

Question and Answer session with Raïss Tinmaung About the Rohingya Situation

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This journal has explored the legal ramifications of the plight of the Rohingya in four articles last year, including on May 16 a Question and Answer session with Payam Akhavan, who is counsel to Bangladesh in the International Criminal Court case concerning the Rohingya (here.) There were also two articles regarding the just mentioned ICC case on April 24 (here) and September 28 (here). The most in-depth legal analysis was produced on September 11 when the August 24 report of the Independent International Fact-Finding Mission (IIFFM) on Myanmar of the United Nations Human Rights Council was discussed (here).

The introduction of the September 11 article bears repeating as it sets out succinctly the findings by the IIFFM on the commission of international crimes in Myanmar by its government. The Report found sufficient evidence to warrant investigating senior commanders in the army, the Tatmadaw, for genocide in the Rakhine State. It also found evidence that would warrant investigating the Tatmadaw for crimes against humanity in the Kachin and Shan States (north and east Myanmar) for the crimes of murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution, and enslavement. Additionally, in Rakhine State (west Myanmar), the evidence supported investigating these crimes against humanity as well as those of extermination,

deportation, and persecution and perhaps the crime of apartheid, based on evidence of discrimination and systematic oppression. The evidence showed the acts were part of a widespread and systematic attack on a civilian population. The Mission also concluded that much of this conduct demonstrated the war crimes of murder, torture, cruel treatment, outrages upon personal dignity, attacking civilians, displacing civilians, pillaging, attacking protected objects, taking hostages, sentencing or execution without due process, as well as rape, sexual slavery, and sexual violence. This was based on its conclusion that a non-international armed conflict had been going on in the Kachin and Shan States from 2011 and the Rakhine State at least from August 25, 2017 between the Tatmadaw and local militias. The Mission also noted that some of these local militias, namely the Arakan Rohingya Salvation Army (ARSA) and various ethnic armed organizations (EAOs) might also have committed war crimes.

With this background, Joseph Rikhof, a member of our editorial board, interviewed Raïss Tinmaung who is a Rohingya himself about his experience with some of the victims of the above crimes.

JR: To begin could you explain first a bit of your background and the work you have done over the years with the Rohingya victims of the crimes committed in Myanmar?

RT: I am a Rohingya from Toronto. My parents are from Akyab, which is known today as Sittwe (capital of Rakhine). My parents' villages were burned to the ground in the 2012 massacre that took place in southern Rakhine. A vast number of people from their villages and the surrounding villages have ended up in the IDP camps or concentration camps that still exist outside of Sittwe.

My parents and my grandparents escaped Myanmar in the late 1970s to seek refuge in Bangladesh, where, asylum seekers were given a warm welcome. And unlike how the Rohingyas are confined into the refugee camps today, back then they were allowed to settle into the country and assimilate with the rest of the Bangladeshi society. My parents however, moved out of Bangladesh in search of better prospects; and so I lived in a few other countries with the Rohingya diaspora before moving to Canada.

I have been to Bangladesh a few times and have lived in the refugee camps doing human rights work as well as humanitarian work. I have conducted interviews, taken photographs, and written articles each time I visited the camps. I have done some humanitarian relief work at the camps and currently I help run a few long term empowerment projects for women and children at the camps. These include a primary school of 80 children, a middle-high school of 120 children, a scholarship program of 14 college girls and boys, a grassroots trafficking awareness program, and 2 life skills training centers for women where we provide 6 months hands-on training in traditional sewing, followed by gifts of manual sewing machines to each of the graduates. The projects are run under a not for profit called Extreme Poverty Projects, (and publicized by the name People Empowering People, since it is 100% volunteer run, with all proceeds going to the camps) that I registered in 2015, and received charity status in 2017. The above projects are not in the human rights domain, it is of tremendous significance to my people because it helps them become empowered to do things that they were not able to do back in

Myanmar. For example, the children would either not have access to education in their villages in Rakhine, or if they did, they would be constantly under the threat of being arrested and tortured if they pursued further education.

While I have returned to Bangladesh a few times, I have never traveled to Myanmar due to concern of personal security.

JR: I understand that you went to Bangladesh last year to interview victims and witnesses of the crimes mentioned in the introduction. Could you tell me how this trip came about and what you hoped to learn?

RT: I went to Bangladesh in an effort to collect testimonies from the survivors of the massacre.

Right from the onset of the massacre, I was heavily involved in activism efforts at home in Canada – I successfully organized teams of activists in almost every province across the country, and helped them hold rallies, lectures and meetings with their members of Parliaments to raise awareness of the plight of Rohingya post 2017 massacre. However, I hadn't yet met with the massacre witnesses first hand. I therefore decided that during the Christmas – New Year's break of 2017, I would make a trip to the refugee camps and meet with the survivors in person. This is how the trip to Bangladesh was first conceived.

I had shared my intent to travel to meet with the survivors of the massacre with my friends and colleagues in the activism work. A few organizations took interest in the initiative, one of them being the Montreal Holocaust Museum. They referred me to the Shoah Foundation based out of the University of Southern California, which was also interested in doing a similar project for the purpose creating an oral history. The foundation asked for my help in implementing their project, to which I agreed. I therefore ended up helping out the Shoah Foundation as a volunteer and conducting interviews with the survivors of the 2017 massacre. In doing so, I spent one month at the refugee camps in Bangladesh where I led a team of about 10 people who collected, compiled, and recorded about 200 hours of oral testimonies from approximately 100 survivors at the refugee camps. The survivors came from 15 different villages burned to the ground, principally from 3 main townships in northern Rakhine, Maungdaw, Buthidaung, and Rathedaung.

JR: In interviewing these victims, you became aware of a number of terrible experiences these victims had suffered and which could very well constitute some of the underlying crimes, which could be used to prove allegations of genocide, crimes against humanity and war crimes. Could you provide me some examples of such experiences? What struck you the most in these narratives?

RT: The interviews were very difficult, and there are numerous examples to narrate. I interviewed a gentleman who lost his child, his uncle, his brothers, sisters, and aunt, while running through an open field with other villagers to get to safety in the jungles… I interviewed a man who lost his wife, who was nine months pregnant, and couldn't even bury her because he was running for his life. I interviewed a medic who could not stop crying saying that he was suicidal because he can't forgive

himself for not being able to do anything while he saw the daughter of his neighbor being held by 4 men while others took turns to rape her… I interviewed an imam who, at the end of his interview took out a piece of paper to read the names of those he witnessed being slaughtered, he turned the paper over and wanted to continue reading the names but couldn't. Later he said, they were all his students, under the age of 13… I remember trying to interview a nine year old on crutches, who said he was shot while fleeing, and because couldn't get a treatment in time, his left leg had to be amputated but I couldn't really do the interview because it was very difficult.

What struck me most was the sheer consistency of events and acts that were recounted in the narratives; each of my interviewees recounted witnessing rape, burning alive, and hackings that they had witnessed. A good number of them recounted their village being surrounded the night before the massacre, seeing military as well as armed "mogs" or extremist Buddhist who would join the military with swords and machetes once the village had been set on fire. A good number of them recounted being shot at while fleeing, of seeing piles of dead bodies thrown into lakes and pits, as well as locations of mass graves which they swore they could "take you to by the hand if you were to bring me to Rakhine". All of my interviewees talked about difficult living conditions prior to the massacre; they narrated severe restrictions in movement, in getting married, in having children, in going to school, in working in their own farms or fishing as well as arbitrary abductions, forced labor without pay, torture, rapes, and killings. It was surprising how each narrative contained the above elements in various levels of detail depending on the context of the narrator's own history.

JR: After you collected these narratives, what did you do with them?

RT: The testimonies were retained by the Shoah Foundation and made available to interested third parties at their discretion. Some of the interview clips appeared in CNN and other US News channels. Apart from the interviews conducted by the foundation, there were other interviews that were done using my own camera. These I have kept with me and have used them from time to time during public presentations here in Canada.

JR: I understand that you might embark on another mission soon. Could you tell me something about that?

RT: My next trip is going to be focused on connecting with the youth and women in the camps and observing firsthand the various empowerment programs that we run currently at the camps. I would also like to train some of the youth at the camps to do human rights work, collect oral histories, imageries, documents, etc. which may one day be useful for fact finding purposes.

I am also open to the prospective of volunteering with another human rights organization, should they require my assistance.

JR: What do you think about the attempts of Myanmar to allow the return of the Rohingya?

RT: The Government of Myanmar has made no bona fide attempt to allow the return of the Rohingya; as a matter of fact, they are not even close to making such an attempt. The very fact that they still openly deny the existence of the Rohingya, which is well recorded in Myanmar Government issued documents (still preserved by the survivors in the camps, the villages and the Rohingya diaspora), is evident of their intent of not taking back the Rohingya. The very fact that the Government of Myanmar arrested 2 Reuters journalists for reporting the massacre and mass grave at Inn Dinnand subsequently sentenced them for their “crime” is evident of the Government’s intent of not wanting to take back the Rohingya. The leadership of the government, including the State Counsellor Aung San Suu Kyi, has upheld the sentencing of the journalists, which speaks volumes of the intent of the government to really take back the Rohingya. Earlier last year, the Tatmadaw conducted an internal investigation, which concluded essentially that the senior military chain of command had nothing to do with the exodus from Rakhine state to neighboring Bangladesh. This certainly speaks about the government’s lack of intent on taking back those who fled. And let us say they were hypothetically allowed to return – where would they return in such a case? Back to the lands where the villages once existed but were then burned to the ground? There were even reports by Human Rights Watch (HRW) satellites that the lands were being bulldozed clean, and that new military installations and infrastructures were being built in some of those lands. Would the government bring back the refugees to internment camps at the border where they would keep them surrounded by military and border guard police, the very people who conducted the massacre in the first place? Interestingly these very border guard police were reported to have fired shots into the refugee settlements in the no-man’s land areas earlier last year as well, which clearly shows their willingness not to allow a return.

The Rohingya villages in Myanmar that have survived are still under a blockade by the military and border guard police, with little or no access to food, water, medication. Movement to and from the villages is extremely restricted; humanitarian aid and access by journalists are all banned. According to corroborated information sources from the ground the villagers are being forced to take National Verification Cards, a new identification document issued by the Government of Myanmar, which officially labels the Rohingya as “Bengalis”. If they refuse to take the cards, they could be beaten, imprisoned, tortured.

There is no public talk of releasing the 127,000 Rohingyas who have been confined into IDP camps of Rakhine, also known as the concentration camps of Rakhine by numerous human rights groups, since 2012. The social media attitude of the population of Myanmar is also quite disturbing with respect to the prospect of return of the Rohingya. There are extremist groups that still openly call the Rohingya dogs, insects, kalars, who should be “fed to the pigs”, according to a Reuters study on Facebook released late last year. This notion of hatred is not exclusively for the Rohingya – the other ethnicities are also targeted, and these include the Kachin, the Karen, the Shan, etc. whose villages had been bombed numerous times last year.

JR: Apart from these missions, what other activities are you and your community involved in to bring the plight of the Rohingya to the attention of the Canadian government and public? Was the

community involved in your work in Bangladesh last year?

RT: I have helped lead my community into an exhibition project at the Canadian Museum for Human Rights in Winnipeg. We are working towards the first ever Rohingya exhibit in the western world, with photographs, videos of oral histories, and artefacts on the Rohingya displayed over a 1500 square foot exhibition space. Apart from the Museum for Human Rights, we have also volunteered at the Montreal Holocaust Museum and are looking towards volunteering with other museums as well. We are also involved with a group of immigration lawyers here in Canada, to help bring and resettle Rohingya refugees. We are also volunteering with an independent film maker in producing a documentary, which will showcase the Rohingya in an upcoming film festival in Quebec.

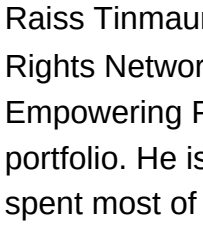
JR: Do you think that the activities by the Canadian government so far, such as appointing Bob Rae as special envoy, declaring the events in Myanmar in 2017 a genocide and the revocation of the honorary citizenship of Aung San Suu Kyi have been enough? What else do you think can be done by Canada to help?

RT: The actions taken by the Government of Canada in the case of the Rohingya are highly commendable and they demonstrate its leadership on this issue on the world stage. Yet, the appointment of special envoy, the declaration of genocide, and the revocation of honorary citizenship are all symbolic actions – they do not help the ordinary Rohingya languishing in the refugee camps or cordoned in the villages or the IDP camps of Rakhine by the Myanmar's military. In order to help them and in order to bring about a visible change, Canada needs to form an alliance with like-minded nations and impose pressure on the Government of Myanmar to end its genocidal policies and bring back the inclusiveness and ethnic tolerance that once existed in the Burmese society. The Government of Myanmar needs to be pressured to allow independent journalists and humanitarian aid organizations into Rakhine. They have to be pressured to close the IDP/concentration camps, and to reinstate the citizenship of the Rohingya, where they are treated as equals, are allowed to move freely, have an education, have families, go to work, etc.

An example of a concrete action that Canada can take at the moment as a follow-up to the previous symbolic actions (for example, the declaration of genocide) would be to look into the obligations contained in the Convention on the Prevention and Punishment of the Crime of Genocide, a treaty that Canada ratified in 1948 in the shadow of the genocide committed during the Holocaust. The Canadian government and the international community needs to take actions to fulfill their international legal responsibilities in order to prevent additional genocidal crimes from being committed by the government of Myanmar. If Canada doesn't follow through on its recognition of the Rohingya genocide by invoking the Genocide Convention, then the treaty that we signed is just a piece of paper with little meaning.

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About the author



Raïss Tinmaung is one of the founders and directors of the Rohingya Human Rights Network, a grassroots Rohingya advocacy network; and People Empowering People Canada, a grassroots Rohingya empowerment programs portfolio. He is originally from the township of Akyab in Burma, but has spent most of his life in Toronto, Canada.