
ALIVE-DEAD - THE GRIM REALITY OF ROHINGYA'S**SOCIAL DEATH.**

Critically examine whether the Rohingya Genocide in Myanmar was a predictable and/or preventable crime.

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I. INTRODUCTION

Genocide, the 'crime of crimes'¹, has generated tremendous public attention worldwide due to its frequent prevalence over the years. In recent decades, an increased interest has emerged, particularly in the atrocities Rohingya suffered by Myanmar. The question as to whether these crimes amount to Genocide is not anymore controversial. Despite the extensive critique of the Rohingya's culture destruction and the subsequent loss of group identity², there has not been any actual and/or of crucial significance change to date. Responding to academics' calls for further research on this area, I am taking the researchers' work forward in a similar way. Within this field, several crucial questions remain unanswered : (i) whether the crime was predictable; (ii) if so, whether it was potentially preventable.

The aim of this study is twofold. The first is to examine the risk factors-indicators of the Rohingya's Genocide in Myanmar. The second is to assess whether the genocidal events against Rohingya could have been prevented by the International Community. Deconstructing the essay, a sentiment of resentment can be uncovered. This reflects my

¹ *Prosecutor v Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 September 1998)

² Melanie O'Brien and Gerhard Hostaedt, "There We Are Nothing, Here We Are Nothing!"—The Enduring Effects of the Rohingya Genocide, [2020] 11(9) MDPI https://www.researchgate.net/publication/345969980_There_We_Are_Nothing_Here_We_Are_Nothing-The_Enduring_Effects_of_the_Rohingya_Genocide Accessed 20 June 2021.

predominant argument in favour of the crime's predictability and preventability. By focusing on a case study that encapsulates in the most obvious way the horridness of Genocide, this work will generate fresh insight into the field of State Crime, contributing to a deeper understanding of Genocide's implications on individuals subjected to a Government's inhuman and barbaric powers.

This essay is organised into four distinct sections. Section II explains the importance of labeling the Rohingya's atrocities as Genocide while briefly touches the Genocide's particularities, with great emphasis on its inherent harm: people's social death. Section III presents the dominant factors that foretold the worsening of the Rohingya's restrictions, reaching a Genocide level. Section IV investigates whether the International Community acted effectively to prevent this Genocide, even though it was not *de facto* preventable, or whether the crime, while preventable, was not prevented due to its unwillingness to take tangible measures. Section V is devoted to providing the assessment's conclusions, ending up that Rohingya are victims of a predictable, preventable, but not prevented, genocide for many decades. The duration and the escalation of Rohingya's sufferings among the years render weak any argument advanced against the Genocide's predictability and preventability.

II. SOCIAL DEATH : THE CORE OF GENOCIDE

The case of Rohingya marks not an individual incident of violence; it is characterised by systematic (for decades) atrocious and/or persistent events of violence. If the Rohingya's plight is viewed holistically, we cannot deny that it squarely lies in the ambit of protection under the Genocide Convention³. We accept that it was a genocide

³ Allard k. Lowenstein International Human Rights Clinic, Yale Law school, 'Persecution of the Rohingya muslims: is genocide occurring in Myanmar's Rakhine State?', (2015), p.41, https://www.fortifyrights.org/downloads/yale_persecution_of_the_rohingya_october_2015.pdf, Accessed 20 august 2021.

and not a crime against humanity as Myanmar supports⁴, or just human rights violations. There is a compelling obligation to view these crimes into the framework of Genocide, notwithstanding the UN's unwillingness to use this term for the crisis⁵. The use of any other term does not correspond with the gravity of these atrocities.

'Genocide' is not merely the killing of a group of people; instead, it is a killing directed against a specific group with common social, cultural, and religious backgrounds. The target is not the body, the person itself, but the whole culture, ideology, or religion behind a group of people. The 'body count' does not constitute a criterion for a Genocide to be committed⁶. The intent to destroy a collectivity with specific characteristics is the decisive criterion differentiating a 'mere' murder from a Genocide. Contrary to murders, perpetrators of Genocide target people on the basis of *what* they are, not *who* they are, or *what they have done*⁷, while the harm of Genocide victims is not reducible to their physical death. Before their physical death, they are becoming socially dead.

Social death is 'utterly central to the evil of genocide'⁸. Before the destruction of the body, the victims lose control of their lives, freedoms, and social connections, becoming humiliated⁹. Removing people's social vitality can aggravate their physical death, making it indecent, unbearable, or even worse, meaningless¹⁰. The destructive consequences of social death help to illuminate Genocide's horrible and simultaneously unique character. The crime would have lost its uniqueness if it had been regarded as a crime against

⁴ O'Brien (n 2).

⁵ Abdullah Yusuf, "Rohingya crisis: a year since it shocked the world, what's changed" (The Conversation, 2018) <https://theconversation.com/rohingya-crisis-a-year-since-it-shocked-the-world-whats-changed-101209> Accessed 19 June 2021.

⁶ Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955" [2003] 97(1) Am.Political Sci. Rev., p.59 <https://www.jstor.org/stable/3118221> Accessed 30 June 2021.

⁷ Claudia Card, "Genocide and Social Death" [2003] 18(1) Hypatia, p.73 <https://www.cambridge.org/core/journals/hypatia/article/abs/genocide-and-social-death/E155AE3FDEB816A08D7FDD5D301FAF9C> Accessed 26 June 2021.

⁸ Card (n 7) 2.

⁹ ibid 13.

¹⁰ ibid 12.

humanity that does not perfectly encapsulate this kind of harm. On this element lies the significance of acknowledging the crime of Myanmar as a Genocide.

Myanmar has targeted Rohingya as a group of Muslim people with a particular ideology and religious beliefs. Its intention was the elimination of Rohingya in whole or in part¹¹ because they were a 'threat to their race and religion'¹². Their anti-muslim sentiment behind their behaviour is demonstrable of their genocidal "intent". Their actions, amongst them killings, serious bodily or mental harms, measures for imposing births within the Rohingya's group, in combination with their genocidal intent, are sufficient for Genocide to be committed¹³.

III. ROHINGYA GENOCIDE – A PREDICTABLE CRIME?

Provided that the characterisation of those crimes suffered by Rohingya as Genocide is not the case (regardless of Myanmar's objections¹⁴), we probably should investigate whether there were risky factors-indicators of the subsequent (or ongoing) Genocidal crisis. This identification process may be an instructive preliminary step before responding to the unresolvable questions this essay aims to answer. To do so, it is necessary to elicit the incidents of violence or violations of human rights witnessed or experienced by the Rohingya in the previous decades.

Although the Rohingya crisis gripped the world's attention in August and September 2017 with the unprecedented number of Rohingya refugees fleeing into Bangladesh¹⁵, Rohingya were victims of human rights violations many years ago¹⁶.

¹¹ Haradhan Kumar Mohajan "The Rohingya Muslims in Myanmar are Victims of Genocide" [2018] 7 (2) ABC, p.100 <https://i-proclaim.my/journals/index.php/abcjar/article/view/82/80> Accessed 12 July 2021.

¹² *Republic of the Union of Myanmar, Bangladesh (on the application of Victims) v Prosecutor*, Case No ICC-01/19-27.

¹³ O'Brien (n 2) 6.

¹⁴ *ibid* 3.

¹⁵ *ibid* 1.

¹⁶ Xchange Research on Migration "The Rohingya Survey 2017", p.6 <http://xchange.org/reports/TheRohingyaSurvey2017.html>, Accessed 24 July 2021.

Rohingya were subjected to wretched living conditions with many restrictions of freedom, already from the British Period. Destruction of mosques, schools of Islamic monuments, rape, sexual abuse¹⁷, robbery and looting¹⁸, starvation, torture, and murders, were some of the oppressive events that forced thousands of Rohingya to migrate, or even worse, to death in the 1980s¹⁹. The oppression of migration in neighbouring countries was getting "suffocating" the following years, resulting in the moving of 260 000 Rohingyas in temporary camps by the 1990s. Further to their compelled exodus, Myanmar passed the (remarkable for the Rohingya's future in the country) Citizenship Law which deprived their citizenship²⁰, making them even more vulnerable to attacks by smugglers, security forces, or other refugees²¹.

Furthermore, after losing their citizenship, they simultaneously lost numerous other rights and freedoms intrinsically associated with its acquisition. After this legislation, the vital link between citizenship and people's legal status and human rights²² was inevitably broken. Rohingya faced restrictions to work: they were compelled to engage in different kinds of manual labour with the threat of killing in case of denial²³. Some years later, in the 1990s, restrictive measures were also taken in the marriages and pregnancy processes. Specifically, women needed to be pregnant before issuing a marriage license while prohibited from wearing face coverings in their marriage license photographs²⁴. In the following years, Rohingya women had been subjected to the two-child policy, which

¹⁷ *ibid* 22.

¹⁸ *ibid* 31.

¹⁹ Kumar (n 11) 101.

²⁰ *ibid* 102.

²¹ A.K.M Ahsan Ullah, "Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless", [2016] 32(3) *J. Contemp. Crim. Justice*, p.290 <https://journals.sagepub.com/doi/abs/10.1177/1043986216660811> Accessed 15 July 2021.

²² *ibid* 287.

²³ Kumar (n 11) 102.

²⁴ *ibid* 95.

forced many pregnant women to unsafe abortions under the threat of prosecution²⁵. These were marks-indicators of discriminatory policies against a group with a common religion and potentially risky factors for an impending Genocide. Nonetheless, the correlation between the last-mentioned prevent-born measure with Article 6(d) of the Rome Statute indicates that the Genocide must have been already in process.

The Rohingya's persecution between 2012 and 2017 provides strong empirical evidence for this argument. Despite the death of many Rohingyas due to the inter-communal conflict in 2012, around 140 000 people had been internally displaced in overcrowded camps²⁶, experiencing inhumane living conditions²⁷, hunger, and illness²⁸. The inadequate (or inexistent) access to basic resources and humanitarian aid²⁹, the lack of safe water, compared with the Government's inaction, led, not coincidentally, many critics to suggest that Rohingyas were facing ethnic cleansing and Genocide³⁰.

However, it is of paramount importance to underline that the forced displacement is *per se* of such severity reaching the level of a Genocide, regardless of the services' quality in the camps. In favour of this stance, Feierstein emphasises that the displacement to concentration camps is an instrument through which the so-called "reorganising genocide" is fleshed out³¹. As Card observes, the impact of this method of isolating can be fatal. He specifically acknowledged that 'the forced removal of a population...from their traditional lands' can probably result in their social death³², which, as it has been highlighted before, is a core characteristic of Genocides.

²⁵ Katherine Southwick, "The Stateless Rohingya in Myanmar: A call for solutions" [2015] 68(2) J.Int.Aff., p.139 <https://eds.a.ebscohost.com/eds/pdfviewer/pdfviewer?vid=2&sid=c475f1e0-26fc-4d45-b640-8e5f33e662f8%40sessionmgr4006> Accessed 23 July 2021.

²⁶ Allard (n 3) 29.

²⁷ Kumar (n 11) 103.

²⁸ Penny Green, Thomas MacManus and Alicia de la Cour Venning, "Countdown to Annihilation: Genocide in Myanmar" [2015] p.90 <http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf> Accessed 15 July 2021.

²⁹ Allard (n 3) 29.

³⁰ Kumar (n 11) 103.

³¹ Daniel Feierstein, *Genocide as Social Practice* (2014, Rutgers University Press, London) 48.

³² Louise E. Wise, "Social death and the loss of a 'world': an anatomy

This consequence can be more perceivable if we recognise what people lose by losing their traditional land/region. As Komey perfectly captures the region's significance in people's lives, the "region" does not include only a geographical space; instead, it is closely associated with people's societal, political and cultural dynamics³³ indicative of their common identity. Thus, the loss of social life is inextricably linked with the loss of people's identity and thereby of their existence's significance³⁴. In the case of Rohingya, Myanmar stripped their ability to protect their cultural and religious heritage even before their displacement. Their social life was gradually restricted over the years, resulting finally in their social death by 2017. They were living in "broken communities" in a socially incoherent manner³⁵. Therefore, the Rohingya's persecutions in 2017 marked the peak of the genocidal episodes and not the crime's outset.

From a criminological angle, all the stages of Genocide outlined by Feierstein were applied in the Rohingya Genocide³⁶. While the analysis of Genocides 6 stages is beyond this essay's aim, a cursory glance at their description reveals that Rohingya constitute a characteristic example of what Feierstein had in his mind when designed the six stages-process of Genocide. The Rohingya's case study demonstrates that these stages, amongst them, stigmatisation and dehumanisation³⁷; isolation and segregation³⁸; mass annihilation,³⁹ were applied simultaneously for a series of decades against the victims. The state's policy was a cycle of intense religious discrimination, restrictions, and violations which repeatedly occurred against the Rohingya minority. As this cycle was turning around, it was anticipated what would follow afterward.

of genocidal harm in Sudan" [2017] 21 (7) Int. J. Hum. Rights, p.17

<https://www.tandfonline.com/doi/pdf/10.1080/13642987.2017.1310464?needAccess=true> Accessed 13 July 2021.

³³ Wise (n 32) 17.

³⁴ Card (n 7) 2.

³⁵ Green *et al.* (n 28) 90.

³⁶ Feierstein (n 31) 110.

³⁷ Feierstein (n 31) 110.

³⁸ *ibid* 115.

³⁹ *ibid* 120.

Taken altogether, the Rohingya have undergone insurmountable difficulties from the outset of the 19th century. Myanmar had been frequently alarmed by mass atrocities against Rohingyas which would have expectedly raised concerns for a potential upcoming Genocide. The Government's goal was to build a mono-religious nation⁴⁰. This was sought through a series of discriminatory policies against Rohingya that peaked by the 2000s with their deliberate isolation. The country's long-term strategy of South Africa's apartheid-style⁴¹ (similar to the Holocaust by *Hitler* during World War II) strengthens the argument that the Rohingya Genocide was reasonably predictable. It had grasped worldwide attention at very early stages, making it inconceivable for the opponents to argue that it was not foreseeable. The flooded international news media with imagery of burning villages, of Rohingya's claims about human rights violations, render any argument of Genocide's unpredictability unfounded⁴². How can an objector adopt a convincing contradictory view of the forthcoming genocidal massacre if he acknowledges this strategy's impact on Rohingya, which turned them into "resident foreigners"⁴³ in a country where they had developed social connections and family bonds? The opponents, who either deny the Genocide's predictability or, even worse, its existence, are probably attempting to excuse their inaction and/or negligence in preventing the crime.

The UN and Myanmar's Government's stance constitute the most characteristic examples of the above assumption. On the one hand, the General Secretary of UN *Antonio Gutteres* accepted that the Rohingya's plight was 'catastrophic' and 'completely

⁴⁰ Ahsan (n 21) 289.

⁴¹ Warzone Initiatives, "Rohingya Briefing Report" (2015) p.10 https://www.warzone.cc/media/Rohingya_Briefing_Report_version2.pdf Accessed 12 July 2021.

⁴² Alys Cummings, 'Sign Zone: Myanmar: The Hidden Truth – Panorama' (23 December 2017) <https://learningonscreen.ac.uk/ondemand/index.php/prog/1052C8F6?bcast=125773648&sub=Rohingya> Accessed 23 July 2021.

⁴³ Ahsan (n 21) 286.

unacceptable', being completely aware of the ethnic cleansing occurrence in Myanmar⁴⁴. Notwithstanding that the UN bodies have acknowledged the magnitude of these abuses suffered by Rohingya, they frequently used terminology related to the crimes against humanity rather than Genocide⁴⁵. UN Special Rapporteur on the Situation of Human Rights in Myanmar, *Tomas Ojea Quintana*, while identified the existence of elements of Genocide in Rohingya's case, was somehow reluctant to use the term "Genocide", 'for strategic reasons', as he alleged⁴⁶.

On the other hand, the army chief and president of Myanmar, Aung San Suu Kyi, were utterly reluctant to notice and/or admit what was unfolding in their country⁴⁷. While Aung San Suu Kyi's acquisition of the Nobel Peace Prize for her non-violent struggle 'opened up a door in her heart', the facts in Myanmar crystalise that this door was selectively open⁴⁸. Aung San Suu Kyi, with the army chief, tackled the Rohingya's plight with negligence, notwithstanding they were completely aware of the risks involved. It was not anticipated from them to be prepared for every eventuality. However, the Genocide of Rohingya was the most likely subsequent event after a sequence of blatant discriminatory policies. Thus, any assumption of the crime's 'unpredictability' to justify their inaction is not successful. They had the luxury of time to halt the operations⁴⁹. They consciously opted to encounter the Rohingya's discrimination and the immensely blatant violations of their rights with indifference. The unwillingness of the UN and Myanmar's executive power, either to acknowledge the crime's nature or its commission, is probably grounded on the numerous legal obligations that the crime of Genocide triggers under International Law⁵⁰ and not on the crime's unexpected

⁴⁴ Salman Sohel, "The Rohingya Crisis in Myanmar: Origin and Emergence" [2017] 2(11A) Saudi J.Humanities Soc.Sci. p.1016 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3307082 Accessed 13 July 2021.

⁴⁵ *ibid* 1010.

⁴⁶ Southwick (n 26) 144.

⁴⁷ Alys Cummings (n 42)

⁴⁸ *ibid*.

⁴⁹ *ibid*.

⁵⁰ Southwick (n 26) 146.

escalation. In any case, this can be viewed as a mere explanation and not a justification for their negligent behaviour.

IV. ROHINGYA'S GENOCIDE PREVENTABILITY

Having already responded affirmatively to the Rohingya Genocide's predictability, we will examine whether the crime was preventable. This section is devoted to two parts: (i) the actions taken by the international community; (ii) the response of the UN agencies. The evaluation of their responses should be done considering three parameters: a) exploration of the available tools; (b) extent of their use; (c) taken initiatives⁵¹. Prior to this analysis, it is needed to determine the meaning of "prevention".

For the purposes of this work, the preventative measures are divided into primary and secondary. The former refers to the states' attempts to reduce the risks of a genocidal episode⁵². In contrast, the latter refers to the measures for addressing the (already existed) symptoms/risk factors of Genocide⁵³. Their primary difference is that in the second case, there are indicators of an imminent genocidal conflict. This may imply that the leaders' responsibility of prevention is even more critical at this level where apparent marks exist and make the Genocide plausibly foreseeable.

While *Nelson Mandela* crystallised that it is within the leaders' powers to prevent a genocide⁵⁴, the International Community's response in the Rohingya case ruins this expectation. Prior defenders of Rohingya's human rights, such as UN agencies, the U.S., the UK, and the EU, became more observers than custodians of their freedoms⁵⁵. Specifically, in 2012 the EU suspended sanctions against Myanmar, underlining that this

⁵¹ *ibid* 148.

⁵² Etienne Ruvebana, "Prevention of genocide under International Law" (PhD, University of Groningen, 2014) p.96 https://pure.rug.nl/ws/portalfiles/portal/12854790/20140612_Thesis_Ruvebana.pdf Accessed 26 July 2021

⁵³ Ruvebana (n 52) 96.

⁵⁴ John P.J.Dussich, "Crisis of the Rohingya Minority in Myanmar" [2018] 1(1) *J.Victimol.* p.24 <https://journals.sagepub.com/home/vvj> Accessed 30 July 2021.

⁵⁵ Tun Khin, "A Preventable Genocide Allowed to Happen" [2017] 19(4) *Insight Turkey*, p.9 <https://www.jstor.org/stable/26300556> Accessed 23 July 2021.

presupposes the Rohingya's lives improvement⁵⁶. The same year, the US pressured Myanmar's Government to alter its behaviour beneficially towards Rohingya⁵⁷. Notably, in 2012, US President B. Obama visiting Myanmar urged the Government to proceed with human rights reforms in favour of Rohingya⁵⁸. Myanmar's Government was supposed to implement these reforms; nevertheless, time showed that they were unmet promises. The atrocities continued more intensified, regardless of the political "pressure" from the International Community, the local activists' groups⁵⁹, and the UN Security Council's callings to cease the violence⁶⁰, reaching to the Genocide that Rohingya are witnessing today. International condemnation of Myanmar's stance was sporadic, whilst actual sanctions were almost inexistent or completely absent⁶¹. The only action that could be viewed more positively is the UK's decision to suspend training courses offered for the Myanmar military⁶². However, this represents a minimal attempt to prevent the worsening of Myanmar's actions. The overall picture indicates that the countries were restricted to mere statements and recommendations baptised as political pressure. Neither practical actions and/or tangible measures have been taken⁶³, nor demonstrable progress towards the Genocide's prevention has been made.

This goal is reflected throughout the Genocide Convention. The spirit of the Convention underlines the state members' legal obligation to take measures preventing the occurrence of Genocide⁶⁴. This responsibility arises once the necessity to confront the situation emerges. Nevertheless, the various deficiencies of the Convention seem to favour those unwilling states to take tangible and practical measures. This may explain

⁵⁶ Khim (n 55) 9.

⁵⁷ Warzone Initiatives (n 41) 12.

⁵⁸ *ibid.*

⁵⁹ Ahsan (n 21) 285.

⁶⁰ Dussich (n 54) 19.

⁶¹ *ibid.*

⁶² *ibid.*

⁶³ *ibid.*

⁶⁴ Ruvebana (n 52) 158.

why none of the state parties had called upon the 'competent organs of the UN' to take immediate actions⁶⁵.

Despite the states' inaction according to the Convention, neither the Security Council examined the necessity to initiate the process in the International Criminal Court nor the UN Human Rights Council launched an investigation for alleged crimes in Myanmar⁶⁶. Likewise, the ASEAN Intergovernmental Commission on Human Rights has arranged only a few meetings discussing the Rohingya's violations⁶⁷, while no further step had taken promoting Rohingya's lives⁶⁸. Finally, this analysis generates the question of what role the NGOs and religious groups within Myanmar have played in combatting anti-Muslim behaviours and protecting the victims⁶⁹. The answer is controversial as the question "whether the legal, political and moral pressure to all these main denominators was adequate to prevent them from being reluctant to act" (or better, to push them in addressing the Rohingya's situation successfully). The experience demonstrated that the Rohingya Genocide is not only a legal and political issue; it is a humanitarian crisis with a moral dimension. Therefore, while it is legally unacceptable for the states to deviate from the legal norms, it is simultaneously morally condemnable to permit events that threaten the population's physical, mental and social health or safety.

A significant attempt towards a prosperous future for Rohingya in Myanmar was made in 2016 by a Committee commissioned by Kofi Annan⁷⁰. Its key recommendations focused on the following pillars: (i) granting of citizenship; (ii) freedom of movement; (iii) equal access to education indiscriminately; (iv) communal participation and

⁶⁵ Southwick (n 26) 148.

⁶⁶ *ibid.*

⁶⁷ *ibid.*

⁶⁸ Ruvebana (n 52) 158.

⁶⁹ Southwick (n 26) 148.

⁷⁰ Kumar (n 11) 104.

representation⁷¹. All these recommendations would have been capable of achieving peace and prosperity in Myanmar, provided that the Government had complied thoroughly. The time proved that Myanmar's "commitment" to implement the Annan's Committee proposals were, once again, unmet promises. In a very short period, violence with "genocidal intent" broke out against Rohingya, while a Myanmar Minister warned western diplomats of the problematic nature of certain recommendations and its impact on their immediate achievability⁷². On the whole, the recommendations could be the framework of Myanmar's policy oriented to a more human-rights approach in favour of Rohingya. While they presented a window of optimism, they did not have good odds of a successful outcome due to their lack of enforceability.

After analysing the measures taken by the International Community, four arguments prevail. First, the International Community and the UN agencies have only taken secondary preventative measures, failing to prevent the emergence of Genocide's symptoms. The Genocide would have been successfully prevented if primary preventive measures had already been brought before the appearance of Genocide's marks. The possibility of crime's prevention has been obscured by the even harder measures of suppressing the already existed atrocities⁷³. Second, they had not exploited all the available tools they had at their disposal. The taken initiatives were minimal and mostly restricted to "statements" and "recommendations". Their unwillingness to develop the fertile ground for Rohingya's prosperity can be probably viewed as Rohingya's betrayal. Third, the role of NGOs and religious groups could have been determinant for the Rohingya's future in Myanmar. Their questionable efforts for preventing the anti-

⁷¹ Advisory Commission on Rakhine State "Overview of key points and recommendations – Final Report of the Advisory Commission on Rakhine State" (2017) https://www.rakhinecommission.org/app/uploads/2017/08/final_report-20170822-Overview-of-key-points-and-recommendations_For-Web.pdf Accessed 06 August 2021.

⁷² Reuters, "UNICEF boss urges Myanmar to enact Kofi Annan's recommendations on Rohingya crisis" <https://www.reuters.com/article/us-myanmar-rakhine-iduskcn1pm15r>, Accessed 20 August 2021.

⁷³ Southwick (n 26) 147.

muslim sentiments in Myanmar proved detrimental to the Rohingya's lives. Fourth, the plan of recommendations by Annan's Committee was the most effective step that had been taken so far. If they had been enforceable and thoroughly followed by the Government of Myanmar, they could have been improved the Rohingya's future. Nonetheless, these recommendations delayed coming to the surface. In 2016, Rohingya experienced the last and not the first stages of Genocide. Overall, these initiatives could have suppressed and not prevented the Genocide from outbreaking. While preventable, the Rohingya's Genocide was not prevented. It was allowed to happen⁷⁴.

V. CONCLUSION

In the final analysis, this study sought to provide a framework about the Rohingya's appalling conditions of life in Myanmar. An increasing amount of literature was devoted to examining their human rights violations and the Genocidal events they suffered. Although much important work has been carried out in this area, the International Community did not make considerable progress. Many crucial issues remain unresolved for decades. A new line of inquiry that runs through this study's pages is whether the Rohingya Genocide was a predictable and/or preventable crime.

Before responding to the crime's predictability, a glance at the long-term Rohingya's bloody history in Myanmar can provide insightful information. Rohingya had experienced violence and plenty of restrictions in many fields of their lives, amongst them, in their work, marriage, pregnancy, and, most crucially, their citizenship. The violence they have undergone was systematically planned as an inherent part of Myanmar's strategy to isolate their Muslim minority. Rohingya's mistreatment had peaked up by the 2000s through their persecutions and forced displacement. Their forced displacement was inextricably linked with the forced abandonment of their cultural

⁷⁴ Khim (n 55) 11.

heritage. The loss of their houses resulted in the loss of their social bonds. All of these subsequently led to their social death. Their social death as a consequence of the anti-muslim fuelled actions of Myanmar is indicative of its utmost goal of the Rohingya's destruction. This goal was set and was practically perceivable many years before Rohingya's persecutions. Myanmar's policy presented a pattern of discriminatory behaviours which was escalating gradually. Their peak, the Rohingya's Genocide, was an expected consequence of a sequence of apartheid actions that unfolded before their eyes.

The Rohingya case indicates that the ignorance of victims' voices for non-discrimination can result in addressing their screams, as victims of Genocide now, for protection from genocidal events. Rohingya paid with their physical and cultural destruction because of International Community's superficial efforts. The states' response to the Rohingya's atrocities was mainly restricted in statements and recommendations, notwithstanding the plenty of tools they had at their disposal. The most major step towards the Rohingya's prosperity was the Annan Committee's Recommendations. Its human-rights-oriented content that focuses on Rohingya's redevelopment would have opened the doors of the Rohingya's in Myanmar. However, their lack of enforceability and the Myanmar's subsequent disobedience demonstrates the UN's inability to handle the crisis with a great level of commitment and competence. Therefore, there is a reasonably deducible connection between the Rohingya Genocide and the International Community's inaction or superficial actions. States had the luxury of time to respond to the crime. They had a legal and moral imperative to take effective measures. Instead, as time showed, they preferred to avert their eyes.

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