

-Humanitarian Law RULES!

Center for the Study of Humanitarian Law
Newsletter

September 2017

The Situation in Myanmar and Crime under International Law: Genocide

Rohingya is a Muslim minority ethnic group from Rakhine State, Myanmar. Since the enactment of the Burma Citizenship Law in 1982, the law recognizes 135 minority ethnic groups in Myanmar, however, excluded Rohingya. Therefore, they lost their citizenship and protection from the state, and are subjected to abuse, discrimination, exploitation, and exclusion.

Thousands of Rohingya flee toward Bangladesh, neighboring Rakhine State since the conflict between the Myanmar armed force and the Arakan Rohingya Salvation Army (ARSA) occurred. More than 30,000 people have crossed into Bangladesh, while 20,000 more stranded between the two countries. Since 25 August 2017, the situation deteriorated due to the indiscriminately killing and injuries by military gunfire and rocket-propelled grenade which being used against civilian population.

Myanmar government argued that ARSA is a terrorist group, and the government exercised its legitimate right to fight against this group. On 11 September 2017, the ARSA declared to stop fighting for a month in order to allow aid agencies to help the innocent civilian. In response, Myanmar government also declared that they will not stop fighting following the ARSA's will.

The loss of civilian life in Myanmar might amount to crime of Genocide. Crimes of Genocide consists of 4 elements: (1) The perpetrator killed one or more persons, (2) such person or persons belonged to particular national, ethnical, racial or religious group, (3) the perpetrator intended to destroy, in whole or in part, and (4) the conduct took place directed against that group.

The International Criminal Court (ICC) was established to prosecute and punish individuals for such alleged act committed by the Government. Although Myanmar is not a State party to the Rome Statute, however, under Article 13(b), the Rome Statute allows ICC to exercise jurisdiction over the case referred by the United Nations Security Council.

In this sense, the government should reconsider the risk of its action and the obligation under international law to protect and respect the rights and freedoms of Rohingya population in Myanmar. Ceasefire agreement should be reached by peaceful negotiation between the government and ARSA. Meanwhile, the Rohingya crisis should also be addressed locally and regionally to find an effective solution that benefit both parties.

LIBRARY HOURS

September 2017

Mon to Fri: 8.45am – 5.30pm

UPCOMING EVENTS

Westlaw training sessions will take place from 3:30PM to 5PM on the following dates: Tuesday, 03 October, Friday 06 October, and Tuesday 10 October. If you want to come to session, please register via <https://goo.gl/forms/9PizMedWG FhcBtQ02>.

RESEARCH AT THE LIBRARY

Did you know that you can access online databases, Westlaw International and Westlaw UK, at the library? These databases give you access to 1000s of documents that will help you with your research. And if you need help using them, we're more than happy to assist!

