the fire outbreaks everyday while area clearing operation is being carried out. It is found the fire outbreaks become less after the Bengalis have deserted their villages.

**Q:** Could you please make it clear whether the terrorists burnt the villages or the Bengali villagers burnt their house by themselves and fled?

**A:** We found in every instances that the terrorists and Bengalis were burning their houses by themselves and fled. According to security forces, when they went on clearing operation to villages the improvised bombs were set to explode and gunfire were heard. Then the houses were seen burning. Then, they fled. The sequence



Police Brig-Gen Thura San Lwin. PHOTO: MNA



U Ye Htut. PHOTO: MNA

of the incidents indicate clearly that the terrorists and the collaborators set the fires so as to give the false impression that the security forces were burning the Bengali villages.

**Q:** Could you explain how the border guard police forces are investigating and exposing the true perpetrators of arsons and how they will be taken action.

**A:** Concerning this case, we will take action according to the rules.

**Q:** While the local and foreign journalists are collecting the news at Ale Thankyaw on 7 September, some ethnic villagers were found bringing the materials near Gorduthara village. Please explain about that case.

**A:** The cases in this context are complicated. There has been no complaint concerning the fire cases. In all fire incidents Bengalis burnt their houses and fled to create the false impression on the fire cases. It can be assumed that the ethnic people having known that the villages had been deserted, went there and took things. We will investigate the cases and take actions seriously on those who breached the law.

**Q:** Is there any order or instruction not to burn the villages and not to take things from burnt villages. If there is any infringement how it will be dealt?

**A:** It has already been instructed not to burn the village and take things from the burnt villages. If any breach of law occurs the action will be taken under police Acts or Civil Laws.

**Q:** If there is anything you want to add, please let us know.

**A:** We want peace and tranquility as immediately as possible because we are taking security duty in this area. We consider the most important thing for the time being is to coordinate be-

tween the security forces and the State government to bring the situation under control and back to normal so as to be able to bring the displaced persons including ethnic people and Bengalis who are not connected to terrorist's acts back to their original places and to take care the health and livelihood and to be able to open the schools for the children.

U Ye Htut (Maungtaung District Commissioner)

**Q:** Could you please let us know how many houses were burnt and damaged by terrorists in Maungtaung and Buthidaung?

**A:** About 10,000 houses were burnt according to the information collected from the security forces and district administrative offices.

**Q:** Are all the burnt-out houses owned by ethnics or by Bengalis?

**A:** Ethnic homes were also included, and so too, the homes of Hindus and Bengalis. Because

of the violence, public homes within the area were also burnt down.

**Q:** Were there fires in Maungtaung? How much was damaged? How did the fires break out?

**A:** There were also fires in Maungtaung. When shooting occurred in Maungtaung beginning 25 August, there were fires in Ward 4 and Ward 5. Roughly about 200 and 300 homes were damaged. The detailed list can be confirmed only after combined teams conducted field investigation.

**Q:** We heard that in some incidents, fires could not be put out because of the disturbances of terrorists. In what way they were making disturbances?

**A:** Fires not just started in a single place. It broke out simultaneously in various places. So we could not cordon the burning areas to put down the fire. We could fight the fire with all available forces only in the accessible areas. It was not easy to fight fire in all places at the same time. As there were shootings, people were afraid to join forces with firefighters.

**Q:** Please make me clear whether village fires were caused by Bengalis or ethnics.

**A:** During the 2012 incident 12 ethnic villages were torched. In every incident, we only heard accusations, branding ethnics as the arsonists. Till now, we haven't heard or seen even a single proof. Bengalis terrorists torched the villages, and when security forces came in they ran away and putting the blame on the security personnel through

false information. Terrorists also burnt down homes of their fellow Bengalis who did not cooperate with them. We heard information about terrorist arson attacks against Shidar Ward in Myintlut. During the time there were no security patrols in the area, and even the police outpost there was under armed assault. The village was on fire. No security personnel had reached that point then. And there was not a single ethnic race in the area. There were only Bengalis. They torched the houses and ran away. They did the same thing in other villages. The same happened in the 2016 October crisis. We assume they were just attempting to materialize the biased global accusation on us as the ones who were persecuting the minority Bengalis and burning down their homes.

**A:** How are you going to expose and take action against the arsonists?

**Q:** Unfortunately, most of the Bengali villages made no contacts with us during the crisis. We heard fires in some places. Some villages informed about the attacks. In some cases we received information about the number of villages under arson attack through viber group and ward/village administrators. As we have not yet full information from those groups, it is difficult to say the number of villages burnt down. Depending on the security and peace of the respective regions, we will compile an accurate list. Currently, our list is just based on information we received from the villages and security forces.

SEE PAGE 10



Burnt-out homes and a bus seen after terrorists' arson attack. PHOTO: MNA

# Donations for displaced persons, fallen security members

SENIOR General Min Aung Hlaing, Commander-in Chief of Defence Services attended the ceremony for presenting 2nd time donation money for the displaced persons due to terrorist attacks, government service personnel, the security forces who were serving for security and defence of the State at the risk of their lives and for the building of border fence held at the Zeyar Thiri Beikman of Yangon Command and delivered a speech.

During the ceremony Ks 8.1 billion was donated by Anargat Ahlinton Foundation, Ks 683 million by Gate Ways Group of Company Ltd, Ks 30million by Tripitaka Yanbye Sayadaw and followers, Ks 20 million by My-



Senior General Min Aung Hlaing accepting donations. PHOTO: MNA

anmar Economic Holding Ltd (headoffice), Ks 18.2 million by Myanmar Economic Corporation and related companies and

by two other individuals. Then, Ks 100 million was donated by Kythar Co., Ltd, Ks 150 million by Rakhine Society from Phakant

region, Ks 70 million by Mandalay Rakhine Society, Ks 50 million by Miyawin Co., Ltd, Ks 15 million by Rakhine Disaster Relief Committee (Yangon) and Ks 10 million by Asia World Foundation. Then, Ks 10 million was donated by Mytel 4th Communication Co., Ltd, Ks 6.3 million by Myanmar Economic Holding Co., Ltd and related 18 companies, Ks 5 million each by military officers of 20th batch of Military Academy and families, by Hnalone Hla Myittarshinmyar Foundation, by Myawaddy Bank Ltd and by Copper Mine (Monywa). A total of Ks 4.36 billion was received at the ceremony, it is reported.—Myanmar News Agency ■

## Flood Bulletin

(Issued at 14:00 hr M.S.T on 10-9-2017)

### Flood condition of Sittoung River

According to the (13:30) hrs M.S.T observation today, the water level of Sittoung River has exceeded by about (2) inches at Toungoo above its danger level. It may remain above its danger level during the next (1) day.

### Advisory

It is especially advised to the people who settle near the river bank and low lying areas at Toungoo Township of Sittoung River, to take precaution measure.—Department of Meteorology and Hydrology

# Heartfelt voices of ethnic races heard

UNION Minister for Social Welfare, Relief and Resettlement Dr Win Myat Aye and Rakhine State Chief Minister U Nyi Pu heard the voices of the minority ethnic races — Mro, Thet, Daingnet, Khamee, Rakhine — and Hindus at General Administration Department in Maungtau yesterday.

"We are just the minority in Maungtau region. We are terrorized by the murders of our kith and kin. We are farmers and we wish to return home when everything becomes normal. As we are a minority we want to live in groups. We want establishment of communal villages on the roads where we can live in unit with other ethnic races," said Mrs.

"We are one of the minority races of the region. Our village had only over 100 residents. In the surrounding areas live Bengalis numbering in thousands. So we may return home only after security improves to the satisfactory degree," said a Daingnet.

A Thet said, "We will not dare living within the vicinity of terrorists as we are just a minority. That's the reason we left our homes. We hope better security, transport and healthcare. We will dare return home only if there is enough security."

"Of the 108 persons of the 23 households of Khamongseik Hindu village, 96 are still missing. Terrorists captured and took



Union Minister Dr Win Myat Aye and Chief Minister U Nyi Pu hear heartfelt voices of minority ethnic races. PHOTO: MNA

six women and three children to Bangladesh. While on the way Hindu women were raped. The terrorists threatened the women's Hindu husbands into telling at video interview that their wives were killed by Rakhines. The video clip is posted on the social network. Now, they are saved by a Hindu religious leader in Bangladesh. We knew this through the telephone conversation with him. Of the over 600 Hindus of Ohhtaing village, 495 are taking refuge in Kutupalong village in Bangladesh. We know this from a phone conversation with them. But 144 are missing.

So we like to ask necessary action to save the missing Hindus," said a Hindu.

Ethnic Rakhines said, "Terrorist plant mines along the roads. We have witnessed arson attacks in Maungtau. The town security must be tightened. As minority ethnic races are afraid to live in their villages their left their home. No one wants to leave the native land. So, sufficient security is required."

Union Minister Dr Win Myat Aye thanked the ethnic peoples for their heartfelt voices. He said "the Union government and the state government are doing their

best. The government is applying practical efforts in prioritizing the internal peace and the affairs of the national races. The government is providing humanitarian aids equally to every victim without any discrimination. We are now coordinating with minority races for the security of Maungtau region. The government continues prioritizing long-term progress of health, education and transport of the ethnic peoples."

He then presented K 7.1 million to 3586 displaced minority races living at the gathering points in Maungtau. At the No 2 post primary school, he con-

soled the displaced Hindus and presented snacks and toys for children.

In Buthidaung in the afternoon, the Union minister, the chief minister and party heard the voices of minority ethnic Khamee, Mro, Daingnet, Rakhine races and Hindus who fled their homes due to ARSA terrorist attacks.

Most of the ethnics said, "Local natives and Daingnets, Thets, Mrs, Khamees and Kayins and Hindus are minorities. We all are facing the terrorists attacks of the majority Bengalis of the area. We are terribly frightened by the terrorists' brutal attacks and murders on us. We are now troubling with fear. Although there is security we are still worried."

The Union minister and party presented K 4.6 million to 2329 minority races living in Buthidaung. In the evening they sought counsel from the abbot monk of Maniyadana monastery in Sittoung. After consoling the displaced persons there, they observed mental healthcare for the victims and child parks and child mental healing measures of the Social Welfare Department. They also provided aids for the expected mothers, mothers, the disabled and children under two.

They also provided K 10.7 million for 5365 displaced ethnic races.—Myanmar News Agency ■



Officials pose for documentary photo. PHOTO: MNA

## Opening ceremony of Taunggyi power station held

OPENING ceremony of Taunggyi power station was held yesterday morning supervised by Ministry of Electricity and Energy.

At the ceremony, U Win Khaing, Union Minister for Construction and Electricity and Energy said that to distribute enough power supply to the townships in Taunggyi District, Taunggyi power station, 132/66/11KV, (2x50) MVA was constructed in November, 2015 and Kalaw-Pin Pat 132KV power station was constructed in October, 2016. After constructed the power stations, Taunggyi power station distributed electricity to the townships of the district in April 2017. Kalaw-Pin Pat 132KV power station also distributed to the townships of Taunggyi District. Development

of Small and Medium enterprises (SME), development of tourism and development of social economy of local people are expected to grow as the enough power supply is distributed in Taunggyi District.

Government is implementing short terms and long terms plans to distribute 5000 MW electricity supply in 2021, generating from various energy sources, hydropower, natural gas, wind energy, solar energy and coal energy.

Government used substantial amount of budgets to maintain operating power supply projects and to finish ongoing projects of constructing power stations and power lines. Ministry of Electricity and Energy is also trying to finish ongoing projects in time. Public

are also expected to cooperate in maintaining projects of the power station.

Shan State Chief Minister Dr Lin Htut explained that the aim of opening Taunggyi power station is for the development of Shan State. Then, a representative of local residents gave words of thank.

Union Minister U Win Khaing, State Minister Dr Lin Htut, U Swe Thein, member of Shan State government and State Minister of Electricity and Energy, Deputy Commander of Eastern Command Brigadier-General Win Zaw Moe, Shan State Attorney General U Kyal Kyal and Pyithu Hluttaw representative Dr Daw Than Ngwe opened the Taunggyi power station by cutting ribbon.— Myanmar News Agency ■

## Ministry provides financial assistance for displaced persons

A MINISTRY of Social Welfare, Relief and Resettlement official presented aid yesterday for education and food for displaced people from Maungta, Rakhine State currently staying at relief camps in Yathedaung Township.

At a relief camp in a converted high school Yathedaung, Ministry Director General Dr. Ko Ko Naing consoling families staying there and provided elderly people with cash and other assistance. "We are providing financial aid from the public donated funds for students to buy school uniforms and exercise books. As for the food provisions, we used our own funds," he said.

"There are over 800 displaced persons who fled Maung-

taung region for Yathedaung. Most of them are Daingnets living in Taungpaw, Nyaungchaung and Theintaungpyin village," said a Yathedaung Township administrator. "We are providing full assistance for the daily food and health requirements. We are now making plans for their children to pursue education."

"I fled from Theintaungpyin village," said Daingnet Daw Phyu Tha Nu, a displaced person taking refuge at Zayyitauung monastery. "We get enough food, accommodation and security here. I dispense metta for all those who are helping us. But I long for my home. Please restore peace and stability soonest as we wish a family reunion." —Min Htet Aung ■



An official presents cash to a victim. PHOTO: MAUNG THWIN

## Ready to render assistance

FROM PAGE 6

Q: Are fires still blazing across the area since terrorist attacks broke out on 25 August?

A: The international media is accusing us in connection with the issue. As there are continuous actions we are trying to put the area under security control, put down the fires and collect data through the help of security personnel. Terrorists are committing arson attacks in tricking the international community into putting the blame on security forces. The terrorists were trying to put the blame on security forces operating in the area.

Q: Some foreign media quoted internal and international media as witnessing the taking away of property by ethnics from some burning houses while gathering news in Gawduthara village on 7 September. Please elaborate.

A: In trying to stabilize the security situation, on 26 August the district police officer announced the abandonment of the area where fires are still taking place. The announcement has been relayed to the villages through the viber group. As a government staff discharging duties this is the first time I have heard that Internal and international media were collecting news at the village. BBC had made this accusation on its news post. Without any firm proof you can't accuse anyone of arson attack. When the media groups came back they told us that they heard gunfire and arson attacks at Gawduthara village while collecting information in Alethankyaw village. But they got near Gawduthara village only two hours after the sound of gunfire came out. So, we draw conclusion that

the people they met with in the village cannot be the arsonists. It could be that some nearby people or some passersby took some items from the abandoned burning homes.

Every crisis comes together with lawless actions. We will take action if the accusation presented to us has firm evidence. Some media gave us photos. We will look into the matter. We are trying to stabilize the area so that we can be able to investigate the accusations closely. When there is the rule of law and normal administrative machinery there will be effective legal actions.

Q: What is your resettlement plan in connection with the fire-hit homes? When can you start your resettlement program?

A: Currently we are at the stage of putting the regional security under control. We have been setting up gathering points within the security zones where food

safety is prioritized. If everything becomes normal again, we will implement the resettlement program through the combine teams formed with district and township level officials and the public.

Q: Anything more to explain?

A: Of the crises in Maungtaung in 2012, 2016 and 2017, 2016 is an internationally known crisis. But the incident on 25 August this year is more severe than it. In fact, this incident is based on the one happened in 2012. In 2016, sovereignty was threatened. The attack on the forces taking security duties in this area cannot be carried out without an advanced plan. The synchronized attacks on 30 outposts which are graver than the 2016 incident are an extraordinary issue. The State after denouncing them as a terrorist group should decisively crush them. Security forces and regional officials are making cooperative efforts daily in connection with the matter. As for legal actions, directives have already been issued. As we have already distributed all necessary information in all the rank and file we believe that all the security members are doing their work within the legal framework. Local people must stay away from getting involved with or abetting terrorists by cooperating with us. Regional peace, stability and security cannot be restored by the security forces alone. The quickest way is through the involvement of the entire regional people. I would request the people to contact the security forces and take all the contact numbers. There are nearby hotlines where people can ask help in connection with security or food requirements in their areas. We are trying to govern the region to the best of our ability within the legal framework. We are ready to render assistance if there is any difficulty. ■



# Annex 198

Myanmar News Agency, “Statement of His Excellency U Thaung Tun”, *The Global New Light of Myanmar*, 15 October 2017

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/docs23/GNLM2017-10-15.pdf>



**NATIONAL**  
SWRR Minister  
accepts assistance  
from AHA Centre  
**PAGE-2**



**NATIONAL**  
People holds rally  
in support of State  
Counsellor's leadership  
**PAGE-2**



**SUNDAY  
SPECIAL**



# THE GLOBAL NEW LIGHT OF MYANMAR

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Sunday, 15 October 2017

## National Security Advisor explains the Government's short and long-term plans for the development of Rakhine State

NEW YORK, 14 Oct—ARRIA formula meeting of the Security Council on the situation in Myanmar was held on 13 October 2017 at UN. It was co-hosted by France, Current President of the UN Security Council, together with the United Kingdom.

At the invitation of the co-hosts, former UN Secretary-General and Chairman of the Advisory Commission on Rakhine

State Dr. Kofi Annan briefed the meeting on the situation in the Rakhine State. Representatives of the members states of the Security Council, UNHCR, OHCHR, OCHA, regional organizations, Myanmar, Bangladesh, Indonesia, Malaysia, Thailand, OIC and EU participated in the meeting.

At the meeting, U Thaung Tun, Special Envoy of the State Counsellor and National Security

Advisor of Myanmar, briefed the meeting that recommendations of the Advisory Commission are based on widely-consulted, thorough research; the recommendations provide us with a viable roadmap to lasting peace and development in Rakhine State; Mr. Kofi Annan's today briefing stands in stark contrast to the less than objective statements that we have repeatedly heard;

short and long term plans have been established for repatriation and provision of humanitarian assistance, resettlement and rehabilitation of all displaced communities, and socio-economic development with the collaboration of the international community. Full text of statement (English + Myanmar) of NSA U Thaung Tun, was placed separately.

**SEE PAGE-3**



National Security Advisor U Thaung Tun.

## Rebuilding houses in Maungtaw

Department of Development of Border Areas and National Races has been constructing houses for ethnic nationals in Maungtaw region and there are plans for more construction it is learnt.

"For now all houses of entire Khonedine Village numbering 47 that was burnt during the terrorist events of 25 August will be rebuilt in a more safe and secure site. Stakes will be driven on 16 October. Approval has been given to rebuild 50 houses in Nanyakaing Village and 50 houses in Zitton Village, Buthidaung Township during this year and lands were already allocated for it" said U Khin Maung Htwe of Department of Development of Border Areas and National Races.

**SEE PAGE-9**



Houses under construction in Kyaukpandu Village in Maungtaw Township. PHOTO: MNA

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## Statement by His Excellency U Thaung Tun, National Security Advisor to the Union Government of the Republic of the Union of Myanmar at the ARRIA Formula Meeting of the Security Council on the Situation in Myanmar Co-hosted by France and the United Kingdom

(13 October 2017)

Mr. President.

I would like to join other speakers in thanking H.E. Mr. Kofi Annan for his comprehensive briefing.

Over the past 12 months, he has worked tirelessly to try to cut the Gordian knot in Rakhine State. He and members of his commission have consulted widely with all stakeholders in the country, the region and beyond to find the best path to sustainable peace and development in the state.

Mr. Annan's briefing today is based on firsthand information and thorough research. It stands in stark contrast to the less than objective statements that we have repeatedly heard.

It reflects his deep insight on the complex and challenging situation of Rakhine, the reason why it has become the subject of international focus, and the most constructive way to move forward.

The challenges that Myanmar faces are legion. They have been further complicated by recent events.

As underlined by Mr. Annan, these challenges cannot be overcome overnight and by Myanmar alone. Myanmar's efforts must be buttressed by understanding and support of the international community.

The government of Myanmar firmly believes that the recommendations of the Commission provide us with a viable roadmap to lasting peace in Rakhine State.

We have embraced the final report of the Commission.

A Ministerial-level committee has been set up to ensure that the recommendations are implemented expeditiously.

Work has begun.

An Advisory Board composed of eminent persons and experts from home and abroad will also be constituted to advise the Committee. It is our hope that inclusion of experts from abroad will contribute to finding a way forward.

Even as we grapple with the Rakhine issue, we are conscious of the need to address the political, economic and social challenges we face in the rest

of the country.

The task is Herculean.

There is a need for the international community to understand the situation and support the sustainability of our democratization process.

We consider our relations with the United Nations important and we will continue to nurture the relationship. The UN Under Secretary General Jeffrey Feltman is currently visiting Myanmar. He will have the opportunity to visit Rakhine and see firsthand the situation on the ground. We have also extended an invitation to the UN Secretary General and look forward to welcoming him in the near future.

As a responsible member of the international community, Myanmar will implement all its commitments without fail.

This was affirmed yesterday

As underlined by Mr. Annan, these challenges cannot be overcome overnight and by Myanmar alone. Myanmar's efforts must be buttressed by understanding and support of the international community.

by State Counsellor Daw Aung San Suu Kyi in her address to the development of Rakhine State.

The government has identified three main tasks to be undertaken promptly:

1. Repatriation and provision of humanitarian assistance to returnees;
2. Resettlement and rehabilitation of all displaced communities; and
3. Establishment of sustainable peace, stability and development in Rakhine State.

A new mechanism, the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, chaired by the State Counsellor herself, has been established.

It is a partnership among the government, people, private sector, local non-governmental organizations and civil society organizations, development partners, UN agencies and in-

ternational non-governmental organizations.

The work program will begin on 15 October.

Here, I can do no better than to reiterate what the State Counsellor stressed yesterday. We will answer the call of the international community with deeds and actions rather than words.

Mr. President,

Before I conclude, I would like to assuage the concerns expressed by the members of Security Council when we last met.

First, with regard to violence, I would like to reaffirm that violence has subsided in northern Rakhine and operations by security forces have ceased since 5 September.

In light of the improved security situation, the diplomatic



National Security Advisor U Thaung Tun.

the State Counsellor's Office visited Dhaka from 1 to 3 October. Both sides have agreed to form a Joint Working Group on repatriation process. The Foreign Minister and Home Minister of Bangladesh have been invited to Nay Pyi Taw to continue the dialogue.

Fourth, Myanmar shares the view of the international community that the recommendations of the Advisory Commission on Rakhine provide a viable road map.

Fifth, with regard to accountability, let me reaffirm that we stand for the rule of law. No one is above the law. Where there is clear evidence, those who breach the law will be brought to justice.

Mr. President,

The government of Myanmar has been accused of indifference to the plight of the people

in Rakhine.

Far from ignoring the situation, the government has made it a priority to find a sustainable solution to problems which have existed for decades. We feel deeply for the suffering and plight of the innocents who have been displaced from their homes.

While we all feel sympathy for those who have had to flee their homes and seek shelter elsewhere, we cannot ignore the fact that there are different narratives on what transpired in northern Rakhine State. We must winnow "the wheat from the chaff."

Myanmar is committed to finding a way forward in Rakhine and in the rest of the country. As a fledgling democracy, we are aware that the road ahead will be long. We are resolved to strive, to seek, to find, and not to yield.

Thank you.

### National Security Advisor explains the Government's short and long-term plans for the development of Rakhine State

#### FROM PAGE 1

Arria-Formula is named after Ambassador Diego Arria, Permanent Representative of Venezuela, who, as the representative of Venezuela on the Council (1992-1993), initiated the practice in 1992. The "Arria-formula meetings" are very

informal, confidential gatherings which enable Security Council members to have a frank and private exchange of views with persons from invited UN member states, organizations and individuals. No media is invited. No meeting record is taken.

# Annex 199

BenarNews, “Bangladesh family planning officials face challenge in Rohingya camps”, Radio Free Asia, 3 November 2017

Available at:

<https://www.rfa.org/english/news/myanmar/bangladesh-refugees-11032017161017.html>





## Bangladesh Family Planning Officials Face Challenge in Rohingya Camps

2017.11.03



**Nurul Islam, his wife, Amina Khatun, and their five children sit in their hut at a camp for Rohingya refugees in Cox's Bazar, Bangladesh, Nov. 3, 2017. (BenarNews)**

As Bangladesh's government struggled this week to persuade residents of overcrowded refugee camps to use contraceptives as part of a new push to promote family planning among Rohingya Muslims, Nurul Islam's wife gave birth to their fifth child.

Three-day-old Ayesha was born Tuesday in a tiny, one-room hut in Teknaf upazila (sub-district) in Cox's Bazar district that her parents and four brothers have called home for the past two months since they fled a fresh cycle of violence and atrocities allegedly committed against the Rohingya minority by the military in neighboring Myanmar.

Islam was elated at what he described as his "latest achievement."

"Having a child shows that you are a strong man. I now have five of them," the 32-year-old proudly told BenarNews, an RFA-affiliated online news service. "And I will

try for more,” he added with an air of confidence.

Unlike most other members of his community, Islam said, he was aware of birth control procedures but wasn’t interested because the practice was “considered a sin.”

“I know what a condom is... but have never used one,” he said – a telling statement uttered by a majority of Rohingya that prompted the family planning office of Cox’s Bazar to introduce birth control steps in about 15 refugee camps sheltering nearly 1 million members of the displaced group.

More than 600,000 of them, including about 20,000 pregnant women, have arrived in southeastern Bangladesh from Buddhist-majority Myanmar since its military launched a counter-offensive in response to insurgent attacks in Rakhine state on Aug. 25, according to the latest estimates from the United Nations.

### **‘Deep-rooted problem’**

Officials with the Directorate of Family Planning, which is connected to the Ministry of Health and Family Welfare, launched the birth control program in Rohingya camps in September.

But soon after, they realized they were “only scratching the surface of a deep-rooted problem,” Pintu Kanti Bhattacharjee, the department’s deputy director, told BenarNews.

“A majority of Rohingya, who are largely uneducated, are not aware of birth control measures. The ones who are aware are convinced that family planning methods conflict with their faith,” he said, adding, “We then realized we were faced with a huge challenge.”

Before the refugee crisis exploded in late August, Bhattacharjee’s department had about 50 workers.

“We have hired about 200 people over the past few weeks and still feel the need for more staff,” he said. The near 250 health workers operate out of 13 offices in Ukhia and Teknaf sub-districts and “go door-to-door to educate Rohingya about the benefits of family planning.”

“So far, we have managed to talk about birth control with 150,000 Rohingya. We convinced 7,500 of them to take contraceptive measures like condoms, pills and injections,” Bhattacharjee said.

### **‘I would like to opt for birth control’**

Islam, the refugee who became a father for the fifth time this week, was among the unconvinced multitude.

“Our children are Allah’s gift to us. We will accept as many as he gives us,” he said, as he prepared to walk 1 km (0.6 mile) to the nearest food distribution center to bring his family something to eat.

“Allah will take care of them,” he added, before disappearing into the crowd of refugees rushing to get ration supplies.

Islam’s wife, Amina Khatun, 24, said she did not agree with her husband.

“If they [family planning workers] come here, I would like to opt for birth control,” she told BenarNews.

She had their first child when she was 16 years old, two years after getting married. Over the next eight years she delivered four more children. All of them, including the latest addition to their family, were born at home with help from women in the neighborhood.

“It’s not easy to take care of so many children. And my husband wants to have more,” Khatun said exhaustedly as she breastfed her newborn.

Abdul Muktalif, 57, a camp leader in Teknaf, said that all Rohingya couples had “at least five children in hopes that the more kids they have, the more money they will bring in when they grow up.”

Muktalif, who has been living at the Leda camp for the last 14 years, has 15 children – the youngest 1 year old – from three wives.

### **Officials weigh voluntary sterilization**

Bhattacharjee said his office was mulling the idea of providing voluntary sterilization to Rohingya but “cannot implement it unless the Ministry (of Health and Family Welfare) approves it.”

In a statement issued Thursday, the United Nations Population Fund (UNFPA) said: “Simply offering sterilization would be a narrow and unethical approach.

“Family planning is a matter of individual choice, should be completely voluntary, and women, girls and couples should have access to the widest method mix for them to choose from complemented by adequate information and counseling on available methods and services,” it said.

***Reported by BenarNews, an RFA-affiliated online news service.***

**MORE MYANMAR**



## Annex 200

Myanmar News Agency, “State Counsellor receives UN officials”, *The Global New Light of Myanmar*, 1 May 2018

Available at:

<https://www.burmalibrary.org/en/the-global-new-light-of-myanmar-tuesday-1-may-2018>



**ALAVAKA THAKHIN HPO HLA GYI, 1938 OIL FIELDS STRIKE** **P-8-9 (OPINION)**

**NATIONAL**

President U Win Myint sends Workers' Day message



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**NATIONAL**

Defending the interests of the State and the People on the frontlines of the international arena



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**NATIONAL**

Performance over two years by Ministry of Construction

**PAGE-10-11**

# THE GLOBAL NEW LIGHT OF MYANMAR

Vol. V, No. 15, 2<sup>nd</sup> Waning of Kason 1380 ME

www.globalnewlightofmyanmar.com

Tuesday, 1 May 2018



Daw Aung San Suu Kyi holds talks with the delegation composed of Permanent Representatives to UN and representatives from immediate neighbours of Myanmar. **PHOTO: MNA**

## State Counsellor receives UN officials

### Daw Aung San Suu Kyi underscores Myanmar's readiness to receive the verified returnees at meeting with UN delegation

**A** DELEGATION composed of Permanent Representatives to the United Nations/representatives from immediate neighbours of Myanmar including current ASEAN Chair, and Member States of the United Nations Security Council arrived Nay Pyi Taw in the afternoon of 30 April 2018.

During their stay in Nay Pyi

Taw, the delegation paid a courtesy call on State Counsellor Daw Aung San Suu Kyi at 1530 hrs at the Ministry of Foreign Affairs.

During the call, the State Counsellor underscored Myanmar's readiness to receive the verified returnees and necessary cooperation of Bangladesh to expedite the repatriation process quickly. It is important

for Bangladesh side to use prescribed forms agreed by both countries as early as possible for verification.

Furthermore, the State Counsellor also explained to the delegation on the matters pertaining to providing humanitarian assistance to affected communities, rebuilding trust and confidence among communities, citizenship issue, on-go-

ing closure of IDP camps, issuance of national verification cards (NVCs), restoring rule of law, issue of resettlement on the international boundary line between the two countries, possible recurrence of terrorist attacks at any time, necessity to find the root cause of the conflict, prevention of hate speech, and encouragement for school education.

Afterwards, the delegation met with Senior-General Min Aung Hlaing, Commander-in-Chief of Defence Services at the office of the Commander-in-Chief in the afternoon.

Then, the delegation held a comprehensive discussion with U Kyaw Tint Swe, Union Minister for the Office of the State Counsellor, U Thang Tun,

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Union Minister for Health calls on Vice President of Communist Party of Cuba

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**BUSINESS**

EIA/SIA practices to be examined at jetties in Yangon

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**NATIONAL**

2018 Luyechuns meet former Luyechuns

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## Republic of the Union of Myanmar Message of Greetings sent by President U Win Myint On the occasion of Workers' Day which falls on 1<sup>st</sup> May 2018

### FROM PAGE-3

We are now working to supervise, manage and establish skills standards according to priority areas; to register and provide accreditation to training departments, assessment and inspection departments including the private sector according to sectors; and to produce systems for inspection and accreditation in accordance with national level skills standard frameworks.

Furthermore, to create job opportunities at home and abroad, we have established policies for labor and migration matters. We have established all over the country a total of 83 labor offices to assist in job searches. For those in remote areas we are operating mobile teams for labor registration for providing service at the ground level; in addition we have organized job fairs for job seekers within the country.

For workers to work in foreign countries and to ensure that they get rights and benefits in accordance with the law, we have signed MOUs relating to migrant workers with the host countries. We are working with them in close consultation. We are working in close cooperation with the IOM – International Organization for Migration, concerned Ministries, NGOs, to ensure that our migrant workers can travel and work free from danger. We are doing this in countries which have a high population of our migrant workers such as Thailand, Malaysia and Republic of Korea. We have appointed Labor Attaches and they are making sure that our workers are getting the full rights and benefits. We have also opened free training courses for providing assistance and guidance to prospective migrant workers in Yangon and Mandalay.

We have opened Migrant Resource Centres in all big cities all over the country. These centres are working in collaboration with relevant organizations to ensure that migrant workers get the information they need.

### Dear esteemed workers,

Labor inspection officers are working to make sure that workers who are working in factories, shops and offices are getting benefits and rights in accordance with the law with respect to pay, work days and holidays, work hours, workplace safety, and health. In addition we are conducting educative seminars to promote the awareness of labor laws. We are also working to enact a new law for safety and health of workers at the work site.

Furthermore, we are working to review the minimum wage every two years the minimum wage that was fixed in 2015 according to the 2013 Minimum Wage Law. Soon, we will be able to announce a new minimum wage that has been fixed according to the findings of the tripartite committees for fixing minimum wage that have been established in all regions and states including Nay Pyi Taw.

The Arbitration committee composed of representatives of employers and employees has been formed to solve the labour disputes. A tripartite group comprising representatives of the government, employers and employees, township arbitration groups, region and state juries and jury council sit down at the negotiation table to solve the labour disputes which cannot be settled by the arbitration committee.

Workers are being provided with social security rights in accordance with the Social Security Law-2012 and efforts are being made to expand coverage of the social security system. As Myanmar became a member of the ASEAN Social Security Association-ASSA and International Social Security Association-ISSA, the Union Government will carry out the good practices of the international social security systems. The Union Government is committed to improvement of the livelihood of workers by managing the social security funds effectively.

### Dear esteemed workers,

Due to the increase in awareness about elimination

of forced labour, the people and authorities has been getting more understanding about it and the country has seen spirally downward of the rate of forced labour issues which happened due to the condition of our country's economy. I wish to let all of you know that the elimination of forced labour is in sight. The project for elimination of forced labour-2018 will be implemented in cooperation with the International Labour Organization-ILO. Besides, the Union Government formed the national-level committee on elimination of child labour cases and the committee has been cooperating with the government, employers and civil society organizations.

Today, workers have rights to form of labour organizations, which have not existed in Myanmar for decades. The workers have been allowed to form labour organizations so that the employers can become responsible businessmen, can acknowledge and respect the basic rights of workers, the workers and labour organizations can become a responsible partner for the government and employers and can build mutual trust and respect to be able to cooperate with each other with the supervision of the government in boosting the production and in development of the country. According to the 2011- Labour Organization Law, there are 2,772 employer and labour organizations representing employers and employees.

In conclusion, I would like to sincerely urge employers and employees nationwide to actively and constructively cooperate with the government and participate in the works undertaken by the State joining hands with the government to overcome the challenges and obstacles as the government has adopted policies and implemented them to promote full labour rights, to create job opportunities, socio-economic development, to promote safety and health care and to expand social security of workers who are the major driving force for the development of the State.

(Unofficial Translation)

## State Counsellor receives UN officials

### FROM PAGE-1

Union Minister for the Office of the Union Government, Dr. Win Myat Aye, Union Minister for Social Welfare, Relief and Resettlement and Chairman of the Implementation Committee on Recommendations on Rakhine State, U Kyaw Tun, Union Minister for International Cooperation, Dr. Aung Tun Thet, Chief Coordinator of Union Enterprise for Humanitarian Assistance, Resettlement, and Development in Rakhine (UEHRD), U Win Mra, U Tun Myat, U Khin Maung Lay, U Hla Myint and Dr. Daw Khin Nyo, who are national members of Advisory Board on Rakhine State, Dr. Thet Thet Zin, Chairperson of Myanmar Women's Affairs Federation and Dr. Tha Nyan, U Myo Nyunt, U Maung Maung, U Aung Soe Lwin, Dr. Tin Hla, U Aung Naing, Dr. Hla Tun, U Than Lwin, and U Tin Myint from Interfaith Dialogue at Shwe San Eain Hotel in the evening.

In the evening, U Kyaw Tint Swe, Union Minister for the Office of the State Counsellor, hosted a working dinner for the delegation at Shwe San Eain Hotel. —Ministry of Foreign Affairs ■

## Senior General receives Permanent Representatives of UNSC permanent member countries

TATMADAW Commander-in-Chief Senior General Min Aung Hlaing received a group of Permanent Representatives of United Nations Security Council (UNSC) member countries led by Mr. Gustavo Meza Cuadra Velasquez of Peru in Bayintnaung Guest House, Nay Pyi Taw yesterday afternoon.

At the meeting members of the group of Permanent Representatives of United Nations Security Council member countries led by Mr. Gustavo Meza Cuadra Velasquez of Peru asked about security matters at Buthidaung and Maungtau region in northern Rakhine State, status of receiving returnees from the other country, cooperation with United Nations organisations, returning and living in harmony and matters conducted by Tatmadaw in accordance with the law.

In reply to the questions, Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing told of the Tatmadaw following rules and laws as it is the sole defence organisation representing the country, conducting its work according to international laws and procedures, taking effective actions according to the law for those who

breaks those laws and procedures, present situations in northern Rakhine States being caused by the actions of the extremist terrorists, readiness of Myanmar to receive returnees from the other country according to the bilateral agreement, Tatmadaw ready to cooperate according to the instruction of the State Government, sexual violence considered as despicable acts according to the tradition, culture and religion of the country and actions being taken against any offenders, Tatmadaw taking harsh and stronger actions against such offenders, requirement of humanitarian aids from international organisations to be provided equally to local ethnic nationals, studying and reviewing the documentary and photographic evidences provided to understand the true events, raise questions openly during the trip to Rakhine State on 1 May and to draw conclusion fairly.

Afterwards, books containing documents and photographs of Rakhine State event were presented to the group of Permanent Representatives of UNSC member countries led by Mr. Gustavo Meza Cuadra Velasquez it is learnt. — Myanmar News Agency ■

# Annex 201

Myo Myint, “UNSC delegation visits Rakhine”, *The Global New Light of Myanmar*, 2 May 2018

Available at:

<https://www.burmalibrary.org/en/the-global-new-light-of-myanmar-wednesday-2-may-2018>



INVEST TODAY IN DISASTER PREPAREDNESS FOR A SAFER TOMORROW

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**NATIONAL**

Luyechun visit pagodas in Bagan Region



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**NATIONAL**

Over 5,000 march in Hlinethaya Town on International Workers' Day



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**NATIONAL**

UNSC delegation gives press conference on Myanmar, Bangladesh visits



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# THE GLOBAL NEW LIGHT OF MYANMAR

Vol. V, No. 16, 3<sup>rd</sup> Waning of Kason 1380 ME

www.globalnewlightofmyanmar.com

Wednesday, 2 May 2018

## State Counsellor welcomes the support of the International Community in the implementation of the Bilateral Agreement Between Myanmar and Bangladesh

Daw Aung San Suu Kyi, State Counsellor in the Government of the Republic of the Union of Myanmar, met members of the United Nations Security Council on their visit. She welcomed the opportunity to discuss the situa-

tion in Rakhine State with them. "The Government of Myanmar is pleased to working in partnership with the United Nations to deal with many serious challenges that our country faces" said Daw Aung San Suu Kyi.

"In particular, the engagement of UN agencies in Rakhine will strengthen the government's ability to ensure that refugees can return safely, without fear". The government of Myanmar is discussing a Memorandum of Understanding with the United Nations Development Programme (UNDP) and with the Office of the United Nations High Commissioner for Refugees (UNHCR). The government of Myanmar believes

this is the appropriate time for those bodies to work alongside Union Ministries and the Union Enterprise for Humanitarian Assistance, Resettlement and Development for the good for all people in Rakhine.

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## UNSC delegation visits Rakhine

A DELEGATION of Permanent Representatives to the United Nations/representatives from neighbouring countries, including the current ASEAN chair and Member States of the United Nations Security Council arrived in Sittway, Rakhine State, yesterday morning to observe the situation in the Maungtwaw region.

The delegation was accompanied by Union Ministers for International Cooperation U Kyaw Tin and Union Enterprises for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD) Chief Coordinator Dr. Aung Tun Thet.

At the airport meeting hall, Union Minister U Kyaw Tin and

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Members of the United Nations Security Council delegation meet with local people from Islamic community in Maungtwaw. PHOTO: HAN LIN NAING

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**LOCAL NEWS**  
Over 57,000 foreign travellers visit Myanmar via Tachilek border  
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**BUSINESS**  
Japanese watermelon cultivation earns local farmers good income  
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Preventing outbreaks of fire by public collective efforts  
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**NATIONAL**  
Performance of Ayeyawady Region Government in 2nd Year in Office  
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# UNSC delegation visits Rakhine

## FROM PAGE-1

UEHRD Chief Coordinator Dr. Aung Tun Thet explained the arrangements made for the trip, the history of UEHRD, works conducted by UEHRD and the plans for long-term stability, peace and development.

Next, Rakhine State Chief Minister U Nyi Pu explained the works conducted after the occurrence of conflict not only to restore the situation to normalcy but for sustained stability and development, the delicate situation of conflict resolution due to the long history of the issue, arrangements made under the leadership of the government to receive the returnees and receiving of the returnees according to the bilateral agreement.

Later, the delegation, accompanied by the Union Minister and the Chief Minister, left Sittway in helicopters and reached the Taung Pyo Letwe Reception Centre, Maungtaw Township. In the briefing hall of the reception centre, Maung-

taw District Deputy Commissioner U Ye Htut explained the construction of the reception centre and the process of receiving the returnees.

The delegation then inspected the Taung Pyo Letwe Reception Centre, the Myanmar-Bangladesh Friendship Bridge and the process of issuing the NVC to the returnees.

From there, the delegation proceeded to Hla Phoe Khaung Transit Centre and inspected the buildings in the transit centre, where the returnees will stay temporarily.

The delegation went to Shweza Village, Maungtaw Township, and met the Rakhines, Hindus and Muslims. At the meeting, the Rakhines, Hindus and Muslims said they had been living together in the past without problems and wanted to continue doing so.

The delegation then went to Maungtaw District General Administration Department office to view photographic records of persons who died

during the conflict and met the family members of the deceased. At the meeting, the Rakhine families spoke of housing difficulties and their need for a livelihood, while the Hindu families spoke of being fearful for their lives as they were being threatened. The Hindu families also mentioned their bereavement in personally witnessing the murders of their family members, as well as the problems of livelihood.

Following this, the delegation went to Pantawpyin Village, Maungtaw Township, where they met and discussed freely with Muslim families and heard the villagers' first-hand account of terrorist events and their requirements from the villagers. After this meeting, the delegation departed in helicopters and reached Sittway. At the airport meeting hall, they met social welfare groups and associations.

Later in the evening, the delegation left Sittway for Nay Pyi Taw by Myanmar National Airlines.— Myo Myint ■



A new Angumaw-Kotankauk section of the Angumaw-Maungtaw road is expected to ease traffic when it opens in Maungtaw. PHOTO: MNA

# Angumaw-Kotankauk road section opens in Maungtaw

THE opening ceremony of the Angumaw-Kotankauk section of the Angumaw-Maungtaw road upgradation project was held yesterday at a pandal in Angumaw, Maungtaw Township, Rakhine State.

During the ceremony, Amyotha Hluttaw Deputy Speaker U Aye Tha Aung said the Buthidaung-Maungtaw road was better now, and with the current road playing a strategically important role (the two roads), it would give people in Rakhine State easy access to the Maungtaw area. With the improvement of basic infrastructure such as roads, bridges and electricity, as required by the people, there is now more potential for the development of the region.

Dr Win Myat Aye, Union Minister for Social Welfare, Relief and Resettlement, as well as deputy chairman of Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State (UEHRD), and U Han Zaw, Union Minister for Construction, delivered speeches.

Next, Rakhine State Minister for Security and Border Affairs Col. Phone Tint, chairman of Rakhine State Federation Chambers of Commerce and Industry U Tin Aung Oo and Maungtaw local U Aung Myint Thein expressed their appreciation over the upgraded

road. Asia World Foundation Chairman U Tun Myint Naing explained the reason for donating the road upgradation work, after which he accepted a certificate of honour presented by Union Minister Dr. Win Myat Aye.

Asia World Foundation also donated Ks2 million each to eight schools in Maungtaw, which was received by the respective village leaders.

Amyotha Hluttaw Deputy Speaker U Aye Tha Aung, Union Ministers Dr. Win Myat Aye and U Han Zaw, Rakhine State Hluttaw Speaker U San Kyaw Hla, and Rakhine State Minister for Security and Border Affairs Col Phone Tint then opened the Angumaw-Kotankauk road section by cutting the ceremonial ribbon.

The Amyotha Hluttaw Deputy Speaker and party also inspected the upgraded road section in cars.

The upgradation work of the road was donated and constructed by Asia World Foundation, a member of the Construction and Infrastructure Task Force (CITF), one of the nine task forces of UEHRD in Rakhine State.

This strategic road plays an important role for security, stability, health, education and economic development of Maungtaw region. —Myo Min, Han Linn Naing ■

# Scattered rain or thundershowers likely to hit whole country

Scattered rain or thundershowers are likely to hit the whole country in the next two days, as the weather is partly cloudy over the central Bay and cloudy over the Andaman Sea and elsewhere over the Bay of Bengal, according to the Myanmar Daily Weather Report issued by the Department of Meteorology and Hydrology yesterday evening.

The low pressure area over

the North Andaman Sea still persists and is forecast to reach the Gulf of Mottama and the adjoining deltaic area in the next 36 hours. It is likely to further intensify into a depression.

The forecast for Nay Pyi Taw, Mandalay, Yangon and neighboring areas for today is isolated rain or thundershowers and the degree of certainty is 80 per cent.

Occasional squalls with

rough seas will be experienced at times Deltaic, Gulf of Mottama, off and along Mon-Tanin-thayi coasts. The surface wind speed of the squalls may reach 30 to 35 m.p.h. The sea will be moderate elsewhere in Myanmar's waters. The wave height will be some 8-10 feet in the deltaic, Gulf of Mottama, off and along Mon-Tanin-thayi coasts and 4-6 feet along the Rakhine coasts.—GNLM ■

**Argus NPK Fertilizers Myanmar 2018**

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27-28 June 2018 | Yangon, Myanmar

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Simultaneous interpretation (English-Burmese) will be provided  
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“ I would firstly like to address the three branches of the sovereign power of the State, who have been entrusted with power according to the Constitution, to exercise mutual respect, understanding, and trust as they collaborate for the good of the people. Additionally, I wish to urge the media sector, which serve as the ears and eyes of the public, to understand the seriousness of their duties and to hold in high regard the public sector that they serve.

(Excerpt from the speech by President U Win Myint at the ceremony to take oath of office at Pyidaungsu Hluttaw on 30<sup>th</sup> March 2018)

“ We have many opportunities to learn in order to overcome and eliminate the evil legacies of the past and to fulfill the aspirations for the future of the nation. We know how much loving kindness, truth and bravery are needed; how greed, anger and ignorance can impact negatively. We have learnt the importance of having good friends. The most important lesson we learned is the value of understanding and unqualified support of our people.

(Excerpt from the speech by State Counsellor Daw Aung San Suu Kyi on the 2<sup>nd</sup> Anniversary of NLD Government on 1<sup>st</sup> April 2018)

## State Counsellor welcomes the support of the International Community in the implementation of the Bilateral Agreement Between Myanmar and Bangladesh

### FROM PAGE-1

She said, “I am confident that this is an important turning point. Violence has no place in a democratic Myanmar. We must work hard to repatriate those who have lost their homes while also dealing with the root causes of the recent violence”.

The Advisory Board on Rakhine

State, appointed by the State Counsellor, has made a number of recommendations so as to achieve this.

The State Counsellor said, “The basis for return must be that it is safe, dignified and voluntary. The report I commissioned from Dr. Kofi Annan sets out practical measures necessary to achieve development for all communities in Rakhine State, based on clear respect for rule of law and

human rights. These recommendations will contribute to the implementation of the Government’s efforts to bring peace, stability and development to Rakhine State”.

Ministry of the Office of  
the State Counsellor  
Nay Pyi Taw  
Date: 1 May 2018

## Correction

The headline of the story on front page of the 1<sup>st</sup> May issue of the Global New Light of Myanmar should have read: “State Counsellor receives UN Security Council Delegation” instead of “State Counsellor receives UN officials”.—Ed

## UNSC delegation gives press conference on Myanmar and Bangladesh visits

A DELEGATION composed of Permanent Representatives to the United Nations and representatives from Member States of the United Nations Security Council conducted a press conference on their visits to Myanmar and Bangladesh in the lounge of the Nay Pyi Taw International Airport yesterday.

At the press conference, the President of the UN Security Council and Permanent Representative of Poland to the UN Ms. Joanna Wronecka, Peruvian Permanent Representative Mr. Gustavo Meza-Cuadra, UK Permanent Representative Ms. Karen Pierce and Kuwaiti Permanent Representative Mr. Mansour Al-Otaibi offered comments on the visits. Permanent Representative Ms. Joanna Wronecka said that they were extremely happy and grateful to the authorities of Myanmar for all arrangements.

“We’ve had the chance to visit your beautiful country and to speak to different representatives of your society. I think we have now a very good idea about the development of the country and the humanitarian assistance,” she said.

Peruvian Permanent



UNSC delegation at the press conference on their visits to Myanmar and Bangladesh in Nay Pyi Taw yesterday. PHOTO: MNA

Representative Mr. Gustavo Meza-Cuadra said during their visit to Rakhine State they visited the area of the displaced persons and had good encounters with the local population.

“We visited the construction the government is taking on near the border for the return of the refugees. Also, we visited areas where the local communities experienced their news regarding how the returnees come back to their villages of origin. This is

an issue we have been discussing at the council”, Mr Gustavo Meza-Cuadra said.

Kuwaiti Permanent Representative Mr. Mansour Al-Otaibi expressed thanks to the Myanmar government for all their support and logistical assistance for the visit to Rakhine State and for the meetings arranged with the different sectors of the government, civil society, and many others.

“What we really want as

representatives of the Security Council is to see the agreements signed between Myanmar and Bangladesh to be implemented. We saw that the Myanmar government took many steps to implement the agreements,” he said. UK Permanent Representative Ms. Karen Pierce expressed her country’s willingness to assist the government of Myanmar in the implementation of the plan they discussed with the representatives they have

met. “We also want to support the signing of the MOU and the implementation of the agreement with Bangladesh. We believe that if that MOU can be signed quickly and UN agencies are given unconditional access, that will be the best thing to deal with the scale of the problem”, she said.

Following their keynote remarks, the ambassadors replied to questions raised by journalists.—Myanmar News Agency ■



## **Annex 202**

M. Khan, “Chatgaya vs. Rohingya”, *The Daily Star*, 7 September 2018

Available at:

<https://www.thedailystar.net/star-weekend/news/chatgaya-vs-rohingya-1630219>





Language

## Chatgaya vs. Rohingya

Rohingya and Chittagonian share noticeable similarities but are local interpreters equipped to translate the nuances of the words the refugees use?



Photo: Anisur Rahman

A multitude of languages can be heard around the refugee camps in Cox's Bazar. There are the Rohingya refugees themselves who speak Rohingya; some also speak Burmese. Rohingya children are being taught English and Burmese in the learning centres. Aid workers in the camps are foreigners who speak English or Bangladeshis, including government officials, who speak Chittagonian



**ডাবল মিলিয়ন অফার**

ওয়ালটন পণ্য  
কিনে পোত পারেন

**২০ লক্ষ টাকা**

বয়েছে কোটি  
লক্ষ

spoken in the areas of Cox's Bazar where the camps are located. Signs and posters around the camps are often in English, Bangla, and Burmese.

With such a cornucopia of languages, the camps are a complex linguistic environment to navigate. “This crisis is one of the most linguistically challenging that I've ever worked in,” says Irene Scott, programme director for Translators without Borders (TWB).

One advantage, however, was that the Rohingya and locals in Cox's Bazar can largely understand each other's languages. To the extent that Chittagonian-speaking locals were hired in droves as interpreters for aid agencies, humanitarian organisations, and journalists working in the camps. These local interpreters were effectively first responders, the first to communicate with the hundreds of thousands of refugees who had fled their homes across the border.

The two languages share noticeable similarities; however, these are wrongly conflated. A key finding of a study in November last year by Internews, an international non-profit working to improve access to news and information, was that 62

percent of the Rohingya refugees surveyed were unable to communicate with aid workers.

While the Rohingya language and Chittagonian dialect sound quite alike, both sets of speakers agree that it is not 100 percent similar. “The main difference is that the vocabularies differ,” says AK Rahim, sociolinguistic researcher for TWB and a native Chittagonian speaker. For example, he says, Rohingya incorporates Burmese and Rakhine words while Chittagonian includes many standard Bangla terms.

According to a TWB language assessment last year, Rohingya speakers estimated that there was a 70 percent similarity between Chittagonian and Rohingya. It also noted that on the other hand, Chittagonian speakers estimated a 90 percent similarity between the Cox's Bazar dialect of Chittagonian and Rohingya.

Similarities increase with geographical proximity. “The dialect spoken in southern Chittagong, such as in Teknaf, and townships in northern Rakhine are very similar,” says Rahim. Conversely, Chittagonian further north such as in Chittagong city and Rohingya spoken further down in Rakhine towards Sittwe, are “almost different languages because

they are so geographically far apart”. For example, the local dialect spoken in the Maungdaw area of Rakhine is particularly close to Chittagonian, while that spoken in Buthidaung, further inland, is slightly different.

From Pahartali in Chittagong city, Bhuiyan Mahmood worked until very recently as a communications officer for the World Food Programme (WFP). When she initially went to the camps, Mahmood expected that Rohingya was quite similar to her native Chittagonian. “But the words they use are quite different. So is the accent and how they phrase their words. Often, they [the refugees] would not understand what I'm saying simply because of the way I was speaking,” she says.

Mahmood says she didn't understand many words when she initially began interpreting and conducting interviews. “In my first few days working in the camps, I somehow got by. But then, I soon understood the areas in which there were gaps in understanding.”

Take the word for diarrhoea for example, which Mahmood says she would hear quite frequently from Rohingya women, whose children were suffering from it. The Rohingya phrase for it is *gaa-laamani*. Translated literally to Chittagonian,



understanding them or making myself understood. There are differences, of course, but it's quite similar to our dialect," says Ahammed Hossain, a local from Ukhia, who has been working in the Rohingya refugee camps since 2012.

While Chittagonian-speaking interpreters often did hear words unfamiliar to them, they still had a job to do. Context helps. "When I slowly became familiar with their [the refugees'] stories, I would understand more easily what they're trying to say even if I didn't get a particular word. You can understand the story then but can learn specific words later," says Mahmood of her experience working in the camps.

Other unfamiliar terms were humanitarian speak—usually technical words and acronyms—which the interpreters had to relay to the refugees or had difficulty understanding the colloquial terms used by the Rohingya refugees.

"There is no equivalent for the word 'gender' in Rohingya. So when we originally translated the term 'gender-based violence' it translated as 'violent women!'" said a Rohingya translator, cited in the TWB study.

“There remain some subjects that are tricky to navigate where you can see misunderstanding in communication still occurring,” says Rahim. This is particularly true for women, who have a hard time explaining health or body-related issues to, usually, male interpreters.

“In Rohingya, the academic term for menstruation is borrowed from Arabic, *haiz*. Instead they [Rohingya women] use the word *gosol* (shower), which is used in Bangla and even in Rohingya. The interpreter wouldn't get it. Even a female Chittagonian interpreter may not get what the term connotes—they use *maashik* (a Bangla word).”

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In June, Translators without Borders, a nonprofit providing translation services for charities in crisis zones, came up with a glossary together with Oxfam and UNICEF. The app, which works offline as well, includes terms (in text and in audio) in the five languages which are spoken in the Rohingya camps—Rohingya, Chittagonian, Burmese, Bangla, and English.

Sociolinguist Rahim came up with the 180 initially translated terms from focus group discussions with refugees in the camps. Presently, the

terms in the glossary mainly centre around the water, sanitation, and hygiene (WASH) sector.

“What we were trying to do with the glossary is try and bridge that gap between field workers who are trying to communicate with the refugees,” says Scott. Terms that are soon to be included, adds Scott, will be related to disability and gender, among others. “It's really designed for humanitarians that are working in this response but is publicly available online for anyone that has an interest in the language.”

But with thousands of aid workers in play, a standard in interpretation can hardly be ensured and the terminology online, limited. Hossain, for example, has not heard of the glossary or received training on the Rohingya language or interpretation.

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Rohingya and Chittagonian are both oral languages with no agreed on written scripts. Historically, the Arabic and Urdu scripts have been used by the Rohingya. A Latin script has also been developed, called “Rohingya-lish”. In the 1980s, the “Hanifi” script was developed with elements of Arabic, Burmese and English. The last has been used in textbooks in religious schools in the

Kutupalong and Nayapara camps, through grassroots efforts to promote a written script for the Rohingya community in Bangladesh.

In the Internews study, 73 percent of the refugees said they were illiterate. 71 percent of the refugees also have had no formal education.

The lack of a standardised script, in addition to high levels of illiteracy, means written communication such as fliers or posters are not particularly useful in disseminating information in the camps. Messages are rather encouraged to be played in audio or through pictorials, says Scott.

The way the Rohingya language is changing in exposure to Chittagonian, humanitarian terms, and the English and Bangla languages in the camps is also fascinating to study, says Rahim. For example, cereal packs provided to Rohingya children for nutrition are referred to by the refugees as suji khana because these look like suji (semolina). The refugees have also picked up the Bangla word for nutrition, pushti, says Rahim.

“Language is constantly shifting.”

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## Annex 203

*The Global New Light of Myanmar*, “Five family members return to Taung Pyo Letwe Reception Centre”, 11 October 2018; *The Global New Light of Myanmar*, “Twenty-seven returnees from Bangladesh arrive back at Reception Centre in Maungtaw”, 30 September 2019; *The Global New Light of Myanmar*, “29 persons return to Taung Pyo Letwe Reception Centre in Maungtaw”, 24 October 2019; *The Global New Light of Myanmar*, “9 displaced persons return to Taung Pyo Letwe Reception Centre in Maungtaw”, 18 December 2019 (extract)

Available at:

<https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2019-12-18-red.pdf>



## 9 displaced persons return to Taung Pyo Letwe Reception Centre in Maungtaw



Four men and five women return on their own volition to Taung Pyo Letwe Reception Centre in Maungtaw on 17 December. **PHOTO: MNA**

A total of 9 persons, four men and five women, comprising two families returned on their own volition to Taung Pyo Letwe Reception Centre in Maungtaw Township, Rakhine State at 8:15 am on 17 December morning.

Officials at the reception centre carried out review and acceptance procedures for them.

After completing security checkup and immigration procedures, national verification cards were issued for two men and four women above 10 years of age, and humanitarian assistances were given

to them.

Deputy Director U Soe Tun, the in-charge of Taung Pyo Letwe Reception Centre, handed over these returnees to Director U Soe Shwe Aung, the in-charge of Hla Pho Khaung Transit Centre which provided the returnees with foodstuffs such as rice, beans, oil and salt as well as household utensils.

These returnees are from West Myoma ward and Kyaut Chaung village, and the respective ward/village administrators accepted them at 1:30 pm.—District IPRD (*Translated by Aung Khin*)

## Five family members return to Taung Pyo Letwe Reception Centre

A FAMILY of five displaced people returned to Taung Pyo Letwe Reception Centre, Maungtaw District, in Rakhine State on 10 October around 8 am, according to the Taung Pyo Letwe Reception Centre.

U Soe Tun, the Deputy Director of the Administration Department of reception centre, and U Thant Zin, the Deputy Director of the Department of Immigration and Population, scrutinized Mohamad Eitnu, 43, and his four family members. The authorities also conducted the e-ID registration process for them while the Department of Immigration and Population has

issued the application for National Verification Card (NVC) for those who would like to apply for citizenship.

Then, the Ministry of Social Welfare, Relief and Resettlement provided them with food and other items, including kitchen utensils, after they received their medical checkup and medicines.

The authorities will hand over the returnees to the Hla Pho Khaung camp through Taung Pyo Letwe Reception Centre. Myanmar has been ready to accept verified returnees since 23 January 2018.—  
Township IPRD ■



Medical team provides physical check up to the returnees at Taung Pyo Letwe Reception Centre, Maungtaw District, in Rakhine State. **PHOTO: TOWNSHIP IPRD**

# 29 persons return to Taung Pyo Letwe Reception Centre in Maungtaw



Immigration officers issue national verification cards to returnees at Taung Pyo Letwe Reception Centre in Maungtaw Township, Rakhine State.

**PHOTO: TIN SOE**

A total of 29 persons comprising five families returned on their own volition to Taung Pyo Letwe Reception Centre in Maungtaw Township, Rakhine State at 8: 15 am on 22 October morning.

Officials at the reception centre carried out

review and acceptance procedures for 18 men and 11 women, totaling 29 persons, from the five families. After completing security checkup and immigration procedures, nine men and eight women, totaling 17 persons, from five families, received Na-

tional Verification Cards. The reaccepting procedure was completed at 12 noon after health services and humanitarian assistance have been given to them.

Deputy Director U Soe Tun, the in-charge of Taung Pyo Letwe Reception

Centre, handed over these returnees to Director U Soe Shwe Aung, the in-charge of Hla Pho Khaung Transit Centre who accepted the returnees at 3 pm and provided them with foodstuffs such as rice, beans, oil and salt

as well as household utensils.

Before, they fled from Rakhine State, these returnees lived in Taung Pyo Yar, Myaw Chaung, Kyein Chaung, Kyaut Chaung (Ywa Thit), and Dotan villages in Taung Pyo Letwe

Town of Maungtaw Township. After handing them over to the respective village administrators they left the centre at 4 pm.—Zaw Zaw San (IPRD) *(Translated by Aung Khin)*



Immigration officers conduct procedures for scrutinizing the returnees at Taung Pyo Letwe Reception Centre in Maungtaw. **PHOTO: TIN SOE**

## Twenty-seven returnees from Bangladesh arrive back at Reception Centre in Maungtaw

A total of 27 returnees from Bangladesh arrived back at Nga Khu Ya Reception Centre in Maungtaw Township, Rakhine State, of their own volition at 9 am on 25 September.

Authorities managed their repatriation process, with providing humanitarian assistance and issuing national verification cards after scrutinizing them in accordance with the immigration and security rules.

The returnees of 14 families included 4 males and 3 females under 10 years old, 12 males and 8 females under 10. The repatriation process completed at 2 pm and they were provided with healthcare

services and household items. Deputy Director U Min Ko, the incharge of Nga Khu Ya Reception Centre, handed over the displaced persons to Director U Soe Shwe Aung, the incharge of Hla Pho Khaung Transit Centre, and officials who supplied the returnees with foods and kitchen sets.

These returnees lived in U Shae Ky'a village, Kappakaung village, Myawtaung village and Kyatpyinyoe village of Maungtaw township in the past, and they were handed over to the respective war/village administrators before they left the camp at 6 pm. — (Rakhine State IPRD)

*(Translated by Aung Khin)*



The returnees are seen at Nga Khu Ya Reception Centre in Maungtaw Township, Rakhine State, of their own volition on 25 September. **PHOTO: MNA**

## Annex 204

Wai Mar Htun, “16 people were killed in Bangladesh refugee camps in 2023”,  
*Radio Free Asia*, 2 April 2023 (with english translation)

Available at:

<https://www.rfa.org/burmese/news/rohingya-were-killed-2023-04022023124830.html>



*Unofficial Translation*

## 16 people were killed in Bangladesh refugee camps in 2023

Wai Mar Htun (Washington DC)  
2-4-2023

Rohingya refugees said that up to 16 Rohingya have been killed in Rohingya refugee camps in Cox's Bazar, Bangladesh during 2023 and they are getting more worried day after day because of the illegal captures and killings.

RFA reported on 28 March that 14 refugees were killed at Rohingya camps in Bangladesh in the three months from the beginning of this year(2023) to 25 March.

A Rohingya refugee who wishes to remain anonymous said that two more refugees were killed, one on 1 April and the other on 2 April respectively.

“One was killed at the dawn of 2 April. And also in 1 April, armed organizations opened fire on each other and a refugee who is guarding camp No.8 was shot and killed.”

Moreover, U Saw Lwin (also known as) Saulimula from Rohingya Justice and Human Rights Organization, who lives in Balukhali camp, was abducted by an armed organization in the evening on 30 March, and hasn't been in touch since, his relatives said.

“An armed organization abducted him when he was returning home after prayers. We have not received any news about him since”

His family reported the case to the UNHCR and Bangladeshi Police. Bangladesh Government is in search for him but there has been no news yet.

It was reported that out of 34 refugee camps in Cox's Bazar, refugees from camps No. 1, 2, 3, 8, 9, 13, 14 and 19 were killed this year.

Refugees said that the majority of the victims are those who absconded/ran away from Arakan Rohingya Salvation Army (ARSA), people who oppose ARSA and the relatives of those who oppose ARSA, camp leaders and 100-household administrators.

They stated that all of the victims were men and 2 were killed in January, 2 were killed in February, 10 were killed in March, 2 were killed in April, therefore, a total of 16 individuals.

The Rohingyas want the Bangladesh government to take serious security measures and to take effective actions against the perpetrators. They also want the international communities to pressurize the Bangladesh Government for the safety of the refugees.

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# ဘင်္ဂလားဒေ့ရှ် ဒုက္ခသည်စခန်းတွေမှာ ၂၀၂၃ နှစ်အတွင်း အသတ်ခံရသူ ၁၆ ဦးရှိလာ

ဝေမာထွန်း (ဝါရှင်တန်ဒီစီ)  
2023.04.02



ဘင်္ဂလားဒေ့ရှ် ဒုက္ခသည်စခန်းတွေမှာ ၂၀၂၃ နှစ်အတွင်း အသတ်ခံရသူ ၁၆ ဦးရှိလာ  
ဝေမာထွန်း (ဝါရှင်တန်ဒီစီ)

<https://www.rfa.org/burmese/news/rohingya-were-killed-2023-04022023124830.html>

AFP

၂၀၂၃ ခုနှစ်အတွင်း ဘင်္ဂလားဒေ့ရှ်နိုင်ငံ၊ ကော့ဘဇားက ရိုဟင်ဂျာဒုက္ခသည်စခန်းတွေမှာ ရိုဟင်ဂျာ ၁၆ ဦးအထိ အသတ်ခံရပြီး ဥပဒေမဲ့ဖမ်းဆီးသတ်ဖြတ်နေတာတွေကြောင့် တစ်နေ့ထက်တစ်နေ့ ပိုစိုးရိမ်နေ ရတယ်လို့ ရိုဟင်ဂျာ ဒုက္ခသည်တွေက ပြောပါတယ်။

အခုနှစ်ခန်းကနေ မတ် ၂၅ ရက်နေ့အထိ သုံးလအတွင်း ဘင်္ဂလားဒေ့ရှ်က ရိုဟင်ဂျာစခန်းတွေမှာ ဒုက္ခသည် ၁၄ ဦး အသတ်ခံရကြောင်း RFA က မတ်လ ၂၈ ရက်နေ့က သတင်းရေးသားခဲ့ပါတယ်။

အဲဒီနောက် ဧပြီ ၁ ရက်နဲ့ ၂ ရက်နေ့တွေမှာ တစ်ဦးစီထပ်မံ အသတ်ခံခဲ့ရတယ်လို့ အမည်မဖော်လို့တဲ့ ရိုဟင်ဂျာ ဒုက္ခသည်တစ်ဦး ကပြောပါတယ်။

“ဧပြီလ ၂ ရက်နေ့ မနက်အရှုဏ်မှာလည်းတစ်ဦးကို သတ်လိုက်တယ်။ ဧပြီလ ၁ ရက်နေ့ကလည်း လက်နက်ကိုင် အဖွဲ့အစည်းတွေ တစ်ဖွဲ့နဲ့တစ်ဖွဲ့ပစ်ခတ်ပြီးတော့ စခန်းအမှတ် ၈ က ကင်းစောင့်နေတဲ့ ဒုက္ခသည်တစ်ဦး သေနတ် ထိမှန် သေဆုံးသွားတယ်။”

ဒါ့အပြင် ဘာလူခါလီဒုက္ခသည်စခန်းမှာ နေထိုင်တဲ့ ရခိုင်ရိုဟင်ဂျာတရားမျှတမှုနဲ့ လူ့အခွင့်အရေး အဖွဲ့အစည်းက ဦးစောလွင်(ခ) ဆော်လီမုလာကိုလည်း လက်နက်ကိုင်အဖွဲ့အစည်းတစ်ဖွဲ့က မတ် ၃၀ ရက်နေ့ညနေက ဖမ်းဆီးခေါ်ဆောင်သွားပြီးနောက် အခုအထိ အဆက်အသွယ်မရလို့ စိုးရိမ်နေ တယ်လို့ ဆွေမျိုးတော်စပ်သူတစ်ဦးက ပြောပါတယ်။

“ဝတ်ပြုပြီး အိမ်ကိုပြန်တဲ့အချိန် လက်နက်ကိုင်အဖွဲ့အစည်းက ဖမ်းဆီးသွားတာ။ ကျွန်တော်တို့ သူ့သတင်းကို အခုထိ ဘာမှမရသေးဘူး။”

ဦးစောလွင်နဲ့ပတ်သက်ပြီး မိသားစုက ဒုက္ခသည်များဆိုင်ရာမဟာမင်းကြီးရုံး UNHCRနဲ့ ဘင်္ဂလားဒေ့ရှ်ရဲတပ်ဖွဲ့ ကိုတိုင်ကြားထားလို့ ဘင်္ဂလားဒေ့ရှ်အစိုးရက ရှာဖွေနေပေမယ့် သတင်း တစုံတရာမရသေးဘူးလို့ပြောပါတယ်။

ကော့ဘလားမှာ ဒုက္ခသည်စခန်း ၃၄ ခုရှိပြီး ဒီနှစ်အတွင်း စခန်းအမှတ် ၁၊ ၂၊ ၈၊ ၉၊ ၁၃၊ ၁၄၊ ၁၅၊ ၁၆၊ ၁၇၊ ၁၈၊ ၁၉၊ ၂၀၊ ၂၁၊ ၂၂၊ ၂၃၊ ၂၄၊ ၂၅၊ ၂၆၊ ၂၇၊ ၂၈၊ ၂၉၊ ၃၀၊ ၃၁၊ ၃၂၊ ၃၃၊ ၃၄ စတဲ့ စခန်းတွေက ဒုက္ခသည်တွေ အသတ်ခံခဲ့ရတယ်လို့ ပြောပါတယ်။

ရခိုင်-ရိုဟင်ဂျာ ကယ်တင်ရေးတပ် ARSA က ထွက်လာသူတွေ၊ ARSA ကို ဆန့်ကျင်သူတွေ၊ သူတို့ရဲ့ ဆွေမျိုးသားချင်းတွေ၊ စခန်းခေါင်းဆောင်တွေနဲ့ ရာအိမ်မှူးတွေ အများဆုံး အသတ်ခံရတယ်လို့ ဒုက္ခသည်တွေက ပြောပါတယ်။

အားလုံး အမျိုးသားတွေဖြစ်ပြီး ဇန့်နဝါရီလက နှစ်ဦး၊ ဖေဖော်ဝါရီလမှာ နှစ်ဦးနဲ့ မတ်လမှာ ၁၀ ဦးနဲ့ ဧပြီလမှာ ၂ ရက်နေ့အထိ နှစ်ဦး၊ စုစုပေါင်း ၁၆ ဦးရှိတယ်လို့လည်း ပြောပါတယ်။

ဘင်္ဂလားဒေ့ရှ်အစိုးရက လုံခြုံရေးကို မိမိစီးစီးဆောင်ရွက်ပြီး ကျူးလွန်သူတွေကို ထိထိရောက်ရောက် အရေးယူ ပေးဖို့နဲ့ နိုင်ငံတကာအသိုင်းအဝိုင်းကလည်း ဒုက္ခသည်တွေ အသက်အန္တရာယ် လုံခြုံရေးအတွက် ဘင်္ဂလားဒေ့ရှ် အစိုးရကို မိအားပေးတောင်းဆိုဖို့ ရိုဟင်ဂျာတွေက လိုလားနေပါတယ်။



## Annex 205

“রোহিঙ্গা আমাদের জন্য একটা ক্যান্সারের মত হবে: সাবেক পররাষ্ট্রমন্ত্রী মোমেন: Rohingya will be like a cancer for us: Former Foreign Minister Momen”, *Daily Jugantor*, 18 May 2024, available at <https://www.youtube.com/watch?v=13EV1naQ0k4>, original video and English transcript



See accompanying video file

A transcript of the video in English translation appears here

**Unofficial translation of Mr.A.K.Abdul Momen, Chairman, standing committee on Ministry of Foreign Affairs of the Bangladesh National parliament, and former Foreign Minister of Bangladesh during the interviews with Daily Jugantor**

- Rohingyas would be like a cancer for Bangladesh unless Myanmar takes them back. Myanmar says they will take them back, protect them, and for this, whatever arrangement and measures will be undertaken.
- Myanmar is our friend, not our enemy. Myanmar drove them out into Bangladesh, recognizing them as Bengalis. But for us, they are recognized as Rohingya, not Bengali.
- However, arrangements are underway to repatriate them back to their country as in the past. In 1970s, 1980s and 1990s, a great number of Rohingyas were brought back with respect and we found not too much difficulties like today because not many international communities were involved in the arrangements as well as the media did not draw the attention over the issue at that times.
- Contrary to this, the conditions right now are much complex and difficult as there are many international organizations, including UNHCR, involved and also too many rules and regulations to follow.
- Further, media outlets are more focus on this than it is necessary and some stories are exaggeratedly reported only on small case.
- Around the world, those who fled their countries and took refuge in receiving countries are provided humanitarian assistance by UNHCR, BUT, they do not want them back to their original places because they know that will make them lose their jobs.
- Despite those factors, it is possible Bangladesh could send them back through bilateral discussions between Myanmar and Bangladesh. Through negotiations, we believe in that we can send a large part if not all of them, and Myanmar also agreed with.
- On the other hand, some countries block the repatriation through various reasons. They say there is no conducive environment there at present as well as raise the question of whether granting citizenship to them or not if they arrive back. But, we knew, currently, there is no conflict between Rakhine and Rohingya.

- In the past, the media did not talk or complain the situation is not good there and, let them go back home. But today, the media is bringing to light the issues and make a big deal of them even when the small case was occurred.
- Besides, , they previously did not hold the high expectation on their return unlike the present that they raise too much demand and request for various unspecified things like building new houses or rehabilitated in new places, etc.
- China, India and Japan built some new houses at resettlement areas and some representatives of Rohingya leaders go and see them. They expressed their satisfaction on it and willingness to return. Alternatively, American and other countries said some numbers of them will be brought to third country as part of the solution.
- We know American and other countries are mostly giving money and there are many international non-governmental organizations (NGOs) working over there, in the camps, but we do not know exactly what these agencies are doing, only Allah may know.
- In my personal opinion, things would be better if the NGOs are banned. In the last couple of years, there were banks being robbed as well as many crimes being committed in the neighbouring camp areas. I doubted on it.
- Therefore, to solve the issue, first step should be NGOs to be banned as many there are international agencies. If NGOs are banned, there will be politically disputes in the first few days, but it is just temporary and will be solved later.
- At the camps, there are many agencies running with various agendas inside the camps, which are financially aided by support from donor countries. But we don't know how much aids and money are effectively invested for displaced people. Moreover, we do not have any record how much financial aids are received by those agencies. We did a little monitoring. So, they should be immediately banned.
- It was seen that a British NGO bought 7,000 knives, cutters like this tools. When the police inquired about why they are needed, they said they are aimed at cutting trees, cleaning up bush trimming and digging like that. We do not know what they are actually doing.
- Now, our police are active and much better than earlier as they have got it so they seize what it is. They should be stopped.

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## Annex 206

A. Rahman, “Separatist groups behind escalating violence in Rohingya Camps”,  
*Dhaka Tribune*, 13 September 2024

Available at:

<https://www.dhakatribune.com/bangladesh/rohingya-crisis/323480/violence-in-rohingya-camps-escalating-186-killed>



Friday, September 13, 2024

# Dhaka Tribune

Friday, September 13, 2024

## Separatist groups behind escalating violence in Rohingya camps

E-paper

- 186 killings, 359 kidnappings in six years
- Cox's Bazar gripped by panic
- Arsa-RSO dispute leading to crimes
- Police finding it hard to stop criminal activities



The undated image shows the view of the Rohingya camp in Cox's Bazar. Photo: Collected

Abdur Rahman

Friday marks six years since Rohingyas sought shelter in Bangladesh, and they are still stranded amid the complexities of geopolitics. Over the past six years, a total of 186 killings have occurred in the Rohingya camps in Bangladesh, which can be linked to the criminal activities of different separatist groups.

Of the 186 deaths, 85 took place between August 25, 2022 and August 24 this year. In comparison, there had been 101 murders overall in the previous five years.

According to camp residents, many of the killings can be tied to drug deals, extortion, kidnapping, smuggling and turf wars. Some Rohingya separatists also resorted to murder when they did not get ransom money after kidnapping. The involvement of groups like the Arakan Rohingya Salvation Army (Arsa) and Rohingya Solidarity Organization (RSO) in such activities has also come to light.

Furthermore, there has been a clear instance of gunfire exchange between Arsa and the RSO.

Due to global pressure, Myanmar and Bangladesh signed an agreement in 2017 on Rohingya repatriation. However, this process has not started yet, keeping the crisis alive. Meanwhile, tension is growing in the 33 Rohingya camps in Ukhiya and Teknaf, leading to a rise in crimes, including murders.

## **Weapons drills in camps**

According to several local community leaders, Arsa and the RSO separatist groups enter the camps every evening and parade with arms. Almost every day, they enter Rohingya homes, torture them and snatch their belongings. In such a situation, they are having sleepless nights.

However, when the Armed Police Battalion (APBn) raids the Rohingya camps, the separatist groups take positions in different hideouts and hills and forests. Once the operations end, they sneak back into the camps at night, cutting the wire fences and resuming their wrongdoings.

Some unidentified attackers killed an 18-year-old Rohingya youth named Mohammad Yunus at Kutupalong-8 Rohingya camp in Ukhiya's Rajapalang union around 7:30pm on Tuesday.

Camp resident Mohammad Amin said: "Yunus was a student at the local madrasa. He had no conflicts with anyone. They suspected he had been providing information about Arsa members, so they killed him. We are living in fear due to murders in the camps."



The undated image shows the sky view of the Rohingya camp in Cox's Bazar. Photo: Collected

## **186 murders in six years**

According to district police and the APBn, there have been 186 killings in the 33 Rohingya camps in the last six years. Among the dead were community leaders, volunteers and ordinary Rohingyas. In the eight months of this year, 46 people have been killed in multiple clashes and shootings.

In the previous four months, 39 people were killed. Of them, 18 were Rohingya community leaders, 12 were members of Arsa, one was a volunteer and others were ordinary Rohingyas.

## **11 separatist groups active**

According to a report of the Parliamentary Standing Committee on the Ministry of Defence published on February 15, at least 11 Rohingya separatist groups are active inside the Rohingya camps – they run extortion rackets, are involved in yaba trade, human trafficking and kidnapping, and constantly engage in turf wars. Members of these separatist groups are also involved in rapes.

Stopping these crimes has proven difficult for authorities even after occasional raids.

## **Arsa-RSO conflict at its peak**

According to various Rohingya community leaders, tension between Arsa and the RSO has reached a peak. A faction within Arsa led by Ataullah Abu Ammar Jununi is facing disagreements over its goals.

The RSO aims to create a separate faction, which poses a potential threat. Additionally, there is the presence of another camp's separatist group named Nobi Hossain group.

Furthermore, many Rohingyas are also fed up with Arsa and are secretly supporting the RSO. They believe the latter wants to maintain peace in the camps – when in reality both groups are involved in criminal activities.

## **Police looking for 60 individuals**

The APBn has stated that the police have compiled a list of members of Rohingya separatist groups. The list includes the names of 60 individuals. A special operation will be launched to arrest them.

Law enforcement agencies and Rohingya leaders said Nobi Hossain Group, Munna Group, Dakat Abdul Hakim Group, Dakat Md Saleh Group, Islamic Mahas Group and Al-Yaqin Group are among the separatist groups. Besides, several more groups are active in the camps using Arsa's name.



The undated image shows some Rohingya children playing in the refugee camp in Cox's Bazar.

Photo: Collected

## Hundreds of kidnappings

Many Rohingyas have become involved in kidnappings by collaborating with hill militants and Arsa. More than 500 kidnappings have taken place in the camps in the past six years. Kidnapping is now a daily occurrence in Teknaf and Ukhiya. At least five to six groups were involved in the kidnappings. However, according to the police, there were 359 kidnappings.

Most of the kidnappings go unreported, as filing a complaint can lead to the abductee being killed. Instead, ransom payments often secure the release, some victims said.

## Police statement

APBn Police Superintendent Md Saifuzzaman said: "Members of multiple groups are involved in turf wars, drug trade, kidnapping and extortion. Crime and murder are on the rise as a result of these conflicts.

"We have so far arrested 90 people in connection with the murders. Operations are on to arrest the rest. We are working day and night to prevent these crimes. The camps are under our control.

Whoever is involved in crimes will be brought to book.”

He further said: "In the last six years, 332 people have been arrested in connection with the recovery of 400 firearms and 500 locally made weapons in raids on the camps. At the same time, 1,697 Rohingyas were arrested with more than 3.9 million pieces of yaba tablets and 40kg of ice.”

Besides, 94 people have been arrested in 70 cases in connection with the abduction of 359 Rohingyas and sent to jail through the court, he added.

## **Panic grips Cox's Bazar**

Local residents of Cox's Bazar said Rohingyas are becoming desperate day by day. As the days go by, they become more frightening. Since the arrival of Rohingyas, the use of drugs, smuggling, kidnapping and extortion has increased. The safety of our lives is at risk."

On August 19, RAB raided an arms manufacturing factory in the remote hills of Rangikhali under Hnila union of Teknaf and arrested six people. A large quantity of arms and bullets were recovered from the factory. Normal life is being disrupted by such raids going on at different times.

## **Ukhiya, Teknaf residents living in fear**

Cox's Bazar Citizens' Rights Movement Member Secretary HM Nazrul Islam said the people of the entire district are under threat due to the Rohingyas.

"We want a Rohingya-free Cox's Bazar. Rohingyas commit murders in public. Rohingyas are openly committing murders and using weapons against locals. Essentially, the police are powerless in this situation. With each passing day, Rohingyas are growing more desperate, resulting in attacks on the local population. The crime rate in the camps is also skyrocketing. If the Rohingyas do not return [to Myanmar], it is possible that one day the locals might have to leave the district."

Hnila Union Parishad Chairman Rashed Mahmud Ali said: "The people of Ukhiya and Teknaf live in great fear because of Rohingyas. In the presence of 1.2 million Rohingyas, the locals have become a minority. Even when Rohingyas commit various crimes, they cannot be turned over to the police. The limited number of police officers cannot effectively manage them across multiple camps. As night descends, Ukhiya and Teknaf become places of panic."

Balukhali Rohingya camp leader Nur Hossain said: "It has been six years in Bangladesh, and we have not yet gotten any solutions. Rohingyas and local residents are insecure in the camps. Now Arsa and the RSO are openly committing murders in these camps. As a result, murders are on the rise. We just want to return home. "

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8/C, FR Tower, Panthapath, Dhaka 1207, Bangladesh.  
Kazi Anis Ahmed, Publisher



## **Annex 206bis**

Siam Sarower Jamil, “Rohingyas find safe haven in rented houses”, *Dhaka Tribune*, 13 September 2024

Available at:

<https://www.dhakatribune.com/bangladesh/nation/343461/rohingyas-find-safe-haven-in-rented-houses>



Friday, November 22, 2024

# Dhaka Tribune

Friday, November 22, 2024

## Rohingyas find safe haven in rented houses

- Crimes increase significantly in Cox's Bazar
- Police warn of stern action against landlords



File image of Rohingyas. Photo: Mahmud Hossain Opu/Dhaka Tribune



**Siam Sarower Jamil**

Publish : 05 Apr 2024, 09:00 AM | Update : 06 Apr 2024, 04:59 PM

A large number of Rohingyas are currently living in rented houses in Cox's Bazar Sa Teknaf, and Ukhiya instead of designated camps. Among the Rohingyas, those who are wealthy and have relatives abroad have started living in these rented houses. Despite

Privacy

numerous detentions made by the authorities, a significant number of Rohingyas continue to reside in these houses.



The police say that many of these Rohingyas even have national identity cards (NIDs). Therefore, there is only so much the police can do in this regard.

Several Rohingya families are living in rented houses in Balukhali, Thaingkhali, Palongkhali, and Kutupalong areas of Ukhiya Sadar. Many of them have collected NID cards in exchange for money. Some even hold passports. They have now become residents of Cox's Bazar with the help of brokers.

Police say these Rohingyas are carrying out various criminal activities in these rented houses, causing law and order to deteriorate. The armed criminal groups active in the camps do not want the Rohingyas to return to their country.

Therefore, whenever the issue of repatriation is brought up, killings and other terrorist activities increase in the camps. Over 150 incidents of murder took place in the Ukhiya camp between August 25, 2017 and December 2023. Simultaneously, the miscreants abducted hundreds of people. In this case, the miscreants target the leaders, or majhis, of various camps. That is why many of the Rohingya leaders have been living in these rented houses, sources have said.

According to Ukhiya Press Club President Syed Mohammad Anwar, the Rohingyas live in rented houses and control the drug trade. They are even involved in hundi business. Through such means, these Rohingyas are gaining local influence and getting involved in crime.

However, the Rohingya leaders, who prefer anonymity, attribute the situation to the Arakan Rohingya Salvation Army (Arsa). Law enforcers are active in the camps during the

armed groups control them at night. Therefore, the majhis are feeling insecure and live in the town areas.

Rashed Mohammad Ali, chairman of Hnila Union Parishad, is concerned about the matter. He said: "Incidents of abduction are increasing in Ukhiya and Teknaf due to the free movement of the Rohingyas. If the situation remains beyond control, it will deteriorate. The Rohingyas are escaping from the camps and kidnapping locals. They are only freed in exchange for ransom. I am demanding an increase in police manpower in Ukhiya and Teknaf."

Amjad Hossain Khokon, chairman of Shamlapur Union Parishad, said: "At least 27km of area in my union is surrounded by hills. In this area, a gang is involved in the kidnappings.

"There is only one police station in our area with only seven to ten policemen, and they are unable to control crimes with such a small number. In this case, it is necessary to make the police more powerful."

Meanwhile, Cox's Bazar District Superintendent of Police Mohammad Mahfuzul Islam has warned of taking action against the owners of these houses. At the same time, he has set a deadline for the landlords to evict the Rohingyas from their houses. He made these remarks at a meeting on Wednesday.

He said: "The Rohingyas who have taken refuge in Bangladesh have become reckless. They are involved in various criminal activities, including the drug trade, theft, and robbery. In addition to this, they are also trying to have the law and order situation deteriorate in Bangladesh. The Rohingyas are responsible for the abductions in Teknaf. We'll find the criminals' roots and cut them off. No one can get away after committing crimes."

Mohammed Mizanur Rahman, Refugee Relief and Repatriation Commissioner (RRRC), has confirmed that he has received information about the issue. He told Dhaka Tribune that letting these Rohingyas live among the local people is illegal. This issue has already been discussed in meetings. Many of these Rohingyas are responsible for the worsening law and order in Cox's Bazar. They have created chaos in the camps while living safely in their rented houses."

Mizanur Rahman also said that the issue of passports, NIDs, and birth certificates being made available to the Rohingyas was also discussed at their regular meeting. "We are concerned about these. All the responsible parties are concerned about this issue," he said.

Shantanu Majumdar, a professor at the Department of Political Science at Dhaka University, thinks that the uncontrolled behaviour of Rohingyas is a big threat to the state. He said that it would not be easy to repatriate the Rohingyas at the moment. The continued escalation of the crisis on the other side of the border and the criminal activities of these Rohingyas are a concern for Bangladesh, he added.

Shantanu Majumder underscores the crucial necessity for the international community to exert pressure on Myanmar for the repatriation of its nationals. He contends that ensuring the safe return of Rohingyas is paramount for fostering peace and harmony between the two nations.

Emphasizing the primacy of human rights, he advocates for addressing the severe violations faced by the Rohingya people in their homeland. He insists on the imperative of securing definitive assurances regarding their human rights before initiating discussions on their repatriation.

According to UN statistics, more than 725,000 Rohingyas entered Bangladesh in 2017. Altogether, there are more than 1.2 million Rohingyas living in the country at present.

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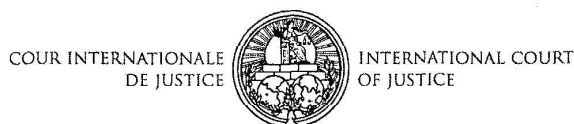
# **CORRESPONDENCE IN THESE PROCEEDINGS**



# **Annex 207**

Letter from the Agent of The Gambia to the Registrar, 23 October 2020





154101

23 October 2020

Madam,


I have the honour to inform Your Excellency of the filing in the Registry today of the Memorial of the Republic of The Gambia in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), within the time-limit as extended by the Court in its Order dated 18 May 2020.

The Memorial consists of 12 volumes: the Memorial itself (Vol. I) and 11 volumes of annexes (Vols. II-XII). The Memorial includes a certification that the annexes are true copies of the documents referred to and that the translations provided are accurate.

The Memorial was accompanied by a letter from H.E. Mr. Dawda Jallow, Agent of The Gambia, dated 23 October 2020, in which he stated, in particular, that Volumes X and XI include 36 annexes containing witness declarations that have been redacted to protect the safety and security of individuals, and that all identifying information has been removed from Annex 178 in Volume VI. Unredacted versions of these annexes have been filed under seal in the Registry, which the Agent explains are “for the Court’s *in camera* review only”.

1. You will find enclosed herewith a signed original of the Memorial (with annexes), additional paper and electronic copies thereof and a copy of the Agent’s letter.

Accept, Madam, the assurances of my highest consideration.



Philippe Gautier  
Registrar

H.E. Ms Aung San Suu Kyi  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

cc: H.E. Mr. Kyaw Tint Swe  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
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THE REPUBLIC OF THE GAMBIA  
Attorney General's Chambers  
Ministry of Justice  
Marina Parade  
Banjul

AG /C/370/01 PART 1 (53)

23 October 2020

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace, Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**DELIVERED BY HAND**

Excellency,

I have the honour to refer to the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*.

Pursuant to the Order of 18 May 2020 in the aforementioned case, I enclose 2 originals and 73 copies of the Memorial of the Republic of The Gambia and accompanying Annexes, as well as 50 electronic copies of the same.

I call your attention to the fact that Volumes X and XI of the Annexes to the Memorial contain the declarations of witnesses, which form part of the evidentiary basis for the claims made in the Memorial. Thirty-six of these declarations (Annexes 335, 338-358, 360-370, and 372) have been redacted to remove identifying information in order to protect the safety and security of the witnesses and related persons. The witnesses' consent to submit their declarations is premised on the removal of this information from their statements. The Gambia refers to these redacted declarations in the Memorial only by their identifying numbers.

Accordingly, for the purposes of full disclosure, I enclose herewith, under seal and separately from the Memorial and the Annexes, two unredacted copies of the aforementioned thirty-six witness declarations contained in Volumes X and XI, so that the Court will have all of the identifying information that has been redacted from the Annexes. In addition, Annex 178 from Volume VI, which has all identifying information removed, is also enclosed under seal in unredacted form. The individuals concerned have consented to the submission to the Court, and the Court alone, of the unredacted versions of their declarations. These are intended for the Court's *in camera* review only, and I would respectfully request that they be kept confidential.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



---

H.E. Mr. Dawda Jallow  
Agent  
Attorney General and Minister of Justice  
The Republic of The Gambia



# **Annex 208**

Letter from the Agent of Myanmar to the Registrar, 20 March 2023





***Union Minister for International Cooperation  
Republic of the Union of Myanmar***

No. 40 02 60 / 2023 ( **338** )

Dated. 20 March 2023

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**BY EMAIL ONLY**

Excellency,

With reference to the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, I have the honour respectfully to request the Court to call upon The Gambia to provide to the Court for transmission to Myanmar certain documents and information pertaining to Annexes 335-358, 360-370 and 372 to its Memorial. These Annexes to The Gambia's Memorial are witness statements, and documents purporting to record accounts given by claimed eye-witnesses.

This request is made pursuant to Article 49 of the Statute, and Article 50, paragraph 2, and Article 62, paragraph 1, of the Rules of Court.

Article 49 of the Statute provides:

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50, paragraph 2, of the Rules of Court provides:

If only parts of a document are relevant, only such extracts as are necessary for the purpose of the pleading in question need be annexed. A copy of the

whole document shall be deposited in the Registry, unless it has been published and is readily available.

Article 62, paragraph 1, of the Rules of Court provides:

The Court may at any time call upon the parties to produce such evidence or to give such explanations as the Court may consider to be necessary for the elucidation of any aspect of the matters in issue, or may itself seek other information for this purpose.

The Court may exercise its powers under these provisions at the request of a party.

***Request for unredacted annexes***

When submitting its Memorial, The Gambia said in a covering letter to the Registrar dated 23 October 2020 that Annexes 335, 338-358, 360-370, and 372 to the Memorial had been “redacted to remove identifying information in order to protect the safety and security of the witnesses and related persons”. That letter added that “for the purposes of full disclosure” two unredacted copies of these Annexes had been provided under seal “so that the Court will have all of the identifying information that has been redacted”. The letter maintained that “[t]he individuals concerned have consented to the submission to the Court, and the Court alone, of the unredacted versions of their declarations”.<sup>1</sup>

It would be inconsistent with the fundamental principles of open justice and equality of the parties for the Court to admit and give evidential weight to these Annexes, in circumstances where the Applicant and the Court have unredacted versions of them, while the Respondent has only redacted versions. The Gambia could have submitted unredacted versions of these documents with its Memorial, with the request that these annexes only be made public in redacted form. If that request had been made and granted, the result would have been that both of the parties and the Court would have had the unredacted versions, while the identities of those concerned would have been withheld from the public. This is what occurred in the *Croatia Genocide* case.<sup>2</sup>

<sup>1</sup> Letter from the Agent of The Gambia to the Registrar dated 23 October 2020, transmitted to Myanmar by the letter from the Registrar to the Agent of Myanmar, no. 154101, dated 23 October 2020.

<sup>2</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, I.C.J. Reports 2015*, p. 21, para. 35: “... Croatia indicated to the Court that it consented to the publication of its pleadings and documents annexed, provided they were published in redacted form and

In proceedings before this Court, it could never be consistent with the principle of equality of the parties for the Court to admit and give evidential weight to untested statements of witnesses whose identities have been made known to the Court but not to the other party. Furthermore, even if the Court could theoretically do so (and this is in no way conceded), it would be for the party seeking to proceed in this way to make a request to the Court that it be permitted to do so, and to persuade the Court that this course of action is necessary. That party would need to obtain an order of the Court in advance. The Court would need to consider any request for such an order on a witness-by-witness basis, having regard to the individual circumstances of each witness. Anonymity could not be imposed on a blanket basis. It cannot be open to The Gambia simply to decide unilaterally that the identities of witnesses on which it relies will be provided to the Court, but that their identities will be withheld on a blanket basis from Myanmar. There is unlikely to be any system anywhere in the world that permits a party to make such a decision unilaterally.

The Gambia's claim that the witnesses have not consented to the disclosure of their identities to Myanmar is furthermore contradicted by the Annexes themselves. Annexes 339-342, 345, 347, 349-354, 361, all contain a "witness acknowledgement" in which the witness confirms that "The interviewers ... explained that my identity will be disclosed to the Court *and the parties*" (emphasis added) and that "With knowledge of the above, I agree to give a statement". Others state only that "I have been briefed about procedures that *may* be available to ensure my own protection and security" (emphasis added).

The Gambia's redaction of the identities of these witnesses causes prejudice to Myanmar. Apart from anything else, at the most basic level, Myanmar is prevented even from checking whether persons with the claimed identities in fact exist and did indeed live in the places in which they claim to have lived at the material time. This impedes Myanmar's ability to check the genuineness and credibility of the witness statements.

It is also possible that more than one of the statements has been given by the same person. It is impossible for Myanmar to know this if the identities of those making the statements are not known.

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without a number of annexes, in order to ensure the anonymity of the victims and the individuals who provided it with written testimonies".

In the circumstances, procedural fairness and the good administration of justice require that unredacted versions of these annexes be made available to Myanmar.

***Request for identities in Annex 336***

Annex 336 to the Memorial of The Gambia is a document produced by the organization Legal Action Worldwide (LAW), which purports to record accounts given by various claimed eye-witnesses. The Annex does not give the identities of those concerned, who are identified in this document only by a “code” assigned by Legal Action Worldwide.

Procedural fairness and the good administration of justice require that the identities of these persons be made available to Myanmar. Again, apart from anything else, without knowing the identities, Myanmar is prevented from checking whether persons with the claimed identities did indeed live in the places in which they claim to have lived at the material time, and cannot know if more than one of the accounts has been given by the same person. Without knowing the identities, Myanmar also cannot know to what extent the persons in Annex 336 are the same as those giving the statements in other Annexes to the Memorial, in particular in Annexes 339-358, 360-370 and 372, which are witness statements that were prepared by the same organization, Legal Action Worldwide.

It is noted for example that in this Annex, there are two virtually identical witness accounts, which respectively bear different pseudonyms (CK0301 at p. 57, and TS0200 at p. 100). Without knowing the claimed identities of CK0301 and TS0200, Myanmar is unable to ascertain whether two identical accounts have purportedly been given by two different people (which would cast doubt on the plausibility of both of them), or whether the account of a single person has been included twice under different pseudonyms (which would cast doubt on the reliability of the process by which the accounts have been compiled).

***Request for copies of whole documents***

In accordance with Article 50, paragraph 2, of the Rules of Court, Myanmar is entitled to access to the whole of each document not publicly available that is only partially reproduced in an Annex to the Memorial of The Gambia.

Annex 338 to the Memorial is an extract from a document entitled “Fortify Rights, First-hand Testimonies from August-September ‘Clearance Operations’ in Myanmar”.

The 12 pages of Annex 338 bear internal page numbers 1, 9, 10, 11, 51, 52, 53, 54, 75, 76, 77 and 78, indicating that the original document was at least 78 pages long. The extract of the document provided by The Gambia appears to contain the information given by persons #9, #30 and #40, indicating that the original document contained information provided by at least 40 different people. The pages provided include all or parts of the pages containing information obtained from interviewees #1, #8, #10, #39 and #41, and these have been redacted completely.

This document has not been published and is not readily available. The Gambia should have deposited a copy of the whole document in the Registry, in accordance with Article 50, paragraph 2, of the Rules of Court.

It also appears that some of the witness statements in Annexes 339-358, 360-370, and 372, to the Memorial have not been reproduced in full. The first page is missing from Annexes 346, 347 and 348, in which the first page of the document in the annex bears the number 2. In the case of Annex 350, the first page bears the number 3. In the case of Annex 349, it is not possible to tell if there is a missing cover page, since the pages are unnumbered, but no information is given as to who took the statement, suggesting that there is a missing page.

In accordance with Article 50, paragraph 2, of the Rules of Court, Myanmar is entitled to access to all pages missing from these Annexes.

***Request for additional information***

As has been noted, Annex 336 to the Memorial of The Gambia is a document produced by the organization Legal Action Worldwide, which purports to record accounts given by various claimed eye-witnesses. Myanmar considers that the following information is needed in order to assist in the evaluation of the evidential weight of Annex 336:

- (1) the circumstances in which the interviews with the claimed eyewitnesses were conducted, including the places and dates of each interview, the place of residence of the interviewee at the time of interview, the names and qualifications of the interviewers and the interpreters, and the methodology used for identifying interviewees and conducting and recording the interviews, and for preparing and finalising the document at Annex 336; and
- (2) the circumstances by which this document came to be provided by Legal Action Worldwide to The Gambia or its representatives.

As has been noted, Annex 338 to the Memorial is an extract from a document entitled "Fortify Rights, First-hand Testimonies from August-September 'Clearance Operations' in Myanmar". This document has been prepared by the organization Fortify Rights. It is noted that The Gambia also relies on a report by Fortify Rights, found at Annex 114 to the Memorial, and a report produced jointly by the United States Holocaust Memorial Museum and Fortify Rights, found at Annex 192 to the Memorial. The reports at Annexes 114 and 192 both state that they are based on interviews with "Rohingya eyewitnesses and survivors", and it appears that these reports may in fact have been based on the document at Annex 338 to the Memorial. For instance, the Fortify Rights report at Annex 114 says at footnote 763 that the interview with #9 included an account of a helicopter attack, and the account of #9 in Annex 338 to The Gambia's Memorial refers to a helicopter flying over a village.

Myanmar considers that the following information is needed in order to assist in the evaluation of the evidential weight of Annex 338:

- (1) the circumstances in which the interviews described in this Annex were conducted, including the places and dates of each interview, the place of residence of the interviewee at the time of interview, the names and qualifications of the interviewers and the interpreters, and the methodology used for identifying interviewees and conducting and recording the interviews, and for preparing and finalising the document at Annex 338;
- (2) the circumstances by which this document came to be provided by Fortify Rights to The Gambia or its representatives; and
- (3) confirmation of whether the claimed eye-witness accounts set out in this annex are the interviews referred to in the report published by Fortify Rights at Annex 114 to the Memorial, and in the report of the United States Holocaust Memorial Museum and Fortify Rights at Annex 192 to the Memorial.

As has been noted, Annexes 339-358, 360-370, and 372, to the Memorial of The Gambia are witness statements prepared by the organization Legal Action Worldwide. Myanmar considers that the following information is needed in order to assist in the evaluation of the evidential weight of these Annexes:

- (1) details of the terms under which investigators of the Royal Canadian Mounted Police were involved in the exercise conducted by Legal Action Worldwide;

- (2) the qualifications of the interviewers and the interpreters (it being noted that each witness statement has an interpreter certificate stating that “I am qualified by *Legal Action World Wide (LAW)* to interpret from the Rohingya Language into the English language and from the English language into the Rohingya language” (emphasis added), suggesting that the interpreter may have had no formal qualification as an interpreter); and
- (3) details of who was physically with each of the “clients” of Legal Action Worldwide during, and immediately before and after, the interview (it being noted that it appears that in at least the majority of cases, the interviewer, interpreter and note-taker participated in the interview remotely via Microsoft Teams).<sup>3</sup>

Annex 337 to the Memorial of The Gambia is a record of a witness account given by a person named Mohammadul Hassan. Myanmar considers that the following information is needed in order to assist in the evaluation of the evidential weight of Annex 337:

- (1) the circumstances in which the interview was conducted, including the place and date of the interview, the place of residence of the interviewee at the time of interview, the names and qualifications of the interviewer(s) and the interpreter, and the methodology used for identifying the interviewee and conducting and recording the interview, and for preparing and finalising the document at Annex 337; and
- (2) the circumstances by which this document came to be provided to The Gambia or its representatives.

Annex 335 to the Memorial of The Gambia is another record of a witness account. Myanmar considers that the following information is needed in order to assist in the evaluation of the evidential weight of Annex 335:

- (1) the circumstances in which the interview was conducted, including the organisation(s) involved in the exercise of which this interview was a part, and the details of that exercise, the place of residence of the interviewee at the time of interview, the qualifications of the interviewer and the name and

<sup>3</sup> Page 9 of the Standard Operating Procedures, annexed to the witness statement of Antonia Mulvey, MG, Vol. XI, Annex 373.

qualifications of the interpreter, and the methodology used for identifying the interviewee and conducting and recording the interview, and for preparing and finalising the document at Annex 335; and

- (2) the circumstances by which this document came to be provided to The Gambia or its representatives.

Annexes 141 and 142 to the Memorial of The Gambia are interviews (transcripts and DVDs) of two purported former soldiers of the Myanmar Defence Services. At the beginning of each interview, the interviewer states that he is a lawyer in private practice who has been “invited” by the Government of Bangladesh to conduct the interview, which is taking place in Dhaka, Bangladesh. Another person present at the interview states that he is “deputy attorney general and advocate”, and that he has been “appointed” by the Government of Bangladesh to protect the rights and interests of the interviewees. Myanmar considers that the following information is needed in order to assist in the evaluation of the evidential weight of Annexes 141 and 142:

- (1) any known information, and the sources of such information, as to how these interviewees sought protection from the Government of Bangladesh, the involvement of the Government of Bangladesh in the interviews, the specific place where the interviews were conducted (for instance in a police station or government office), the circumstances of how and the persons by whom and the purpose for which the interviews were organised, and details of who was physically with the interviewees during, and immediately before and after, the interviews;
- (2) any known information, and the sources of such information, as to how these interviewees left Myanmar and entered Bangladesh, the reasons why they sought the protection of the Government of Bangladesh, the type of protection sought, the details of any persons who assisted them to contact the Government of Bangladesh or any other person or organization to offer their purported evidence, any protection granted by the Government of Bangladesh, the whereabouts of the interviewees since the time of the counter-terrorist operations in northern Rakhine State in 2016-2017 and the time of the interviews in August 2020, the whereabouts of the interviewees since giving the interviews, and the reasons why they came forward when they did; and

- (3) the circumstances by which and the persons by whom the material in these annexes came to be provided to The Gambia or its representatives.

***Conclusion***

For the reasons above, Myanmar requests the Court, pursuant to Article 49 of the Statute, and Article 50, paragraph 2, and Article 62, paragraph 1, of the Rules of Court, to call upon The Gambia to produce to the Court, for transmission to Myanmar:

- (1) unredacted copies of Annexes 335, 338-358, 360-370, and 372 to the Memorial of The Gambia, which should include any pages of those documents that are missing from those Annexes, including a complete and unredacted copy of the document at Annex 338;
- (2) the identities of the persons giving each of the claimed eye-witnesses accounts in Annex 336 to the Memorial of The Gambia; and
- (3) the information set out above under the heading "*Request for additional information*".

The present request is without prejudice to any other rights of Myanmar in these proceedings, including its right to object to the admissibility or to dispute the evidential weight of any material relied on by The Gambia for any reason. Evidential deficiencies in these and other Annexes to The Gambia's Memorial will be raised in the Counter Memorial.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Ko Ko Hlaing  
Agent



# **Annex 209**

Letter from the Agent of The Gambia to the Registrar, 30 March 2023





**By email only**

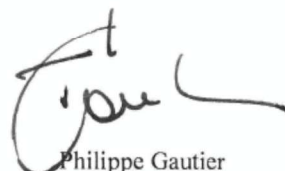
159120

30 March 2023

Sir,

With reference to the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), I have the honour to transmit herewith to Your Excellency a copy of a letter from H.E. Mr. Dawda Jallow, Agent of the Republic of The Gambia, dated 30 March 2023 and received in the Registry today. By his letter, the Agent communicates the views and comments of his Government on the request of the Republic of the Union of Myanmar for the Court to call upon the Republic of The Gambia to provide certain documents and information.

Accept, Sir, the assurances of my highest consideration.



Philippe Gautier  
Registrar

His Excellency  
Mr. Ko Ko Hlaing  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

cc: H.E. Dr. Thi Da Oo  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

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THE REPUBLIC OF THE GAMBIA  
Attorney General's Chambers  
Ministry of Justice  
Marina Parade  
Banjul

AG/C/370/01 PART 1 (53)

30 March 2023

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace, Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**DELIVERED BY EMAIL**

Excellency,

I have the honour to refer to the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), and your letter No. 159039 dated 20 March 2023, which transmitted a letter from the Agent of the Republic of the Union of Myanmar (“Myanmar”) requesting the Court to call upon the Republic of The Gambia (“The Gambia”) to provide certain documents and information. The Gambia is grateful to the Court for the opportunity to present its comments on Myanmar’s request.

Myanmar’s requests are grouped into four categories: (1) request for unredacted annexes, (2) request for identities in Annex 336, (3) request for copies of whole documents, and (4) request for additional information. The Gambia addresses each of these requests in turn.

**1. Request for unredacted annexes**

Myanmar requests unredacted copies of Annexes 335, 338-358, 360-370, and 372 of the Memorial. As noted in my letter of 23 October 2020, those annexes “have been redacted to remove identifying information in order to protect the safety and security of the witnesses and related persons.” These witnesses are Rohingya victims of acts of genocide against the Rohingya people in Myanmar. Some witnessed horrific acts of murder perpetrated by Myanmar’s military. Some suffered brutal sexual violence at the hands of Myanmar’s military. All barely escaped with their lives as their homes, villages, and belongings were burned to the ground by Myanmar’s military forces.

The safety and security of these witnesses cannot be assured by The Gambia or the Court if their identities are disclosed to Myanmar. Most of them are currently refugees living in camps just inside Bangladesh, close enough to the border with Myanmar to be within the

reach of Myanmar's security forces, as well as its agents inside the camps. One of them lives in Rakhine State and remains subjected to Myanmar's discriminatory laws and policies targeting the Rohingya people, including those laws that deny the Rohingya of the rights and protections of citizenship. They are justifiably fearful of retaliation by Myanmar<sup>1</sup>—by killing, abduction or infliction of serious bodily harm on them or their families—in the event their identities are disclosed to representatives of Myanmar's military government in these proceedings, and they have given their testimonies on the express condition that their names be redacted from copies of their statements provided to Myanmar.

Accordingly, The Gambia has given its assurances to these witnesses, through their counsel, that it would disclose their identities only to the Court, and not to Myanmar. The Gambia has thus submitted their unredacted statements to the Court under seal and annexed to its Memorial copies of the statements with the names of the witnesses redacted.

In so doing, The Gambia has followed procedures that have been used in prior cases at this stage of the proceedings. For example, in the Memorial in Aerial Herbicide Spraying (Ecuador v. Colombia), Ecuador explained its procedure regarding witness statements as follows:

“Ecuador refers to all witness affidavits in this Memorial by witness number, rather than by name of the witnesses. Witness names have been redacted from the affidavits included as Annexes to the Memorial at the request of the witnesses for their protection. Ecuador has separately submitted to the Court, under seal, a full set of unredacted witness statements, as well as a table correlating the witnesses to the annex numbers used in the Memorial.”<sup>2</sup>

In that case, the witnesses were Ecuadorian nationals living in Ecuador. Although close to the border with Colombia, from whose armed forces they feared retaliation, they were under the protection of the Ecuadorian government. The Court nevertheless accepted their unredacted statements under seal and made no order of disclosure to Colombia. Eventually, an agreement was reached between the parties that would have permitted disclosure of the unredacted statements on a narrow basis. Colombia, however, decided not to obtain them, and ultimately the case was settled.

In Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Qatar submitted witness statements from victims of discrimination with their names redacted. As Qatar explained in an annex to its Memorial:

“As a result of this process, 109 claimants agreed to step forward and submit written declarations detailing the harm they suffered as a result of the Discriminatory Measures. ... The

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<sup>1</sup> Recent reports indicate Myanmar is actively seeking to coerce witness testimony. Poe U, “Regime seeking out Rohingya witnesses for Myanmar's ICJ defence”, *Myanmar Now* (6 March 2023), <https://myanmar-now.org/en/news/regime-seeking-out-rohingya-witnesses-for-myanmars-icj-defence>.

<sup>2</sup> *Aerial Herbicide Spraying (Ecuador v. Colombia)*, Memorial, 28 April 2009, Vol. I, p. 173, note 405.

vast majority of claimants requested that their identities be kept anonymous due to their fear of reprisal by the UAE or UAE-based entities, including harassment directed at themselves, their family members, business associates, and other individuals linked to them, especially immediate or extended family members (many of whom are Emirati) or other acquaintances currently residing in the UAE. All potentially identifying information for those claimants requesting anonymity has therefore been redacted from the finalized declarations.”<sup>3</sup>

Myanmar suggests that the procedure adopted by Croatia in Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)<sup>4</sup> should be followed here, but it fails to point out that the circumstances of the two cases are not comparable. First, Croatia did not consider that there was a need to withhold the names of its witnesses from the Respondent State; it sought only to prevent public disclosure of their names at the time the written pleadings were made public. Second, the witnesses were Croatian nationals living in Croatia under the protection of the Croatian government, and there was no evidence that they were vulnerable to retaliation by the Respondent State’s military forces. As explained above, the same is not true for the witnesses in this case.

Myanmar states that some of the annexes, including Annexes 339-342, 345, 347, 349-354, and 361, indicate that the witnesses understood that their identities “will be disclosed” to the Court and the parties. The sentences from which that phrase is taken are both preceded and followed by sentences indicating that the witnesses were referring to their potential in-person testimony before the Court. The witnesses thus consented to the disclosure of their names only in the event they are called to testify before the Court during the oral hearings on the merits of the case. There was no consent to disclosure under any other circumstances. The witnesses were assured, at the time they gave their statements, that there would be none.

These assurances were memorialized in the Memorandum of Understanding by which The Gambia received these particular witness statements from Legal Action Worldwide (“LAW”), which serves as counsel to the witnesses. Under this MOU, The Gambia agreed to abide by “any confidentiality-related requirements on the possession and use of the Witness Statements from LAW’s Rohingya Clients”. After receiving Myanmar’s letter dated 20 March 2023, The Gambia, through its counsel, confirmed with LAW that its understanding of the disclosure language discussed above was correct. LAW further confirmed, as it relates to statements taken from its clients, the accuracy of the representation in my letter to the Court of 23 October 2020 that the “individuals concerned have consented to the submission to the Court, and the Court alone, of the unredacted versions of their declarations”.

Myanmar argues in its letter to the Court that the procedure adopted by The Gambia is inconsistent with “open justice and equality of the parties”. To the contrary, this procedure is consistent with past practice and international standards. Decisions of the International

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<sup>3</sup> *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, Memorial, 25 April 2019, Vol. XII, Annex 272, paras. 12-13.

<sup>4</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, 3 February 2015, p. 21, para. 35.

Criminal Tribunal for the former Yugoslavia (“ICTY”) show that in certain circumstances where witness safety is under threat, anonymous witness testimony is appropriate.<sup>5</sup> Decisions of the International Criminal Tribunal for Rwanda (“ICTR”) have followed that precedent and allowed delayed disclosure of witness identities depending on the ability to protect the witnesses.<sup>6</sup> Rule 81(4) of the International Criminal Court’s (“ICC”) Rules of Procedure and Evidence allows the Chamber to “take the necessary steps to ensure the confidentiality of information, in accordance with articles 54, 72 and 93, and, in accordance with article 68, to protect the safety of witnesses and victims and members of their families, including by authorizing the non-disclosure of their identity prior to the commencement of the trial.”<sup>7</sup>

These authorities reflect international criminal law, where the standard of proof is more stringent and the need for the protection of the defendant’s rights is more acute given the threat to his/her liberty from a guilty verdict.

It is unsurprising, therefore, that, for its commissions of inquiry and fact-finding missions, the United Nations developed practice guidelines in 2015 that emphasize the centrality of witness protection, confidentiality, and the “do no harm” principle in their reports.<sup>8</sup> The Committee on the Elimination of Racial Discrimination has adopted a similar standard regarding its treatment of individual communications, as set forth in its Rules of procedure:

“After it has been decided that a communication is admissible in conformity with article 14, the Committee shall transmit, confidentially, through the Secretary-General, the text of the communication and other relevant information to the State party concerned without revealing the identity of the individual unless he has given his express consent.”<sup>9</sup>

For protection of the witnesses who were justifiably fearful of retaliation by Myanmar, and to prevent the infliction of harm on them, The Gambia redacted from the copies of their statements annexed to its Memorial only their names and other information that could reveal their identities to Myanmar. These redactions do not deprive Myanmar of its ability to challenge any of the facts asserted in the witness statements, or to present its own witnesses offering contrary testimony. Myanmar is not prevented from arguing that its inability to check the identity of the witnesses should be taken into account by the Court in its assessment of the

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<sup>5</sup> See *Prosecutor v. Tadic, Case No. IT-94-1*, Decision on the Prosecutor’s Motion Requesting Protective Measures for Victims and Witnesses, ¶ 84 (Aug. 10, 1995) (“Prosecutor has met the necessary standard to warrant anonymous testimony in respect of witnesses H, J and K.”).

<sup>6</sup> See *Prosecutor v. Bagosora, Kabiligi, Ntabakuze & Nsengiyumva, Case No. ICTR-98-41-T*, Decision on Defence Motion for Reconsideration of the Trial Chamber’s Decision and Scheduling Order of 5 December 2001 (July 18, 2003).

<sup>7</sup> International Criminal Court, Rules of Procedure and Evidence, Rule 81(4). See also *Prosecutor v Thomas Lubanga Dyilo, ICC-01/04-01/06-1119*, Decision on Victim’s Participation (18 January 2008), paras. 130-131.

<sup>8</sup> United Nations, Office of the High Commissioner for Human Rights, Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice (2015), pp. 33-34. LAW adheres to these guidelines and has incorporated them into their internal practices.

<sup>9</sup> United Nations, Committee on the Elimination of Racial Discrimination, Rules of procedure, Rule 94(1).

credibility of their statements—and the Court, which has access to the redacted information, will be able to draw its own conclusions about the testimony, based on factors such as the content of the testimony, the character of the evidence, the circumstances under which the evidence was produced, and other evidence that corroborates the testimony or attests to its authenticity. The Court, which has the names of all witnesses, will know if “more than one of the statements has been given by the same person,” as suggested by Myanmar.

The Gambia believes that it has carefully followed procedures that balance the necessity of protecting witness safety, on the one hand, with the right of Myanmar to contest the evidence presented against it, on the other. On this basis, it objects to disclosure of witness identities at this time, and asks the Court to uphold its objection by not ordering the disclosure of the names of its witnesses to Myanmar.

## 2. Request for identities in Annex 336

Myanmar requests “the identities of the persons giving each of the claimed eye-witnesses accounts in Annex 336”. As explained in Annex 373, a witness statement by Antonia Mulvey, the Executive Director of Legal Action Worldwide (“LAW”), the content of Annex 336 is:

“... a copy of the representations submitted to the Victim Participation and Reparations Section of the International Criminal Court in October 2019, pursuant to the Notification by the Prosecutor of a Request to Pre-Trial Chamber III for an investigation dated 4 July 2019 (“Victim Submission”). The submission includes information provided by male and female survivors of sexual violence, perpetrated by members of the Tatmadaw and Border Guard Police.”<sup>10</sup>

These victim accounts, whose authenticity is attested to by Ms. Mulvey, were submitted to the International Criminal Court (“ICC”) pursuant to accepted standard of practice associated with submissions to the Victim Participation and Reparations Section of the ICC. The Gambia does not possess the individual names associated with the code assigned to each individual. For the same reasons elaborated under item 1 above, The Gambia considers that the need for protection of the witnesses plainly outweighs Myanmar’s desire for their names.

## 3. Request for copies of whole documents

Myanmar seeks access to the whole document underlying Annex 338 of the Memorial. That document is a compilation of interviews taken by officials of the non-governmental organization Fortify Rights in the time period contemporaneous with Myanmar’s genocidal clearance operations in 2017 against the Rohingya population of Myanmar and is entitled “Firsthand Testimonies from August-September ‘Clearance Operations’ in Myanmar”. Because the document is a series of separate witness interviews, The Gambia treated each interview as separable and, thus, did not deposit the rest of the whole document in the Registry.

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<sup>10</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Memorial, 23 October 2020, Vol. XI, Annex 373, para. 11.

The Gambia has no objection to filing the whole document with the Registry, subject to redaction of the names of the interviewees, and other identifying information, as it has done for the witness statements addressed above under items 1 and 2. The need to protect the interviewees whose statements are recorded in Annex 338 is equal to the need to protect the witnesses whose statements were provided in the Annexes addressed under items 1 and 2, above.

Myanmar also seeks access to the entirety of the witness statements provided in Annexes 346-350, asserting that there are missing pages. The Gambia has reviewed these Annexes and determined that, although the page numbering is off, the complete statements are there. There is thus nothing further to provide.

#### **4. Request for additional information**

Myanmar makes several requests for additional information regarding various annexes in The Gambia's Memorial. The Gambia is pleased to provide the requested information, to the extent that it possesses or has been able to access it, as set out below.

First, Myanmar requests information regarding the circumstances of the interviews and the circumstances by which Annex 336 came into the possession of The Gambia or its representatives. This information is provided in Annex 373, the statement by Ms. Mulvey, Executive Director of LAW. In her statement at paragraph 11, she describes Annex 336, and she provides, as Annex 2 to her statement, a copy of LAW's standard operating procedures for taking witnesses testimony. She also describes the Memorandum of Understanding with The Gambia's counsel, a copy of which is attached as Annex 1 to her statement, which explains the circumstances by which The Gambia received these witness statements from LAW's clients.

Second, Myanmar requests information about the circumstances in which the interviews included in Annex 338 were conducted, the circumstances by which the document came into the possession of The Gambia or its representatives, and confirmation regarding whether accounts in Annex 338 are cited in the two reports annexed as Annex 114 and Annex 192. The Gambia will respond to these requests in reverse order.

Annex 114 is a report from Fortify Rights entitled "They Gave Them Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar". The full version of the report, which is public and readily available, provides information regarding its sources:

"The findings of this report are based primarily on 254 interviews conducted by Fortify Rights from October 2016 to June 2018 with eyewitnesses and survivors of human rights violations as well as with Myanmar military and police sources, Myanmar military analysts, members of ARSA, Bangladesh military and government officials, a Rakhine Buddhist monk, and international and local humanitarian aid workers. These interviews include 242 Rohingya men and women from 31 villages in Maungdaw, Buthidaung, and Rathedaung townships in Rakhine State. Fortify Rights interviewed 88 Rohingya—46 women and 42 men—and conducted a qualitative survey of 71 Rohingya—58 women and 23 men—who survived the military-led attacks in Maungdaw Township starting in October

2016. Fortify Rights also conducted 83 interviews—22 women and 61 men, including four Hindus, and six male members or former members of ARSA—with information on the military-led “clearance operations” in Maungdaw, Buthidaung, and Rathidaung Townships starting in August 2017. Fortify Rights interviewed most survivors and eyewitnesses of the 2017 “clearance operations” hours or days after attacks, which assisted in ensuring accuracy.

Fortify Rights also reviewed visual evidence, including films and photographs from northern Rakhine State, acquired from original sources as well as open-source media. Information that could not be adequately corroborated or triangulated was not included in this report.

Fortify Rights conducted interviews with survivors and eyewitnesses in the Rohingya language with English interpretation and in private and secure settings, often for appropriately long durations of time at the discretion of the interviewee. Some interviews occurred after multiple meetings. With the consent of the interviewee, Fortify Rights recorded interviews and worked with a third party to review the audio recordings to check the interpretation for accuracy. No one interviewed for this report received compensation, and all were informed of the purpose of the interview, its voluntary nature, and the ways that the information might be used. All provided informed consent. The specific dates and locations of some interviews are withheld and the names of victims, eyewitnesses, and others as well as other identifying details are withheld or changed for security reasons.”<sup>11</sup>

Annex 192 is a report co-authored by Fortify Rights and the United States Holocaust Memorial Museum’s Simon-Skjodt Center for the Prevention of Genocide. The full version of the report, which is public and readily available, provides the following information regarding its sources:

“Fortify Rights and the Simon-Skjodt Center traveled to Rakhine State and areas along the Bangladesh–Myanmar border before and during both rounds of military-led attacks on Rohingya civilians. Fortify Rights visited locations along the Naf River—which separates Myanmar and Bangladesh—refugee camps in Bangladesh, forested enclaves on the border, and villages where Rohingya survivors sought refuge. This report is based on more than 200 in-depth, in-person interviews—documented primarily by Fortify Rights—with

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<sup>11</sup> Fortify Rights, *They Gave Them Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar* (July 2018), p. 29, available at [https://www.fortifyrights.org/downloads/Fortify\\_Rights\\_Long\\_Swords\\_July\\_2018.pdf](https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf).

Rohingya survivors and eyewitnesses of atrocity crimes, including more than 100 Rohingya women, as well as aid workers.”<sup>12</sup>

The Gambia came into possession of Annex 338 when its counsel asked officials from Fortify Rights if they had witness statements or interviews contemporaneous with the 2017 clearance operations that could be submitted to the Court as evidence in these proceedings. Fortify Rights provided the document to The Gambia on the condition that personally identifiable information of witnesses would be redacted in any version available to Myanmar, given concerns over victim safety. The Gambia does not have information on whether the 49 witnesses whose interviews are included in the full document underlying the excerpted Annex 338 overlap with any of the “254 interviews” that are mentioned as sources for the report in Annex 114 or the “more than 200 in-depth, in-person interviews” identified as sources for the report in Annex 192.

Third, Myanmar requests information regarding witness statements taken by LAW among Annexes 339-358, 360-370, and 372. The statement by Ms. Mulvey contained in Annex 373 provides the information requested by Myanmar. Paragraphs 8-10 of her statement indicate as follows:

“8. Between 28 April and 9 October 2020, LAW gathered witness statements from its Rohingya clients. These statements have been gathered through remote and in-person interviews in line with LAW’s Standard Operating Procedures (ANNEX 2). Some witness statements were compiled by three senior criminal investigators, Serena Gates, Prudence Acirokop, Peter Haynes QC; and others by a team of police investigators from the Royal Canadian Mounted Police. Three interpreters attended the interviews.

9. Interviews were undertaken and witness statements prepared both remotely and in-person. Between April and September 2020, interviews with witnesses were undertaken remotely using video conferencing software (Microsoft Teams). Witnesses would come to LAW’s secure centre near the camps in Cox’s Bazar for the interview, with investigator, interpreter and a notetaker joining through video conferencing technology. The witness would return to LAW’s centre at a later date to finalise and sign their statement.

10. In-person interviews were conducted and statements prepared by a team of investigators provided by the Royal Canadian Mounted Police at LAW’s secure centre near the

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<sup>12</sup> Fortify Rights and United States Holocaust Memorial Museum, *They Tried to Kill Us All: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar* (November 2017), pp. 1-2, available at <https://www.ushmm.org/m/pdfs/201711-atrocity-crimes-rohingya-muslims.pdf>.

camps in Cox's Bazar between 22 September and 9 October 2020.”<sup>13</sup>

Fourth, Myanmar requests information regarding the involvement of expert criminal investigators from the Royal Canadian Mounted Police (“RCMP”). The Gambia is pleased to report that the involvement of the RCMP resulted from discussions between The Gambia and Canada regarding how the latter could assist in independently collecting reliable evidence for this case. As reported by the RCMP:

“[T]he Government of The Gambia made an official request to Global Affairs Canada (GAC) for technical assistance from the Royal Canadian Mounted Police (RCMP). The RCMP agreed to collaborate with Law Action Worldwide, a non-governmental organization (NGO), to help gather the evidence required for the investigation. A team of five investigators left Canada for a three-week mission to Bangladesh. GAC required experienced interviewers to interview witnesses as part of Canada's contribution to the report on the genocide of Rohingya communities.”<sup>14</sup>

Section V of Annex 2 (p. 9) of Ms. Mulvey's statement provides details on the modalities of the witness interviews. Regarding the qualifications of interviewers (as requested by Myanmar), it states that “[i]nterviewers are senior criminal investigators, currently provided by Justice Rapid Response”. Regarding interpreters, it states that the “[i]nterpreter/ translator may be either one of LAW's project officers or another English—Rohingya interpreter/ translator with relevant experience”. The Gambia understands that during remote interview sessions, the witnesses were accompanied only by LAW staff members.

Fifth, Myanmar requests information regarding Annex 337. This is a witness interview taken by Fortify Rights applying the same standards and procedures as described above regarding Annex 338, with the difference being that the witness consented to have his name remain unredacted. This interview was provided to The Gambia by Fortify Rights.

Sixth, Myanmar requests information regarding Annex 335, which is a witness statement taken by investigators from the International State Crimes Initiative at Queen Mary University of London. That witness statement was included in the materials that contributed to that institution's report, “Countdown to Annihilation: Genocide in Myanmar”, published in 2015 and excerpts of which are annexed at Annex 93. The full version of that report, which is public and readily available, specifies the methodology used by the investigators:

“This report is based on a 12-month study funded under the UK Economic and Social Research Council's ‘Pilot Urgency Grants Mechanism’. Led by Professor Penny Green (Director of ISCI and Chair in Law and Globalisation at Queen Mary

<sup>13</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Memorial, 23 October 2020, Vol. XI, Annex 373, paras 8-10.

<sup>14</sup> Royal Canadian Mounted Police, “Investigating Beyond Borders” (21 October 2021), <https://www.rcmp-grc.gc.ca/en/news/2021/investigating-borders?fe=undefined&wbdisable=true>.

University of London), the ISCI team of three Queen Mary University researchers (Green, Thomas MacManus and Alicia de la Cour Venning) spent over four months in the field (primarily in Rakhine State but also in Yangon, Myanmar) investigating whether or not the Myanmar State's persecution of the Rohingya constitutes genocide.

The team conducted 176 formal interviews with key participants. These included: individuals who identified as being of Rohingya, Rakhine, Kaman, Bamar and Maramagyi ethnicity; INGO staff; Rakhine state government officials; Rakhine civil society leaders and politicians; Rakhine and Rohingya activists; senior foreign diplomats; local and international journalists; lawyers; monks; imams; business people; local and international photographers; and academics. Fieldwork also involved ethnographic observation in some 40 Rohingya, Kaman and Rakhine villages and camps for IDPs (within Sittwe, Thandwe and Mrauk U districts), and in Aung Mingalar, the one Rohingya ghetto in Sittwe. The ethnographic fieldwork, which combined interviews with observation, provided the opportunity to analyse social relations in Rakhine state. ...

The first interviews in Rohingya, Rakhine and Kaman villages were normally conducted with the formal or informal village administrators, who granted permission to interview residents and provided basic information about the village. The less structured nature of the camps tended to mean that interviews began immediately upon entering the camps, with researchers randomly selecting those willing to speak. Women in the camps were far more reticent to speak than men, but as strong a representation of women's voices as possible was achieved. ...

Informed consent was secured in every case and confidentiality assured. Most of those interviewed are not named in order to protect their identities and safety.<sup>15</sup>

Other information requested by Myanmar regarding Annex 335 is provided in the document itself, including the location of the interview. The Gambia received this witness interview directly from the investigating institution, which shared it under the condition that the witness's identity and related information remain confidential.

Seventh, Myanmar requests information regarding Annexes 141 and 142, which are interviews with members of Myanmar's military who participated in the genocidal attacks against the Rohingya, and who later defected and sought protection in Bangladesh. The

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<sup>15</sup> International State Crimes Initiative, Queen Mary University of London School of Law, *Countdown to Annihilation: Genocide in Myanmar* (2015), pp. 23-24, available at <http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf> (footnotes omitted).

Government of Bangladesh provided this evidence to The Gambia. The video recordings and written transcripts of the interviews—which have been provided to the Court and to Myanmar in Annexes 141 and 142—provide the information requested by Myanmar, including the place of the interviews and the individuals who were present. The Gambia does not presently have evidence on how or where the interviewees entered Bangladesh, or their specific whereabouts before or after the interviews, apart from what they said about themselves in the interviews.

\*

In conclusion, for the reasons given, The Gambia objects to providing Myanmar with the unredacted versions of the Annexes to its Memorial that it submitted to the Court under seal, as Myanmar has requested in items 1, 2 and 3, above; and The Gambia considers that this letter satisfactorily responds to Myanmar's requests for information, in item 4 above, by providing the requested information to the extent that The Gambia possesses or has been able to access it. The Gambia trusts that the Court will continue to protect the identities of those witnesses who have provided their statements on the condition that their identities not be disclosed to Myanmar, as requested in my letter of 23 October 2020 conveying the unredacted statements to the Court.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



---

H.E. Mr. Dawda Jallow  
Agent  
Attorney General and Minister of Justice  
The Republic of The Gambia

# **Annex 210**

Letter from the Registrar to the Agent of Myanmar, 6 April 2023



**By email only**

159168

6 April 2023

Sir,

I have the honour to refer to the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) and to the request of the Republic of the Union of Myanmar that the Court call upon the Republic of The Gambia to provide certain documents and information pertaining to various annexes to the Applicant's Memorial. I further have the honour to inform Your Excellency that the Court, having duly considered Myanmar's request, as well as the comments on it received from The Gambia, has decided, for the reasons set out below, that no action is required at this stage of the proceedings by the Court.

First, with respect to Myanmar's request for unredacted copies of Annexes 335, 338-358, 360-370 and 372 to the Memorial of The Gambia, the Court recalls that the Applicant has explained that it has included redacted annexes in order to protect the safety and security of witnesses and related persons, and that, in keeping with procedures used in prior cases before the Court, it has submitted unredacted statements to the Court under seal. In this regard, the Court wishes to make clear that the Parties are free to address questions relating to the evidentiary value of materials adduced in the case file during the written and oral pleadings on the merits. Indeed, the Court takes note of the Myanmar's stated intention to raise concerns in its Counter-Memorial about alleged "evidentiary deficiencies" in the Memorial of The Gambia.

/.

His Excellency  
Mr. Ko Ko Hlaing  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

cc: H.E. Dr. Thi Da Oo  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

Email: [mmicjoffice20@gmail.com](mailto:mmicjoffice20@gmail.com); [soelynnhan@gmail.com](mailto:soelynnhan@gmail.com)  
[ambassador@embassyofmyanmar.be](mailto:ambassador@embassyofmyanmar.be); [mebrussels@embassyofmyanmar.be](mailto:mebrussels@embassyofmyanmar.be)

As the Court has previously indicated, “neither its Statute nor its Rules lay down any specific requirements concerning the admissibility of statements which are presented by the parties in the course of contentious proceedings ... [i]n determining the evidential weight of any statement by an individual, the Court necessarily takes into account its form and the circumstances in which it was made” (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, *Judgment*, *I.C.J. Reports 2015*, para. 196).

In connection with the specific request that a complete and unredacted copy of the document contained in Annex 338 be furnished by the Applicant, the Court observes that The Gambia has stated that it has no objection to filing with the Registry the whole document in question, subject to the redaction of the names of the interviewees, and other identifying information. In this regard, the Court requests that The Gambia provide the redacted whole document included as Annex 338 to its Memorial by Monday 17 April 2023 at 6 p.m.

Secondly, with respect to Myanmar’s request for the identities of the persons who signed witness accounts in Annex 336 of the Memorial of The Gambia and for “additional information” regarding various other annexes, The Gambia has explained that the witness accounts were submitted by a non-governmental organization to the International Criminal Court (with a code assigned to each individual). The Gambia has also indicated that it does not possess the individual names of the authors of these witness accounts. With regard to the “additional information” requested, the Court notes that The Gambia states that it has provided the requested information, to the extent that it possesses or has been able to access it.

Finally, the Court remains mindful that the concerns raised by both Parties involve important questions relating to the credibility of evidence and the need to ensure the protection of witnesses. In this connection, the Court wishes to reiterate that evidentiary questions in a case are properly to be addressed during the further stages of the merits phase.

A letter in similar terms has been sent to the other Party.

Accept, Sir, the assurances of my highest consideration.



Philippe Gautier  
Registrar

# **Annex 211**

Letter from the Agent of The Gambia to the Registrar, 3 May 2024





By email only

162067

6 May 2024

Sir,

With reference to the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, I have the honour to transmit to Your Excellency herewith a copy of a letter from the Agent of the Republic of The Gambia, dated 3 May 2024 and received in the Registry today. By his letter, the Agent requests a one-month extension of the time-limit for the filing of the Reply of The Gambia, from 16 May 2024 to 17 June 2024.

I further have the honour to invite your Government to communicate its views on the above-mentioned request by Friday 10 May at 3 p.m., at the latest.

Accept, Sir, the assurances of my highest consideration.



Jean-Pelé Fomété  
Deputy-Registrar

His Excellency  
Mr. Ko Ko Hlaing  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

cc: H.E. Dr. Thi Da Oo  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

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[mebrussels@embassyofmyanmar.be](mailto:mebrussels@embassyofmyanmar.be)



THE REPUBLIC OF THE GAMBIA  
Attorney General's Chambers  
Ministry of Justice  
Marina Parade  
Banjul

AG /C/370/01 PART 1 (53)

3 May 2024

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace, Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**DELIVERED BY EMAIL**

Excellency,

I have the honour to refer to the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), and the Court's Order dated 16 October 2023, which set 16 May 2024 as the time-limit for The Gambia's Reply and 16 December 2024 as the time-limit for Myanmar's Rejoinder.

I write to request an extension of one month for the submission of The Gambia's Reply, until 17 June 2024, for the reasons explained below. In the interest of equality of arms, The Gambia would have no objection to an equivalent extension for the submission of Myanmar's Rejoinder.

The request is necessitated by a communication of 2 May 2024 from the United Nations Independent Investigative Mechanism for Myanmar ("IIMM" or the "Mechanism"), the entity established by the United Nations Human Rights Council to "collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011".<sup>1</sup> The communication, a copy of which is attached hereto, states that "the Mechanism anticipates that in the next two weeks it will provide to The Gambia a total of six packages containing analytical notes and other information and evidence collected by the Mechanism".<sup>2</sup> The communication provided the first of those six packages, which conveyed an analytical report with annexed materials consisting of approximately 350 pages. Today, 3 May 2024, The Gambia received two more of the packages, which conveyed an analytical report and a witness screening interview consisting of approximately 50 pages

<sup>1</sup> UN Human Rights Council, Resolution 39/2, UN Doc. A/HRC/RES/39/2 (27 Sept. 2018), para. 22.

<sup>2</sup> UN IIMM, Letter from H.E. N. Koumjian to H.E. D. Jallow (2 May 2024) p.1.

combined. The Gambia understands that Myanmar received the same communications from the Mechanism, as it is the Mechanism's practice to share its evidentiary materials with both Parties.

Upon inspection of these materials, The Gambia has found them to consist of new evidence of direct relevance to the issues that have been raised in this case, and which have been addressed by both Parties in their Memorial and Counter-Memorial. Given the receipt of this voluminous new evidence two weeks before the date set for submission of the Reply, and the pending receipt of three more packages of additional evidentiary materials, as promised by the Mechanism, it is not feasible for The Gambia to review, analyse, and address, as appropriate, the relevant new evidence in its Reply. Myanmar, on the other hand, would be able to do so in its Rejoinder, currently due on 16 December 2024.

The Gambia believes that it would be consistent with the fair administration of justice for both Parties to have an opportunity to review and utilize, as appropriate, these new evidentiary materials in their respective second-round pleadings, rather than only the Respondent having the opportunity to do so. For The Gambia to have this opportunity, a one-month extension of the due date for its Reply is needed.

If The Gambia is denied an opportunity to address the evidence newly received from the Mechanism in its Reply, it would be forced, after review of these materials, to submit a separate request to the Court to include them in the record. But, in such case, the Court would receive them without the benefit of The Gambia's analysis of them and explanation of their significance, while Myanmar would be able to fully address any such materials in its Rejoinder. The Gambia would plainly be disadvantaged in such situation.

Accordingly, The Gambia respectfully requests that the Court extend by one month the time-limit for its Reply, to 17 June 2024.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



---

H.E. Mr. Dawda Jallow  
Agent  
Attorney General and Minister of Justice  
The Republic of The Gambia

ATTACHMENT

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: 2024-IIMM-000043

**CONFIDENTIAL**

2 May 2024

Excellency,

I have the honour to refer to the following 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, and 26 August 2020.

As part of the Mechanism’s commitment to provide material relevant to the aforementioned ICJ proceedings, the Mechanism anticipates that in the next two weeks it will provide to The Gambia a total of six packages containing analytical notes and other information and evidence collected by the Mechanism. In this first instance, the Mechanism hereby provides an Analytical Note prepared by the Mechanism entitled “Analysis of the Myanmar Government’s Encouragement of Resettlement by Buddhists from Bangladesh to Rakhine State, Myanmar”, along with its underlying material, as set out in Annex A. The Mechanism has applied redactions to limited parts of the aforementioned Analytical Note because it does not have consent to share certain information with the parties to the ICJ proceedings. In the present circumstances, the Mechanism has included all of the underlying materials for the unredacted sections of this Analytical Note because the materials relate to open-source items or originate from sources who have not indicated any personal security concerns and have given their full informed consent to share with the parties to the ICJ proceedings. 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 provided materials, relevant to the aforementioned ICJ proceedings, to both The Gambia and 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 the Agent for Myanmar and the designated Counsel responded affirmatively in April 2024 to the Mechanism’s request for agreement with the Mechanism’s conditions for the sharing of materials with the parties to the ICJ proceedings. Accordingly, the

H.E. Mr. Dawda Jallow  
Attorney General and Minister of Justice  
Republic of The Gambia

Mechanism will also share this Analytical Note and the material set out in Annex A with Myanmar at this time.

With the exception of the application of the aforementioned redactions to the Analytical Note, 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 2 May 2024

File Name and Evidence Identifier	Beginning Bates Page No.	End Bates Page No.
<b>Analysis of the Myanmar Government's Encouragement of Resettlement by Buddhists from Bangladesh to Rakhine State Myanmar</b>		
IIMM0028132186.pdf	000001	000011
<b>Underlying Materials</b>		
IIMM0028128229.pdf	000001	000005
IIMM0028128246.pdf	000001	000001
IIMM0028128283.pdf	000001	000001
IIMM0028128263.pdf	000001	000001
IIMM0028128379.pdf	000001	000001
IIMM0028128232.pdf	000001	000001
IIMM0028128215.pdf	000001	000005
IIMM0028128386.pdf	000001	000001
IIMM0028128269.pdf	000001	000001
IIMM0000026306.pdf	000001	000014
IIMM0000023959.pdf	000001	000027
IIMM0028128497.pdf	000001	000027
IIMM0028128463.pdf	000001	000048
IIMM0000019778.pdf	000001	000025
IIMM0001582763.pdf	000001	000053
IIMM0028128217.pdf	000001	000039
IIMM0027993559.pdf	000001	000012
IIMM0027993559_T_MT_EN_01.pdf	000001	000008
IIMM0001139668.pdf	000001	000016
IIMM0028128296.pdf	000001	000001
IIMM0028129529.pdf	000001	000001
IIMM0028128306.pdf	000001	000001
IIMM0028128239.pdf	000001	000001
IIMM0028129537.mp4	000001	000001
IIMM0028128362.pdf	000001	000001
IIMM0028128371.pdf	000001	000001
IIMM0028128275.pdf	000001	000001
IIMM0001139847.pdf	000001	000023
IIMM0028059482.pdf	000001	000005
IIMM0028128410.pdf	000001	000001
IIMM0028128414.pdf	000001	000001
IIMM0028128466.pdf	000001	000001
IIMM0001138972.pdf	000001	000016
IIMM0028128446.pdf	000001	000001

## Annex 211

<b>File Name and Evidence Identifier</b>	<b>Beginning Bates Page No.</b>	<b>End Bates Page No.</b>
IIMM0028128452.pdf	000001	000001
IIMM0028128458.pdf	000001	000001
IIMM0028128422.pdf	000001	000001
IIMM0028128428.pdf	000001	000001
IIMM0028128434.pdf	000001	000001
IIMM0028128440.pdf	000001	000001



# **Annex 212**

Letter from the Agent of The Gambia to the Registrar, 23 May 2024





162253

23 May 2024

Sir,

I have the honour to inform Your Excellency of the filing in the Registry today of the Reply of the Republic of The Gambia in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*.

The Reply consists of five volumes: the Reply itself (Vol. I) and four volumes of annexes and maps (Vols. II-V), as well as a USB key containing the video-recording of Annexes 41 and 42. The Reply includes a certification that the annexes are true copies of the documents referred to and that the translations provided are accurate.

The Reply was accompanied by a letter from HE Mr Dawda Jallow, Agent of The Gambia, dated 23 May 2024, in which he stated, in particular, that:

- Volumes III and IV include 12 annexes containing witness declarations that have been redacted to protect the safety and security of individuals. Unredacted versions of these annexes have been filed under seal in the Registry, which the Agent explains are “for the Court’s *in camera* review only”.
- Volume IV includes witness statements taken by the UN Independent Investigative Mechanism for Myanmar (“IIMM”), from which the IIMM has redacted identifying information. The Gambia will request that the IIMM submit to the Court, “for its *in camera* review only”, unredacted versions of these statements.

./.

His Excellency  
Mr. Ko Ko Hlaing  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Boulevard Général Wahis 9, Schaerbeek  
1030 Brussels  
Belgium

cc: H.E. Dr. Thi Da Oo  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

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[mebrussels@embassyofmyanmar.be](mailto:mebrussels@embassyofmyanmar.be)

/. You will find enclosed herewith a signed original of the Reply (with annexes), a USB key containing the video-recording of Annexes 41 and 42, and a copy of the Agent's letter. An electronic version of the Reply in PDF format can be downloaded at <https://web.tresorit.com/l/xj15C#jKVSAV6O-g3guLIBKgLWUQ> (password: Xh&ZJg76X2).

Accept, Sir, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Gautier', with a stylized flourish at the end.

Philippe Gautier  
Registrar



THE REPUBLIC OF THE GAMBIA  
Attorney General's Chambers  
Ministry of Justice  
Marina Parade  
Banjul

AG /C/370/01 PART 1 (53)

23 May 2024

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace, Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**DELIVERED BY HAND**

Excellency,

I have the honour to refer to the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar).

Pursuant to the Court's Order dated 16 October 2023, and your letters dated 14 and 15 May 2024, I enclose two signed originals and 60 copies of the Reply of the Republic of The Gambia and accompanying Annexes. I have also uploaded this filing on the Court's electronic filing platform.

I call your attention to the fact that Volumes III and IV of the Annexes to the Reply contain the declarations of witnesses which form part of the evidentiary basis for the claims made in the Reply. Eleven of these declarations (Annexes 44-47, 61-62, 64-66 and 68-69) and one collated document containing several declarations (Annex 43) have been redacted to remove identifying information in order to protect the safety and security of the witnesses and related persons. The witnesses' consent to submit their declarations is premised on the removal of this information from their statements. The Gambia refers to these redacted declarations in the Memorial only by their identifying numbers.

Accordingly, for the purposes of full disclosure, I enclose herewith, under seal and separately from the Reply and the Annexes, two unredacted copies of the aforementioned witness declarations contained in Volumes III and IV, so that the Court will have all of the identifying information that has been redacted from the Annexes. These are intended for the Court's *in camera* review only, and I would respectfully request that they be kept confidential.

I also call your attention to the fact that Volume IV of the Annexes to the Reply contain witness statements taken by the UN Independent Investigative Mechanism for Myanmar (“IIMM”). The IIMM has redacted identifying information from these statements in order to protect the safety of the witnesses. The Gambia will request that the IIMM submit to the Court, for its *in camera* review only, unredacted versions of these statements for the purposes of full disclosure to the Court.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



---

H.E. Mr. Dawda Jallow  
Agent  
Attorney General and Minister of Justice  
The Republic of The Gambia

# **Annex 213**

Letter from the Agent of Myanmar to the Registrar, 24 June 2024





*Union Minister for the Ministry 2 at Office of Chairman of the  
State Administration Council  
Republic of the Union of Myanmar*

No. 001(031)/UM-2/OCSAC

Dated: 24 June 2024

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**BY E-MAIL ONLY**

Excellency,

With reference to the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, I have the honour to place on record the position of Myanmar with respect to certain matters referred to in the letter of the Agent of The Gambia dated 23 May 2024, under cover of which the Reply of The Gambia was filed with the Court.

That letter states that at the time of the filing of its Reply, The Gambia also provided to the Court, “separately from the Reply and the Annexes”, unredacted copies of witness declarations that had been included only in redacted form in Volumes III and IV of the Reply. That letter further states that the unredacted versions were provided “under seal ... for the Court’s *in camera* review only”, that they should be kept confidential, and that they were provided “so that the Court will have all of the identifying information that has been redacted from the Annexes”. This means that the unredacted versions of these annexes, which are said by the Agent of The Gambia to “form part of the evidentiary basis for the claims made in the Reply”, are intended to be seen by The Gambia and by the Court, but not by Myanmar.

The position of Myanmar is that both the redacted and the unredacted versions of the annexes in question should be excluded from the case file, and should not be considered by the Court, for the reasons given in paragraphs 7.11 to 7.47 of the Counter-Memorial of Myanmar.

The letter of the Agent of The Gambia additionally states that The Gambia will, “for the purposes of full disclosure to the Court”, request the UN Independent Investigative Mechanism for Myanmar (“IIMM”) to submit to the Court, “for its *in camera* review only”, unredacted versions of witness statements taken by the IIMM that are contained in redacted form in Volume IV of the Reply.

Myanmar notes that there is no provision in the Statute or the Rules of Court under which evidence in a case could be filed with the Court by a third party, in order for it to be seen by the Court but not by both parties. That would be fundamentally inconsistent with the essence of a judicial process. Furthermore, there is in any event no provision in the Statute or the Rules of Court under which a body such as the IIMM could file documents in a case. The IIMM is not a “public international organization” within the meaning of Article 69, paragraph 4, of the Rules of Court, and therefore would not be able to furnish the documents in question under Article 69, paragraph 2.

Myanmar respectfully takes the position that if documents are sent to the Court directly by the IIMM for the purposes indicated in the letter of the Agent of The Gambia, the appropriate course would be for the Registry to return the materials to the IIMM on the ground that there is no provision in the Statute or the Rules of Court under which the documents could be received by the Court.

If any such documents are not returned to the IIMM, the position of Myanmar is that, again for the reasons given in paragraphs 7.11 to 7.47 of the Counter-Memorial of Myanmar, both the redacted and the unredacted versions of the annexes in question should be excluded from the case file, and should not be considered by the Court.

Myanmar reserves the right to develop this position more fully in its Rejoinder.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ko Ko Hlaing', written over a horizontal line.

Ko Ko Hlaing  
Agent

# **Annex 214**

Letter from the Registrar to the Agent of Myanmar, 24 June 2024





**By email only**

162428

24 June 2024

Sir,

With reference to the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, I have the honour to acknowledge receipt of Your Excellency's letter (No. 001(031)/UM-2/OCSAC), dated 24 June 2024 and received in the Registry today, whereby you address certain matters concerning annexes to the Reply of the Republic of The Gambia.

A copy of this letter has been transmitted to the other Party.

Accept, Sir, the assurances of my highest consideration.



Philippe Gautier  
Registrar

His Excellency  
Mr. Ko Ko Hlaing  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

cc: H.E. Dr. Thi Da Oo  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
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# **Annex 215**

Letter from the Agent of The Gambia to the Registrar, 1 July 2024





**By email only**

162454

1 July 2024

Sir,

1. With reference to the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, I have the honour to transmit to Your Excellency herewith a copy of a letter from HE Mr. Dawda Jallow, Agent of the Republic of The Gambia, dated 1 July 2024 and received in the Registry today. By his letter, the Agent requests leave of the President to correct the text of the Reply of The Gambia in two respects.

I further have the honour to inform you that the President, pursuant to Article 52, paragraph 3, of the Rules of Court, has given leave for the requested corrections to be made to the Reply.

Accept, Sir, the assurances of my highest consideration.



Jean-Pelé Fomété  
Deputy-Registrar

His Excellency  
Mr. Ko Ko Hlaing  
Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
Belgium

cc: H.E. Dr. Thi Da Oo  
Alternate Agent of the Republic of the Union of Myanmar  
before the International Court of Justice  
Embassy of the Republic of the Union of Myanmar  
Brussels  
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THE REPUBLIC OF THE GAMBIA  
Attorney General's Chambers  
Ministry of Justice  
Marina Parade  
Banjul

AG /C/370/01 PART 1 (53)

1 July 2024

Mr. Philippe Gautier  
Registrar  
International Court of Justice  
Peace Palace, Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**DELIVERED BY EMAIL**

Excellency,

I have the honour to refer to the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar).

After additional review of the witness statements annexed to The Gambia's Reply, The Gambia has identified that two of the anonymized witness statements taken by the UN Independent Investigative Mechanism for Myanmar (IIMM) are from witnesses who also had statements annexed to The Gambia's Memorial, which were taken by the organization Legal Action Worldwide (LAW). Specifically, The Gambia has determined that Reply Annex 51 and Memorial Annex 347 are statements from the same witness from Min Gyi (Tula Toli) taken by the IIMM and LAW, respectively, on different dates; and that Reply Annex 54 and Memorial Annex 342 are statements from the same witness from Maung Nu, taken separately by the IIMM and LAW, respectively, on different dates.

In light of the foregoing, The Gambia hereby clarifies that both quotes in Reply paragraph 7.60 are from the same witness from Min Gyi (Tula Toli), and that the quote in Reply paragraph 7.109 is from the same witness from Maung Nu who is quoted in paragraph 7.108. In the Reply, the Gambia cited these quotes as coming from different witnesses, because that was its understanding at the time.


Pursuant to Article 52(3) of the Rules of Court, The Gambia requests leave of the President to correct the text of the Reply in the following manner:

- The second sentence of paragraph 7.60 should read, “In the words of the same witness: [block quote]” (rather than “In the words of another witness: [block quote]”).
- Paragraph 7.109 should read, “The same witness testified: [block quote]” (rather than “Another witness testified: [block quote]”).

The Gambia appreciates this opportunity to correct the record and regrets any inconvenience to the Court or the Respondent.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



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H.E. Mr. Dawda Jallow  
Agent  
Attorney General and Minister of Justice  
The Republic of The Gambia