

Report of OHCHR mission to Bangladesh

**Interviews with Rohingyas fleeing from
Myanmar since 9 October 2016**

FLASH REPORT

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1. Introduction and methodology

At the request of the High Commissioner, an OHCHR four-member team was granted access to Bangladesh from 8 to 23 January 2017 to interview Rohingyas who had entered Bangladesh from northern Rakhine State (nRS) in the aftermath of the 9 October 2016 attacks.

As per its terms of references, the team focussed exclusively on gathering testimonies on events and incidents that had occurred in nRS since 9 October, in order to carry out an assessment of potential human rights violations taking place there since then. The human rights situation in nRS prior to 9 October has been analysed and described in the High Commissioner's June 2016 report to the HRC (A/HRC/32/18), and is therefore not covered by this report.

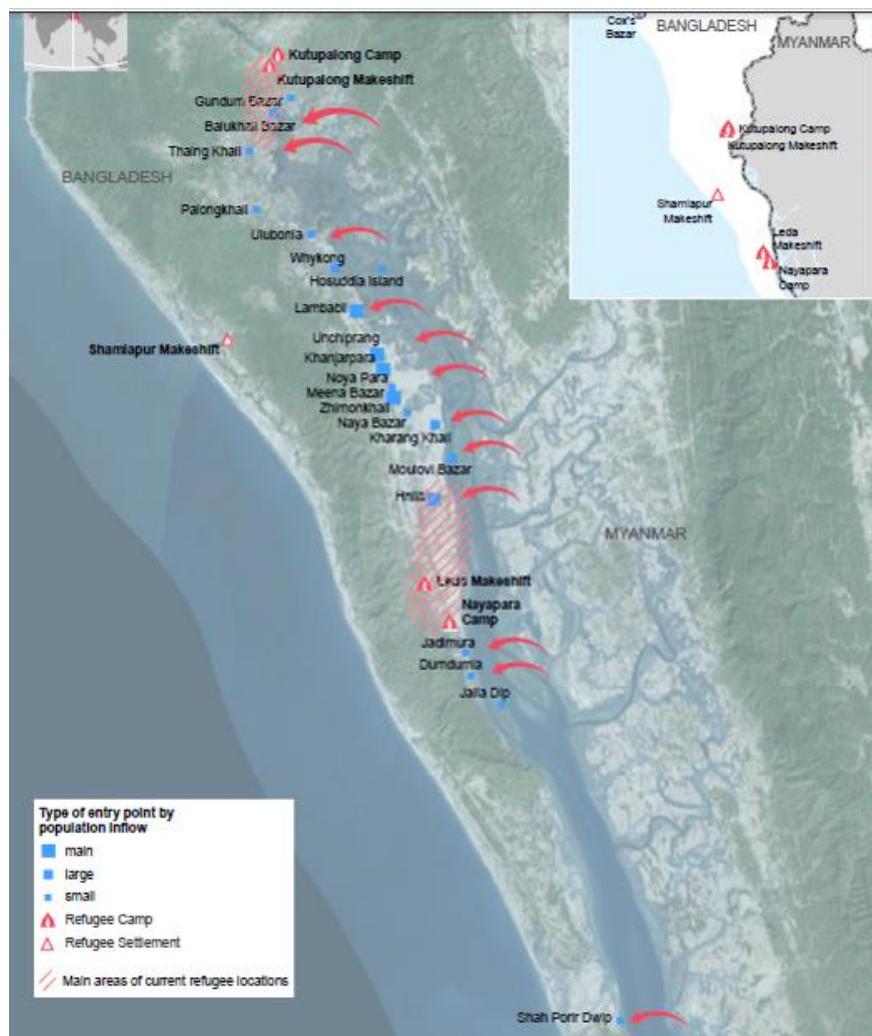
The team gathered testimony from more than 220 persons who had fled nRS, conducting interviews from 12 January to 21 January 2017 in the district of Cox's Bazar, Bangladesh. The team was assisted by four full-time interpreters (one female, three male), in addition to three part-time interpreters (two female, one male). The team's two female members prioritised interviews with women, assisted by the female interpreters.



The interviews were conducted in 8 different locations where many of the estimated 66,000 newly arrived Rohingya have temporarily settled (see also the below map provided by IOM of where recent arrivals are located):

1. The Kutupalong and Nayapara registered camps, where some 14,000 newly arrived reside alongside long-standing registered refugees.
2. The makeshift settlements in Kutupalong and Leda.

3. In host communities (villages) where many newly arrived people reside entirely outside any organized camp or settlement. These communities were located in the areas of Leda, Hnila, Balikhali, Teknaf and Shamlapur.



In the registered camps, the makeshift settlements and in Shamlapur, the interviews were conducted indoors (e.g. in food distribution centres, health clinics, other offices), to ensure full confidentiality and privacy. In the other locations, the interviews were conducted in the interviewees' makeshift shelters constructed out of bamboo sticks and plastic sheets. The interviewees were selected by the team either through contact with local organizations on the sites or through random identification of residents on the sites, without providing any prior information on the team's arrival.

In addition to gathering testimony, the team also collected audio-visual material – including photographs of bullet and knife wounds, burns, and injuries resulting from beatings with

rifle butts or bamboo sticks.¹ The team did not use or consider any photographic evidence that it had not taken itself.²

The team also considered three independently prepared satellite imagery analysis reports, provided by UNOSAT, Amnesty International (AI) and Human Rights Watch (HRW), and reviewed recent reports from December 2016 on the situation since 9 October in nRS.³ The team did not consult any recent traditional or social media reports or other reports on the situation, except for updates produced by the UNCTs of Myanmar and Bangladesh.

2. Context

The general situation in nRS, including the legal framework and the long-standing human rights challenges, have been extensively described in the High Commissioner's recent report to the Human Rights Council (HRC), A/HRC/32/18. To understand the general context, only a brief summary follows:

Rakhine State is one of the poorest states in Myanmar, with limited access to basic services and few livelihood opportunities for the entire population. It has one of the lowest rates of literacy in the country. Muslim communities face additional barriers owing to protracted displacement, restrictions on freedom of movement and discrimination, and access to education. Many Rakhine contest the claims of the Rohingya to a distinct ethnic heritage and historic links to Rakhine State, viewing the Rohingya as "Bengali" (connoting them as non-indigenous or "illegal immigrants"), with no cultural, religious or social ties to Myanmar. Since 2012, incidents of religious intolerance and incitement to hatred by extremist and ultra-nationalist Buddhist groups have increased across the country. The Rohingya and other Muslims are often portrayed as a "threat to race and religion". Against this backdrop, tensions have occasionally erupted into violence.⁴

There are long-standing grievances in Rakhine State between Rohingya Muslims (population of just over 1 million of which perhaps 800,000 live in nRS) and Rakhine Buddhists (the

¹ In cases of injuries caused by attacks by the army, police, and/or Rakhine villagers, it should also be mentioned that the interviewees' description of weapons used (rifles, grenades, bamboo sticks, rifle butts, long knives) match the analysis of medical experts from different organizations, who have provided aid to injured persons in Bangladesh and who spoke with the OHCHR team about the kinds of weapons that may have been used to inflict injury as well as on the frequency of cases of injuries and sexual- and gender-based violence from Myanmar referred to their clinics since 9 October.

² The team was given photographs and videos by victims, witnesses and other interviewees (including humanitarian organizations), but has not yet been able to prove their veracity and therefore they were not used for this report.

³ The HRW report of 13 December, Amnesty International report of 20 December (AI report ASA 16/5362/2016), and ICG report nr 283, released on 15 December 2016, plus a Lancet article published online December 1, 2016, see [http://dx.doi.org/10.1016/S0140-6736\(16\)00646-2](http://dx.doi.org/10.1016/S0140-6736(16)00646-2).

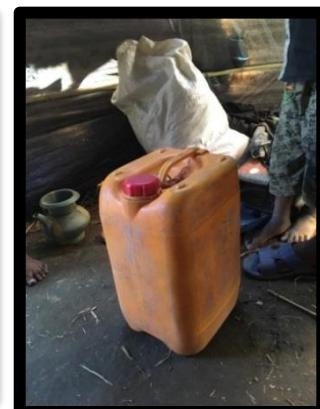
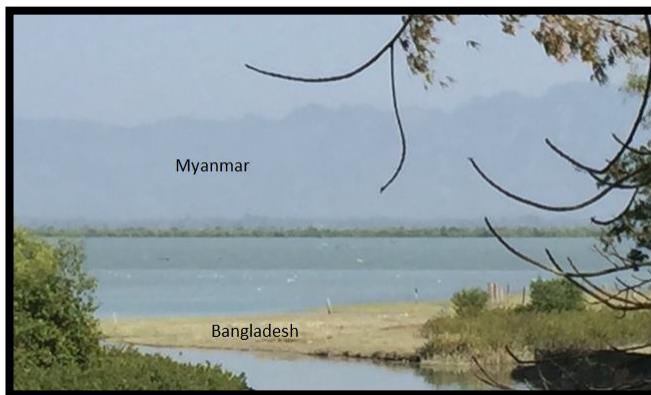
⁴ A/HRC/32/18 and CRC/C/MMR/CO/3-4, paras. 96–97, A/70/412, para. 36 and A/HRC/28/72, para. 55.

“Rakhine”) (around 2 million); and between each community on the one hand and the Bamar-majority-led central Government on the other.⁵

The Rohingya face severe restrictions on their freedom of movement. In nRS, they require official authorization to move between, and often within, townships (for example, a village departure certificate is required to stay overnight in another village.). The procedures to secure travel are onerous and time-consuming, and failure to comply with requirements can result in arrest and prosecution. Restrictions routinely lead to extortion and harassment by law enforcement and public officials. Since the outbreak of violence in Rakhine in June 2012, a curfew was imposed in nRS, which offers broad discretionary powers to the authorities, including with regard to limitations on assembly and prohibiting movement between dusk and dawn. This curfew remains in place, having been extended in the wake of the 9 October events referred to below.⁶

The team received many testimonies about such restrictions. As a result of such barriers, a Rohingya can find it easier to flee to Bangladesh than to other parts of Rakhine State or another region of Myanmar.

It is therefore not surprising that an estimated 66,000 Rohingya⁷ have crossed the border with Bangladesh (pictured below) since 9 October, either by boat (for those who can afford the exorbitant fees charged by smugglers and boatmen) or by trying to float across by holding onto a plastic container or barrel (for those who cannot):



Many of those interviewed reported having been first internally displaced within a limited, sealed-off area north of Maungdaw in nRS, sometimes moving between up to five villages, before trying to cross the border into Bangladesh (having realised that the Myanmar

⁵ A/HRC/32/18. The most recent major outbreak in June and October 2012 led to hundreds of cases of injury and death, the destruction of property and the displacement of 140,000 people (see A/67/383, paras. 56–58, and A/HRC/22/58, paras. 47–48). Around 120,000 individuals remain in camps for internally displaced in central Rakhine State, with ongoing segregation between Rakhine and Rohingya communities.

⁶ A/HRC/32/18 para 28–30 and Amnesty International report nr ASA 16/5362/2016 of 20 December 2016.

⁷ IOM Cox's Bazar Situation Report of 5 January 2017 reported 65,000 while an OCHA update on 20 January reported 66,000.

security forces were heavily present in all villages in the area). An estimated 22,000 people remain internally displaced as at 20 January,⁸ which means that nearly 90,000 people are estimated to have suffered internal or cross-border displacement since 9 October.

In addition to experiencing multiple displacement (both internal and cross-border), the vast majority of those interviewed also had experienced multiple violations. As is visible from the statistics produced by the team, families may have had members killed, beaten, raped and/or taken away to an unknown location, while at the same time their homes were burned and looted. For most interviewees, separation from their families is a major concern.

Many of the interviewees were severely traumatized by the events they had experienced or witnessed, and many broke down and cried during the interviews, including men. Some others were visibly hungry, thirsty or sick.

3. Geographic scope

Of the people interviewed by the team, all except two had fled from the so-called security operation zone (or lockdown area) primarily located in north Maungdaw in nRS (see map further below).⁹

All persons interviewed by OHCHR had fled the area after 9 October.

The Myanmar security forces have been heavily present in this area ever since several hundred men reportedly attacked three border guard posts located in the area on 9 October 2016 - the Border Guard Police (BGP) headquarters in Kyee Kan Pyin close to Wa Peik, the BGP sector headquarters at Nga Khu Ya in Maungdaw and a BGP outpost in Koe Dan Kauk, in Rathedaung.¹⁰ According to a press conference held by the Government of Myanmar on the same day, nine police officers were killed in the attacks, while eight attackers were killed and two captured.¹¹ On the same day, the area was reportedly sealed off and people's movement restricted. . Humanitarian agencies were denied access to this lockdown area¹²,

⁸ OCHA update on 20 January 2016.

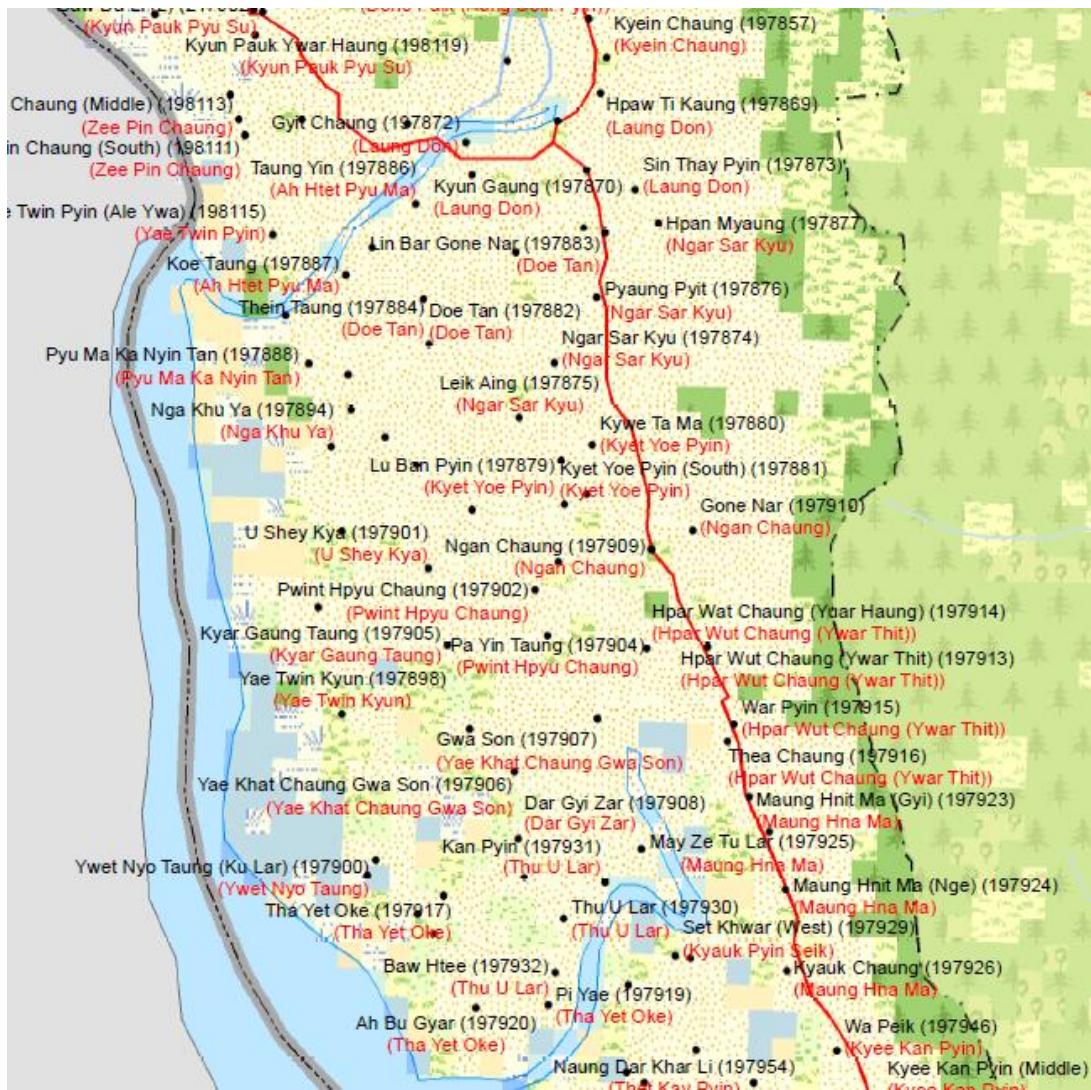
⁹ All names of village tracts and villages used in this report correspond to those used by the Myanmar Information Management Unit (MIMU, see <http://www.themimu.info/>), in particular in their map of Maungdaw Township - Rakhine State (Map ID: MIMU154v04, Creation Date: 3 May 2016, A1, Projection/Datum:Geographic/WGS84)

¹⁰ AI report ASA 16/5362/2016 of 20 December 2016, ICG report nr 283 of 15 December 2016, HRW report of 13 December, Global Light of Myanmar, 10 October 2016.

¹¹ Global Light of Myanmar, 10 October 2016. This was reportedly followed by additional skirmishes on 12 November near Pwint Hpyu Chaung in which one soldier was killed, Global Light of Myanmar 13 November 2016 and ICG report nr 283 of 15 December 2016.

¹² OCHA reported on 29 December that access to almost all locations in northern part of Maungdaw had been re-suspended on 28 December with immediate effect. At the time of writing, access remained restricted for most actors, although WFP national staff were in January authorized to access 43 villages and UNHCR two villages in Maungdaw north in January 2017, according to an OCHA update on 20 January. Prior to that, reportedly only one-off food deliveries on 8, 9 and 10 November to a handful of villages had been authorized,

in which the military indicated that it was conducting “area clearance operations” which are further described below.¹³



*Extract of map from the Myanmar Information Management Unit. Map ID: MIMU154v04, Creation Date: 3 May 2016, A1, Projection/Datum: Geographic/WGS84.*¹⁴

Testimonies gathered by OHCHR indicate that the security forces continued their operations in the area into January 2017, although possibly with less intensity and frequency.

The team interviewed people who had fled the lockdown area and crossed the border as recently as early January 2017. UN officials in Bangladesh have confirmed that, at the time

following a visit by an international mission comprising UN and diplomatic representatives on 2-3 November to those same villages.

¹³ ICG report nr 283, 15 December 2016.

¹⁴ The full original map is available here:

http://www.themimu.info/sites/themimu.info/files/documents/Tsp_Map_VL_Maungdaw_-_Rakhine_MIMU154v04_03May2016_A1.pdf

of writing, people continue to cross into Bangladesh, although the numbers may have reduced compared to the peak of the influx at the end of 2016.

4. Statistical analysis of the interviews

The OHCHR team interviewed more than 220 victims and witnesses, in addition to numerous representatives of UN system agencies, NGOs, health professionals and other experts in Dhaka and Cox's Bazar.

The team conducted in-depth interviews with 204 victims and witnesses. Of the 204 individuals, 77 were men, 101 were women and 26 were children.¹⁵

All except for two are from Maungdaw township. All interviewees from Maungdaw township are specifically from the lockdown area.¹⁶ The only two who were not from Maungdaw were from Buthidaung. Some 66% are from nine of the most affected villages of the lockdown area.¹⁷

The team has carried out a basic statistical analysis of the violations reported or experienced by 204 individuals interviewed, and can present the following picture:

Testimonies of witnesses (including victims): Of the 204 persons interviewed:

- 134 (65%) reported killings.
- 115 (56%) reported disappearances (including persons having been “taken away” by the security forces and not heard of since).
- 131 (64%) reported beatings.
- 88 (43%) reported rape.
- 63 (31%) reported sexual violence.
- 131 (64%) reported burning or other destruction of property.
- 81 (40%) reported looting/theft of property.

Testimonies of victims: Of the 204 persons interviewed, many reported having been personally victim of a violation:

- 26 (13%) reported having been personally shot or stabbed (the OHCHR team has photographic evidence on file).
- 91 (45%) reported that a family member had disappeared.
- 96 (47%) reported that a family member had been killed.

¹⁵ “Children” being defined as persons below the age of 18 years, in line with the Convention on the Rights of the Child.

¹⁶ The team has yet to determine the precise Burmese translations for three Rohingya village names from that area.

¹⁷ Namely Yae Khat Chaung Gwa Son, Kyet Yoe Pyin, Nga Khu Ya, Pwint Hpyu Chaung, Ngar Sar Kyu, Myaw Taung, Dar Gyi Zar, Kyar Gaung Taung, Wa Peik (listed in descending order of number of interviewees from village).

- 89 (44%) reported having been beaten.
- 26 (13%) reported having been raped, of whom 2 were girls. Among the 101 women interviewed, 24 (24%) reported having been raped.
- 33 reported having suffered other forms of sexual violence, of whom 5 were girls. Among the 101 women interviewed 28 (28%) reported having suffered other forms of sexual violence.
- Taken together, 52 (52%) of the 101 women interviewed reported having been raped or subjected to other forms of sexual violence.
- 102 (50%) reported that their own property had been burned or destroyed.
- 76 (37%) reported looting or theft of their own property.

It should be mentioned here that the above numbers likely represent an **under-estimation** of the violations that the 204 interviewees witnessed or experienced, for the following reasons:

- The data above only represents the violations that the witnesses and victims reported during the interviews. Many victims of severe violations (rape, killings or disappearances of close family members) were less likely to discuss other violations (for example, destruction of property, looting) during the in-depth interviews.
- Regarding rape, it is not easy for a woman from a conservative culture to share information with others about having been raped, due to both embarrassment and stigma. It cannot be ruled out that some women who reported having been subject to sexual violence may in fact have also been raped, but may have refrained from saying so. The majority of women were interviewed by the team's two female members assisted by the team's female interpreter, but given the large number of female victims some had to be interviewed by a female or male team member assisted by a male interpreter.

It should also be mentioned that some of the victims and witnesses that the team interviewed may have experienced or witnessed more violations on average than others who have fled the lockdown area (i.e. a **possible over-estimation** in comparison with the other 66,000 and 22,000 who remain displaced in Bangladesh and Myanmar respectively at the time of writing), for the following reason: During the interviews that the team conducted in five of the eight locations it visited, some of the interviewees that the team selected had been previously informed about the OHCHR team's arrival and purpose. On the other hand, during the interviews that the team conducted in three of the eight locations it visited, the team selected interviewees in an entirely random manner among residents who had been given no prior warning about the team's arrival and purpose. The testimonies gathered in these three locations were not significantly qualitatively or quantitatively different from those gathered in the other five locations.

5. Security forces and other armed elements operating in the area

The testimonies gathered indicate that four types of Myanmar security forces and two types of other armed elements were involved in the operations being conducted in the lockdown area since 9 October:



From left to right: Uniforms of the Myanmar Police Force, Tatmadaw and Border Guard Police. Credit: EPA Photos.

The Myanmar armed forces (Tatmadaw)

They are typically dressed in plain green uniforms (pictured above), according to testimonies gathered, carry long rifles and long knives, in addition to heavier weaponry.

The Border Guard Police Force of Myanmar (BGP)

They are typically dressed in camouflage-patterned uniforms (pictured above), which several victims identified as similar to the uniforms of the Bangladesh Border Guard (BGB).¹⁸

Witness testimonies indicated that the armed forces¹⁹ (or army, military or Tatmadaw – these terms are used interchangeably in this report) often operated jointly with the BGP.²⁰ This is consistent with reports of “joint operations” between the Tatmadaw and police forces both by the GoM and other sources. In practice, though joint BGP-army patrols take place, the army reportedly has authority over the security response, under its western commander.²¹

¹⁸ E.g. interview with woman from Wa Peik: “When I came here [to a camp in Bangladesh] and I saw the BGB’s uniforms I was really scared because their uniforms are very similar to those of the armed men that came to my village - greenish camouflage with something light/white on the sleeves. They had long rifles; they were pointing them at us.”

¹⁹ Unit 205 was mentioned specifically by victims and witnesses from Nga Khu Ya.

²⁰ E.g. interview with woman from Kyet Yoe Pyin: “The armed men were wearing green uniforms, some with plain patterned pants, and some with camouflage pattern, like leaves. They had the same colour as the helicopters.”

²¹ ICG report nr 283, 15 December 2016.

Police forces of Myanmar

Non-border police forces were also engaged in operations in nRS. They are typically dressed in uniforms with grey shirts and dark trousers (also pictured above). They feature in the disturbing video footage of Myanmar Police personnel beating men – and children – who were rounded up during the security operations.²²

Rakhine villagers recently integrated into the security forces

Several testimonies were gathered from interviewees who claimed to have been attacked by Rakhine villagers²³ dressed in security force uniforms, indicating that the villagers had recently been provided with such uniforms and weapons. When asked how they could distinguish a uniformed Rakhine villager from a regular, long-standing officer, many witnesses – including several women - stated that the Rakhine villagers would have longer hair (without a military style hairstyle) and were less likely to be shaved. Others had recognized their own Rakhine neighbours in military uniforms:

*"I know Buddhist boys in my village who have been given military uniforms and weapons. We can distinguish them from the regular military, even when they wear uniforms. There are Buddhist villages next to our village. They had a marketplace there, where both we Muslims and Buddhists went, we used to see them there every day. I know many of the young boys, those of my age, I used to talk with them."*²⁴

These testimonies are consistent with statements by the Government, the media and others about the recruitment of local non-Muslims. Reportedly, the GoM has clarified that it has an “accelerated BGP training program with loosened admission criteria and trainees deployed as regular BGP”.²⁵

Rakhine villagers joining/supporting the security forces in civilian clothing

Several interviewees also testified about having been attacked by Rakhine villagers who were dressed in civilian clothing, but were assisting and supporting the security forces. Sometimes Rakhine villagers would join the security forces in whatever they were doing; on

²² <https://www.theguardian.com/world/video/2017/jan/02/rohingya-police-beating-footage-myanmar-government-investigate-video>. The UN Special Rapporteur on the situation of human rights in Myanmar reports in her press statement of 20 January that Myanmar acknowledged this video’s veracity and responded by arresting some of the police officers featured in the video.

²³ Rakhine villagers were occasionally called “Buddhists” or, pejoratively, “Mogh” by the interviewees. These terms have been retained in the original interview reports where they were used, but are not used in this report.

²⁴ Interview with a 22-year old man from Doe Tan.

²⁵ ICG report nr 283, 15 December 2016 and <http://www.moi.gov.mm/moi:eng/?q=news/18/11/2016/id-9208> which quotes Lwin, the chief of the No. 1 Border Guard Police Force, saying that “every Rakhine national wishing to protect their state will have a chance to become part of the local armed police” and that “healthy Rakhine women and wives of the members of Rakhine State Police Force also have received basic military training”.

other occasions, Rakhine villagers would engage in looting, beating or sexual abuse on their own initiative (but in the presence of security forces who did nothing to stop it).²⁶

Other armed elements

According to the Government of Myanmar²⁷ and a recent International Crisis Group report²⁸, Rohingya insurgent elements have also been operating in nRS during the period, and were allegedly responsible for the attacks on the three BGP sites that occurred on 9 October and involved in skirmishes on 12 November.

Of the witnesses and victims OHCHR spoke with, no one reported having witnessed or having been subjected to any abuse by these alleged insurgents.

Testimonies received in relation to these armed elements instead mainly referred to statements made by Tatmadaw or BGP during their “area clearance operations”, in which soldiers or police officers stated to villagers that they were searching for members of the Rohingya Solidarity Organization (RSO). Other testimonies similarly referred to the security forces having blamed the Rohingya villagers for having sheltered “bad people” or “terrorists”, although without any reference to any concrete group.

Assessment

All eyewitness testimonies the team gathered referred to violations allegedly perpetrated by the Myanmar security forces or Rakhine villagers acting jointly with security forces (or at least with their acceptance). A description of these follows below in the chapters on the types of alleged violations.

6. Extrajudicial and summary executions or other killings

Many victims and witnesses interviewed by OHCHR claimed that several of their immediate and/or extended family members, neighbours and other Rohingya civilians in the nRS were killed in different circumstances and by different methods by the Myanmar army, police and Rakhine villagers.

²⁶ Some interviewees referred to the Rakhine villagers as members of the so-called 969 movement.

²⁷ SR Lee reported the following on 20 January in her end-of-mission press statement concerning those attacks: “What has been said to me over and over by Government representatives regarding the 9 October attacks is that this was not an inter-communal violence or crisis; that this was a calculated attack against the sovereignty of Myanmar and that the Government rightly launched a security response. The Government described to me how the attacks occurred and I saw the three Border Guard posts concerned. I deplore these attacks carried out in a brutal manner and I convey my deepest condolences to the families of those killed.”

²⁸ ICG report nr 283, 15 December 2016. The ICG refers to an armed group (known as Harakat al-Yaqin (HaY)), as having been responsible for three attacks on BGP posts that occurred on 9 October.

6.1. Death due to random firing

Many victims reported that several of their family members and friends were killed by random firing and the use of grenades²⁹ by the army, and provided their names to OHCHR. Many other eyewitnesses also stated that many innocent civilians were killed on the spot due to the random firing of bullets and use of grenades. Similar testimonies were received from victims from across the lockdown area, indicating the systematic, widespread and coordinated nature of such indiscriminate attacks by the army, the police and Rakhine villagers.

The allegations of the random nature of shootings were corroborated by witness testimonies that showed that people were shot either while fleeing, when they were working on their farms, shopping in markets, or while fishing. Some of those interviewed mentioned that they did not know from which direction bullets or grenade splinters hit them. Many attacks were reportedly conducted by the security forces in early hours of the morning around Fajar prayer time, when it was still dark and the visibility was poor, making it difficult for the security forces to see who they were firing at and for the innocent civilians to flee.

A man from Yae Khat Chaung Gwa Son stated: “*The day the army attacked my village, my father and I had just come out of prayers, when we heard sounds of shooting. We had just walked to a farm, where we were sitting and talking to the owner of the farm. While the firing was still going on, my father stood up, which is when a grenade came and exploded close to us, killing my father, the farm owner’s son, and severely injuring me and the farmer.*” (OHCHR picture of victim’s injuries on file.)

In another case, a man from Kyar Gaung Taung reported: “*The day the army attacked, it was 3 a.m., and I was sleeping. After hearing the firing, I woke up and to save my life I wanted to run and hide. All of a sudden a projectile hit my body, and I was hurt*”.

Similar attacks occurred in Doe Tan, as reported by a 25-year old male interviewee: “*The military came to our village on 10 October in the morning. First they started shooting into the air, people were scared and came out of their homes, and then they started killing people. They were shooting at people. We were all trying to flee, I was running and at that point I was shot and fell into the paddy field. Since I was running I am not sure on which side the bullet entered and where it exited. My cousin helped me and brought me home and treated my wound. My father was killed at the same time as I was shot.*” (OHCHR picture on file of his lower back and side, where a bullet entered and exited.)

The use of helicopters for firing bullets and dropping of grenades also confirm the indiscriminate and random nature of the attacks. Witnesses from Dar Gyi Zar and Yae Khat

²⁹ In testimonies, victims and witnesses would describe projectiles and explosions seemingly caused by grenades but possibly also by mortars.

Chaung Gwa Son recounted to the OHCHR team the horror, destruction and casualties that helicopter attacks caused in their villages.

One eye witness from Dar Gyi Zar explained: “*Two helicopters were deployed to our village. The helicopters flew over the village for over 20 minutes, firing randomly at the villagers. The first round of attack was carried out from a higher altitude, but in the second and third rounds, they flew just over the rooftops of the houses. Seven members of my brother’s family in-law were killed in the helicopter attack.*”

A young teenager from Yae Twin Kyun stated: “*They were shooting from a helicopter when I was in Yae Khat Chaung Gwa Son, visiting my grandmother. I was in front of her house, playing with some other boys when the helicopter came. I was shot from the helicopter, other boys were too. Six or seven of us were hit by bullets from the helicopter.*” (OHCHR picture on file, taken of three different gunshot wounds, on each arm plus in armpit.)

Many of those interviewed reported having lost one or more family members, friends or neighbours due to shooting while fleeing such attacks. Some recalled that bullets “rained” on them when they were fleeing their villages, along with hundreds of others.

OHCHR photographed and documented injuries on victims that were either still fresh or had left scars on their body, due to surgeries performed on them to remove bullets/grenade splinters.

6.2. Death due to shooting at close range

Influential and respected members of the community, particularly teachers, imams, religious scholars and community leaders were reportedly specifically targeted. In several cases, the army entered houses, shops or villages and shot and summarily executed them with a rifle shot at close range. While describing the situation, several victims mentioned that the army and Rakhine civilians, sometimes up to 400 individuals, would arrive in a village, and between six and 10 of them would then go from house to house attacking Rohingyas. In some cases, prior to the killing, victims were reportedly questioned about “infiltrators” or “people from Bangladesh” or arms, while in other cases, they were simply executed by shooting from close range. A man from Nga Khu Ya said:

“The military had locked us down for almost 10 days. I ran out of food and my three children were starving to death. The situation became desperate and unbearable, so I went to the nearby canal to fish. When I reached the canal, I found two other villagers fishing. Suddenly, two police officers approached us and pointed their guns at us. We were asked to kneel down and were then hit with rifle butts. After a few minutes of beatings, the police shot the two other villagers from close range. Both died on the spot. They continued kicking and punching me and yelling ‘call your Allah to come and save you’. After about 10 minutes of beatings, they aimed at me. I was hit by a bullet in my back and fell into the water. They

continued shooting at me. I received a second bullet in my shoulder. I pretended to be dead and the police left." (OHCHR pictures of bullets wounds on file.)

6.3. Death due to stabbing by knife

Testimonies were also collected from witnesses and victims whose family members were killed when their throats were slit by knives carried by the army or by other long knives which are usually used for slaughtering livestock.

Many such killings have been committed in presence of family members, friends and immediate neighbours (see also the section on killings of children below). A 14-year-old girl from Yae Khat Chaung Gwa Son, who had already been raped by soldiers, saw her mother beaten to death and her two sisters killed in a knife attack. "*When my two sisters, 8 and 10 years old, were running away from the house, having seen the military come, they were killed. They were not shot dead, but slaughtered with knives.*"

An 18-year old girl from Kyet Yoe Pyin lost her mother in a knife attack: "*My mother is rather old, over 60, so when the military came she could not run very well, so we saw them catching her and cut her throat with a long knife.*"

When the police, army or civilian Rakhines arrived in their homes, family members usually fled in different directions, separating from each other. In the ensuing chaos, fear and confusion, some family members were captured by the army, while those who managed to flee hid in nearby hills, villages or paddy fields. Those who managed to return to their villages once the army had left the village reported that they found the dead bodies of their captured relatives, killed either by shooting or stabbing. A woman from Yae Khat Chaung Gwa Son: "*My father, who was also living with me, was slaughtered with a knife. He was a religious person.*"

6.4. Death by burning

Another major cause of deaths was due to burning of houses. Numerous testimonies collected from people from different villages such as Kyet Yoe Pyin, Yae Khat Chaung Gwa Son, Dar Gyi Zar and Pwint Hpyu Chaung village tracts confirmed that the army deliberately set fire to houses with families inside and in other cases pushed Rohingyas into already burning houses. People of different age groups who managed to escape the fire also died later due to burns.

Testimonies were collected of several cases where the army or Rakhine villagers locked an entire family, including elderly and disabled people, inside a house and set it on fire, killing them all. An eyewitness from Yae Khat Chaung Gwa Son stated: "*The army set fire to my house, burning my elderly mother-in-law and a sister-in-law, who was mentally disabled, alive. We were unable to carry them with us, when the military attacked the village.*"

In another incident from Yae Khat Chaung Gwa Son recorded by OHCHR, elderly people were dragged out of their houses and set on fire in open spaces: “*The military dragged my grandmother and grandfather out of their house. First they were severely beaten, then tied to a tree. The military then put dried grass, woods around them and set them on fire.*”

In some cases, the army also burned bodies of people who had already died of bullet or stab wounds. Pictures and videos of charred bodies, which were beyond recognition in many cases, were shared with OHCHR (although the team has not yet had a chance to confirm their veracity at the time of writing). Family members claimed that in several cases the bodies were so badly burnt that the only way of recognising them was by identifying the personal belongings on the remains, such as bangles and watches.

An 18-year-old girl from Ngar Sar Kyu recounted: “*It was at around 3 a.m. in the morning; we were sleeping, when military attacked our village. We ran outside in panic, leaving my five-year-old brother behind in the house. The military came and set fire to the house, burning my brother alive. We found his burnt body in the morning, after the military had left the village.*”

The concerted and coordinated efforts by the army, police and Rakhine villagers to burn people and property (see also the below section on destruction) seem to indicate that these acts were deliberate and intentional.

An 11-year-old girl from Yae Khat Chaung Gwa Son explained: “*After entering our house, the army apprehended us. They pushed my mother on the ground. They removed her clothes, and four officers raped her. They also slaughtered my father, a prayer leader, just before raping my mother. After a few minutes, they burnt the house with a rocket, with my mother inside. All this happened before my eyes.*”

6.5. Beating to death

Reports of deaths due to beating by the security forces and Rakhine villagers were also recorded. A number of men, women and children were beaten to death with sticks, gun butts and metal rods, or kicked to death with boots. They were hit on the back of their head, the chest and face, causing fatal bleeding and other severe injuries. Some of the victims mentioned that they were severely beaten either by the army or Rakhine villagers and then dumped by the roadside as the alleged perpetrators took them for dead.

A resident of Laung Don informed OHCHR: “*The military rounded me and some 85 other villagers up. They tied our hands behind our backs. We were taken to an open space, where we were forced to sit in a stress position, with our body bent and looking down towards the ground. They were hitting us with rifle butts, wooden sticks, kicking and punching us,*

inflicting severe injuries. An elderly villager was beaten to death by five army officers in front of our eyes."

6.6. Killings of children

Several testimonies gathered by the OHCHR team concern the killing of children - boys and girls of different age groups ranging from newborns to teenagers - by the security forces. Children were killed by live ammunition or stabbed while at home; while fleeing to safety; or while in the farms or fields.

In several particularly disturbing cases, mothers witnessed the killings of their children by knife attacks:

A 25-year old woman from Yae Khat Chaung Gwa Son: "*They beat and killed my husband with a knife. They went into my house. Five of them took off my clothes and raped me. My eight-month-old son was crying of hunger when they were in my house because he wanted to breastfeed, so to silence him they killed him too with a knife. I thought I would die, but I survived.*"

A mother of four from Pwint Hpyu Chaung: "*I fled together with my four children. I was holding and carrying the two youngest. My two oldest children, my daughter who was six years old and my son who was 10, were behind me. When the armed men were running after me, I hid behind some trees and bushes. The men caught my two oldest children and killed them. They used a knife of the kind we use to slaughter goats. I saw this from where I was hiding.*"

A mother of three from Kyet Yoe Pyin: "*They held me tight and I was raped by one of them. My five-year old daughter tried to protect me, she was screaming, one of the men took out a long knife and killed her by slitting her throat.*"

In one case, witnessed by a 19-year old woman from Ngar Sar Kyu, a new-born baby was killed: "*In Kyet Yoe Pyin I saw the military killing a newborn baby of a distant relative. She was about to deliver the baby just after military entered the village. We were all inside the house and the military made us come out. My relative could not come out as she was in labour so they dragged her out and hit her stomach with a big stick. They killed the baby by stomping on it with their heavy boots. Then they burned the house.*"

Several children also reportedly died when their houses were set on fire by the army while they were inside, some having been prevented from coming out by the security forces. Children also drowned in the river between Myanmar and Bangladesh, when escaping the attacks in nRS and crossing into Bangladesh. In most cases, it was reported that the Myanmar border guards opened fire on them, resulting in the sinking of their boats.

A 46 year old inhabitant of Yae Twin Kyun stated the following: "*I, along with my family and other Rohingyas boarded two fishing boats one night to cross into Bangladesh. We were in*

the middle of the river, when the Myanmar Border Guards approached us, and opened fire at us, hitting our boats. The boat sank and we all fell into the river. Three of my cousins between two and four years of age drowned in the river. A number of children in the second boat also sank. Bangladeshi border guards and fishermen came to our rescue.”

7. Enforced disappearance

Since 9 October 2016, hundreds of Rohingyas have been “picked up or rounded up” by the Myanmar security forces. Of the 204 people that OHCHR interviewed, 91 (45%) reported family members – often several - who were still missing after having been taken away by the security forces. In addition to family members, many interviewees also named and listed many neighbours and distant family members who were taken away and who are still missing. In all, 115 (56%) of interviewees reported disappearances.

Men were rounded up by the police and army in local schools, mosques, madrasas, police stations and open fields and transported to unknown destinations. Some were also taken away from their homes, farms, roadsides and around villages.

Boys and men between the age of 17 and 45 were particularly targeted, as they are considered to be strong and seen as a potential threat to the army and authorities. Men would typically have their hands tied behind their backs or behind their heads during these round ups.

Women and girls of fertile age were also rounded up, separated and taken away.

Before being transported in vehicles (ranging from smaller minibuses to large open military trucks in witness testimony), those rounded up were body searched for money and valuables, which, if found, were kept by the security forces. The groups of people rounded up varied in numbers from village to village, from small groups of 10-15 to larger ones of 70 to 150. Many interviewees cited dozens of family members and neighbours, usually men, who were missing after having been rounded up and taken away in this way.

One of the victims, a man from Yae Twin Kyun who was injured while escaping the army said: *“They took women, girls and men to a large playing field in our village. They kept almost the entire village on the field, and then picked 17 people who are respected by the villagers and took them away to an unknown destination. To date, we have no information about them. They also took six beautiful women and girls.”*

Cases of individual disappearances were also presented to the OHCHR team. Several victims from different villages in Rakhine mentioned that the army and police targeted and picked up influential individuals such as imams, teachers, preachers, rich business men, chairmen or village leaders and respected elders. Such influential people were targeted, as

they were potential sources of information for the army and police about insurgents or could be involved in resisting the authorities' operations. No information was available on the current whereabouts of these individuals. A majority of the interviewees believed that those who were picked up by the army or police may no longer be alive. Lists of names were shared with OHCHR.

A victim from Yae Khat Chaung Gwa Son informed the OHCHR team that: "*The military arrested my son, a Mullah and religious teacher in our mosque. He was taken to an unknown location and his whereabouts remains unknown. We don't know if he is still alive.*"

The number of persons missing after having been taken away by the security forces is difficult to estimate, but could potentially exceed several hundred. According to the testimonies gathered, most are men and boys. OHCHR spoke with many women and children whose husbands, brothers and fathers are missing, and whose remaining families in Bangladesh now consist entirely of women, or are at least headed by women. Humanitarian workers in Bangladesh confirmed this and informed the OHCHR team that the vast majority of the estimated 66,000 Rohingyas who have crossed the border since 9 October are women and children.

Not knowing the fate of a loved one is a particularly difficult burden to bear, and many interviewees broke down during the interviews when this issue was mentioned. Most interviewees were in desperate need of services to help trace family members.

8. Rape and other forms of sexual violence

52 (52%) of the 101 women the team interviewed reported having survived rape or experienced other forms of sexual violence. The team interviewed 26 survivors of rape, of whom 2 were girls. An additional 28 women and 5 girls reported having suffered other forms of sexual violence. Nine of the rape survivors were from the same village. Some women were raped or sexually abused in a village other than their own, following the displacement caused by the violence and burning of houses.

The perpetrators have been identified as mainly military in green or black/green camouflage uniforms, with red scarfs, carrying rifles, knives and wooden sticks, although rapes by police and Rakhine villagers were also reported.

The victims reported that the perpetrators usually spoke in Burmese while committing the acts of rape or otherwise sexually assaulting them and thus the majority of victims did not understand what they were saying. The accounts of those who understand Burmese or who were assaulted by perpetrators who also used, at least in part, words they could understand suggest that the women were targeted as a punishment for: (a) not revealing or knowing where their male relatives and/or the "insurgents" were hiding or (b) allegedly supporting

the “insurgents” e.g. cooking for them or (c) simply for being Rohingya. This suggests that rape was being used as a form of torture.

“The one who raped me asked me where my husband was. I said ‘I do not know, my house burned’. He said: ‘Tell the truth and we will release you. Then he beat me and raped me.’ 22-year-old woman from Dar Gyi Zar.

“When they were raping me, they were saying that I am cooking for the RSOs but I never did it”, woman, 25, from Yae Khat Chaung Gwa Son.

“I only understood one word “khalar” that they were repeating, which means Bengali people from Bangladesh,” 30 year-old woman rape-survivor from Nga Khu Ya.

8.1. Gang rape and rape by an individual

The majority of interviewed rape victims were raped by more than one soldier, usually three to four but even up to eight officers. Rape by an individual soldier would typically occur alongside a gang rape – i.e. several women would be targeted for rape within a particular house, school or mosque and the majority of them would be gang raped while some were raped by only one individual. While the majority of interviewed rape victims were aged 20-30, the team interviewed several girl victims of a gang rape, with the youngest one being only 11 years old. In some cases pre-adolescent girls were targeted. In the case of the 11 year-old victim of a gang rape from Kyein Chaung, the military caught her and her mother alone in the house. The soldiers locked the mother outside the house and then gang-raped the girl.

“The next time the military came, there were eight to 10 of them, they were asking where my father and sisters were. They were also saying that they were searching for people from Bangladesh. They removed all my clothes and all my mother’s clothes and kicked us with their boots. Then they left. I do not know why. But the next day they came again. This time there were seven of them. They dragged my mother outside the house and locked themselves in the room with me. I do not know if they all abused me, I lost consciousness at some point. My mother woke me up with water. I was bleeding a lot.”

Pregnant women were also raped. The team interviewed pregnant survivors of rape, including gang rape, one of whom was raped in her 9th month of pregnancy. Penetration by objects such as rifles or bamboo sticks has been alleged in second hand accounts but was not reported by any of the rape victims met by the team. Penetration by hand was rare. Only in one case was sodomy and penal penetration of the mouth reported by the victim.

The rapes usually took place following one of these scenarios: In the first scenario, women and girls would be rounded up by military and several of them would be taken to nearby schools, mosques, houses or the forest/jungle to be gang raped. The remaining women (not targeted for rape but rounded up) were made to sit in the heat of the sun for several hours or in some cases all day. The terror of being made to witness (albeit from a distance and

without actually seeing, although in some cases hearing) the rape of others in combination with the physical discomfort of being forced to sit in the sun was in itself traumatizing for those who experienced it and whom the team interviewed. In some cases, the gang rapes and rapes took place in a common room/space and in some cases each girl or woman was taken to a separate room, toilet or other area. In the second scenario, military would follow women and girls fleeing to individual houses and rape or gang rape them there. In the third scenario, military unexpectedly attacked women in their homes or the homes in which they were taking shelter.

In several cases, one or two soldiers usually held the victim, often crushing/pinning her legs and hands, while another penetrated her. This was the case also for some cases of rape by only one soldier; the perpetrators would not take turns in this case. Often the perpetrators held rifles against the victim's face, chest or belly or a knife to their neck and threatened to stab or kill her, while the others raped her. Some victims also reported having been grabbed by their throats, having their hair pulled, being punched, including on lips and face, being kicked, and being severely beaten with rifle butts on their breasts, stomachs, lower abdomen and on their vaginas as well as other parts of the body, including eyes. One of the victims had a stitched up 8-10 cm long scar in the proximity of her vagina, having been stabbed when trying to defend herself against rape (picture on file with OHCHR team). Another victim was burned on her leg with a burning piece of plastic (picture on file with OHCHR team). Many women reported that the soldiers were "pressing their breasts very hard" before and during the rapes. Some of the victims lost consciousness during the rapes.

The victims of rape would often be left without clothes or with torn clothes, at times unconscious, in public spaces such as the schools, mosques, yards or the jungle. and some had to flee to nearby villages in search of clothes and help or return naked from a faraway place to which they were taken. In one case in which several girls were raped in a school, one of the victims reported that the military took photos of the naked victims with their mobiles before raping them.

Most victims of rape that the team have spoken to expressed distress and were visibly upset and crying during the interviews. Some have explicitly reported severe mental consequences such as insomnia, depression, fainting, persistent fear, and getting startled at any noise.

"I get counselling once a week and prenatal checks. I cannot sleep properly. I am depressed. I faint sometimes. My husband is trying to help me but it's hard." 32 year old woman from Kyet Yoe Pyin, raped in the fifth month of pregnancy.

"I feel very nervous and scared all the time. Every noise startles me. I am afraid to even go to the bathroom by myself." 25 year old woman from Nga Sar Kyu village tract.

Some reported the following physical and medical consequences of the rape: bleeding (in some cases severe) ranging from 2 hours to 17 days; symptoms of and treatment for severe urinary and vaginal infections; abdominal pain (in some cases severe); being unable to move or walk for several days; difficulties to walk because of bruising, and pain throughout the body from the accompanying punches.

"After the rape I was struggling to urinate, but my baby inside me is still alive. I was bleeding from my vagina for 17 days. When I came here to Bangladesh, about 22 days after I was raped ...at the clinic they inserted a small pipe into my urinary tract which helped me to urinate. But when it was removed I could still not urinate, so then I was brought to the hospital.. They tested me there and saw that the rape had caused an infection. I felt like I would die of the pain. They gave me a medicine that I must take for several months, and now I can fortunately urinate again." 25-year old woman from Kyet Yoe Pyin.

"When I woke up I found myself bleeding profusely from the vagina. I thought that I would die; it took four to five days to flee and to cross the forest with my children, for 10-15 days I was bleeding. It did not stop even after coming here. Doctors treated me and after that the bleeding stopped." 37-year old woman from Kyein Chaung.

"I have been bleeding a lot since the rape. The last time I had that type of bleeding was immediately after I had given birth to my second child." 30-year old woman from Kyet Yoe Pyin.

Women and girls who were raped, typically, did not have any access to health care in nRS, either because there were no doctors, because they could not afford such care or because they were worried about social stigma that would be attached to them in their communities. Even women with severe bleeding were usually given only herbal medicine by other villagers and properly treated only upon arrival in Bangladesh. Health clinic workers in Cox's Bazar confirmed to the team that they had treated significant numbers of Rohingya women who had been raped and who arrived since the 9 October attacks.

Several interviewees mentioned cases of women and girls dying as a consequence of gang rape. While the team did not come across any direct eyewitness testimony of such deaths, it gathered several indirect accounts:

A 27-year old fisherman from Kyein Chaung: *"During their operations, the army entered our house, where they found my mother, wife and sister at home. They took my 18-year-old sister to nearby bushes and gang-raped her. She was brought back after the rape. She was in a critical situation and died the same day. I was in the canal fishing and upon my return, I found her dead."*

A 35-year old father from Kyet Yoe Pyin: *"There were also many young women and girls who were abused. I know three of them. Two came with us when we crossed the border, although I don't know where they are now. They were raped together with a third girl, Hasina. She is*

the one who was killed. She was from Kyet Yoe Pyin. She was my very close neighbour. She was 16."

Women and girls who were raped in their homes or other people's homes were frequently raped in front of their children or siblings of all ages, or other female members of the household; men were usually in hiding when the rapes took place. Family members and others who tried to defend the victims were beaten with sticks, punched and kicked. One mother had her hand broken when defending her daughter; a boy aged two and a half who was trying to defend his mother was kicked by the military and had his shoulder dislocated; and a 15-year-old girl had a scar on her face from defending her mother. Another victim reported that all of her three children (two daughters, aged seven and 12 and one son, aged six) were beaten and pushed as the military raped her. In two of the most gruesome cases, a woman described how her five-year-old daughter, who was trying to stop soldiers raping her mother, had her throat slit and another mother recounted how her eight-month baby boy was similarly killed. (See also above under the section on killings.)

1.1. Sexual violence other than rape

Sexual violence happened in similar scenarios to rape – when Rohingya were being rounded up, by unexpectedly attacking women in their own homes or in homes they were visiting or taking shelter in, be it in their own village or a village to which they had been displaced. While rapes were widespread, other forms of sexual violence were even more so, as reflected in this quote from a 30-year-old woman from U Shey Kya: . “*You will not find a single house in our village where women were not subjected to this.*” OHCHR’s interviews confirm that this was the case in many of the villages that the victims and witnesses came from. The most common form of sexual violence was invasive body searches during the round-ups or house checks during which women and girls of all ages, even toddlers, had their private body parts touched and/or exposed.

The purpose of this form of sexual violence appears two-fold - a) to intimidate and humiliate the women and b) to loot any valuables that the women and girls might be hiding such as money and jewellery. Women frequently reported that during these checks the military would press their breasts very hard, pinch their nipples, press on their nipples with rifle butts, beat or slap those who did not want to remove their clothes and in some cases even put hands inside their vaginas to search for any objects they may be hiding. As with rapes, victims who protested or those witnesses trying to protect the victims were kicked or beaten with rifle butts and sticks.

“They body-searched us all, one by one. They pressed my breast very hard with their hands and pushed hard on my nipple with a rifle butt. I dropped my baby when they did that. We were all scared, my mother-in-law was trying to hold my baby who was crying and another military man beat her repeatedly with a rifle butt on her neck.” Woman, aged between 20-25, from U Shey Kya.

These checks were often conducted in public, as exemplified in the two following testimonies:

"They would also press our breasts and put hands in our vaginas in the name of searching for objects we were hiding. They did this to me, my daughter and my daughter-in-law. They did this in front of everyone in the paddy field, it was so embarrassing. They even touched my seven-year-old daughter on her chest and near her private parts." 45-year-old woman from U Shey Kya.

"Several men came into my house. They held me forcefully and they touched my breasts. It was so awful; there was a very young man, much younger than me, almost a boy. He touched my breasts in front of everyone." 30-year-old woman from Yae Khat Chaung Gwa Son.

In addition to these bodily intrusions, some women and girls were on the verge of being raped but managed to escape or were saved when others arrived or the military had to leave. Those women and girls reported having experienced similar violence as rape victims such as being punched and beaten in the abdomen and genital area with rifle butts.

9. Physical assault including torture, cruel, inhuman or degrading treatment

Rohingya were subjected to beatings, other forms of torture, cruel inhuman or degrading treatment or punishment by the security forces during “area clearance operations” in homes, mosques, and sometimes outdoors as well as in makeshift detention centres. Reference to torture, cruel or inhumane treatment can be found in other sections of this report. Testimonies provided to OHCHR included cases of rape, burning of plastic on different parts of the body, burning of beards, beatings on different parts of the body and administering stress positions.

9.1. Beatings and death threats

Testimonies of victims and witnesses revealed that physical assault, including beating, was widespread. Hundreds of Rohingya men, women and children of all age groups were victims of severe beatings by Myanmar police, military and Rakhine villagers.

While several victims were questioned about the presence and provision of shelter to ‘insurgents’, and accused of supporting the RSO, several others were simply beaten because they were Rohingyas, or were victims of mob attacks by Rakhine villagers. Many of them were threatened with being killed, told to leave Myanmar or told that they did not belong in the country.

Random beatings in people’s homes during house to house attacks and searches or while fleeing were commonly used to threaten, intimidate, and instill fear among the Rohingya

population. Several people interviewed claimed that the only reason they survived the beatings is because the mobs and army thought they were dead and so stopped beating them.

Mass beatings were reported to have happened either during round-ups or when groups of Rohingyas were escaping attacks by the army and police.

Bamboo sticks, gun butts, slingshots or catapults and metal rods were used for beatings but the attackers also resorted to using their bare hands. In numerous cases, a group of four to five soldiers, police or Rakhine villagers would use bamboos sticks and gun butts to inflict severe injuries on one single individual. Soldiers were also reported to often resort to kicking victims, including a boy aged two and a half who lost consciousness after being kicked and a six-year old boy whose arm was broken. (When OHCHR interviewed the boy, he still had a cast on his arm).

Pregnant women were not spared beating and in at least one reported case this led to the death of the foetus: *“Another time when we were made to sit outside the houses, the military asked my young sister who was heavily pregnant to walk. She was not well, she could not walk. They beat her on her back, stomach, waist and buttocks with rifle butts. Afterwards she had a lot of swelling and when they took her to the doctor, they found out that the baby was dead.”* (30 year-old woman from U Shey Kya.)

Scars and severe injuries were shown to the OHCHR team, as evidence of various forms of beatings. Many victims suffered broken arms, broken legs, and injuries to the back or other body parts. In one case, a victim lost the sight in his right eye due to severe injury caused by a marble launched by a sling shot. Several others were unable to walk or sit up due to severe external and internal injuries sustained due to beatings.

A 55-year old from U Shey Kya recalled that the army surrounded his village at around Fajar prayer time: *“They came to the mosque and rounded up 12 elderly people, including myself. They dragged us outside, tied our hands behind our backs and started beating us. They then took us to the village school building, where they again beat us with sticks and rifle butts. They were constantly asking, ‘Where are you hiding weapons? Where are the armed insurgents? Show us the weapons, or we will kill you all’. They beat us from Fajar to Asr prayer time³⁰. We were then forced to take our own belongings to the Rakhine villagers. I had to carry a very heavy battery from my home to the other edge of the village. After we had delivered our things, the army again beat us and then let us go.”*

In a case from Yae Khat Chaung Gwa Son, the victim was caught by a Rakhine mob as he was trying to flee the attack on the village. He was then severely beaten with sticks and left

³⁰ Morning prayer and late afternoon prayer time

by the roadside for dead. When OHCHR met him, he was bedridden. While he mentioned that he no longer had pain in his legs, he is unable to move.

Elderly people, persons with physical disabilities and pregnant women were also victims of beatings. An 80-year old woman from Nga Khu Ya was thrown onto the ground, while leaving her house. She said that the army kicked and stamped on her with boots. She was so severely beaten that she could barely move after the attack. She mentioned that while beating her, the military shouted "*you don't belong to this country, you are Bangladeshis, and you should go back*". The victim still suffers from pain and injury. Her daughter-in-law (interviewed separately), who was pregnant at the time of the attack, was in the kitchen cooking when the army arrived in the village and entered the house. She was held by her hair and thrown on the ground and kicked by the army. She mentioned that due to severe beatings, she lost consciousness for some time, and when she recovered, she fled.

Many victims reported being stabbed with knives (OHCHR pictures on file). Sometimes the attackers were apparently intent on killing and at other times on getting information about hidden family savings such as money and valuables.

Reports indicate that the army also beat children. OHCHR gathered a number of testimonies and information that showed that children ranging from 2 to 13 years old were subjected to beatings, slapping, kicking, hitting with sticks, and in some cases with metal rods. In most cases, children were beaten either while crying or while pleading with the security forces to spare their family members. OHCHR observed visible signs of severe beatings on several children's bodies.

A 12-year old boy from Gone Nar (Ngan Chaung village tract) explained his ordeal as follows: "*I was at home with my 13-year old uncle, when the army broke into the house. They beat us with sticks, metal rods and kicks. We were crying, pleading for mercy. An army officer hit me hard with a metal rod on my right arm, causing severe injury.³¹ We were dragged out of the house, which was set on fire. My uncle, who attempted to flee was caught, beaten and thrown into a burning house.*"

9.2. Stress positions

A number of victims and witnesses informed OHCHR about the wide and systematic use of stress positions during the rounding-up of individuals in houses, open spaces and detention facilities. Individuals were forced to sit in stress positions for between one hour and three days. In many cases, interviewees and victims noted that villagers were taken to an open space, where they were put in groups and then forced to sit in stress positions, holding their hands on their heads and looking down at the ground. In most cases, victims were sitting in the sun and in stress positions for up to eight hours and without any food or water. Several

³¹ Photo of the injuries taken by OHCHR on file.

victims informed OHCHR that the combination of beatings and sitting in a stress position for long periods resulted in internal injuries and also severe pain, particularly in the back. Some complained that the severe beatings and the accompanying stress positions severely affected their vision and hearing and they constantly have headaches and feel dizzy. A 45-year old inhabitant from Kyar Gaung Taung informed OHCHR that *"I was held in a military camp for three days, where I was subjected to stress positions throughout my detention. We were not allowed to look up, and failure to comply with the order was met with violence and beating."*



Several victims and witnesses claimed that they or their family members were severely beaten to extract information or sometimes merely because they were Rohingyas. In many cases torture victims were either tied to a chair or their hands were tied behind their backs or heads. Many victims were stripped fully or to their underwear and tied next to each other.

9.3. Psychological torture

In several situations, psychological torture was also inflicted on Rohingyas. The army and its supporting Rakhine villagers forced victims, including small children, to watch their family members suffer. In certain cases individuals were beaten, sexually abused, raped or killed in front of their relatives, with the intention of inflicting severe mental torture, humiliating and instilling fear. A 22 year old resident of Myaw Taung informed OHCHR that *"after entering our home, the army raped my two sisters, 14 and 17 years old, before the eyes of my elderly parents. They were raped collectively by at least eight army men. They had severely beaten my parents prior to raping my sisters."*

A 54 year old inhabitant of Laung Don explained: *"After rounding-up villagers, the army and Rakhine civilians separated 14 girls, who were beautiful and healthy. These girls were left naked for three hours. We were asked to look at them. The soldiers were playing with the girls' sexual organs and mocking them. I could not tolerate this situation."*

10. Arbitrary detention, inhumane conditions and ill-treatment in detention

Little information is available about persons picked up and taken away by the army or police, as most are still held incommunicado (see the above section on enforced disappearances).

However, some victims who had either escaped or been released after detention mentioned that hundreds of men and some women were held in various detention centres around nRS. Those arrested were apparently neither officially charged nor allowed to contact their family members. The vast majority of those detained have so far not returned back to their families, who are very worried about their wellbeing and safety. Some family members speculated that they might have been killed by the security forces by now.

Some of the few released detainees interviewed by OHCHR mentioned that they were ill-treated and kept in inhumane conditions. In one case of a female detainee who was released, the father of the detainee testified that his daughter was raped by the army before her release. In another case, a young man was stripped, tortured, and given no food or water, and beaten while in detention. Family members of detainees were unable mostly to provide exact information on conditions or places of detention, beyond saying their sons and daughters were detained in ‘military camps’. In several instances, individuals were held in schools in the villages which were converted into temporary detention centres, before being transported to unknown destinations.

A 45-year old former detainee from Kyar Gaung Taung stated: “*The army rounded up 46 Rohingyas from our village. We were taken to an army camp. We were all held in a big hall. After a while, military and police came and began interrogating us. They inquired if we knew where the members of the RSO are, who is affiliated with them, where the weapons and insurgents were sheltered. The interrogation was accompanied with severe beatings with sticks, kick and punches. We were forced to sit in a stress position, holding hands on our heads and looking down to the ground. We were only given some rice on the first day, and were not allowed to use the toilet or drink water. We had to defecate inside the hall in plastic bags. After spending three horrible days there, the Chief of the Camp released 14 detainees including me. No explanation was given about the arrest or release. An 85 year old religious scholar, who was released together with us, died of his wounds after 5 days. We don't know about the status or whereabouts of the remaining 32 persons, including my elder brother.*”

A mother, also from Kyar Gaung Taung, was detained together with her eldest son while eight months pregnant (when the security forces found her mourning next to the dead body of her husband, a madrasa teacher, whom they had just before shot at close range). They were brought to the village police station and beaten for two days, before being released: “*They were saying that my husband was sheltering people from Bangladesh, I said no, we are all Burmese but they did not believe me. They said that they would kill all Muslims. They beat us with wooden sticks and rifle butts. I struggled to stand straight or*

move my body because they beat me so badly. I was eight months pregnant at that time, I was really worried after being beaten.”

Cases of extortion or bribery for release of those detained were also reported by victims. A 35 year-old businessman from Nga Khu Ya claimed that some people from the village were released after paying bribes to the police and army. Another victim from Yae Khat Chaung Gwa Son testified that his mother had to pay 400,000 kyat to the police for the release of his father and brother, who had been taken away from their house. Another victim from Kyet Yoe Pyin had to borrow money to be able to pay 500,000 kyat to a senior military officer to secure the release of his 70-year old father, who had been severely beaten.

Another victim, a 27 year old man from Ye Twin Pyin stated: “*On 19 October, I was fishing in the canal, when a boat with three army men approached me. They apprehended me and began beating me with a metal rod. They hit me on my head, knocking me down (OHCHR documented head injury). I was then taken to the military base in Zee Pin Chaung, where I was held for two days, before I was handed over to my father. My father paid the army 1 million kyat for my release. I lost a lot of blood and remained unconscious throughout my detention and the military thought that I was dead. Hence, they agreed to hand over my body to my family in return for money.”*

Throughout the lockdown area in nRS, schools and mosques became common sites occupied by the security forces, who used them either as outposts or as places of temporary detention. In reported cases where large numbers of men and women were rounded up, they were initially taken to schools to separate men and women and identify individuals of particular interest, such as potentially having information about RSO or arms. They were then transported using military vehicles to unknown destinations. While some suspected that they were taken to police or ‘military barracks’, none were able to definitively identify or name specific barracks.

At the same time as the OHCHR team was interviewing those who have fled the nRS to Bangladesh, the Special Rapporteur on the situation of human rights in Myanmar was given access to some locations in nRS where detainees are held. As per her press statement of 20 January she met with some of those who had been arrested and detained for allegedly playing a role, active or supporting, in the armed attacks against the security forces in early October and mid-November: “*Except for one suspect whose family knew that the detainee had rights and sought a lawyer for him, the other prisoners did not have legal representation. They did not seem informed of the charges, if any, against them apart from being aware that they could be suspected of being associated with the attackers against the Border Guard posts on 9 October. Some had not been in communication with their family for the two to three months since they had been arrested. (...) The prison officials told me that there are more than 450 individuals detained in Buthidaung in relation to the attack.”*

11. Lack of emergency medical care

As indicated in the chapters above on violations, several victims and witnesses reported the near total absence in nRS of emergency health care, including for victims with critical injuries resulting from gunshots, knife attacks, burning, gang-rape and beatings. Several witnesses reported that family members and neighbours had died due to injuries incurred during attacks in combination with the lack of medical aid. The ongoing lockdown³² and movement restrictions³³ in nRS made it impossible for those wounded to access medical treatment in other parts of Rakhine State. Some of the wounded also claimed to be unwilling to approach a medical centre or doctor due to fear of being arrested by the Myanmar authorities. Several interviewees with gunshot and knife wounds indicated that their wounds were untreated for days or even weeks, before they could receive treatment upon arrival in Bangladesh.

The lack of immediate medical aid to some of those injured as a result of attacks using live ammunition may result in lifelong disability for some victims, who lost their limbs or eyesight. A victim from Dar Gyi Zar stated: "*I, along with my two younger brothers, was running for safety, when I was hit on my left shin. I collapsed on the ground. My younger brother and four other villagers, who came to help, were also shot. My younger brother died on the spot. I lost my vision.*"

Many of the victims and witnesses the team met with were visibly severely traumatized, and likely suffering from acute psychological disorders, but had not received any treatment. "*When they were taking my husband, the children were screaming. My 6 year-old son tried to defend his father, but the military kicked my son away and broke his arm. After this he was traumatized and did not speak for a couple of days.*" 40 year-old woman from Yae Twin Kyun.

12. Destruction of property

12.1 Destruction of homes and other buildings

Hundreds of Rohingya houses, schools, markets, shops, madrasas and mosques were deliberately burnt by the army, police and Rakhine mobs. 64% of those interviewed reported burning or other destruction of property. 102 (50%) reported that their own property had been destroyed, primarily house burnings. The testimonies suggest that the targeting of property was done on an ethnic and religious basis, as exemplified in a

³² On 20 January 2017, OCHA reported that health services had not yet resumed in Maungdaw north (having ceased since 9 October due to a lack of access). This prolonged disruption of health services further raises the risk of preventable deaths and complications resulting from non-violent causes. Even before 9 October, the health situation in Rakhine State was already critical as described in two recent reports, once by the Lancet (published online December 1, 2016 [http://dx.doi.org/10.1016/S0140-6736\(16\)00646-2](http://dx.doi.org/10.1016/S0140-6736(16)00646-2)) and one by PHR from October 2016.

³³ See the below chapter on persecution.

statement from a woman from Yae Khat Chaung Gwa Son: "*Only the Buddhist houses in our village were not burned. The Buddhist houses were not touched and the Buddhists were brought to a safe place.*"

Almost all those interviewed were consistent in their claims that the army used rocket-propelled grenades (RPGs), hand grenades, firing from helicopters, petrol bombs, petrol and matches and gunpowder to set houses on fire. While petrol and gunpowder was poured on low roof houses and set ablaze, grenades were either launched using launchers or thrown on roof tops of houses with higher roofs. Setting fire to houses has been used systematically to destroy property, kill people, and drive them away from their dwellings and villages. Some victims also recalled how the fire that sometimes started in one house spread to neighbouring houses quickly due to the nature of materials used to construct the houses, which is dry leaves/grass and wood.

Recent satellite imagery analysis provided to the team by three different independent sources – UNOSAT (report of 8 December 2016), HRW (report of 13 December 2016) and Amnesty International (report of 20 December 2016) – all point to extensive burning of homes having occurred during the months of October and November 2016 in the following ten locations in the lockdown area³⁴: Kyet Yoe Pyin, Wa Peik, Ngar Sar Kyu, Pwint Hpuy Chaung, Myaw Taung, Kyar Guang Taung, Yae Khat Chaung Gwa Son, Dar Gyi Zar, Thu U Lar and Hpar Wut Chaung. See also for more details the later chapter on the villages most affected by the “area clearance operations”.

Several witnesses from the lockdown area reported that mosques in Pwint Hpuy Chaung, Kyet Yoe Pyin, Yae Khat Chaung Gwa Son and Wa Peik were burnt down. Qurans, praying mats and other materials inside the mosques were also reportedly set ablaze in some other villages. Mosques that were not burned reportedly saw similar destruction inside.

Kyet Yoe Pyin, Wa Peik, Pwint Hpuy Chaung, Yae Khat Chaung Gwa Son and Dar Gyi Zar seemed to have faced the brunt of the burning. In Kyet Yoe Pyin witnesses estimated that 400 houses were burnt. In Yae Khat Chaung Gwa Son and Dar Gyi Zar only 20-30 houses remained unaffected, according to witnesses. A witness from Pwint Hpuy Chaung reported that hundreds of houses were burned there, with only a dozen spared by the security forces because they used them to stay in, and in Nga Khu Ya, reportedly hundreds of homes were either burned or destroyed.

Once the army had left the villages, several thousand people returned to find their houses completely burnt. This led to many families moving from village to village, and ultimately leaving the country to Bangladesh for safety.

³⁴ All three sources of satellite imagery analysis (UNOSAT, HRW and AI) found destruction in all listed villages, except for the following exceptions: In Thu U Lar, both HRW and AI reported destruction but not UNOSAT; in Kyar Gaung Taung, only HRW has reported destruction; and in Hpar Wut Chaung, only AI reported destruction.

Several shops privately owned by Rohingyas were also burnt or destroyed. In the case of a 35-year-old businessman from Kyet Yoe Pyin, three shops, two in the market and one in his house, with goods worth several hundred thousand Burmese Kyat, were burnt by the army. Another 45-year-old clothes shop owner from the same village reported that the security forces burned his shop as well as his house. Reports of burning and other destruction of shops and businesses were also received from Ngar Sar Kyu and other villages. Video clips and pictures of burnt houses, shops and other structures were shown by the victims to the OHCHR team.

The army also forced homeowners to destroy their own houses or, in the case of Nga Khu Ya, barriers, walls and fences erected between houses. Forcing owners to destroy their own property appears to have been aimed at inflicting suffering, instilling fear, and forcing villagers to leave. While explaining his ordeal, a 55-year-old victim stated, *“the local chairman convened a meeting with villagers, where he announced that the army had identified 150 houses for destruction by the owners. No explanation or reason was given for the order. The chairman warned us that non-compliance would be met with force by the army. The owners of the houses, including me, did not respect the order, because I had no other place to take my children. A week after the announcement, the army came to our village and forced the owners to destroy their houses. They severely beat us for not respecting the order. It was incomprehensible and heart-breaking to destroy my own house.”*

12.2. Destruction of food and food sources

Testimonies indicate that the security forces and Rakhine mobs (together and separately) deliberately targeted sources of food and food itself (burning paddy fields, confiscating farming and fishing tools as well as kitchen utensils, confiscating or destroying rice and other food stocks, including deliberately killing or confiscating livestock such as cows, goats and chicken)³⁵.

Several instances of food and food grains thrown on the ground, and mixed with mud to make it inedible were reported. Entire paddy harvests, both for personal consumption as well as for business, were deliberately set on fire. Victims believed that the destruction of property, particularly burning of houses and food was coordinated with the intention of driving the Rohingyas away from Myanmar. A man from Dar Gyi Zar said *“after conducting intensive house search operations in Yae Khat Chaung Gwa Son, the army came to our village. They first set fire to paddy-fields, rice stocks and bushes. They then left and stayed in the adjacent village together with the Buddhist community.”*

An 11-year-old girl from Pwint Hpuy Chaung describes what happened when the security forces came to where she and a group of other women and children were hiding in a field: *“They took what they found, including our new cooking pots. Then they looked for bags of*

³⁵ See also the below chapter on looting.

rice. They tore apart the bags on purpose so that the rice fell out. They also shot goats and cows if they found them. They made sure that we children there could not have any food. If they saw rice or cooked dishes, they threw soil on them or threw away the plates.”

In addition to the direct destruction of food and food sources, the threat of extrajudicial killings and random shooting and severe restrictions on freedom of movement have prevented the Rohingya in the lockdown area from producing food, by limiting access to paddy fields, other farmland, fishing waters and markets.³⁶ This risks not only affecting their right to food, but also their health.³⁷ A 40-year-old man from Laung Don expressed worry about those who are still left in his village:

“When the military came to my village, they entered houses, they destroyed many useful things, rice, oil... They threw it together and mixed it so we cannot eat it. The army did this to us so as to make us hungry, they want us to starve and die, and to move away from our village. Some people are still there, in the village. I have spoken with them. They are saying that the trouble is continuing. The fishermen cannot go to the sea, the farmers cannot go to the paddy field, those with livestock cannot tend to them, people are struggling and starving, they are running out of food. People are coming to Bangladesh to get something to eat. Checkpoints prevent us from going anywhere else.”

13. Looting and occupation of property

Looting of property, both private as well as that belonging to the community, were commonly reported by witnesses and victims. The army and police, as well as Rakhine mobs, are alleged to have looted Rohingya homes, taking away money, gold, cattle, vehicles, clothes and anything of value. Such lootings often occurred in conjunction with killings, beatings, burning and destruction of property. Reports of looting were recorded from villages across the entire lockdown area. Men, women and children were body searched for money or valuables they may be hiding. Several women reported that the jewellery they were wearing was removed and taken away. Large numbers of cows, goats and other livestock were often loaded on trucks and taken away from villages.

A 40-year-old woman from Nga Khu Ya, said: “*I was in the kitchen cooking, some of our children were in the courtyard and the others were in the house, when the army arrived. I*

³⁶ Several testimonies were gathered by the team on this. In addition, longer term food security may be jeopardised given that the population are not able to conduct the rice harvest which would normally be starting during this period of the year, according to an OCHA update of 20 January.

³⁷ NRS was characterized by protracted high rates of both acute (24,5-26,5) and chronic malnutrition even before the 9 October attacks, far exceeding the 15% rate of childhood malnutrition at which WHO considers the entire population to be in danger and in need of food aid (Lancet article published online December 1, 2016 [http://dx.doi.org/10.1016/S0140-6736\(16\)00646-2](http://dx.doi.org/10.1016/S0140-6736(16)00646-2)). In addition, the suspension of humanitarian services since 9 October directly affected children in the area with severe acute malnutrition who have not received lifesaving treatment since then.

was body searched for hidden cash or gold and was asked to untie the knot of my sarong, but they found nothing in the sarong. The army then searched the suitcase, and took some cash and gold away. I have heard that searches like this were carried in other houses as well, and where the military did not find anything, they beat the occupants of the house.”

In many instances, the army occupied Rohingya houses for several days, after chasing the families out of their homes. Once the army left the villages, and the family returned, they often found all their food and livestock consumed by the army with nothing left for the family. A 40-year old woman, said: “*The military camped in my house for 3 days, following which they attacked the next village, Ye Twin Pyin. When I returned home, I saw five goats, chilli and rice were all eaten up the military. I only found heads of goats lying in my backyard.*”

Schools and mosques were frequently occupied by the army, who used them either as temporary outposts or as places of temporary detention (see also the chapter above on detention), to detrimental effect both on the right to education³⁸ and freedom of religion.

A number of Rohingyas also stated that the army confiscated their property as well as their personal identification documents. The army either asked Rohingya villagers to collectively hand over their identity documents or confiscated them during house raids. A witness informed OHCHR that three days prior to a full-scale attack on his village, Ngar Sar Kyu, the army gathered villagers in front of the school. They then asked them to bring ID cards and other documents and hand them over to the army. It was alleged that once the army confiscated them, they also looted their homes.

14. Ethnic and religious discrimination

The violations described above in this report all targeted Rohingya Muslims, a group which already before 9 October suffered long-standing discrimination in Rakhine State.³⁹ Given the team’s limited mandate, and the gravity and the extent of civil and political rights violations that every single victim and witness described to us, the interviews the team held did not focus on the ways in which the long-standing pattern of ethnic and religious discrimination intensified since the 9 October attacks. Nevertheless in some cases we managed to collect additional relevant information which is presented below.

Several interviewees noted that following the 9 October incidents, restrictions already placed on their religious practices, movement and businesses were tightened. Religious practices and rituals - including offering burial services to the deceased persons, congregation in mosque, sermons, wearing Islamic caps and dresses, and maintaining long

³⁸ OCHA reports that in some parts of Maungdaw north, as of 20 January 2017, classes had not yet resumed and children were not attending school since 9 October.

³⁹ As explained in A/HRC/32/18.

beards - were further restricted. Family members of deceased recounted that they were unable to offer proper burial and prayer, because doing so would prompt a strong reaction from the army. Some were detained or beaten for having mourned next to the dead body of a relative.

As outlined in previous sections, testimonies recorded by OHCHR indicate that religious scholars, preachers, madrasa teachers and students were apprehended, taken away by the army and in some cases killed by indiscriminate firing or shot dead at point-blank range. Soldiers would accuse them of financing Muslim militants or providing them with training and moral support. Witnesses and victims also informed OHCHR that imams, who were arrested by the army, had their beard forcibly shaved or burnt by burning plastic. OHCHR has recorded visible marks of burns on the necks of religious scholars. *"I was rounded up, along with 30 others villagers, who were mainly youngsters. They tied my hands behind with a rope. They burnt plastic and dropped melted plastic on my feet and neck. They also burnt my beard with burning plastic,"* a religious preacher from Myaw Taung recounted. In another similar situation, it was testified that the army forcibly shaved the beard of the head of a madrasa in front of 200 students and teachers.

Witnesses stated that the army occupied mosques, and used them as their bases or outposts. They desecrated Holy Qurans, collected Holy Qurans from homes and burnt them in open spaces, in front of the villagers, and burned them to cook food. Interviewees perceived that this was done deliberately to insult them and hurt their religious sentiments. Women and girls were also raped inside mosques.

Some interviewees reported that following the recent attacks, authorities have started headcounts in certain villages, aimed at delisting Rohingyas, who are no longer in northern Rakhine. A 32-year old woman from Kyet Yoe Pyin recounted: *"My brother-in-law the chairman, is still in our village and also my younger brother is there. We are in touch. They told us that the Buddhist army came, looted houses and burned all documents. The military is coming and taking pictures of family members, saying that they need to pay 5-6,000 per person. People who are absent are crossed from the list."* The authorities are aware that following the military operation, a large number of villagers fled to either Bangladesh or are internally displaced. There are villages where almost the entire population has been displaced due to large-scale destruction. Such delisting may mean taking away the residency status of Rohingyas who are now in Bangladesh. According to reports the authorities did not make any announcement about the recent survey.⁴⁰

⁴⁰ These testimonies seem in line with an OCHA update of 20 January 2017, according to which an early start to the annual Government household survey in the three northern townships of Rakhine in December creates the risk that those who have been displaced may be forever removed from the household list. That household survey exercise was completed in mid January 2017, according to OCHA.

15. Analysis of patterns in specifically targeted villages

Recent satellite imagery analysis provided to the team by three different sources – UNOSAT (report of 8 December 2016), HRW (report of 13 December 2016) and Amnesty International (report of 20 December 2016 – all point to extensive burning of homes having occurred during the months of October and November 2016 in 10 locations⁴¹.

The eight most affected villages are listed here with their Rohingya name as well as with the amount (including percentage) of interviewees coming from and/or reporting violations from that particular location, with the villages with the most interviewees listed first:

Burmese village name	Rohingya village name	UNOSAT estimate nr destroyed structures	OHCHR interviewees (number)	OHCHR interviewees (% of total)	Estimated date of destruction ⁴²
Yae Khat Chaung Gwa Son	Boro Gozibil	334	36	18	Nov-16
Kyet Yoe Pyin	Keyeari Para/Prang	181	28	14	Oct-16
Pwint Hpyu Chaung	Zambinnya	108	13	6	Nov-16
Ngar Sar Kyu	Nichapro	101	9	4.5	Nov-16
Myaw Taung	Chali Para/Prang	19	9	4.5	Nov-16
Dar Gyi Zar	Choto Gozibil ⁴³	380	6	3	Nov-16

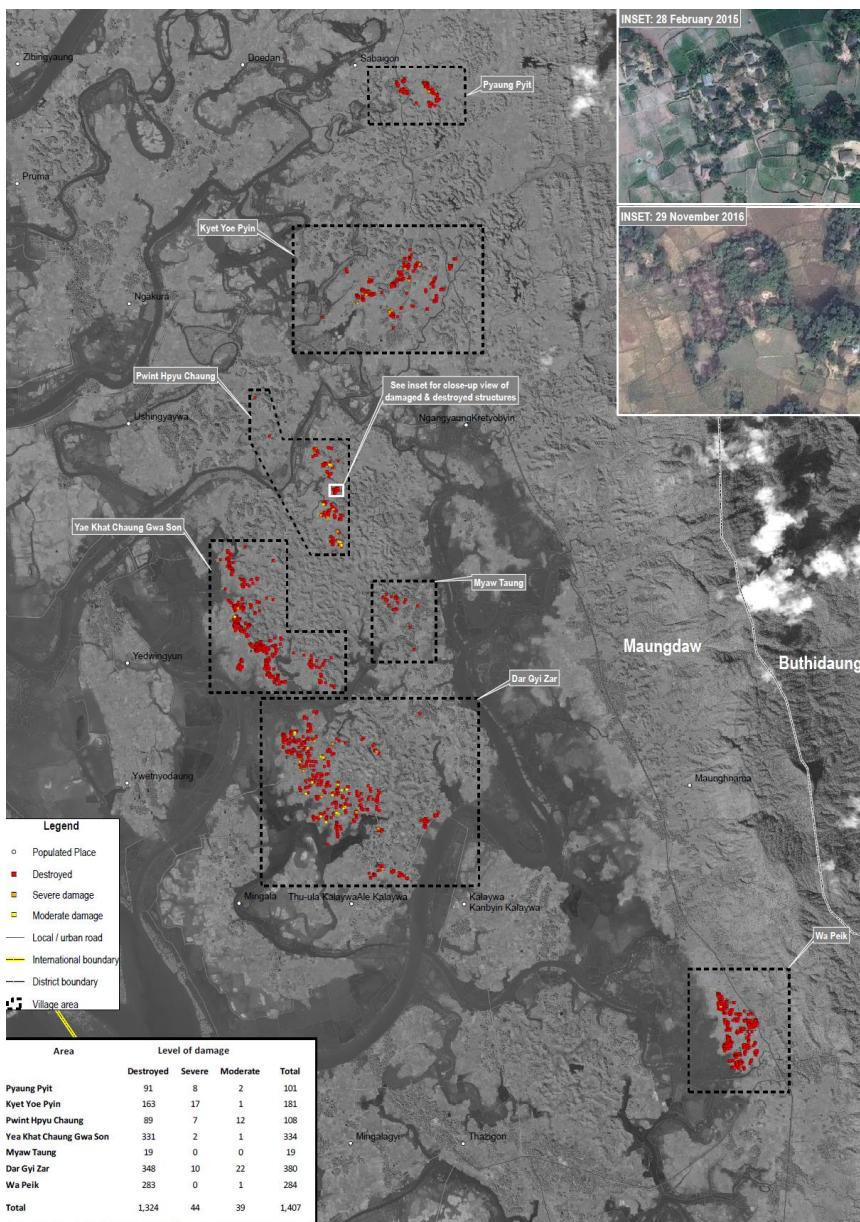
⁴¹ All three sources of satellite imagery analysis (UNOSAT, HRW and AI) found destruction in all eight listed villages below, except for the following exception: in Kyar Gaung Taung, only HRW has reported destruction. (Note also that not featured in this list are Thu U Lar, where both HRW and AI reported destruction but not UNOSAT; and Hpar Wut Chaung, where AI reported destruction, but not HRW or UNOSAT.) AI's analysis (presented in a 20 December report referred to above) dates from November and identifies 400 structures destroyed between 3-10 November and 850 structures destroyed between 10-23 November. HRW's analysis identified at least 1,500 buildings destroyed on a number of different dates in October and November, see <https://www.hrw.org/news/2016/12/13/burma-military-burned-villages-rakhine-state>.

⁴² The approximate October dates come from HRW. The 8 December UNOSAT analysed images collected on 29 November (from WorldView-3) and compared them with earlier images dating back to spring 2016 and earlier (from WorldView-2 and GeoEye-1 among others), so as a result UNOSAT's analysis does not distinguish damage done in October from damage done in November. The UNOSAT satellite image-based damage assessment identified a total of 1,414 damaged or destroyed structures. Due to vegetation cover, UNOSAT indicated that it's likely that some damaged structures have been missed or erroneously included in this analysis. AI's analysis also dates from November (with 400 structures destroyed between 3-10 November and 850 structures destroyed between 10-23 November).

⁴³ Note that due to the similarity between the Rohingya translations ("Boro Gozibil" and "Choto Gozibil") of Dar Gyi Zar and Yae Khat Chaung Gwa Son, two villages located right next door to each other in the lockdown area, it is possible that some interviewees from Choto Gozibil have been identified as from Yae Khat Chaung Gwa Son and vice versa.

Kyar Gaung Taung	Rabillya	Source: HRW	6	3	Nov-16
Wa Peik	Wabeg	284	4	2	Oct-Nov 16

Taken together, 111 (54.5%) of all 204 interviewees came from and/or reported incidents from these eight villages. The 8 December UNOSAT report (see map immediately below) analysed images collected on 29 November (from WorldView-3) and compared them with earlier images dating back to spring 2016 and earlier (from WorldView-2 and GeoEye-1 among others). The UNOSAT satellite image-based damage assessment identified a total of 1,407 damaged or destroyed structures in seven different locations.⁴⁴



⁴⁴ Due to vegetation cover, UNOSAT indicated that it is likely that some damaged structures have been missed or erroneously included in their analysis.

When the team analysed the 111 testimonies gathered from the most affected villages - Yae Khat Chaung Gwa Son, Kyet Yoe Pyin, Pwint Hpyu Chaung, Dar Gyi Zar and Wa Peik - a clear picture emerges of how the Myanmar security forces' so called "area clearance operations" are conducted, as well as of the violations they generate:

Interviewees from these villages, as can be seen also in previous chapters, typically reported that large numbers of armed men (often from both the Tatmadaw and the police, sometimes accompanied by Rakhine villagers) would arrive at once in the village. As is confirmed by satellite imagery analysis, they would proceed to destroy many houses, mosques, schools and shops, typically by RPGs (that interviewees call "launchers") but also by simply using petrol and matches as detailed above. Fields, livestock, food stocks would also be deliberately burned, destroyed or looted.

They would separate the women from the men. Men who did not manage to flee would be severely beaten, often with their hands tied to their back, often with rifle butts or bamboo sticks, or kicked with boots. Many men, especially those in a specific age range (teenage to middle age) would also be taken away, with their hands still tied, by military or police vehicles and not heard of again.

Women would be rounded up, and either told to stay inside a school or other building or outside in the burning sun. Many would be raped or experienced others forms of sexual violence, often during strip searches, either during round-ups or in homes.

Simultaneously, those fleeing would be shot at with rifles and RPGs, and in Yae Khat Chaung Gwa Son, Dar Gyi Zar and in Kyar Gaung Taung, also from helicopters.

There were also many reports of summary executions, either by shooting at point blank range or by knife, including of babies, toddlers, children, women and elderly people.

In some villages, only very few houses are reportedly still standing. According to testimonies, there are no or few men of working age left, and the women and children who could flee have done so. According to the testimonies the team gathered, some who were too old or too poor to flee are still trying to survive among the ashes and the wreckage, lacking food.

Interviewees who were still in touch with relatives in their home villages reported that the "area clearance operations" continue, with continued regular presence of the security forces in the villages (although the burning of homes seems to have ceased since December, replaced in some cases by destruction by other means).

This testimony from a woman from Pwint Hpyu Chaung is indicative of what the residents of the hardest hit villages experienced:

"While we were sleeping, it was 2 or 3 a.m., I did not notice that the military surrounded my whole house. They suddenly entered. They carried both rifles and knives. One used a knife to

cut some rope in my house. My brother and my sister-in-law's husband had their hands tied behind their backs with that rope. They were first beaten with rifle butts. They were beaten so harshly that my brother was about to die, it was so horrible to watch. When they were beating my brother and my sister-in-law's husband, we were close to them, we were also lying down. Whenever they were crying we were also crying. My oldest son and my (11-year old) daughter were beaten too.

And then they shot and killed my brother and my brother-in-law. This happened just outside our house. When they were shooting, a bullet grazed my daughter's skin too. Then they dragged their bodies away. We never found their bodies.

I cannot tell you what I am feeling inside. The military was kicking us with their boots, my husband was lying down as if he was dead, spreading his hands wide. The military thought he was dead, so they brought bamboo sticks and threw them on top of him.

We were very scared. We fled to my father's house which is located just next door. But by this time another group of military came and they set the house on fire. All of us were trying to flee, but then they called my father out from all us women and children. We told our father, please don't go, they will kill you. They asked us women and children to go away, so we left, and then they took our father from us. They took him, his hands were tied with a rope. Then they set the house on fire.

Then we fled into the forest, by this time the house was burning. When we came back we were looking for our father, and then we found his body totally burned, together with three other bodies. It was my other brother who is alive and who is here in Bangladesh, he was the one who went to the house, and he found our father and our uncle lying on his shoulder, his uncle's son was also there, burned. Maybe they held each other tight, that could be why they seemed to be hugging in their death, my brother said.”⁴⁵

16. Conclusions

Of the 204 persons with whom the team conducted in-depth interviews, all except two had fled from the so-called “lockdown zone” or the “area clearance operation zone” which is located in nRS, halfway between Taungpyoletwea and Maungdaw.

According to the testimonies gathered, the following types of violations were reported and experienced frequently in that area: Extrajudicial executions or other killings, including by random shooting; enforced disappearance and arbitrary detention; rape, including gang rape, and other forms of sexual violence; physical assault including beatings; torture, cruel, inhuman or degrading treatment or punishment; looting and occupation of property; destruction of property; and ethnic and religious discrimination and persecution.

⁴⁵ Interview with a mother of eight and her 11-year old daughter from Pwint Hpyu Chaung.

The vast majority of those interviewed had experienced both multiple displacements and multiple violations. One same family may have had members who were killed, who were beaten, who were raped, taken away to an unknown location, at the same time as their family home was burned and looted. Many of those interviewed reported having been first internally displaced within the lockdown area, sometimes moving between up to five villages, before trying to cross the border into Bangladesh (having realized that the Myanmar security forces were heavily present in all villages in the area, and sometimes having experienced violations in multiple villages).

All of the eyewitness testimonies the team gathered referred to violations allegedly perpetrated by either the Myanmar security forces (Tatmadaw, Border Guard Police and/or the regular police force, operating both separately and through joint operations) or by Rakhine villagers (either acting jointly with security forces or at least with their acceptance). Worryingly, the team gathered several testimonies indicating that Rakhine villagers from the area have recently been given both weapons and uniforms, which bodes ill for the future relation and trust between the two communities.

While discrimination against the Rohingya has been endemic for decades in nRS, as described in a High Commissioner's report to the Human Rights Council in 2016, the recent level of violence is unprecedented.

The testimonies gathered by the team – the killing of babies, toddlers, children, women and elderly; opening fire at people fleeing; burning of entire villages; massive detention; massive and systematic rape and sexual violence; deliberate destruction of food and sources of food – speak volumes of the apparent disregard by Tatmadaw and BGP officers that operate in the lockdown zone for international human rights law, in particular the total disdain for the right to life of Rohingyas.

The testimonies the team gathered from those fleeing the lockdown area and its most affected villages (Kyet Yoe Pyin, Wa Peik, Ngar Sar Kyu, Twint Hpuy Chaung, Yae Khat Chaung Gwa Son and Dar Gyi Zar) describe “area clearance operations” that seem to be in line with the Tatmadaw’s counter-insurgency “four cuts” strategy – a strategy developed in the 1960s to cut off rebel forces from their four main support sources (food, funds, intelligence, recruits), and largely unchanged since.⁴⁶ This strategy is said to involve cordoning off territory for concentrated operations, a “calculated policy of terror”, to force populations to move, destruction of villages in sensitive areas and confiscation or destruction of food stocks.

The Myanmar security forces lost 10 officers in the 9 October and 12 November attacks. However, the testimonies as well as the satellite imagery analysis from three independent sources indicate clearly that the security forces have deliberately targeted the entire

⁴⁶ ICG report nr 283, released on 15 December 2016.

Rohingya population in the area, instead of investigating those who may have been linked to the 9 October attacks on the three BGP locations. The “area clearance operations” have likely resulted in hundreds of deaths and have led to an estimated 66,000 people fleeing into Bangladesh and 22,000 being internally displaced.

The testimonies gathered by OHCHR indicate that the attacks against Rohingya villages, and the associated serious violations affecting the right to life and physical integrity and the destruction of houses, food stocks and sources of food make it impossible for Rohingyas to live in their villages, thereby creating a coercive environment amounting to forced displacement.

The “calculated policy of terror” that the Tatmadaw has implemented in nRS since 9 October cannot be seen as an isolated event. It must be read against the long-standing pattern of violations and abuses; systematic and systemic discrimination; and policies of exclusion and marginalization against the Rohingya that have been in place for decades in nRS, as described in the HC’s report to the HRC (A/HRC/32/18). Even before 9 October, widespread discriminatory policies and/or practices targeting them on the basis of their ethnic and/or religious identity had led to an acute deprivation of fundamental rights. The information gathered by OHCHR indicates that the victims of killings, rape and sexual violence, arbitrary detention, torture, beatings and other violations outlined in this report, were targeted based on their belonging to a particular ethnicity and religion. Many victims mentioned that soldiers and officers taunted them by saying that Islam is not the religion of Myanmar; that Rohingyas are Muslim Bengalis; and that Rohingyas would be eliminated from Myanmar. They were mocking their religion while beating and arresting them, saying things such as *“call your Allah to come and save you”*, *“What can your Allah do for you? See what we can do?”* This raises serious concerns that these acts amount to persecution against a particular ethnic and religious group.

The attacks against the Rohingya population in the area (killings, enforced disappearances, torture and inhuman treatment, rape and other forms of sexual violence, arbitrary detention, deportation and forced transfer as a result of violence and persecution) seems to have been widespread as well as systematic, indicating the very likely commission of crimes against humanity (as the High Commissioner concluded already in June 2016).

The forcible displacement of persons from an ethnic or religious group as a consequence of acts of violence committed against them such as killings, torture, arbitrary detention, rape and sexual violence and the destruction of houses and places of worship has been described in other contexts as ethnic cleansing.⁴⁷ The information gathered by OHCHR raises serious concerns that what is occurring in nRS is the result of a “purposeful policy designed by one

⁴⁷ Annex to the letter from the Secretary-General to the President of the Security Council, dated 24 May 1994, S/1994/674 27 May 1994, presenting the final report of the commission of experts established pursuant to Security Council resolution 780 (1992)

ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas".⁴⁸ An estimated 66,000 have so far been forced to leave the land they have lived in for generations. As one interviewee from Pwint Hpuy Chaung stated:

"Now is the worst it has ever been. We have heard from our grandparents that there were bad things happening in the past too, but never like this."

⁴⁸ S/1994/674 para. 130.