



**Ongoing Human Rights Violations in  
Myanmar  
2017-2020**

**GICJ Report on the Refugee Camps in  
Bangladesh and Discrimination in Rakhine**

March 2020

**Geneva International Centre *for* Justice**

[www.gicj.org](http://www.gicj.org)



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**Geneva International Centre *for* Justice**

**March 2020**

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## Executive Summary

The Situation in Rakhine State and the treatment of the Rohingya people over the past years and decades has been nothing short of alarming. Hundreds of thousand Rohingya Muslims are *de facto* stateless, violent persecution by governmental armed forces forced them to leave the country and seek refuge in Bangladesh. Remaining Rohingya in Rakhine State are still being persecuted and the Myanmar government develops new tools of suppression while evading accountability for Crimes against Humanity and Genocide. While all those atrocities were and are being committed, the international community does not to recognize the urgency of the situation and fails to act fast and with the necessary determination. Despite the progress made within the past years, we still believe that much more needs to be done to free the Rohingya people from human rights violations in the future.

The report will begin by elaborating on the background of the conflict and explain the international legal framework that has been violated. Following, the focus of this report will shift to the events that took place in Myanmar between the end of 2017, which marks the “official end” of the clearance operations, and 2020. Despite the end of the official “clearance operations” in the end of 2017, Myanmar did not stop violating international law, Rohingya are still being persecuted and discriminated, the crimes of the Myanmar government simply do not get as much recognition as in the time period before 2018. In specific we report on the National Verification Cards (NVC) that are enforced on the Rohingya population, the poor conditions in Bangladesh’s refugee camp and the failed repatriation process. The report will show how international law has been and is being violated and how international procedures fail to correctly address the situation.

Furthermore, this report analyses the response of the international community with a focus on the recent ICJ ruling on Myanmar. We consider the ruling of the ICJ a milestone in the protection of the Rohingya and hope to see continued steps in this direction.

Over the past years, Geneva International Centre for Justice published various forms of reports<sup>1</sup>, and statements to raise awareness for the situation of Rohingya Muslims.<sup>2</sup> In the end of this report will summarize our work on Myanmar and the Rohingya and propose recommendations that will ensure a safe return of all refugees to Rakhine State as well as the possibility of a peaceful way forward.

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<sup>1</sup> GICJ, Save Rohingya from Genocide (2017) [online available at: <https://www.gicj.org/gicj-reports/1298-save-rohingya-from-genocide>]

<sup>2</sup> GICJ Oral Statement, 43<sup>rd</sup> Session of Human Rights Council (2020) [online available at: <https://www.youtube.com/watch?v=lg04fO02K2M>]

The aim of the report is to raise awareness of the current situation in Myanmar. GICJ recognizes various reports published by the UN and independent fact-finding missions, as well as adopted resolutions, yet we do not recognize a significant improvement for the Rohingya population. Thus, this report calls upon the international community to work on the peaceful repatriation with the same interest and effort as in 2017, when the “clearance operations stopped.

## **I. Background**

Rakhine is a state located on the western coast of Myanmar and inhabits various ethnic and religious groups. Rakhine belongs to the poorest and most underdeveloped areas in Myanmar and large parts of its population live in poverty. The Rohingya population used to be located in northern parts of Rakhine state but “clearance operations” by the Myanmar government forced over 750.000 Rohingya to flee to the neighbouring Bangladesh.

In the past, the Rohingya population in Myanmar had to deal with several attacks and discriminations. The base of the conflict is mainly of a religious nature, while the Rohingya represent a Muslim minority, the greatest part of Myanmar’s population is Buddhist. The Myanmar’s government and their established body of law do not consider the Rohingya as an indigenous ethnic group in Myanmar and falsely claim that the Rohingya illegally invaded Rakhine state.<sup>3</sup> Myanmar’s body of law does not recognize the Rohingya as full citizen and therefore does not grant them citizen rights. Myanmar’s law on citizenship from 1982 states that only ethnic groups that settled within Myanmar before 1823 are eligible for citizenship, furthermore a person born is eligible citizen when both parents are citizen of the state. This law takes away any rights on citizenship rights of the Rohingya as well as their in Myanmar born children.

The situation of the Rohingya not being acknowledged as citizen of Myanmar, while not having any other citizenships, makes them de facto stateless. While the Rohingya population located in northern Rakhine State wants to be recognized as citizen of the state and have a place to live, the Myanmar government wants these alleged "illegal invaders" to leave the state territory. This led to the crisis, atrocities and serious human rights violations.

The Clearance Operations of 2017 do not mark the beginning of Rohingya persecution but rather a tragic culmination of decades of discrimination. Past military rulers in Myanmar exploited Rohingya Muslim ever since the 1970s<sup>4</sup>, yet it was the events in 2017 that woke up the international community and forced them to act

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<sup>3</sup> Md. Mahbulul Haque (2017) Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma, *Journal of Muslim Minority Affairs*, 37:4, 454-469

<sup>4</sup> Voanews, Rohingya Refugees Seek to Return Home to Myanmar (2016) [online available at: <https://www.voanews.com/east-asia-pacific/rohingya-refugees-seek-return-home-myanmar>]

## II. Clearance Operations and Violations of International Law

The systematic attacks against the Rohingya population in 2017 with the goal to forcefully remove Rohingya from Rakhine state are referred to as clearance operations.

The preparation process for the Clearance Operations started in October 2016. Myanmar's military and civilian authorities "disarmed" Rohingya civilians by systematically collecting sharp or blunt objects, tore down fences and other structures around villages, trained and armed local non-Rohingya civilians, deprived Rohingya of food and other aid, built up state security in Rakhine to disproportionate levels and impose discriminatory measures such as curfews to Rohingya citizens. All those measures culminated in the attack of several hundreds of villages across three townships throughout Rakhine State. During the attacks, soldiers murdered civilians in brutal ways, raped women and girls and displaced hundreds of thousand Rohingya that sought refuge in Bangladesh following the Clearance Operations.



The Clearance Operations had the destruction of the Rohingya population as its goal, thus also fulfilling the criteria to be considered Genocide. It is certain that the attacks must have been planned beforehand by high ranking military leaders. The structure of the Myanmar military does not allow for individual actions, thus planning and ordering of the attacks happened through the Myanmar authorities which makes them individual criminal responsibility. Furthermore, the ICC

ruling, in the Bemba Case<sup>5</sup>, sets precedence that it is impossible for high ranked military to not know of atrocities committed on the ground. The lengthy time span of crimes as well as media coverage exclude the possibility of being unaware of the crimes in Rakhine State. The geographical distance to Rakhine State does not protect the Myanmar authorities from being criminal liable for counts of command responsibility.

Officially the Clearance Operations were carried out under the pretence of battling terrorism, the goal was the prosecution of around 1000 alleged combatants. In the Katanga Case<sup>6</sup>, the ICC established that, attacks are only just, if the primary target are combatants and not civilians. Thus, the prosecution of 1000 alleged terrorists among over 1 million Rohingya, does not deprive the population of its civilian character. It is very clear that the Myanmar government committed crimes against humanity and Genocide, while attempting to justify their atrocities under the false pretence of battling terrorism.

The attacks ordered by the Myanmar military were clearly systematic, widespread and had genocidal intent. The attacks happened across a wide geographic landscape and were similar in nature. This leaves no margin for interpretation and it becomes obvious that the “clearance operations” fulfil the criteria to be considered crimes against.

The Myanmar government claims that the violent clearance operations stopped while in fact the persecution and discrimination of remaining Rohingya is ongoing. We recognized a disinterest by international media to cover the issue area after the brutalities of the “Clearance Operations” stopped, but the Myanmar authorities continuously develop new tools to suppress, prosecute and discriminate the remaining Rohingya in Rakhine State.

### **III. National Verification Cards**

Over the past years, the Myanmar government continued to develop new ways to prosecute and discriminate the Rohingya population in Rakhine state. Physical violence during the “clearance operations” in 2017 has either been denied or attempted to be justified by the 1982 citizenship law. The process of issuing National Verification Cards is another example of the ruthlessness of the Myanmar government when it comes to prosecuting their indigenous population.

From a legal standpoint the terms “citizenship” and “nationality” are interchangeable, thus the right to be part or have a nationality is a fundamental human right. Usually there is two ways of

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<sup>5</sup> ICC, The Prosecutor v. Jean-Pierre Bemba Gombo - Case Information Sheet (2008) [online available at: <https://www.icc-cpi.int/CaseInformationSheets/bembaEng.pdf>]

<sup>6</sup> ICC, The Prosecutor v. Germain Katanga - Case Information Sheet (2007) [online available at: <https://www.icc-cpi.int/iccdocs/pids/publications/KatangaEng.pdf>]



acquiring citizenship to a country, *jus sanguinis*, be descendent of parents who are nationals, and *jus soli*, be born on the national territory. Being a former British colony, the case of Myanmar, formerly Burma is a bit different and the discussion of citizenship dates back the 1948, the year Myanmar gained independence. While ways of acquiring citizenship differ from country to country, the right to nationality is defined in international law and is considered customary law. The right to nationality is introduced by the Universal Declaration of Human Rights, which states that “everyone has the right to a nationality”, and that “no one shall be arbitrary deprived of his nationality”. The notion introduced by the Declaration is further reiterated in various UN treaties. The 1948 Union Citizenship Act gave the Rohingya access to citizenship and Prime Minister U Nu recognized the Rohingya as indigenous to Myanmar. Changes happened during the Ne Win government, Ne Win himself stated that “only pure-blooded nationals will be called citizens”.<sup>7</sup> This notion was later adopted as legislation through the 1982 citizenship laws<sup>8</sup>. Those laws state that ethnic groups that settled in Myanmar before 1823 are recognized as nationals of Myanmar and therefore eligible for full citizenship. While historical records prove that Rohingya settled in Myanmar within the required time period, the citizenship law does not recognize them as indigenous to Myanmar and therefore, does not grant them full citizenship. The citizenship law only gives the Rohingya the possibility to apply for naturalized citizenship, or in other words, a “green card”, a type of citizenship that allows foreigners permanent residence, that can be revoked seemingly arbitrary. The 1982 citizenship law leaves the Rohingya *de facto* stateless. Despite being indigenous to Myanmar, they are not recognized as such and need to apply for citizenship, acceptance depends on “good grace” of the authorities; authorities that discriminate and prosecute Rohingya based on their ethnicity.

With the context of ongoing discrimination of the Rohingya population it becomes clear that the currently issued NVC’s are just another attempt of the Myanmar authorities to deny the Rohingya rights to citizenship.

NVC’s are legal documents issued by the Myanmar government that declares the holder to be a foreigner, in specific Rohingya are forced to declare themselves as “Bengali” or any other nationality. This process is an attempt to erase the word “Rohingya” from every legal document, furthermore, it legitimizes the claim of the Myanmar government that Rohingya are not Myanmar citizen under the 1982 citizenship laws.

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<sup>7</sup> Md. Mahbulul Haque (2017) Rohingya Ethnic Muslim Minority and the 1982 Citizenship Law in Burma, *Journal of Muslim Minority Affairs*, 37:4, 454-469

<sup>8</sup> Myanmar, Burma Citizenship Law, 15. October 1982 [online available at: <https://burmacampaign.org.uk/media/Myanmar%E2%80%99s-1982-Citizenship-Law-and-Rohingya.pdf>]

The Myanmar authorities claim the NVC's to be a step for the Rohingya to claim citizenship in the future, those rhetorical claims are immediately disputed when looking at the back of the card where it clearly states "holding this identity card does not testify that the card holder is Myanmar citizen"<sup>9</sup>. The entire process of issuing NVC's takes away any claim to citizenship the Rohingya have, it renders the people who get NVC's enforced upon themselves stateless since they neither have citizenship to the country they have to declare on the document, in most cases Bangladesh, nor citizenship to Myanmar. We consider the entire process of Myanmar since 1982 a form of cultural genocide.

Rohingya do not get a choice to deny those NVC's, they are forced to acquire them in order to keep their job or roam freely in Rakhine state. Reports even mention that Rohingya are being detained, tortured and held at gunpoint if they refuse to accept NVC's

Rohingya experience a restricted freedom of movement within Rakhine state. According to the government this restriction of movement only applies to non-NVC-holders but de facto it applies to every Rohingya. This not only shows how Rohingya are being discriminated but also that the government attempts to trick the Rohingya population to acquire NVC's, in reality obtaining NVC's does not result in improved living standards for the Rohingya, but rather in an official loss of culture and identity. The freedom of movement within the borders of a state is reiterated in the Universal Declaration of Human Rights but continuously violated by the Myanmar authorities.

Similar to the restriction of movement, the government restricts the Rohingya access to livelihood, another principle written down in the Declaration. Without NVC's Rohingya are restricted in carrying out basic activities to sustain their own and the lives of their families. Holding a NVC is a necessary requirement for Rohingya to run a business in Myanmar, which leaves Rohingya with one of two options, accept the card and the accompanied discrimination and disrespect for their own culture and heritage, or be unable to sustain their life in Myanmar and ultimately be forced to seek refuge in Bangladesh.

Forcing NVC's upon Rohingya and discriminating them if they do not accept this violation of international law accompanied by cultural discrimination, showcases that the Myanmar government is not interested in finding a peaceful solution to the question of citizenship. "Clearance operations" might have stopped in 2017 but the goal to deport Rohingya from Myanmar's soil is still existent. The only thing that changed is that instead of using the military to violently expel Rohingya from Rakhine state, the authorities started using non-violent but almost equally oppressive tools of discrimination.

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<sup>9</sup> Fortify Rights, Tools of Genocide (2019) [Online available at: <https://www.fortifyrights.org/mya-bgd-rep-2019-09-03/>]

## IV. Refugee Camps and Repatriation Process

The clearance operations carried out by the Myanmar army, forced over 750.000 Rohingya refugees to resettle in the Cox's Bazar District in Bangladesh. With over 300.000 Rohingya refugees already being in the country before 2017, Bangladesh became sanctuary for well over 1 million people. While we welcome the generosity of Bangladesh to accommodate such a large number of refugees, the living situations in the refugee camps are below a minimum threshold of human dignity. The humanitarian services available to the Rohingya do not meet the standards to call their current situation safe and secure. The purpose of this report is not to blame Bangladesh for those poor living situations but rather call upon the entire international community to support Bangladesh in its efforts to accommodate the refugees. The Genocide and crimes against humanity carried out by the Myanmar authorities culminate to one of the gravest refugee crises of our time, yet it receives a shockingly low amount of attention by governments and media across the globe. We, Geneva International Centre for Justice, were among the first to call the events in Myanmar Genocide and Crimes against Humanity, thus ask for continued support for the People in Myanmar.<sup>10</sup>

During the writing of this report in February 2020, the situation in Bangladesh's refugee camps is stable but does not indicate a bright future if no measures for improvement are taken. The refugee crisis left a lot of people in a void, it is difficult to find work and education only exists on an elementary level, this results in a rise of criminality, trafficking and drug abuse. The circumstances are further impaired by a lack of security due to a lack of resources.

Current living standards in Bangladesh's refugee camp do not only have implications for present times but also the future of the Rohingya Muslims. Interviews carried out with refugees showed, that one of the main concerns is education.<sup>11</sup> Education in refugee camp is regarded as poor which will affect the future development of the Rohingya population and their potential repatriation to Myanmar.

Especially single-headed female households, large families with many children, disabled persons, and elderly are under high levels of vulnerability on those camps and do not receive the help they need to live under the minimum requirements for a sustainable life.

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<sup>10</sup> GICJ Position, The Plight of Rohingya in Myanmar is Ignored (July 2017) [online available at: <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1169-the-plight-of-rohingya-in-myanmar-is-ignored>]

<sup>11</sup> ACAPS, Vulnerabilities in the Rohingya Refugee Camps (2019) [online available at: <https://www.acaps.org/country/bangladesh/special-reports#container-1386>]

Next to physical needs that cannot be fulfilled, the Rohingya experienced a legacy of prolonged exposure to gross human rights violations and on-going systemic discriminations, resulting in many cases of post-traumatic stress and mental health issues.



The Bangladesh and Myanmar governments agreed upon the voluntary repatriation of Rohingya people via a bilateral agreement. Despite the poor living conditions in Bangladesh, Rohingya preferred to remain in Bangladesh and refused to return to Myanmar. Previous mentioned NVC's as well as ongoing persecution by the government make repatriation processed impossible

In the light of the voluntary repatriation program, a discussion of the term “voluntary” as used by the United Nations is necessary. Reports of the United Nations indicate that the Rohingya population voluntary remains in Bangladesh and choose to no return to their homeland in Myanmar out of free will. We believe the UN usage of the term “voluntary” to be fundamentally flawed. The epistemological precondition for a voluntary choice, is the existence of two (or more) acceptable options, thus voluntariness is based upon acceptable options and not the option to choose between bad or worse. Neither the primary choice, to be in Bangladesh, nor the secondary, to return to Myanmar, are acceptable options, thus the voluntary character of the Repatriation program is non-existent. We believe it to be important to make this distinction, to demonstrate the urgency of the situation.

Ever since 2017, when 750.000 Rohingya found refuge in Bangladesh, conditions were forced upon them that result in increased vulnerabilities, especially for women and old people. The

Rohingya are stuck in a vacuum, they live under poor circumstances in Bangladesh without much hope for the future, yet, returning to Myanmar is, under current conditions, not an option for foreseeable future. The example of the National Verification Cards shows, that Rohingya are still being persecuted in Rakhine State which makes repatriation impossible. The Myanmar authorities need to take measures to ensure a safe repatriation and give up all forms of discrimination and persecution of ethnic groups.

## V. Response of the International Community

The **Association of Southeast Asian Nations (ASEAN)** subscribed themselves to the upholding of human rights through various kinds of legislation, one of them being the ASEAN Charter which states that it will protect human rights and improve the welfare and livelihood of ASEAN people. This alleged commitment to human rights is trumped by the ASEAN Way of non-interference. The notion of non-interference among member states has been recorded in several treaties such as the Bangkok Declaration or the Kuala Lumpur Declaration. The case of the Rohingya in Myanmar displays another instance in which the respect for human rights is defeated by national interests and the principle of non-interference. The commitment to uphold human rights is still shielded by national sovereignty and ASEAN does appear to be bothered by that, no statements of harsh condemnation or acknowledgments of Genocide or Crimes against humanity happened. Unfortunately, often transnational commitments stop at national borders, and dignity and safety of the individual is overthrown by economic interests of the nation state.

The **European Union (EU)** has been quiet involved in the humanitarian situation in Myanmar and can be considered one of the harshest critics of Myanmar and financial supporters of the Rohingya Muslims.<sup>12</sup> Ever since 1996, the European Union established an arms embargo on Myanmar, and extended it in 2000 to a ban on any equipment that might be used for internal repression.<sup>13</sup>

Furthermore, 14 top military and border officials are sanctioned by the EU for grave human rights violations since December 2018<sup>14</sup> While the sanctions themselves, do not have a large effect on the individual life of those military leaders, they are important from a legal standpoint. The ruling

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<sup>12</sup> European Commission, EU strengthens humanitarian support with €10 million (2019) [online available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_19\\_6836](https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6836)]

<sup>13</sup> Stockholm International Peace Research Institute, EU arms embargo on Myanmar (2019) [online available at: [https://www.sipri.org/databases/embargoes/eu\\_arms\\_embargoes/myanmar](https://www.sipri.org/databases/embargoes/eu_arms_embargoes/myanmar)]

<sup>14</sup> Council of the EU, Myanmar: Council Prolongs sanctions (2019) [online available at: <https://www.consilium.europa.eu/en/press/press-releases/2019/04/29/myanmar-burma-council-prolongs-sanctions/>]

by the EU supports the systematic and widespread nature of the crimes. Furthermore, the sanctions establish a clear link between the high ranked military leaders and the events in Rakhine State. The EU acknowledges the clearly defined hierarchy and established communication system by the Myanmar military, thus establishes a clear link between the Myanmar authorities and the events in Rakhine state, even though they were not physically present during the commission of the crimes. By establishing this link, the EU acknowledges the command responsibility as outlined in Article 28 of the Rome Statute and excludes the possibility of wrong doings of individual soldiers.

European Leaders such as Emmanuel Macron came forward and condemned the Myanmar authorities for committing Genocide.<sup>15</sup> By explicitly using the term Genocide, Macron goes further than the UN condemnations of the Myanmar. While the UN has been quite conservative in their wordings and condemnations, the report of the Independent International Fact-Finding Mission on Myanmar in 2019, supports our standpoint, that Crimes against Humanity and Genocide have been committed by the Myanmar authorities.

The **United States and Canada** issued sanctions similar to the ones of the European Union and put “Special Economic Measures” against Myanmar nationals that played a significant role in the human rights violations carried out against the Rohingya.<sup>16</sup>

The **Arab League** condemned all human rights violations against Rohingya Muslims and repeatedly called for accountability of all responsible actors.<sup>17</sup> Furthermore, individual members of the Arab League, such as Saudi Arabia, are longstanding financial supporters of the Rohingya Muslims and has been essential for humanitarian aid directed at the Rohingya ever since 2007.<sup>18</sup>

## VI. ICJ Ruling

On January 23rd the ICJ ordered provisional measures on Myanmar with the goal to protect the Rohingya civilian population. The case has been brought forward by the Gambia and represents a milestone in ICJ legislation, it serves as a harsh reminder directed at Myanmar to uphold their commitment to the Genocide Convention.

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<sup>15</sup> Arab News, Macron says Rohingya Crisis in Myanmar is “Genocide” (2017) [online available at: <https://www.arabnews.com/node/1164606/world>]

<sup>16</sup> Government of Canada, Support for United States sanctions regarding Myanmar (2018) [available online at: <https://www.canada.ca/en/global-affairs/news/2018/08/support-for-united-states-sanctions-regarding-myanmar.html>]

<sup>17</sup> XinhuaNet, Arab League chief condemns violence against Rohingya Muslims in Myanmar (2017) [online available at: [http://www.xinhuanet.com/english/2017-09/06/c\\_136589301.htm](http://www.xinhuanet.com/english/2017-09/06/c_136589301.htm)]

<sup>18</sup> KsRelief, Saudi Arabia support to Rohingya Muslims (2018) [online available at: [http://www.arabia-saudita.it/files/news/2018/07/rohingya\\_brochure\\_rev.pdf](http://www.arabia-saudita.it/files/news/2018/07/rohingya_brochure_rev.pdf)]

The ICJ decided that provisional measures become necessary if “irreparable prejudice could be caused to rights which are the subject of judicial proceedings” or “the alleged disregard of such rights may entail irreparable consequences”. The Court ruled that Myanmar must protect the remaining Rohingya in Rakhine State and report every 6 months on the progress made.

The precondition for the ICJ to order provisional measures is urgency; urgency that irreparable prejudice will be caused before the court gives its final decision. In specific the ICJ defined the term urgency as a threat that is “imminent” or can “occur at any moment”

While the ruling orders provisional measures to prevent breaches of the Genocide Convention in the future, it does not have implication for the past. It only states the potential for a future Genocide to happen but does not acknowledge a Genocide to have happened in Myanmar thus far. Therefore, it does not affect future ruling on Myanmar before the Court. However, the Court decided that current and past events in Myanmar are a threat to the existence of the Rohingya as a group, thus a violation of the Genocide Convention might be imminent, making provisional measures necessary for the protection of the Rohingya population.

In its ruling for provisional measures, the Court heavily relies on the findings of the Independent Fact-Finding Mission on Myanmar. The ruling of the ICJ and therefore the potential prevention of the Crime of Genocide would not have been possible without the work of the Independent Fact-Finding mission. The report cites various NGOs and their work on the topic, additionally it relies on the collaboration of local civil society organisations and activists.

The importance and implications of the ICJ ruling are twofold, firstly it potentially prevents breaches of the Genocide Convention, and secondly legitimizes the work of NGOs, civil society organisations and local activists. The importance of non-governmental actors, to support international actors such as the ICJ, has special importance in the case of Myanmar. The Government of Myanmar denies central elements of the United Nations human rights machinery, such as the Special Rapporteur on the situation in Myanmar, access to Rakhine State. In light of this, reports issued by non-governmental bodies are crucial for the protection of human rights, since they often contribute the only source of reliable information.

## **VII. Activities of Geneva International Centre for Justice**

The atrocities committed by the Myanmar authorities were largely ignored by the international community up until 2018 and even until today they do not receive the attention and efforts needed to ensure a safe, dignified and peaceful life for the Rohingya in Myanmar.

Geneva International Centre for Justice has been pushing for measures to be taken since early 2017 and has ever since informed about the situation in Rohingya. Among other cooperating

NGO's, GICJ, analysed the situation in Myanmar in 2017 and concluded that the crimes committed by the Government culminate to Genocide and various counts of Crimes against Humanity.<sup>19</sup>

Over the past few years, GICJ published several reports and held oral statements at the UN with the goal to raise awareness of the situation in Rakhine State. Furthermore, GICJ organized a side-event, "Human Rights in Myanmar: Ethnic Cleansing", at the Thirty-Sixth Session of the Human Rights Council.<sup>20</sup>

Although, the reaction of the international community was delayed, we welcome that more and more governments and international organisations across the globe, follow the advisory opinion of various human rights defenders and NGO's and condemn the actions carried out by the Myanmar authorities for what they are, Genocide and Crimes against Humanity.



## VIII. Conclusion

The "Clearance Operations" in Myanmar officially ended in 2017, but persecution, discrimination and violation of international law is ongoing. The Rohingya that escaped from Myanmar are stuck in a vacuum with no hope for the future and the remaining Rohingya in Rakhine State are forced into statelessness through National Verification Cards by the Myanmar government. We call upon

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<sup>19</sup> GICJ Position, The Plight of Rohingya in Myanmar is Ignored (July 2017) [online available at: <https://www.gicj.org/positions-opinions/gicj-positions-and-opinions/1169-the-plight-of-rohingya-in-myanmar-is-ignored>]

<sup>20</sup> GICJ, Human Rights Council Side-event - "Human Rights in Myanmar : Ethnic Cleansing" (2017) [online available at: <https://www.gicj.org/conferences-meetings/human-rights-council-sessions/side-events/1201-side-event-human-rights-council-human-rights-myanmar-ethnic-cleansing>]



the Myanmar government to refrain from all actions that violate the Rohingya rights under international law and international human rights law, revoke issued NVC's and start implementing a legal framework that ensures the safe repatriation of all Rohingya refugees as well as giving them full citizenship. We call on the ICJ to strictly observe the reports and measures taken by Myanmar and acknowledge the Clearance Operations of 2017 as Crimes Against Humanity and Genocide. Furthermore, we call upon the entire international community to not turn a blind eye on the situation in Rohingya and keep pushing towards a peaceful solution.

# Geneva International Centre *for* Justice

Independent, non-profit, international non-governmental organization

GICJ is an independent, non-profit, international non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for victims through all legal means available.

## **Mission**

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring that rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

## **Work**

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.



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