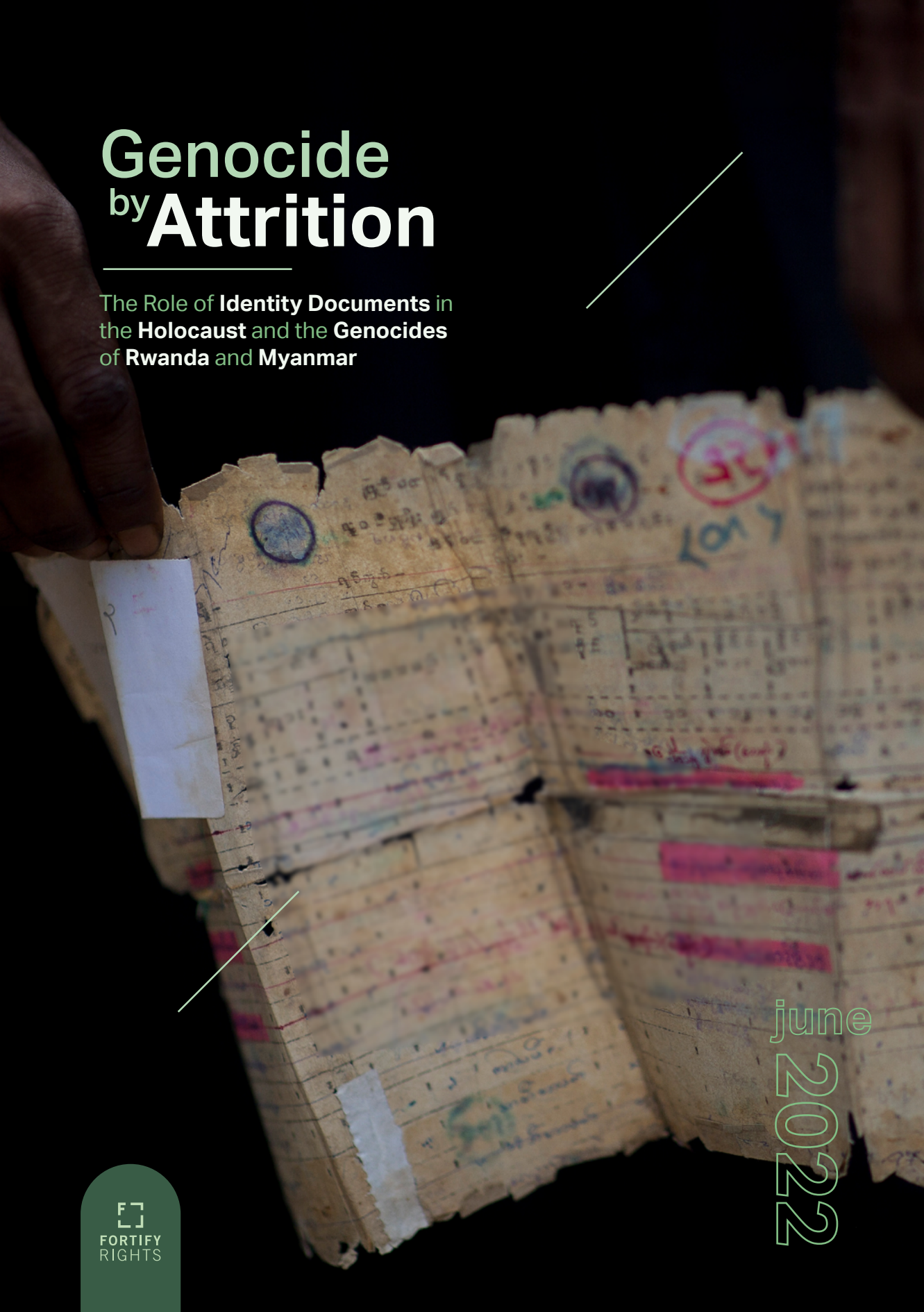
Genocide by Attrition

The Role of **Identity Documents** in the **Holocaust** and the **Genocides** of **Rwanda** and **Myanmar**



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FORTIFY RIGHTS

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Cover:

A Rohingya man holding his household list or "family list," which provides details of family members who live together. Myanmar authorities, including immigration officials and Border Guard Police, have conducted annual household surveys of Rohingya households in northern Rakhine State since the 1990s to update the household "family lists" and photograph family members. ©Saiful Huq Omi, Counter Foto, Cox's Bazar District, Bangladesh, August 2019

FORTIFY RIGHTS

Fortify Rights works to ensure human rights for all. We **investigate** violations, **engage** people with power on solutions, and **strengthen** human rights defenders. We believe in the influence of evidence-based research, the power of strategic truth-telling, and the importance of working in close collaboration with individuals, communities, and movements pushing for change. Fortify Rights is an independent nonprofit organization registered in the United States and Switzerland.

Warning

Graphic Content

This report contains some images with graphic content that might not be suitable for all audiences.

- **Dead bodies**

Table of Contents

Holocaust

1933

January 30

Adolf Hitler appointed German chancellor

March 22

Nazis establish the first concentration camp in Dachau, Germany to detain political prisoners and later Jews and others. Between 1933 and 1945, Nazi Germany and its collaborators established more than 44,000 sites to detain, facilitate forced labor, and commit mass murder of Jews and others.

April

Nazis promote a nationwide boycott of Jewish-owned businesses. Law for the Restoration of the Professional Civil Service is enacted, barring Jews from holding government positions.

June 16

National census completed in Germany, identifying 525,000 Jews in the country—less than 0.75 percent of the population. Nazi regime later links this census data with a "marriage and family book" to develop a special racial database and a registration system, making it easier for the regime to "locate" its future Jewish victims.

July 14

Law on the Revocation of Naturalization and Deprivation of German Citizenship strips citizenship from German naturalized citizens and German citizens residing abroad who are considered "undesirable," including Jews.

1935

September 15

The Nazi regime enacts the Nuremberg Race Laws, which define "Jewishness" in terms of ancestry, prohibit marriage and sexual intercourse between Jews and Germans, and restrict citizenship to "German or kindred blood . . . that is both desirous and personally fit to serve loyally the German people and the Reich."

1938

August 17

An executive order requires all Jews in Germany to add either "Sarah," if a woman, or "Israel," if a man, on all identity documents. The regime also publishes a list of "Jewish" names that parents must choose from when naming their newborns.

October 5

All German passports held by Jews are invalidated and replaced with passports stamped with the letter "J" for "Jew."

1939

1933-1939

In this period, regional, state, and municipal Nazi officials issue more than 400 decrees regulations aimed at restricting nearly all aspects of the public and private lives of Jews.

October

First ghetto created in Priotrków Trybunalski, Poland with Jews forced to reside in a small, designated area of the city. The Nazis created more than 1,000 ghettos throughout the occupied territories during the Holocaust to separate and isolate the Jewish population. Later, the Nazis sealed off some ghettos—including Poland's Łódź ghetto on April 30, 1940 and Warsaw ghetto on November 15, 1940, confining more than 160,000 and 350,000 Jews, respectively.

November 25

The Eleventh Decree officially ended the possibility of emigration for German Jews and legalized the confiscation of Jewish property.

1942

January 20

The Wannsee Conference marks the public unveiling oof the "Final Solution of the Jewish Question" with the stated goal of exterminating Europe's 11 million Jews.

November 9-10

Nazis in Germany and Nazi-occupied areas carry out Kristallnacht, or the Night of Broken Glass in English, killing almost 100 Jews, destroying hundreds of Jewish synagogues, desecrating Jewish cemeteries, and looting more 7,000 Jewish-owned businesses. Later, the regime levies fines on German Jews for the destroyed property and issues a decree banning Jewish-owned businesses.

September 1

Germany initiates World War II in Europe with the invasion of Poland. Britain and France declare war on Germany three days later.

1941

September 1

All Jews in Germany over six years old are ordered to wear clearly visible symbols of their identity. Yellow Star of David badges and white armbands become the two most widely used symbols. Failure to comply with this order resulted in fines, imprisonment, or summary execution.

October 15

Mass deportations begin with German, Austrian, and Czech Jews being transported to ghettos, shooting sites, concentration camps, and killing centers primarily located in German-occupied territories. These deportations continue throughout the Holocaust with hundreds of thousands of Jews and others deported to various locations for detention, forced labor, or extermination.

December 8

Chelmno killing center located outside of Łódź Poland begins operations as the first stationary gassing facility. Other extermination camps with gassing facilities, included Belzec, Sobibor, Chelmo, Treblinka, and Auschwitz-Birkenau. Nearly 2.7 million Jews were killed in these centers.

1943-44

Ghettos are "liquidated" and residents are transferred to concentration camps and killing centers as part of the "Final Solution."

1944

June 6: D-Day

Allied forces invade Normandy on the coast of northern France.

1945

As the allied forces advance into German-occupied territory, Nazis initiate “death marches” to evacuate the concentration camp population. Thousands die or are killed on these marches.

May 8: V-E Day

Germany surrenders to allied forces, bringing an end to the war in Europe. By the end of the war, the Nazi regime succeeded in killing an estimated six million Jews through privation, open-air mass shootings, and in extermination camps.

November 20

The International Military Tribunal in Nuremberg begins with 21 Nazi leaders facing charges of crimes against peace, war crimes, and crimes against humanity. Less than a year later, the tribunal sentences 12 to death, three to life imprisonment, and four to prison terms of 10 to 20 years. Three are acquitted.

1948

December 9

The U.N. Convention on the Prevention and Punishment of Genocide is enacted, defining “genocide” as one or more specific acts “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

Rwanda

Before 1962

Rwanda is under colonial rule, first by Germany between 1894 and 1918, then by Belgium between 1924 and 1962. Both colonial rulers rely on Tutsi monarchs to implement policies.

1933

Following a colony-wide census, Belgian colonial administrators introduce a national identity card that includes ethnicity, institutionalizing the now monolithic "Hutu" and "Tutsi" distinction.

1959

A group of Hutu intellectuals issue a manifesto calling for an end to both Tutsi exploitation and Belgian rule.

November 1

A "Hutu Uprising" leads to anti-Tutsi massacres followed by outbreaks of inter-ethnic mass violence in the years leading up to the genocide. Hundreds of thousands of Tutsi are forced to flee Rwanda.

1961

January 28

The Tutsi monarchy is abolished and replaced with a republic led by an all-Hutu provisional national government.

1962

July 1

Rwanda gains independence from Belgium, and Hutu leader Gregoire Kayibanda is elected president on October 26, 1962. Kayibanda remains in power, running unopposed in subsequent elections, until he is overthrown in a coup. on July 5, 1973 by his defense minister Major General Juvénal Habyarimana.

1973

July 5

Major General Juvénal Habyarimana assumes the office of the president after overthrowing Gregoire Kayibanda. Habyarimana remains in power after winning subsequent re-elections in unopposed contests.

1962

New national identity cards introduced but still include ethnicity.

1990

October 1

The Tutsi-led Rwandan Patriotic Front (RPF) based in Uganda launches an attack on Rwanda, initiating a civil war and causing mass displacement of Rwandans.

1993

August 4

The Hutu-led Rwandan government and the Tutsi-led RPF sign the Arusha Accords to end the three-year civil war. In addition to providing for a power-sharing arrangement, the establishment of a transition government, and the repatriation of refugees, the Accords include an agreement to end ethnic identification requirements.

1994

April 6

Rwanda President Juvénal Habyarimana is killed when his plan is shot down over Rwanda's capital city, Kigali. The Tutsi-led RPF is accused of being responsible and, within hours of the plane crash, state-sponsored radio announcers call on Hutu "patriots" to kill Tutsi.

Over the next 100 days, Hutu perpetrators kill an estimated 75 percevnt, or 800,000 Tutsi women, men, and children. Most killings are carried out by hand, with machetes or clubs, and included other acts of violence, such as rape.

April 30

The U.N. Security Council condemns the killings in a resolution but refuses to use the term "genocide."

July 4

The genocide ends with the RPF taking control of Kigali, Rwanda's capital city, after securing significant parts of the country.

July 19

A transitional government of national unity is established with Pasteur Bizimungu, a Hutu, as president and RPF leader Paul Kagame, a Tutsi, as vice president.

November 8

The U.N. establishes the International Criminal Tribunal for Rwanda (ICTR) to "prosecute persons responsible for genocide." Over the course of its work, the Tribunal indicted 93 and issued sentences to 62 perpetrators. It also became the first tribunal to interpret the crime of genocide and conceptualize rape as a method of genocide.

1996

Rwanda's post-genocide government removes the "ethnic group" category from its national identity cards.

1998

July 17

The Rome Statute is enacted to establish the International Criminal Court (ICC), the first permanent judicial body mandated to prosecute atrocity crimes.

2001

A law is introduced to prevent "divisionism" in Rwanda by making ethnic self-identification a criminal offense with penalties of up to 30 years' imprisonment and fines up to US$8,000.

2003

June 27

The Organic Law of 2003 is enacted to forbid "ethnic ideology" and "genocide mentality."

2008

Paper identification cards are replaced with plastic electronic ones that continue to exclude racial categories. Further restrictions are put into place to prevent the use of the terms "Hutu" and "Tutsi" in public and particularly in the political sphere.

Myanmar

1948

January 4

Union Citizenship Act is enacted, under which Rohingya have equal access to citizenship and are issued National Registration Cards (NRCs). Prime Minister U Nu recognizes Rohingya as indigenous to Myanmar.

1962

March 2

General Ne Win overthrows U Nu, marking the beginning of 26 years of military rule in Myanmar.

Mid-1970s

Foreign Registration Cards are issued to some Rohingya under the Emergency Immigration Act, categorizing them as "resident foreigners" without full citizenship rights.

1978

February

Operation *Naga Min* (Dragon King)—an exercise to identify and register residents in specific locations as either citizens or foreigners—devolves into violent attacks on Rohingya and the destruction of Rohingya villages, forcing more than 200,000 Rohingya into Bangladesh.

1982

October 15

Myanmar passes a new Citizenship Law that effectively denies Rohingya full citizenship. Rohingya are not issued citizenship cards under the new law. Ne Win says the law was intended to "clarify the position of guests and mixed bloods" and that "only pure-blooded nationals will be called citizens."

1990

May 27

Myanmar holds multiparty national elections, in which Rohingya participate. The Myanmar military fails to acknowledge the landslide victory Aung San Suu Kyi's National League for Democracy (NLD) party and puts her under house arrest.

1991

The Myanmar military launches Operation *Pyi Thaya* (Clean and Beautiful Nation) in Rakhine State, killing and raping Rohingya and razing Rohingya villages and mosques, forcing tens of thousands of Rohingya to Bangladesh.

1995

Myanmar begins issuing Temporary Registration Cards (TRCs), also known as "White Cards," to Rohingya and other minorities. The cards confer no citizenship rights but later enable Rohingya to participate in the 2010 nationwide elections.

2011

March 30

The military-backed Union Solidarity and Development Party wins flawed national elections and former military general Thein Sein becomes president. Rohingya are able to participate in the election process, and Rohingya candidates are elected to parliament.

2012

June

Violent incidents between Buddhists and Muslims in Rakhine State spiral into targeted, state-sanctioned attacks on Rohingya and other Muslims, ultimately displacing more than 200,000 Rohingya. More than 125,000 Rohingya and others are confined to dozens of internment camps that remain in place at the time of writing.

Late 2012

Myanmar authorities begin a "citizenship verification" process targeting displaced Rohingya in Rakhine State and identifying them as "Bengali" or "Bengali/Islam."

2014

March–April

Myanmar conducts a national census that deliberately excludes Rohingya Muslims and others.

2015

Myanmar authorities revoke the White Cards held by Rohingya ahead of the national elections and issue White Card receipts, which also confer no rights.

June 25

Myanmar authorities begin issuing Identity Cards of National Verification to Rohingya that confer no rights. Some Rohingya are coerced or forced to accept the cards.

November 8

Rohingya are barred from voting or running for office in national elections. The NLD wins in a landslide victory.

2016

Aung San Suu Kyi becomes the *de facto* head of state as State Counsellor. Under her administration, ICNVs are rebranded as National Verification Cards (NVCs).

October 9

After Rohingya militant attacks on Myanmar police officers in Maungdaw and Rathedaung townships, Myanmar security forces raze dozens of villages in Maungdaw Township, killing, raping, and arresting Rohingya *en masse*, and forcing the displacement of more than 90,000 Rohingya to Bangladesh.

2017

March 24

The U.N. Human Rights Council establishes the Independent International Fact-Finding Mission (FFM) on Myanmar to investigate human rights violations and abuses in Rakhine, Kachin, and Shan states. The Myanmar government refuses to cooperate with the mechanism.

August 25

In response to further Rohingya militant attacks on police outposts, the Myanmar military kills thousands of Rohingya civilians, razes hundreds of villages, and commits other atrocities throughout northern Rakhine State. More than 745,000 Rohingya flee to Bangladesh.

2018

September 6

International Criminal Court (ICC) finds that it has jurisdiction over the alleged deportation of Rohingya from Myanmar to Bangladesh. The Office of the Prosecutor subsequently initiates an investigation, which is ongoing at the time of writing, into crimes committed by the Myanmar military.

September 18

The FFM releases a 444-page report cataloging Myanmar military-led atrocity crimes in Myanmar and calls for the ICC or an international criminal tribunal to investigate and prosecute Myanmar security forces for genocide, war crimes, and crimes against humanity against Rohingya, Kachin, Shan, and others.

2019

November 11

The Gambia brings a case against Myanmar at the International Court of Justice (ICJ) alleging violations of the Genocide Convention. The ICJ subsequently issues legally binding "provisional measures of protection" for Rohingya. This case is currently ongoing at the time of writing.

November 13

Under the principle of universal jurisdiction, the Burmese Rohingya Organization U.K. and Latin American human rights groups file a petition in an Argentinian court to open a criminal investigation into Myanmar's atrocity crimes against Rohingya. The judiciary has subsequently initiated an investigation and the case is currently ongoing at the time of writing.

2020

November 9

The NLD wins re-election in Myanmar's second democratic election. Rohingya are again denied the right to participate in the election process.

2021

February 1

Rejecting the election results, Senior General Min Aung Hlaing launches a military coup and detains State Counsellor Suu Kyi and others, declaring himself the head of the junta's State Administration Council (SAC) the following day.

April 16

The Committee Representing Pyidaungsu Hluttaw (CRPH)—a group of elected Myanmar parliamentarians who evaded arrest during the coup—establishes the National Unity Government (NUG) of Myanmar to serve as the legitimate elected government.

Following the coup, tens of millions of people in Myanmar join protests and strikes in opposition to junta rule. In its effort to crush the opposition, the junta kills more than 1,500 civilians, detains at least 12,000, disappears untold numbers of people, and forcibly displaces more than 440,000 during the first year of the coup.

June 3

NUG announces its commitment to "abolishing" the NVC process. The NUG further commits to ensuring citizenship based "on birth in Myanmar or birth anywhere as a child of Myanmar citizens."

2022

July 17

NUG submits a declaration to the International Criminal Court (ICC) delegating jurisdiction to the Court to address mass-atrocity crimes committed in Myanmar.

March 22

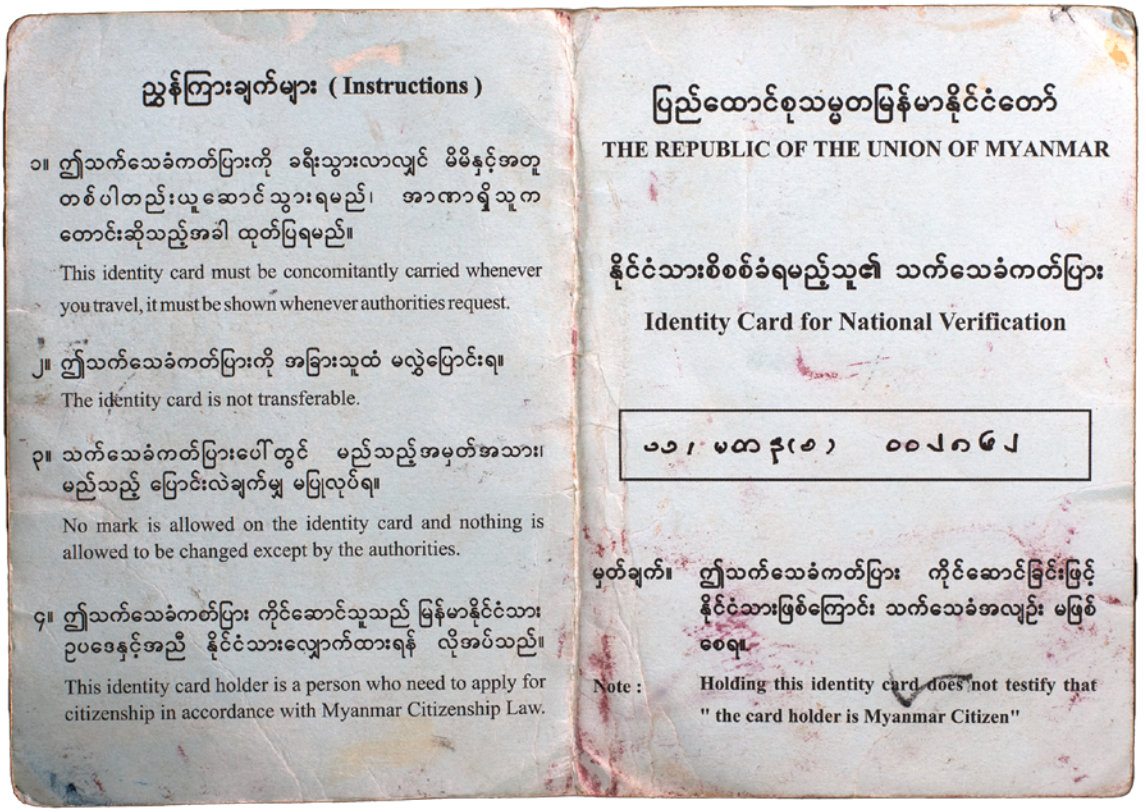
The U.S. government concludes that the Myanmar military is responsible for committing genocide against the Rohingya people, marking the eighth time since the Holocaust that the U.S. has recognized a genocide.

Map of Rakhine State

Map of Europe in 1933

Map of Rwanda

Rohingya refugees from Myanmar walking through paddy fields and flooded land upon arriving in Cox's Bazar District in southern Bangladesh. Patrick Brown ©Panos/UNICEF 2018


ညွှန်ကြားချက်များ (Instructions)

၁။ ဤသက်သေခံကတ်ပြားကို ခရီးသွားလာလျှင် မိမိနှင့်အတူ တစ်ပါတည်းယူဆောင်သွားရမည်၊ အာဏာရှိသူက တောင်းဆိုသည့်အခါ ထုတ်ပြရမည်။

This identity card must be concomitantly carried whenever you travel, it must be shown whenever authorities request.

၂။ ဤသက်သေခံကတ်ပြားကို အခြားသူထံ မလွှဲပြောင်းရ။

The identity card is not transferable.

၃။ သက်သေခံကတ်ပြားပေါ်တွင် မည်သည့်အမှတ်အသား၊ မည်သည့် ပြောင်းလဲချက်မျှ မပြုလုပ်ရ။

No mark is allowed on the identity card and nothing is allowed to be changed except by the authorities.

၄။ ဤသက်သေခံကတ်ပြား ကိုင်ဆောင်သူသည် မြန်မာနိုင်ငံသား ဥပဒေနှင့်အညီ နိုင်ငံသားလျှောက်ထားရန် လိုအပ်သည်။

This identity card holder is a person who need to apply for citizenship in accordance with Myanmar Citizenship Law.

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

THE REPUBLIC OF THE UNION OF MYANMAR

နိုင်ငံသားစိစစ်ခံရမည့်သူ၏ သက်သေခံကတ်ပြား

Identity Card for National Verification

မှတ်ချက်။ ဤသက်သေခံကတ်ပြား ကိုင်ဆောင်ခြင်းဖြင့် နိုင်ငံသားဖြစ်ကြောင်း သက်သေခံအလျဉ်း မဖြစ်စေရ။

Note : Holding this identity card does not testify that " the card holder is Myanmar Citizen"

The National Verification Card (NVC)—a document that confers no rights and identifies Rohingya as "foreigners" in Myanmar. The card is light blue in color and states, in English and Burmese language, "Holding this identity card does not testify that 'the card holder is Myanmar Citizen.'" ©Greg Constantine, 2018

Summary

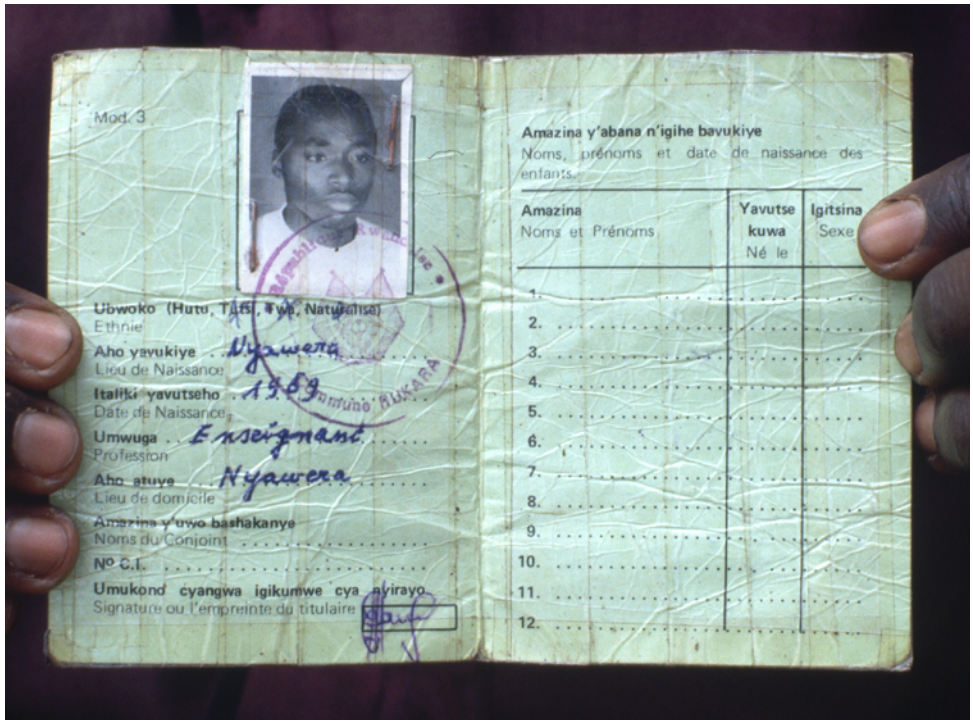
Genocide is an identity-based international crime. It is defined as an act or acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.

Perpetrators of genocide have long used identification documents to discriminate, dehumanize, and then carry out mass violence against protected groups. In its *Framework for Analysis of Atrocity Crimes*, the United Nations Office on Genocide Prevention found that "increased politicization of identity" and discriminatory "measures or legislation" targeting protected groups serve as indicators in creating "an environment conducive to the commission of atrocity crimes." Genocidal states often use legal and administrative tools to facilitate the destruction of a targeted group. This was the case during the Holocaust of the Jewish population and the Rwandan genocide of the Tutsi population, and it is the case of the ongoing genocide of the Rohingya population in Myanmar.

This report provides comparative case studies of these three genocides and the use of identification documents to carry out the international crime of genocide, and it provides new information on the Myanmar military junta's ongoing targeting of Rohingya people in Rakhine State.

Chapter I examines the instrumental role that identification documentation played in the Holocaust, the Rwandan genocide, and the genocide of Rohingya in Myanmar. These case studies demonstrate how identification documents make it bureaucratically easier to identify, persecute, and kill targeted populations on a widespread, systematic, and massive scale. Genocide by attrition—which is the gradual destruction of a protected group by reducing their strength through sustained, indirect methods of destruction—must consequently be taken seriously as part of the effort to understand past genocides and to prevent future ones.

A Nazi-issued Kennkarte *identity card stamped with the letter "J" to identify the card-holder as Jewish. The Nazi regime used the* Kennkarte *as a tool for military, racial, and security controls that made the genocide bureaucratically possible. ©United States Holocaust Memorial Museum, courtesy of Ellen Zweig, January 24, 1939*



A set of Rwandan identity papers outlines the individual's ethnicity. ©Howard Davies CORBIS via Getty

An American soldier watching German civilians remove dead bodies piled behind the crematorium of the Dachau concentration camp in Germany. ©United States Holocaust Memorial Museum, 1945

For example, the Holocaust would not have been logistically feasible on such a rapid and mass scale without the initial definition and registration of Jews. The Nazis' process of using official identification processes and documents made it possible to successively strip Jews of their citizenship, expropriate their property, spatially restrict them to ghettos and camps, and, then finally, commit mass murders. By the end of World War II, Hitler's Nazi regime had succeeded in killing an estimated six million Jews—two-thirds of all Jews in the European territories controlled by the Nazis and their allies. These killings took place through privation—the systematic denial of adequate food, water, shelter, and medical care—open-air mass shootings, and in extermination camps with gassing facilities, including at Belzec, Sobibor, Chelmo, Treblinka, and Auschwitz-Birkenau.

Identity documentation similarly contributed to the facilitation of the Rwandan genocide, which started shortly after the airplane carrying Rwanda President Juvénal Habyarimana and Burundi President Cyprien Ntaryamira was shot down, killing both Hutu leaders. Initial reports accused a Tutsi-led rebel group of being responsible for the killings and, within hours of the plane crash, state-sponsored radio announcers called on Hutu "patriots" to kill members of the minority Tutsi population, who constituted approximately 14 percent of the country's then 7.9 million people. Hutu perpetrators, in some cases, relied on the Rwandan national identification card that included the holder's ethnic profile to carry out these killings. For example, Hutu militias constructed barricades in urban areas and demanded travelers show their national identification card, massacring Tutsi-identified card-holders and those without documents. During the course of 100 days, Hutu perpetrators killed an estimated 75 percent of the Tutsi population, or roughly 800,000 women, men, and children. Most killings were carried out by hand, with machetes or clubs, and included other acts of violence, such as rape.

A yellow Star of David with "Jude," which means "Jew" in the German-language, written on it. During the Holocaust, Jews were ordered to wear these badges as visible symbols of their Jewish identity. ©United States Holocaust Memorial Museum, circa 1941-1945

Dead bodies of Tutsi massacre victims inside the vestibule of a Catholic church in Rukara in Rwanda in 1994. ©Jack Picone, 1994

Like Jews in Germany and elsewhere in Europe in the 1930s and 1940s and the Tutsi in Rwanda in the 1990s, the Myanmar military and past government authorities continue to rely on identification documentation to commit international crimes against Rohingya, an ethnic minority indigenous to western Myanmar. These crimes particularly took shape in 2016 and 2017 when the Myanmar military led widespread attacks on the Rohingya civilian population. Soldiers massacred and killed women, men, and children, committed mass rape, razed hundreds of villages, and forced more than 700,000 Rohingya to flee to Bangladesh, where they joined more than 250,000 other Rohingya refugees and remain in squalid conditions. The Myanmar junta continues to confine another 125,000 Rohingya to more than 20 internment camps—modern concentration camps in Rakhine State established by Myanmar authorities in 2012.

For the past half-century, union-and state-level discriminatory laws, policies, and practices in Myanmar marginalized and dehumanized Rohingya people. For example, in 1982, Myanmar passed a citizenship law that effectively denied Rohingya equal access to citizenship rights, progressively creating the world's largest stateless population within a single country's border. A litany of pre-genocidal human rights violations followed, including strict denials of freedom of movement, education, access to health care, and livelihoods. Such discriminatory laws, policies, and practices have rendered the vast majority of Rohingya at high risk of abuse and large-scale mass atrocities.

Following the 2016 and 2017 Myanmar military-led attacks on Rohingya civilians, Fortify Rights, a U.N. Fact-Finding Mission, successive U.N. special rapporteurs, and governments—including most recently the U.S. government—as well as others determined that these attacks amount to the crime of genocide. And like past genocides, the pernicious use of identity documentation played a role in the genocide and must be addressed to prevent future crimes.

Chapter II of this report exposes how, since a deadly attempted military *coup d'état* in Myanmar launched on February 1, 2021, the Myanmar junta continues to deny the existence of the Rohingya and is forcing or coercing Rohingya to accept National Verification Cards (NVCs)—a document that confers no rights and identifies Rohingya as "foreigners" in Myanmar.

Since the coup, soldiers led by Senior General Min Aung Hlaing have murdered and imprisoned thousands of people throughout the country while intensifying attacks on ethnic armed organizations and the People's Defence Force (PDF)—civilian-led militias formed in self-defense of the military's attacks.

Amid these attacks, Rohingya in Myanmar's Rakhine State, where the majority of more than 600,000 Rohingya remaining in the country reside, told Fortify Rights how the junta is using NVCs to prevent them from identifying as "Rohingya." Instead the junta identify the Rohingya as "Bengali" or another foreign identity, fueling a dangerous falsity that Rohingya are interlopers from Bangladesh.

The junta has continued the campaign to erase and destroy Rohingya people by imposing increasingly oppressive restrictions on the population to prevent Rohingya from exercising basic rights. For example, a leaked administrative order obtained by Fortify Rights and issued by the junta-run General Administration Department of Buthidaung Township in Rakhine State on November 25, 2021 reiterates longstanding restrictions that deny Rohingya residents freedom of movement, stating that "Bengali [Rohingya] people can only travel after obtaining legal permission" and that breaching the order will result in "strong action being taken as per the existing law."

Like other genocides, the Myanmar military has attempted to justify these restrictions in the name of national security. For instance, the above-mentioned order states that the restrictions against "Bengali" are necessary to protect "township security and the rule of law."

Rohingya refugees burying in Cox's Bazar District, Bangladesh Rohingya children and adult victims who died when their boat sank in the Naf River while they were attempting to flee Myanmar. Patrick Brown ©Panos/ UNICEF 2018

Rohingya refugees line up at a aid distribution center in Balukhali camp in Cox's Bazar District, Bangladesh. ©Panos/UNICEF 2018

Decomposed bodies of Tutsi massacre victims left outside a Catholic church in Rukara, Rwanda in 1994. ©Jack Picone, 1994

Over several years, the connection between identification documents and international crimes has been well-recognized. Yet, even amid genocidal attacks against the Rohingya, certain U.N. officials, embassies, and others in Myanmar not only failed to condemn the use of NVCs in targeting Rohingya but, in some cases, explicitly endorsed NVCs as a pragmatic solution to Rohingya "statelessness."

However, after experiencing the brutality of the military firsthand following the February 1, 2021 coup, the general public in Myanmar showed signs of becoming more open and accepting of the Rohingya people and more informed about the atrocities they faced in Rakhine State. Tolerance for discriminatory laws, policies, and practices affecting the Rohingya, including the NVC process, is waning. Notably, on June 3, 2021, the National Unity Government (NUG) of Myanmar—the government established in April 2021 by elected parliamentarians who evaded arrest following the coup—announced its commitment to "abolishing" the NVC process, describing the NVC as "a process that the military has used against the Rohingya and other ethnic groups coercively and with human rights violations." The NUG further committed to ensuring citizenship based "on birth in Myanmar or birth anywhere as a child of Myanmar citizens," which would effectively restore or grant full citizenship rights to all Rohingya people.

In September 2021, Rohingya human rights defender and refugee leader Mohib Ullah was assassinated in Bangladesh in September 2021 for his work defending the rights of Rohingya. In March 2019, Mohib Ullah had the opportunity to address the U.N. Human Rights Council in Geneva. He told U.N. member states:

> For decades, we faced systemic genocide in Myanmar . . . They burned our houses, took our land, they gang-raped women and girls, and they killed thousands of us. Today, we are branded as "*kalar*" [a pejorative term in the Burmese language]. They call us "illegal immigrants," "Bengali," [and] "Muslim terrorist." We are not any of this. We are citizens of Myanmar. We are Rohingya.

Key Recommendations

The Myanmar military junta is committing international crimes including ongoing genocide in Myanmar. This report makes 19 recommendations including:

- U.N. member states should take action to deny the Myanmar military access to weapons, financing and revenues, and political legitimacy. International businesses should avoid engaging the Myanmar military and its associates at all costs, and any businesses believed to be complicit in the junta's crimes should be held accountable in relevant jurisdictions.
- U.N. member states, particularly members of the Association of Southeast Asian Nations (ASEAN), should engage the civilian-led NUG on solutions, provide it with material support, and support existing international accountability mechanisms to end and remedy ongoing atrocity crimes in Myanmar.
- More broadly, U.N. member states should publicly acknowledge, through formal determinations, the Rohingya genocide and other atrocity crimes perpetrated in Myanmar, including war crimes and crimes against humanity.
- U.N. member states should each establish dedicated departments focused on preventing and ending mass atrocity crimes through domestic mechanisms and multilateral coordination. Similarly, U.N. and international humanitarian organizations should employ legal specialists to identify mass atrocity crimes, recommend emergency responses, and educate the humanitarian community about prevention.

Two men with the Star of David sewn on their jackets in the Łódź ghetto in Poland. During the Holocaust, Jews were ordered to wear these badges as visible symbols of their Jewish identity. ©United States Holocaust Memorial Museum, courtesy of Dan Lenchner, 1942

Methodology

This report draws on historical research from past genocides, testimony from Rohingya genocide survivors, Myanmar junta documents, and media analysis of junta-backed news outlets.

The historical research conducted for this report informs the case study analysis of the Holocaust, the Rwandan genocide, and the ongoing atrocities affecting the Rohingya in Myanmar.

Fortify Rights also interviewed 23 Rohingya in Myanmar, Bangladesh, and among the diaspora between February 2021 and April 2022 as well as five international aid workers and researchers. Fortify Rights conducted most interviews in the Rohingya language and, in some cases, with English interpretation. No one interviewed for this report received compensation and all were informed of the purpose of the interview, its voluntary nature, and how the information might be used. All those interviewed provided informed consent prior to the interview. The name, location, and other identifying details of those interviewed are withheld or changed in this report for security reasons.

Fortify Rights obtained and analyzed five internal documents from the junta-backed Ministry of Social Welfare Relief and Resettlement, the Ministry of Immigration and Population in Ponnagyun Township in Rakhine State, the Maungdaw Township Planning Administration Office in Rakhine State, and the General Administration Department in Sittwe and Buthidaung townships, Rakhine State. These documents relate to the citizenship-verification process and are dated after the attempted military *coup d'état* on February 1, 2021.

Fortify Rights also reviewed and analyzed English-and Myanmar-language junta-backed news media reports between February 2021 to March 2022.

Background

On February 1, 2021, the Myanmar military headed by Senior General Min Aung Hlaing attempted to overthrow Myanmar's new democratically elected government on the opening day of parliament, arresting State Counsellor Aung San Suu Kyi, President Win Myint, and others.[1] The following day, Senior General Min Aung Hlaing declared himself the head of the new junta's State Administration Council (SAC).[2] While at the time of writing the Myanmar military does not have effective control of Myanmar territory, the February 2021 *coup d'état* radically changed the political landscape in the country.

The coup prompted widespread peaceful protests and the launch of a nationwide Civil Disobedience Movement (CDM) involving government employees nationwide refusing to report to work in order to demonstrate their opposition to the junta.[3] Since February 2021, tens of millions of people in Myanmar have participated in demonstrations, strikes, and boycotts that have challenged and obstructed junta rule; the country is now on the brink of economic collapse.[4] In its effort to crush the CDM and any popular resistance to military rule, the junta killed more than 1,500 civilians, arbitrarily detained at least 12,000, disappeared untold numbers of people, and forcibly displaced more than 440,000 during the first year alone following the coup.[5]

1 Fortify Rights, "Myanmar: Release Government Officials and Human Rights Defenders Detained in Military Coup," February 1, 2021, https://www.fortifyrights.org/mya-inv-2021-02-01/. "Myanmar Coup: Aung San Suu Kyi Detained as Military Seizes Control," *BBC*, February 1, 2021, https://www.bbc.com/news/world-asia-55882489.

2 "Republic of the Union of Myanmar Office of the Commander-in-Chief of Defence Services," *The Global New Light of Myanmar*, February 2, 2021, https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2021/02/2_Feb_21_gnlm.pdf. Fortify Rights, "Myanmar: Release Government Officials and Human Rights Defenders Detained in Military Coup." *See also*, "Myanmar Military Announces New State Administrative Council, *Myanmar Times*, February 2, 2021, https://www.mmtimes.com/news/myanmar-military-announces-new-state-administrative-council.html.

3 Fortify Rights, "Countrywide Protests Against the Myanmar Military Junta," February 8, 2020, https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-02-08/. Fortify Rights, "Myanmar Junta Arbitrarily Arrests Civilians," February 12, 2020, https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-02-12/. Fortify Rights, "Myanmar Police's Use of Excessive Forces against Peaceful Protestors," February 12, 2020, https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-02-12-2/. Fortify Rights, "Myanmar Nationwide Protest, Fortify Rights," February 12, 2021, https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-02-12/. Fortify Rights, "Protests Continue in Myanmar Despite Junta Violence," March 8, 2021, https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-03-08/; Fortify Rights, "50th Day of Myanmar Protest," March 23, 2021, https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-03-23/.

4 U.N. Human Rights Council, *Report of the United Nations High Commissioner for Human Rights: Situation of Human Rights in Myanmar Since 1 February 2021*, U.N. Doc. A/HRC/49/72, March 15, 2022, para. 5.

5 U.N. Human Rights Council, *Enabling Atrocities: UN Member States' Arms Transfers to the Myanmar Military*, U.N. Doc. A/HRC/49/CRP.1, February 22, 2022, https://www.ohchr.org/Documents/Countries/MM/CRP-31012022.docx, para. 1. *See also*, U.N. Office for the

On April 16, 2021, the Committee Representing Pyidaungsu Hluttaw (CRPH)—a group of elected Myanmar parliamentarians who evaded arrest during the coup—established the NUG as the legitimate elected government to represent and act on behalf of the Myanmar people.[6] Responding to the junta's lethal crackdown and refusal to reverse the coup, on May 5, 2021, the NUG announced the formation of PDFs mandated to defend and protect the people of Myanmar.[7]

A 193-page report published on March 24, 2022 by Fortify Rights and the Schell Center for International Human Rights at Yale Law School documents how the Myanmar junta murdered, tortured, imprisoned, forcibly displaced, and persecuted civilians in acts that amount to crimes against humanity.[8] The junta has also reportedly issued a number of notices revoking the citizenship of NUG leaders who oppose the coup.[9]

While these events have grabbed international attention, other forms of structural violence in Myanmar continue to occur largely under the radar. This includes the Myanmar military's continued efforts to erase the identity of Rohingya—a predominantly Muslim ethnic minority population indigenous to western Myanmar and largely living in Rakhine State. In addition to physical attacks on the Rohingya community, this campaign is also being perpetrated through discriminatory laws, policies, and practices, including, most notably, through the NVC process.

Coordination of Humanitarian Affairs, *Myanmar: Humanitarian Update No. 15*, February 15, 2022, https://themimu.info/sites/themimu.info/files/documents/Sitrep_Humanitarian_Update_No.15_OCHA_15Feb2022.pdf. Assistance Association for Political Prisoners, "AAPP 2021 Coup Daily Briefings," 2021–2022, https://aappb.org/?cat=109. Fortify Rights, "365 Days Under the #Myanmar Coup," February 1, 2022, https://www.fortifyrights.org/our_films/mya-inv-vdo-2022-02-01/.

6 Committee Representing Pyidaungsu Hluttaw, "Formation of the National Unity Government," Announcement No. 23/2021, April 16, 2021, https://crphmyanmar.org/ formation-of-the-national-unity-government/.

7 National Unity Government, "People's Defence Force," *website*, https://mod.nugmyanmar.org/en/peoples-defence-force/. "Myanmar's Anti-Coup Block to Form a 'Defence Force,'" *Al Jazeera*, May 6, 2021, https://www.aljazeera.com/news/2021/5/6/myanmars-anti-coup-bloc-to-form-a-defence-force.

8 Fortify Rights and Orville H. Schell, Jr. Center for International Human Rights at Yale Law School, Myanmar Human Rights Project, *'Nowhere is Safe:' The Myanmar Junta's Crimes Against Humanity Following the Coup d'État*, March 24, 2022, https://www.fortifyrights.org/mya-inv-rep-2022-03-24/.

9 "'Using Citizenship as a Weapon' Myanmar Military Targets Critics," *Al Jazeera*, April 20, 2022, https://www.aljazeera.com/news/2022/4/20/citizenship-as-a-weapon-myanmar-military-targets-critics.

I. Identity Documents and Genocide: Case Studies

This chapter highlights three case studies on the use of identity documents in three separate genocides: the Holocaust of the Jewish people in the 1930s and 1940s, the Rwandan genocide of the Tutsi people in 1994, and the ongoing genocide of the Rohingya people in Myanmar.[10] Disturbing similarities exist across these three cases regarding the role official identity documents play in the efficient and effective marginalization, dehumanization, and, ultimately, the rapid extermination of populations targeted for genocide.

While history indicates that genocidal policies are not necessarily predicated on problematic official identification documentation, such documentation can contribute to the creation of monolithic, essentialized identity categories for the facilitation of atrocity crimes when exploited by governments or regimes in highly polarized societies to subdivide a country's population. Identification documents can symbolically and bureaucratically reinforce an "us" versus "them" ideological framing of real and imagined group differences in intentionally divisive terms. Such binary framing combined with discourse that relies on fear and hate to portray the targeted group as sub-human or non-human may be used to justify official and unofficial forms of discrimination, persecution, and/or violence. Government solutions to the perceived threats that the "other" allegedly poses often take the form of apartheid-like conditions, wholesale domination, and/or physical extermination.

Identification documentation can also contribute to "genocide by attrition"—the gradual destruction of a protected group by reducing their strength through sustained, indirect methods of destruction.[11] In such contexts, the long-term systematic denial of human rights results in "a slow process of annihilation rather than the immediate unleashing of violent death."[12] For example, identification documentation helps facilitate restrictions on basic rights, such as the right to freedom of movement, which, in turn, can limit access to livelihoods, education, health services, and so on. Such tactics may contribute or amount to the genocidal act of "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."[13]

10 The discussion of each case is strategic and, thus, highly limited in scope.

11 Sheri Rosenberg, "Genocide is a Process, Not an Event," *Genocide Studies and Prevention*, Vol. 7, No. 1, 2021, p. 19.

12 *Ibid.*

13 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), adopted December 9, 1948, G.A. Res. 260 A (III), U.N. Doc. E/447, 1951, Art. II(c). Rome Statute of the International Criminal Court (Rome Statute), adopted July 17, 1998, U.N. Doc. A/CONF.183/9, 2002, Art. 6(c).

These patterns, where they occur in combination with several of the common risk factors identified in the U.N. Office of Genocide Prevention's *Framework of Analysis for Atrocity Crimes*, signal a much higher likelihood of mass atrocity crimes, ranging from ethnic cleansing to genocide. In the case of Myanmar, when the military junta's attempted coup ends and civilian leadership returns to a new, federal democracy, domestic reforms will be urgently needed. Renewed international pressure is also urgently needed to prevent the junta from committing further genocidal acts against Rohingya.

Holocaust of the Jewish People

> *"The Nazis examined him and when they found that he had been circumcised they branded a Jewish star on his left hand so that everyone would know that he was Jewish."*
>
> – From the book, *Wartime Rescue of Jews by the Catholic Clergy: The Testimony of Survivors and Rescuers*[14]

The development of methods for recording and classifying people according to different categories within Germany predates the rise of the Nazi regime in 1933.[15] But by the mid-1930s, the Nazi regime had fixed a person's official identity in "racial" terms, which made one's categorization a matter of life and death, especially for Jews.[16] This process of dehumanization rapidly accelerated after 1939. It reached its apotheosis in the Auschwitz-Birkenau concentration camp in Poland, where Jews and other social "undesirables," including political prisoners and homosexuals among others, received black numerical tattoos. The tattoos represented the ultimate shift from "people-with-names" to "units-with-numbers" that could be worked to death or simply killed outright.[17] But out of all the populations targeted, it was "the Jew" that remained the most reviled and feared by those who shared the Nazi's racist ideology that Jews were "a lethal and active threat to all nations, to the Aryan race, and the German *Volk* [people]."[18]

Again, the Nazis were not the first group to regard Jews in this manner, but they took it to the logical extreme as part of what its leaders called the "Final Solution"—the genocidal plan to exterminate all Jews throughout Europe.[19] To do so, the Nazi regime created a vast bureaucracy, including Nazi-issued identity cards (*Kennkarte*), as a tool for "military, racial, and security controls" that made the genocide bureaucratically possible.[20]

14 Mark Paul (ed.), *Wartime Rescue of Jews by the Catholic Clergy: The Testimony of Survivors and Rescuers,* (Toronto: Polish Education Foundation in North America, 2020), p. 36.

15 All modern states, not just Germany, used similar practices to govern their populations. *See, for example,* James Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University, 1998).

16 Jane Caplan, "'Ausweis Bitte!' Identity and Identification in Nazi Germany," *Identification and Registration Practices in Transnational Perspective: People, Papers, and Practices*, eds. Ilsen About, James Brown, and Gayle Longergan, (London: Palgrave MacMillan, 2013), p. 224. The terms "race" and "ethnicity" are often used interchangeably. However, race is commonly regarded as reflecting objective biological or genetic traits, whereas ethnicity is regarded as reflecting subjective cultural or religious traits. The Jewish people are commonly regarded as both a racial group as well as an ethnic group. Regardless, international jurisprudence increasingly looks to subjective understandings of groups in conjunction with an analysis of objective elements. The Genocide Convention lists four types of protected groups: national, ethnic, racial, and religious. As expressed by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the case of *Jelisić*, there is increasing skepticism of the accuracy of objective definitions of the four protected groups under the Genocide Convention, particularly the ethnic, racial, and national categories. *Prosecutor v. Goran Jelisić*, ICTY, Case No. ICTY-95-10-T, Judgment (Trial), December 14, 1999, para. 70. *See also*, *Prosecutor v. Rutaganda*, International Criminal Tribunal for Rwanda (ICTR), Case No. ICTR-96-3-T, Judgment (Trial), December 6, 1999, para. 56.

17 *Ibid.*

18 Saul Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939-1945*, (New York: Harper Collins Publishers, 2007), p. xix.

19 *See,* George L. Mosse, *Toward the Final Solution: A History of European Racism,* (Madison: University of Wisconsin Press, 1978).

20 Caplan, "'Ausweis Bitte!' Identity and Identification in Nazi Germany," *In Identification and Registration Practices in Transnational Perspective: People, Papers, and Practices,* p. 225.

However, the Nazi government did not initially have a singular approach for the first several years of its rule. By one count, state, regional, and municipal officials issued more than 400 different decrees and regulations between 1933 and 1939 restricting nearly all aspects of the public and private lives of Jews.[21] Some of the decrees and regulations were centralized, but many were not.[22] The diversity reflected the infighting and competition among factions within the Nazi party, the military, and different government institutions at the time.[23] One German lawyer, who conducted his research within Nazi Germany during this period, attributed these dynamics to what he termed the "Dual State."[24]

The Dual State consisted of a "normative state" (*Normenstaat*) and a "prerogative state" (*Maßnahmenstaat*).[25] The normative state was based on the legislative, judicial, and law-enforcing bodies that the Nazi regime had inherited from its predecessor government, the Weimar Republic that governed Germany between 1919 and 1933.[26] By contrast, the prerogative state, established by the Nazis in 1933, exercised "unlimited arbitrariness and violence unchecked by any legal guarantees" against people considered to be enemies of Nazism.[27] Due to the initial infighting and competition, the Dual State often functioned at cross-purposes, as the "prerogative state ignored or annulled implicitly exactly those laws and law-enforcing bodies that the normative state sustained."[28] The situation changed significantly by the late 1930s as the Nazi regime increased its ability to centralize its power, both by garnering more widespread support for its racist ideology and by expanding use of "terror through uncertainty."[29]

The Nazi regime's first effort to document the entire country's population began with a national census in 1933.[30] Interestingly, the census did not classify people by race at this time but rather by religion in conjunction with other biographical data. The census revealed that approximately 525,000 Jews lived in Germany, 80 percent of whom enjoyed full citizenship, while the remainder, primarily German-born Polish Jews, held permanent resident status.[31] The figure, when compared against the country's population of 67 million people at the time, meant that Jews then constituted a little less than 0.75 percent of Germany's total population.[32]

The 1933 census was later linked with a "marriage and family book," which included genealogical data for both the paternal and maternal lines, a new system of residential registration for tracking movement, and the subsequent development of special racial databases.[33] Together, these identification systems made it progressively easier for the regime to "locate" its future Jewish victims for the purposes of persecution, resettlement, and mass murder.[34]

21 U.S. Holocaust Memorial Museum, "Antisemitic Legislation 1933-1939," *website*, https://encyclopedia.ushmm.org/content/en/article/antisemitic-legislation-1933-1939.

22 David Martin Luebke and Sybil Milton, "Locating the Victim: An Overview of Census-Taking, Tabulation Technology, and Persecution in Nazi Germany," *IEEE Annals of the History of Computing*, Vol. 16, No. 3, 1994, p. 30.

23 Ernst Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship,* trans. E.A. Shils, (Oxford: Oxford University Press, 2017).

24 Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship.*

25 *Ibid.*

26 *Ibid.*

27 *Id.* at p. xxiii.

28 Fortify Rights email communication with Thomas Kühne, September 27, 2020.

29 *Ibid.*

30 Luebke and Milton, "Locating the Victim: An Overview of Census-Taking, Tabulation Technology, and Persecution in Nazi Germany," *IEEE Annals of the History of Computing.*

31 U.S. Holocaust Memorial Museum, "Germany: Jewish Population in 1933," *website*, https://encyclopedia.ushmm.org/content/en/article/germany-jewish-population-in-1933.

32 *Ibid.*

33 *Ibid.*

34 Luebke and Milton, "Locating the Victim: An Overview of Census-Taking, Tabulation Technology, and Persecution in Nazi Germany," *IEEE Annals of the History of Computing*, p. 25.

Due to the dynamics of the Dual State during the early period of Nazi rule, the bureaucratic effort was initially "beset by clashes of interests and problems of coordination and labor power," compounded by insufficient staff to use the collected data.[35] The clashes additionally reflected the conflicting priorities of the military, which wanted to be able to quickly mobilize men for its purposes, and those groups pushing a eugenics agenda, which sought to purify the "race" through a combination of positive and negative measures (e.g. pro-natalist policies in the case of pure "Aryans" and marriage prohibitions and forced sterilizations for all others).[36]

The next major development towards the racialization of identity in Nazi Germany occurred in September of 1935 with the unanimous passage of two pieces of legislation commonly known as the Nuremberg Race Laws.[37] The laws officially defined "Jewishness" for the first time and did so solely in terms of ancestry, meaning that religiosity, cultural practices, and self-identification were rendered irrelevant.

The first, the "Law for the Protection of German Blood and German Honor," forbade marriage and sexual intercourse outside of marriage between Jews and Germans.[38] Security forces relied on ordinary people serving as informants to identify cross-racial relationships and then punished those who violated the law.[39] Interestingly, the Nazi regime did not dissolve already existing inter-racial marriages. However, it did discriminate against them and apply pressure on the non-Jewish spouse to divorce the Jewish spouse.[40]

The second, the "Reich Citizenship Law," restricted citizenship to "only one who is of German or kindred blood, and who, through his behavior, shows that he is both desirous and personally fit to serve loyally the German people and the Reich."[41] As part of this effort, the Nazis partially denaturalized everyone already categorized as Jewish. However, these individuals were not rendered stateless. They were stripped of their citizenship rights, but able to retain their passports.[42]

These two laws, in combination with those already in place as well as those that soon followed, had devastating socio-economic impacts on the Jewish community. Non-Jews stopped purchasing goods at Jewish-owned businesses, and Jews working for the civil service or regulated professions (e.g., law, education, and medicine) were fired.[43]

The Nazi regime compounded these financial pressures with several further orders. In August 1938, for instance, an order required all Jews in Germany to change their names to include either Israel, if a man, or Sarah, if a woman, on all of their identity documents. The regime also published a list of "Jewish" names that parents had to henceforth choose from when naming their newborns.[44]

A later order, issued in September 1941, required all Jews in Germany, six years old and older, to wear clearly visible symbols of their identity. Yellow badges in the shape of the Star of David sewn

35 Caplan, "'Ausweis Bitte!' Identity and Identification in Nazi Germany," *Identification and Registration Practices in Transnational Perspective: People, Papers, and Practices*, p. 227.

36 Gotz Aly, *The Nazi Census: Identification and Control in the Third Reich*, trans. Edwin Black, (Philadelphia: Temple University, 2017).

37 On September 15, 1935, the Nazi regime announced two laws: The Reich Citizenship Law, 1935; and the Law for the Protection of German Blood and Honor, 1935.

38 Law for the Protection of German Blood and German Honor, 1935, secs. 1 and 2.

39 *Id.* at Sec. 5.

40 Many inter-racial married couples refused to divorce, and the continued union provided protection to and enabled the survival of the Jewish partner. Fortify Rights communication with Lindsay MacNeill, U.S. Holocaust Memorial Museum, May 13, 2022.

41 The Reich Citizenship Law, 1935, Art. II, no. 1.

42 *See, Ibid.*

43 The Law for the Restoration of the Professional Civil Service, passed earlier, provided the basis for these dismissals which occurred over time. Law for the Restoration of the Professional Civil Service, 1933. *See also,* U.S. Holocaust Memorial Museum, "Timeline of Events," *website*, https://www.ushmm.org/learn/timeline-of-events/1933-1938/law-for-the-restoration-of-the-professional-civil-service.

44 Robert Rennick, *The Nazi Name Decrees of the Nineteen Thirties* (New York: Taylor and Francis, 1970), p. 76.

onto their clothing and white armbands on the sleeve became the two most widely used symbols.[45] Failure to comply with this order resulted in severe penalties, including fines, imprisonment, or summary execution.[46] The requirement augmented an already existing one that all paperwork had to identify the holder's religion, the purpose of which was to prevent people who did not look stereotypically "Jewish" from removing their badges or armbands in an effort to pass as "Aryans."[47]

The Nazis did not invent the practice of requiring Jews to wear badges. The use of badges dates to the Middle Ages when some Christian and Muslim communities forced Jews to wear them to instantly identify Jews from others, making them more open to scrutiny and/or abuse.[48] But the Nazis not only revived the practice; they expanded its symbolic use beyond the everyday stigmatization and humiliation—a strategy that official propaganda continually reinforced. Adolf Hitler's own writing exemplified this. He wrote:

> [The Jew] is and remains the eternal parasite, a parasite that spreads more and more like a harmful bacillus, as well as inviting only a favorable culture medium. The effect of its existence, however, is similar to that of parasites: where it occurs, the host people die after a shorter or longer time.[49]

The badges, in combination with the racialized identity documents, made it easier for perpetrators to directly control the physical movements of Jews in and out of the ghettos and to coordinate their forced deportations on a massive scale.[50] As part of this process, the regime issued the Eleventh Decree in November of 1941, which was specific to German Jews.[51] The decree officially ended the possibility of emigration, and it legalized the confiscation of Jewish property, including bank accounts, homes and apartments, and other personal belongings, as the Nazis began to send Jews east to German-occupied Poland and parts of German-occupied Soviet territory for extermination.[52]

Historians widely agree that the "Final Solution to the Jewish Question" was not the result of any one single decision.[53] By 1942, the war, then being fought on multiple fronts, posed both opportunities and obstacles to the "Final Solution." However, the infamous Wannsee Conference in 1942, held outside of Berlin, marked the public unveiling of the "Final Solution."[54] By the conference's end, the *Schutzstaffel* or SS, Hitler's elite paramilitary "political soldiers," assumed centralized control over all aspects of the Final Solution with the stated goal of killing approximately 11 million Jews.[55] This figure included not only Jews residing in German-occupied Europe, but also those living in Great Britain as well as Europe's six neutral countries.[56] By the end of the war, the Nazi regime had succeeded in killing an estimated six million Jews through privation (i.e., the systematic denial of adequate food, water, shelter, and medical care), open-air mass shootings, and in extermination camps with gassing facilities, including at Belzec, Sobibor, Chelmo, Treblinka, and Auschwitz-Birkenau.[57]

45 Yad Vashem, "Badge, Jewish," *website*, https://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%205953.pdf, p. 1.

46 *Ibid.*

47 U.S. Holocaust Memorial Museum, "Jewish Badge: During the Nazi Era," *website*, https://encyclopedia.ushmm.org/content/en/article/jewish-badge-during-the-nazi-era.

48 *Ibid.*

49 Adolf Hitler, *Mein Kampf* (Munich: Eher Verlage, 1942), p. 334.

50 *Ibid.*

51 Peter Longerich, *Holocaust: The Nazi Persecution and Murder of the Jews* (Oxford: Oxford University Press, 2010), p. 66; Martin Dean, "The Development and Implementation of Nazi Denaturalization and Confiscation Policy Up to the Eleventh Decree to the Reich Citizenship Law," *Holocaust and Genocide Studies*, Vol. 16, No. 2, 2002, p. 225.

52 *Ibid.*

53 Christopher Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939 – March 1942* (New York: Bison Books, 2007).

54 *Ibid.*

55 *Ibid.*

56 *Ibid.* U.S. Holocaust Memorial Museum, "Wannsee Conference and the "Final Solution,'" *website,* https://encyclopedia.ushmm.org/content/en/article/wannsee-conference-and-the-final-solution.

57 British Library, "Anti-Jewish Decrees," *website,* https://www.bl.uk/learning/histcitizen/voices/info/decrees/decrees.html.

However, none of the atrocities committed against the Jewish people by the Nazis would have been logistically feasible on a rapid and mass scale without the initial definition and registration of the Jews. Horrifically, it was Jewish communities, under threat of violence by the Nazi regime, who compiled these very lists. The data collection process, in turn, made it possible to successively strip the Jewish people of their citizenship rights, expropriate their property, spatially restrict them to ghettos and camps, and, then finally, murder two-thirds of all Jews in the European territories controlled by the Nazis and their allies.[58]

Rwandan Genocide of the Tutsi People

> *"Witness AEU, a Tutsi woman, who went to great lengths to secure a Hutu identity card in 1979, found that in 1994 this Hutu identity card saved her life. Four times she was taken to the edge of a hole that had been dug for bodies, some killed while others were buried alive. When she was about to be killed and thrown in this hole herself, her would-be killers looked at her identity card, which stated she was a Hutu, and let her live."*
>
> – International Criminal Tribunal for Rwanda, *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*[59]

> *"Witness AWX statement to the Tribunal [describes] him telling* Interhamwe *[a Hutu paramilitary organization] to flush out the* Inyenzi *['cockroaches', a derogatory term for Tutsis] . . . 'To get out of the vehicle' and 'get to work' meaning to kill the Tutsis, whereupon the* Interhamwe *'would start checking identity cards and the killings would start.'"*
>
> – International Criminal Tribunal for Rwanda, *Prosecutor v. Tharcisse Renzaho*[60]

> *"Witness KBZ, a Tutsi, [was] stopped at a roadblock. She and about four other Tutsi women who did not have identity cards were separated and taken to outside the home of the* Kimihuruna conseiller *[an official of a neighborhood in the Rwandan capital of Kigali] . . . Two* Interhamwe *raped her behind the church after she was unable to produce an identification card upon her arrival. No one intervened."*
>
> – International Criminal Tribunal for Rwanda, *Prosecutor v. Tharcisse Renzaho*[61]

The assassination of President Juvénal Habyarimana of Rwanda on April 6, 1994 triggered the genocide that immediately followed. The country's state-sponsored radio station, *Radio Télévision Libre Mille Collines*, immediately accused the Rwandan Patriotic Front (RPF), a Tutsi-led rebel group, of shooting down President Habyarimana's plane as it approached Kigali International Airport for landing.[62] The station's announcers then called on all Hutu "patriots" to kill Tutsi, the minority group that constituted approximately 14 percent of the country's 7.9 million people.[63]

"You have missed some enemies [Tutsi]," an announcer demanded in one infamous radio broadcast at the start of the Rwandan genocide. "You must go back there and finish them off. The graves are not yet full!"[64]

58 Raoul Hillberg, *The Destruction of European Jews,* (Teaneck: Holmes & Meie, 1985); U.S. Holocaust Memorial Museum, "Remaining Jewish Population of Europe in 1945," *website*, https://encyclopedia.ushmm.org/content/en/article/remaining-jewish-population-of-europe-in-1945.

59 *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, ICTR, Case No. ICTR-99-52-T, Judgment and Sentence (Trial), December 3, 2003, para. 119.

60 *Prosecutor v. Tharcisse Renzaho*, ICTR, Case No. ICTR-97-31-T, Judgment (Trial), July 14, 2009, p. 189, fn. 802.

61 *Id.* at p. 179, para. 690 and 691.

62 *The Prosecutor vs. Jean-Paul Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial), September 2, 1998, para. 123. U.N., "Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations," *website*, https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml#:~:text=By%201994%2C%20Rwanda%27s%20population%20stood,and%20the%20Twa%20(1%25).

63 *Ibid.* Details regarding the very small third ethnic group, Twa, are not included in the discussion.

64 Bill Berkeley, *The Graves Are Not Yet Full: Race, Tribe, and Power in the Heart of Africa* (New York: New Republic Book, 2001).

Over the course of the next 100 days, perhaps as many as one-quarter of the Hutu majority participated in the mass and often extremely brutal killing of Tutsi.[65] Most killings were carried out by hand with machetes or clubs.[66] There were also staggeringly high incidents of rape of women and girls.[67] When the invading RPF ended the genocide in July, an estimated 72 percent, approximately 800,000 people, of Rwanda's Tutsi population lay dead.[68] Some 63,000 Tutsi fled the genocide to neighboring Burundi, while another 500,000 crossed into Tanzania.[69] Large numbers of these refugees began to return to the country after the RPF consolidated control in Rwanda, which prompted more than one million Hutu, fearing retributive genocidal violence by Tutsi, to seek safety either in Zaire (now the Democratic Republic of Congo) or Burundi.[70]

The 1994 genocide in Rwanda was not an isolated event. Nor did the 1994 genocide preclude future violence. Since independence, Tutsi have faced massacres resulting in mass refugee flows out of the country.[71] Such violence continued through 2000, and the fighting played a major role in sustaining multiple armed conflicts throughout Africa's Great Lakes Region, most notably the Democratic Republic of Congo, where as many as 5.4 million conflict-related deaths occurred between 1998 and 2002.[72]

Explanations for the repeated outbreaks of mass violence, including the 1994 genocide, typically emphasize the critical importance of ethnic difference, expressed in racialized terms, to the exclusion of other contributing factors.[73] National identification cards, a by-product of colonial rule, played an important role in the process of institutionalizing prejudice and creating and radicalizing hatred over time.

The origin of the "Hutu" and "Tutsi" distinction is still disputed. Some scholars argue that the ethnonyms originally referred to occupational categories: Hutus as farmers and Tutsis as herders.[74] Others assert that the terms reflected political divisions, as Tutsis controlled most of the positions of power before and during the colonial period.[75] However, there is widespread agreement that the

65 One estimate puts the figure at between 25 to 30 percent. Allette Smeulers and Lotte Hoex, "Studying the Micro-dynamics of the Rwandan Genocide," *The British Journal of Criminology,* Vol. 50, No. 3, 2010, p. 436.

66 *Ibid.*

67 U.N., "Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations, Supporting Survivors," *website,* https://www.un.org/en/preventgenocide/rwanda/supporting-survivors.shtml.

68 Smeulers and Hoex "Studying the Micro-dynamics of the Rwandan Genocide," p. 436. The total number of Tutsi killed remains in debate. However, according to some calculations, 333.3 killings took place per hour, or 5.5 per minute, throughout the country for the duration of the genocide. Hollie Nyseth Brehem, "Subnational Determinants of Killing in Rwanda, *Criminology,* Vol. 55, No. 1, 2017, p. 5.

69 Center for Disease Control, "Morbidity and Mortality Surveillance in Rwandan Refugees–Burundi and Zaire, 1994," *Morbidity and Mortality Weekly Report,* February 9, 1996, https://www.cdc.gov/mmwr/preview/mmwrhtml/00040202.htm.

70 *Ibid.*

71 Deborah Mayersen, "'Deep Cleavages that Divide': The Origins and Development of Ethnic Violence in Rwanda," *Critical Race and Whiteness Studies,* Vol. 8, No. 2, 2012, pp. 10–11. Hutu-Tutsi violence in neighboring Burundi also produced tens of thousands of Tutsi deaths and large out-flows of refugees in 1972, 1988, and between 1991 to 1992. Peter Uvin, "Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence," *Comparative Politics,* Vol. 31, No. 3, 1999, pp. 58–59.

72 International Rescue Committee, "Mortality in the Democratic Republic of Congo: An Ongoing Crisis," May 1, 2007, https://www.rescue.org/report/mortality-democratic-republic-congo-ongoing-crisis, p. ii.

73 Overpopulation is also pointed to as another contributing factor to explain the repeated outbreaks of violence in Rwanda. High rural population densities driving increasingly fierce socio-economic competition for limited agricultural land in a mountainous country where hunger and malnutrition is commonplace and famines relatively frequent can lead to heightened tensions. Paul Magnarella, "Explaining Rwanda's 1994 Genocide," *Human Rights & Human Welfare,* Vol. 2, No. 1, 2002, p. 34. North-South regional tensions among Hutu over political representation and economic affairs was a significant issue as well. André Guichaoua, *From War to Genocide: Criminal Politics in Rwanda, 1990–1994,* trans. Don Webster (Madison: University of Wisconsin Press, 2015), p. 4.

74 Timothy Longman, "Identity Cards, Ethnic Self-Perception, and Genocide in Rwanda," *Documenting Individual Identity: The Development of State Practices in the Modern World,* eds., Jane Caplan and John Torpey, (Princeton: Princeton University Press, 2001), p. 350.

75 *Ibid.*

two social identities were "relatively flexible" before the early 20th century.[76] The Banyarwanda people, as the two groups were collectively known, shared a same language, held similar religious beliefs, maintained integrated political structures, engaged in widespread intermarriage, and membership in one group could shift to the other over time.[77]

Nevertheless, substantial evidence indicates that the categories of "Hutu" and "Tutsi" became increasingly fixed in "racial" terms following colonization, first by Germany between 1894 and 1918 but then especially by Belgium between 1924 and 1962.[78] Both sets of colonial administrators ruled indirectly, relying upon Tutsi monarchs and the leaders of their respective clans, which included both Hutu and Tutsi households, to implement policies.[79] However, Belgian racial stereotypes—identifying Tutsi as being taller, lighter-skinned, and thinner than Hutu and, therefore, superior—acquired a veneer of official legitimacy as its personnel "instituted a system of rigid classification, involving such 'modern science' methods as the measurement of noses and skull size, and the attribution of obligatory papers stating one's ethnicity."[80]

The national identification card, first introduced in Rwanda by Belgian colonial administrators in 1933 following a colony-wide census, institutionalized the now monolithic "Hutu" and "Tutsi" distinction, laying the groundwork for more systematic forms of discrimination and, later, genocide.[81] The document, compulsory for everyone over the age of ten, was known as the *carte d'identité* in French or *Indanggamuntu* in Kinyarwanda, the language spoken by both groups.[82] The card included a line listing the person's ethnicity, or *ubwoko* in Kinyarwanda, directly underneath the photo located on the top of page two.[83] Identifying as "mixed," the result of intermarriage, was not an option; the official designation was instead based on the ethnicity of the card holder's father.[84]

The ethnic categorization also informed differential treatment. Under Belgian rule, for example, Tutsi had access to education and administrative positions as civil servants, whereas Hutu generally had neither.[85] Over time, these practices produced a Tutsi-dominated elite that further polarized Rwandan society during the years leading up to independence in 1961.[86]

In 1957, a group of Hutu intellectuals issued a manifesto calling for an end to both Tutsi exploitation and Belgian rule.[87] The subtitle of the document, "Note on the Social Aspect of the Native Racial Problem in Rwanda," set the tone for an increasingly ethno-nationalist movement decrying the

76 Organisation for Economic Co-operation and Development (OECD), *Historical Perspective: Some Explanatory Factors*, 1996, https://www.oecd.org/countries/rwanda/50189653.pdf, p. 22. Human Rights Watch, *"Leave None to Tell the Story": Genocide in Rwanda,* March 1999, https://www.hrw.org/reports/1999/rwanda/Geno1-3-09.htm.

77 Longman, "Identity Cards, Ethnic Self-Perception, and Genocide in Rwanda," p. 351; J.J. Carney, "Beyond Tribalism: The Hutu-Tutsi Question and Catholic Rhetoric in Colonial Rwanda," *Journal of Religion in Africa,* Vol. 42, 2012, p. 174.

78 Tom Dannenbaum, "War and Peace in Rwanda," Kristen Eichenseer and W. Michael Reisman (eds.), *Wars and Making Peace: Studies in International Intervention* (Boston: Martinus Nijihoff Publishers, 2009), p. 79.

79 Magnarella, "Explaining Rwanda's 1994 Genocide," *Human Rights & Human Welfare*, p. 25; David Newbury, "The Clans of Rwanda: An Historical Hypothesis," *Africa: Journal of the International African Institute,* Vol. 50, No. 4, 1980, p. 389.

80 Peter Uvin, "Prejudice, Crisis, and Genocide in Rwanda," *African Politics Review,* Vol. 31, No. 3, 1999, p. 95. In the eyes of the Belgian authorities, the "Hamitic hypothesis" explained this state of affairs and warranted its continuation under its close supervision. The hypothesis, then popular across Europe, maintained that the ruling groups in Africa, such as the Tutsi, were the migratory descendants of Noah's son, Ham, and were thus racially superior to the indigenous "negro" populations, such as the Hutu. Nigel Eltringham, "'Invaders Who Have Stolen the Country': The Hamitic Hypothesis, Race, and the Rwandan Genocide," *Social Identities,* Vol. 12, No. 4, 2006, pp. 425-446.

81 Official Bulletin of the Congo-Belgium, "*Décret sur les Circonscription Indgènes*," October 27, 1933.

82 *Prosecutor v. Jean-Paul Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial), September 2, 1998, para. 83, 702.

83 Prevent Genocide International, "Group Classification on National ID Cards as a Factor in Genocide and Ethnic Cleansing," November 15, 2001, http://www.preventgenocide.org/prevent/removing-facilitating-factors/IDcards/.

84 Magnarella, "Explaining Rwanda's 1994 Genocide," *Human Rights & Human Welfare*, p. 26.

85 OECD, "Historical Perspective: Some Explanatory Factors," p. 27.

86 *Id.* at pp. 27-28.

87 *Id.* at 28. Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton: Princeton University Press, 2001), pp. 43-44.

social, political, and economic "monopoly, which is held by one race, the Tutsi."[88] Two years later, the first major anti-Tutsi massacres occurred as part of the "Hutu Uprising." Repeated outbursts of mass violence against Tutsi followed in 1963, 1973, 1990, 1991, 1992, 1993, and, of course, 1994.[89]

These outbreaks of violence served several purposes that reinforced one another over time. First, Hutu elites, who had consolidated political power at nearly all levels of government following the 1962 elections, directly benefited from the violence, providing an incentive to exploit anti-Tutsi feelings again and again when it served their strategic interests.[90] Second, popular perceptions that Tutsi—increasingly and dehumanizingly labelled as *inyenzi*, or cockroaches, in official discourse—represented an existential security threat to Hutu became widely entrenched.[91] Third, the resulting polarization framed the only solution to the "racial problem" in zero-sum terms, meaning "through a 'victory' of one group at the expense of the other."[92] These factors marginalized moderates on both sides of the "racial" divide.[93] Consequently, compromise and power-sharing came to be seen as impossible—an ideological position that the Belgian colonial authorities and, later, the U.N. failed to combat despite the warning signs.[94]

The problematic identification requirements, which identified all Banyarwanda as either "Hutu" or "Tutsi," remained in place for decades, even after the 1993 Arusha Accords included provisions to remove them as part of the agreement to end armed conflict in the Great Lakes Region.[95]

The ethnic-based identification documents also allowed Hutu perpetrators to carry out mass targeted killings during the 1994 genocide. For example, Hutu militias constructed barricades in urban areas and demanded travelers to show their national identification cards before letting people pass.[96] One survivor explained, "I was obliged to chew my identity card when I reached a roadblock so that killers do not identify my ethnic group and kill me."[97] Other eyewitness accounts indicate that Tutsi were "generally killed on the spot."[98] Similarly, people traveling without their identification card were usually regarded as Tutsi by default and massacred as such.[99]

One eyewitness to the killings described how soldiers collected the identification cards from their victims as a record of kills:

> Soldiers had orders to take identity cards from those whom they killed. Captain Ildéphonse Nizeyimana regularly received these cards from his men as they reported on the progress of the killings. They often appeared at his house shortly after a volley of gunfire was heard and handed the cards to the captain with the report, 'Mission Accomplished.' In the captain's absence, his wife received the cards.[100]

88 Mamdani, *When Victims Become Killers*, pp. 43-44.

89 Deborah Mayersen, "'Deep Cleavages that Divide': The Origins and Development of Ethnic Violence in Rwanda," *Critical Race and Whiteness Studies*, Vol. 8, No. 2, 2012, pp. 8, 13.

90 *Id.* at pp. 7-13.

91 *Ibid.*

92 *Ibid.*

93 *Ibid.*

94 *Id.* at p. 5.

95 *Prosecutor v. Jean-Paul Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial), September 2, 1998, para. 83.

96 Jean de la Croix Tabaro, "The Passport to Death: Story of Rwanda's Notorious ID," *KTPress*, July 13, 2015, https://www.ktpress.rw/2015/07/the-passport-to-death-story-of-rwandas-notorious-id/. The situation for people in Rwanda's rural areas was different since neighbors generally knew one another's ethnic identity. Hollie Nyseth Brehem, "Subnational Determinants of Killing in Rwanda," *Criminology*, Vol. 55, No. 1, 2017, pp. 5-31.

97 Tabaro, "The Passport to Death: Story of Rwanda's Notorious ID," *KTPress*.

98 *Ibid.*

99 Longman, "Identity Cards, Ethnic Self-Perception, and Genocide in Rwanda," p. 351.

100 Human Rights Watch, *Leave None to Tell the Story*, p. 92, fn. 60. *See also*, Magnarella, "Explaining Rwanda's 1994 Genocide," *Human Rights & Human Welfare*, p. 27; Guichaoua, *From War to Genocide*, pp. 214-215.

The reason behind the brutal mass killings cannot be reduced to ethnicity alone. Research conducted with ordinary Hutu perpetrators of the Rwandan genocide, as opposed to the genocide's planners, indicates that they killed for many reasons, including: "opportunism, the urge to gain materially or personally from the downfall of a certain group, careerism, a sincere belief that the country was in danger or simply the desire to be part of something."[101] The national identification card as a symbol of Hutu-Tutsi divisiveness objectified these differences.

Rwanda's post-genocide government took steps to address the problematic national identification card in 1996 when it removed the "ethnic group" category from the cards.[102] The government, which was then becoming increasingly authoritarian, also sought to replace these categories with the "shared or superordinate identity" of "Rwandans" to promote national reconciliation through non-legal means.[103]

In 2001, the government took the approach further by introducing a law to prevent "divisionism" by making ethnic self-identification a criminal offense with penalties of up to 30 years' imprisonment and fines up to US$8,000.[104] The Organic Law of 2003 went on to forbid "ethnic ideology" and "genocide mentality" entirely.[105] The government put further restrictions in place in 2008 to prevent the use of the terms "Hutu" and "Tutsi" in public, but especially in the political sphere.[106] The government replaced the paper identification cards with plastic electronic ones that continued to exclude racial categories.[107]

As one Rwandan put it, nearly 90 years after the Belgians first required Rwandans to identify themselves solely as either "Hutu" or "Tutsi," "We celebrate an ID card which does not allow anyone to hunt us on basis of our ethnicity."[108]

Genocide of the Rohingya in Myanmar

> *"[The National Verification Card (NVC)] is the latest step of genocide against the Rohingya."*
>
> – Statement by the Arakan Rohingya Society for Peace and Human Rights, March 2019[109]

For the past half-century, union-and state-level laws and policies in Myanmar have contributed to the marginalization and dehumanization of the Rohingya people, leaving them at high risk of abuse. Periodically, the discriminatory laws and policies targeting Rohingya aided in the commission of large-scale mass atrocities, including crimes against humanity and genocide.[110] At the union-level, the 1982 Citizenship Law effectively removed the *de facto* citizenship rights of the Rohingya that they had enjoyed since the early decades of independence, eventually leaving them

101 Smeulers and Hoex, "Studying the Micro-Dynamics of the Rwandan Genocide," p. 445.

102 Prevent Genocide International, "Group Classification on National ID Cards as a Factor in Genocide and Ethnic Cleansing."

103 Sigrun Marie Moss, "Beyond Conflict and Spoilt Identities: How Rwandan Leaders Justify Single Recategorization Model for Post-Conflict Reconciliation," *Journal of Social and Political Psychology*, Vol. 2, No. 1, 2014, p. 435.

104 *Id.* at p. 438.

105 *Id.* at p. 436.

106 *Ibid.*

107 Tabaro, "The Passport to Death: Story of Rwanda's Notorious ID," *KTPress*.

108 *Ibid.*

109 Arakan Rohingya Society for Peace and Human Rights, "History of Rohingya Citizenship in Myanmar," March 2019.

110 *See, for example*, Fortify Rights, *"They Gave Them Long Swords": Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar,* July 2018, https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf. Fortify Rights, *Policies of Persecution: Ending Abusive Policies Against Rohingya Muslims in Myanmar,* February 2014, https://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf, p. 5-6.

without full citizenship, rendering them stateless and thus with few international protections.[111] Changes to different categories of identity documents since independence, combined with the union government's decision not to enumerate Rohingya during the controversial 2014 national census, put the Rohingya in an even further precarious legal situation.[112]

Meanwhile, state-level laws and policies worked in an opposite, but still complementary, direction. These laws and policies carefully documented, counted, and enabled the close control of the everyday lives of Rohingya via discriminatory measures that have drastically limited their rights to movement, marriage, childbirth, state education, and employment.[113] The result, according to the Independent International Fact-Finding Mission (FFM) on Myanmar—the U.N. mechanism mandated by the U.N. Human Rights Council to investigate human rights violations perpetrated by the Myanmar military in Rakhine, Kachin, and northern Shan states—"was a continuing situation of severe, systemic, and institutionalized oppression from birth to death" for Rohingya.[114]

In recent years, the number of Rohingya in Myanmar have dropped precipitously due to the effectiveness of the Myanmar authorities' genocidal campaign and policies of persecution against Rohingya. The estimated population of Rohingya in Myanmar, at the time of writing, is approximately 600,000.[115] In contrast, before the military-led and self-described "clearance operations" in 2016 and 2017, the estimated population of Rohingya in Myanmar was approximately one to 1.3 million, with the vast majority of Rohingya concentrated in three townships—Maungdaw, Buthidaung, and Rathedaung—in the northern part of Rakhine State adjacent to the Bangladesh border.[116] Rohingya constituted approximately 80 to 95 percent of the population in these three northern townships in Rakhine State.[117]

111 Maung Zarni and Alice Cowley, "The Slow-Burning Genocide of Myanmar's Rohingya," *Pacific Rim & Policy Journal*, Vol. 23, No. 3, 2014, pp. 695-697. Many Rohingya reject the term "stateless," saying they already have a "State" and are indigenous to Myanmar. For example, Mohib Ullah, who was assassinated in 2021, presented information on the situation of Rohingya refugees in Bangladesh during the March 2019 session of the Human Rights Council. He said in his remarks: "We are not stateless. Stop calling us that. We have a state; it is Myanmar. So, we want to go home to Myanmar with our rights and our citizenship." *See*, Fortify Rights, "Bangladesh: Investigate Assassination of Rohingya Human Rights Defender Mohib Ullah," September 29, 2021, https://www.fortifyrights.org/bgd-inv-2021-09-29/.

112 The Government of Myanmar excluded Rohingya and other marginalized ethnic minorities from the 2014 national census. The Republic of the Union of Myanmar Ministry of Immigration and Population, *The 2014 Myanmar Population and Housing Census: Rakhine State*, May 2015, https://myanmar.unfpa.org/sites/default/files/pub-pdf/Rakhine%20State%20Census%20Report%20-%20ENGLISH-3.pdf, p. 8.

113 U.N. Human Rights Council, *Report of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/64, September 12, 2018, Section IV, para. 20. Fortify Rights, *Policies of Persecution.*

114 *Ibid.*

115 U.N. High Commissioner for Refugees (UNHCR), *Young People in Myanmar's Rakhine State Tackle Ethnic Divisions*, March 23, 2022, https://www.unhcr.org/news/stories/2022/3/623992014/young-people-myanmars-rakhine-state-tackle-ethnic-divisions.html. U.N. High Commissioner for Refugees, *The Displaced and Stateless of Myanmar in the Asia-Pacific Region*, January 2021, https://reporting.unhcr.org/sites/default/files/The%20Displaced%20and%20Stateless%20of%20Myanmar%20in%20the%20Asia-Pacific%20Region%20-%20January%202021.pdf, p. 2.

116 The Myanmar Ministry of Immigration and Population and the United Nations Population Fund (UNFPA) excluded Rohingya from the 2014 national census, Myanmar's first census in 30 years. The government's census report clarifies that "members of some communities [in Rakhine State] were not counted because they were not allowed to self-identify using a name that is not recognized by the Government." That "name" is "Rohingya," an ethnic identity the government rejects and claims does not exist. The government estimated that approximately 1,090,000 people were not counted in Rakhine State during the census—they were presumably Rohingya. The census cost more than US$75 million and was supported, via UNFPA, by multiple donor governments, including the U.S., U.K., and Australia. Many viewed it as a debacle for multiple reasons, not least of all the way in which it collected data on ethnicity. The authorities have yet to release ethnic data from the census. Myanmar Ministry of Immigration and Population, *The 2014 Myanmar Population and Housing Census*. *See*, Mary P. Callahan, "Distorted, Dangerous Data? Lumyo in the 2014 Myanmar Population and Housing Census," *SOJOURN: Journal of Social Issues in Southeast Asia*, Vol. 32, No. 2, 2017, pp. 452-78.

117 Eleanor Albert and Lindsay Maizland, "The Rohingya Crisis," *Council on Foreign Relations*, January 23, 2020, https://www.cfr.org/backgrounder/rohingya-crisis.

The military-led atrocities forced more than 745,000 Rohingya, including more than 400,000 children, to flee Myanmar in 2017.[118] Rohingya survivors of the genocide who fled to neighboring Bangladesh largely remain living in sub-standard conditions in refugee camps in Cox's Bazar District, Bangladesh.

In its first report to the U.N. Human Rights Council, in September 2019, the FFM concluded, "there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw [military] chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State."[119] More recently, on March 22, 2022, the U.S. government concluded that the Myanmar military is responsible for committing genocide against the Rohingya people, marking the eighth time since the Holocaust that the U.S. has recognized a genocide.[120]

Welcoming the U.S. genocide determination, the NUG notably issued a statement acknowledging "that discriminatory practices and rhetoric against the Rohingya also laid the ground for these atrocities" and that "[t]hose crimes against the Myanmar people continue until today by the military."[121]

Many factors have contributed to the multi-generational attempts by Myanmar's junta and government leaders to erase and destroy Rohingya people. Identity politics in Myanmar have a strong "racial" as well as religious component and, while not the sole cause of the atrocities, were and are a contributing factor.[122] Successive Myanmar juntas and governments, including the current junta and the government led by Aung San Suu Kyi, failed to recognize the Rohingya population as a legitimate group, claiming instead that the Rohingya are "illegal Bengali immigrants" from Bangladesh.[123] Laws, policies, and practices instituted by Myanmar's military and government leaders reinforced the idea of Rohingya as foreigners, effecting the administrative erasure of Rohingya.

Following Myanmar's independence from Great Britain, the 1948 Union Citizenship Act granted citizenship to a "non-exhaustive list of ethnic groups," then known as "indigenous races," provided

118 Fortify Rights, *"Tools of Genocide: National Verification Cards and the Denial of Citizenship of Rohingya,* September 2019, https://www.fortifyrights.org/downloads/Tools%20of%20Genocide%20-%20Fortify%20Rights%20-%20September-03-2019-EN.pdf. *See*, Fortify Rights, "*They Gave Them Long Swords*." Fortify Rights and U.S. Holocaust Memorial Museum, *"They Tried to Kill Us All": Atrocity Crimes against Rohingya Muslins in Rakhine State, Myanmar,* November 2017, https://www.fortifyrights.org/downloads/THEY_TRIED_TO_KILL_US_ALL_Atrocity_Crimes_against_Rohingya_Muslims_Nov_2017.pdf.

119 U.N. Human Rights Council, *Report of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/64, September 12, 2018, para. 83.

120 *See*, Fortify Rights, "U.N. Member States: Acknowledge the Rohingya Genocide, Refer Myanmar to the International Criminal Court," March 21, 2022, https://www.fortifyrights.org/mya-inv-2022-03-21/; Fortify Rights and Refugees International, "Rohingya Refugees React to the U.S. Genocide Determination," *film*, April 25, 2022, https://www.fortifyrights.org/our_films/bgd-inv-vdo-2022-04-25/.

121 NUG, "Announcement No.(5/2022)-Statement on the Determination by the United States Government of Genocide and Crimes Against Humanity against the Rohingya," March 22, 2022, https://gov.nugmyanmar.org/2022/03/22/announcement-no-5-2022-statement-on-the-determination-by-the-united-states-government-of-genocide-and-crimes-against-humanity-against-the-rohingya/.

122 Anthony Ware and Costas Laoutides, *Myanmar's 'Rohingya' Conflict,* (Oxford: Oxford University Press, 2018), pp. 137-196. Rohingya were not always not recognized. Statements by officials even mention the Rohingya by name for example a year before the 1962 coup in 1961, Brigadier General Aung Gyi mentioned the Rohingya in a public speech saying:

> The ethnic group that reside on the west of Mayu District boundaries are Pakistani. And the people who reside on the east side of this border are called Rohingya . . . I want to openly and publicly tell you this: we consider [the Rohingya people] of Mayu District an ethnic minority integral to the Union of Burma . . . Towards the goal of establishing the region's security, I urge Rohingya religious leaders, Rohingya men, Rohingya leaders, Rohingya politicians to keep the military and administration in the Mayu District region informed [about the remaining insurgencies]. If possible, please join our efforts to repel insurgents. If possible, I urge you to join hands with the Burmese Armed Forces and fight the insurgents.

Unofficial Transcript of the Address delivered by Brigadier General Aung Gyi Vice Chief of Staff, "The Union of Burma Armed Forces Mujahid Insurgents, Surrender Ceremony," Maungdaw Township, Rakhine, Burma, July 4, 1961. *See also*, Carlos Sardina Galache, *The Burmese Labyrinth: A History of the Rohingya Tragedy* (New York: Verso, March 10, 2020), p. 176.

123 Fortify Rights, "*Tools of Genocide*," pp. 16-17; Francis Wade, *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim "Other"* (London: Zed Books, 2017).

that their ancestors had permanently settled within the territory of the Union prior to 1823.[124] Successful applicants received a National Registration Card (NRC) granting *de facto* citizenship.[125]

After General Ne Win overthrew the democratic administration of U Nu in 1962, marking the beginning of 26 years of military rule in Myanmar, the military instituted a series of xenophobic policies.[126] These policies made it increasingly difficult for Rohingya to obtain NRCs, even when meeting the requirements.[127] During the mid-1970s, the military government began issuing Foreign Registration Cards to some Rohingya under the Emergency Immigration Act, which categorized them as "resident foreigners" without citizenship rights.[128] These policies served as a prelude to operation Naga Min—"Dragon King" in English—in 1977, during which the military set about identifying and registering residents as either citizens or foreigners.[129] Later the operation devolved into violent attacks on Rohingya and the destruction of Rohingya villages, forcing more than 200,000 Rohingya into Bangladesh.[130]

But it was the 1982 Citizenship Law that fundamentally changed the definition of citizenship in Myanmar.[131] The 1982 Citizenship Law made race the sole criteria to qualify for full citizenship rights.[132] The law specifies eight "national ethnic groups" that are considered full citizens by birth and provides authority to the government to "decide whether any ethnic group is national or not."[133] The authorities have repeatedly denied that Rohingya exist, let alone acknowledge them as an official ethnic group eligible for citizenship rights.[134]

124 The Union Citizenship Act, 1948. *See also,* Nick Cheesman, "Problems with Facts about Rohingya Statelessness", *E-International Relations,* December 8, 2015, https://www.e-ir.info/2015/12/08/problems-with-facts-about-rohingya-statelessness/, p. 1.

125 José María Arraiza and Oliver Vonk, *Report on Citizenship Law: Myanmar* (San Demenico di Fiesole: European University Institute, 2017), https://cadmus.eui.eu/bitstream/handle/1814/48284/RSCAS_GLOBALCIT_CR_2017_14.pdf, p. 6.

126 Sarah L. Clarke, Sung Aung Sein Myint, and Zabra Yu Siwa, *Re-examining Ethnic Identity in Myanmar,* May 31, 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/Ethnic-Identity-in-Myanmar.pdf, pp. 23-25. Furthermore, in 2022, Rohingya poet and author Mayyu Ali told Fortify Rights "[G]enocide is not just about the method of killing. The Myanmar government first targeted our culture and language. In 1964, Burmese dictator U Ne Win [banned] the Rohingya language [on] radio broadcast, and he launched operations against my people. Every operation resulted in the exodus." *See,* Fortify Rights, "A Rohingya Poet Transforms Pain into Power," April 5, 2022, https://www.fortifyrights.org/mya-inv-pro-2022-03-05/.

127 Fortify Rights, "*Tools of Genocide*," p. 34.

128 UNHCR, *Citizenship and Statelessness Myanmar: An Analysis of International Standards and the Myanmar Citizenship Legal Framework,* 2017. *See also,* Shehmin Awan, "The Statelessness Problem of Rohingya Muslims," *Washington University Global Studies Law Review,* Vol. 19, No. 1, 2020, pp. 85-110.

129 William L. Scully and Frank N. Trager, "Burma 1978: The Thirtieth Year of Independence," *Asian Survey,* Vol. 19, No. 2, February 1979, pp. 147-156.

130 In Rakhine State, Naga Min reportedly degenerated into violent attacks on Rohingya by both the Myanmar army and local civilian perpetrators. *See*, Human Rights Watch, *Burma: The Rohingya Muslims*, 1996, p. 11, 12. Bertil Lintner, "Diversionary Tactics: Anti-Muslim Campaign Seen as Effort to Rally Burmans," *Far Eastern Economic Review,* August 29, 1991. The feature-length documentary film, "The Venerable W.," directed by Barbet Schroeder, includes rare historical footage of Rohingya survivors of Naga Min in Bangladesh. Barbet Schroeder, "The Venerable W.," Les Films du Losange *et al.*, 2017.

131 Nick Cheesman, "How in Myanmar 'National Races' Came to Surpass Citizenship and Exclude Rohingya," *Journal of Contemporary Asia,* Vol. 47, No. 3, 2017, pp. 461-483.

132 Burma Citizenship Law, Pyithu Hluttaw Law No. 4, October 15, 1982. The 1982 Citizenship Law created three levels of citizenship: citizen, associate citizenship, and naturalized. None of these citizenship levels are applicable to Rohingya. Fortify Rights, "*Tools of Genocide*," pp. 37-38.

133 The 1982 Citizenship Law provides that citizens are: "Nationals such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan and ethnic groups as have settled in any of the territories included within the State as their permanent home from a period anterior to 1185 B.E., 1823 A.D." Burma Citizenship Law, Art. 4.

134 Jane Ferguson, "Who's Counting? Ethnicity, Belonging, and the National Census in Burma/Myanmar," *Journal of the Humanities and Social Sciences in Southeast Asia,* Vol. 171, No. 1, 2015, pp. 1-28. Furthermore, the denial of citizenship to Rohingya after 1982 was a key mechanism used to institutionalize the belief that Rohingya were outsiders, and it was accompanied by popular discourses that drew on references to Rohingya as "Bengali" and that saw "Rohingya" as a fabricated identity. For example, in 2012, a series of violent incidents between Buddhist and Muslim residents in Rakhine State escalated into state-sanctioned, coordinated attacks on Rohingya and other Muslims in Rakhine State. Following the 2012 violence between Rakhine and Rohingya in western Myanmar, a group by the name of "Group of Wuntharnu Ethnic Peoples" circulated a statement warning that international aid groups that had assisted

The exclusion of Rohingya has led observers to conclude that the 1982 Citizenship Law and the 1983 procedures for its implementation purposefully stripped Rohingya of their citizenship. Although the law is not "retroactive"—meaning people with citizenship before the law's enactment, including Rohingya, should be able to "transfer over to the new [citizenship] regime without having to prove their lineage" under the new rules—the law continues to put into question the citizenship status of anyone who is not eligible under the law.[135] This is because the 1982 Citizenship Law enables discrimination based on "racial and religious grounds."[136]

As part of the implementation of the 1982 Citizenship Law, the military government launched a "nationwide citizenship scrutiny exercise" in 1989 and began issuing three different official color-coded identity documents in line with the three-tiered citizenship categories specified under the law.[137] With few exceptions, the government denied full citizenship rights to Rohingya.[138]

In 1995, significant international pressure from the U.N. High Commissioner for Refugees (UNHCR) prompted the government to finally grant Temporary Registration Cards, also known as "White Cards," to several undocumented groups, including some Rohingya.[139] However, these cards were temporary and failed to provide citizenship rights.[140] In 2015, the government revoked the White Cards ahead of the national elections and issued White Card receipts to Rohingya who surrendered their White Cards.[141] Like the cards, the White Card receipts conferred no rights.[142]

The citizenship documentation situation in Myanmar remained largely unchanged for another two decades—until the 2014 national census, the first census in 30 years. Despite the technical and financial support of the U.N. Population Fund, enumerators in Rakhine State only included Rohingya willing to self-identify themselves as "other" on the census forms.[143] Those Rohingya who refused went uncounted and were thus fully disenfranchised in the process.[144]

State-level laws and policies have further compounded the oppression of Rohingya by extending the intrusive reach of the authorities into all aspects of their daily lives. Research by Fortify Rights indicates that discriminatory and repressive practices, which have had the effect of creating ghetto-like conditions for Rohingya in Rakhine State, dating back to at least the mid-1990s with new ones added through 2009.[145]

In 2014, Fortify Rights published a report of state-government orders endorsed by high-ranking union-level officials from 1993 to 2013, exposing discriminatory policies targeting the reproductive and sexual freedoms of Rohingya. The policies ranged from forced birth control and coercive limits

Rohingya had "watered poisonous plants." The statement said: "Not only Rakhine but also all the people know that Kalar's have grown up thanks to U.N. and NGOs that have watered poisonous plants. We recognize those, who work for the further development of Kalars by earning dollars, as traitors." *See,* Group of Wuntharnu Ethnic Peoples, "Beware! NGOs that Came Here to Assist Bengali Kalar," 2012, on file with Fortify Rights.

135 Cheesman, "Problems with Facts about Rohingya Statelessness, E-International Relations", p. 2.

136 *Id.* at p. 35.

137 UNHCR, *Study on Community Perceptions of Citizenship, Documentation, and Rights in Rakhine State,* 2016, https://themimu.info/sites/themimu.info/files/assessment_file_attachments/Community_Perceptions_FINAL. PDF, p. 6.

138 Fortify Rights, "*Tools of Genocide*," p. 42.

139 Burmese Rohingya Organization UK, "The Rohingya, the Citizenship Law, Temporary Registration, and Implementation of the Rakhine State Action Plan," April 2, 2015, https://www.burmapartnership.org/2015/04/the-rohingya-the-citizenship-law-temporary-registration-and-implementation-of-the-rakhine-state-action-plan/.

140 Chris Lewa, "North Arakan: An Open Prison for the Rohingya in Burma," *Forced Migration Review*, 2009, p. 12.

141 Fortify Rights, "*Tools of Genocide*," p. 12.

142 In August 2019, a Rohingya refugee woman from Buthidaung Township, who refused to exchange her White Card receipt for an NVC, told Fortify Rights: "The NVC is another policy of our government to persecute us in a new way. It's like many of the old polices and old cards that didn't give us benefits . . . The NVC is for [foreigners] not for Rohingya. I had a three-fold card [NRC citizenship card]. [The Myanmar government] then gave me a White Card, and after, the [Myanmar government] replaced it with a White Card receipt. I don't need a new card." *See*, Fortify Rights, "*Tools of Genocide*," p. 45.

143 Fortify Rights, "*Policies of Persecution,*" p. 21.

144 International Crisis Group, *Counting the Costs: Myanmar's Problematic Census,* 2014, p. 16.

145 Fortify Rights, "*Policies of Persecution*," p. 22.

on childbirth (two per family), to restrictions on marriage and private relationships, all of which are tracked and enforced using bureaucratic forms of documentation.[146]

Formal and informal restrictions on the right to freedom of movement for Rohingya have exacerbated these restrictions. Restrictions on movement include requirements for formal permissions to travel, curfews, checkpoints, restricted zones, and requirements for "security" escorts to travel to other townships.[147] These restrictions pose time-consuming and expensive obstacles for Rohingya to access schools, mosques, medical facilities, markets, and livelihood activities.[148]

As part of a citizenship verification process initiated under Myanmar President Thein Sein's administration Myanmar government began to issue Identity Cards of National Verification (ICNV).[149] The application process to obtain an ICNV required Rohingya to identify as "Bengali" or other foreign identity.[150]

Following a landslide victory by Aung San Suu Kyi's National League for Democracy (NLD) party during the 2015 elections, from which Rohingya ICNV-card holders were excluded from participating or voting in, the new democratically elected Government of Myanmar reinforced the previous administration's discriminatory identification documentation policies, rebranding the ICNVs as NVCs.[151] While the government asserted that the NVC was "the first step before the scrutinisation of citizenship, in accordance with the 1982 Citizenship Law," in reality, the NVC fails to guarantee citizenship in Myanmar, and holders are still required to apply for citizenship under the 1982 Citizenship Law.[152] On the back of the card, the NVC states in the English and Burmese languages "[h]olding this identity card does not testify that the card holder is [sic] Myanmar citizen," as well as "[t]his identity card holder is a person who need [sic] to apply for citizenship in accordance with the Myanmar Citizenship Law."[153]

The NVC process is an integral part of protracted attempts to deny Rohingya their identity and citizenship.[154] For example, Yanghee Lee, the former U.N. Special Rapporteur on situation of human rights in Myanmar, said the NVC was being used as "a way of exterminating their [Rohingya] basic identity."[155] Before the International Court of Justice (ICJ) at The Hague, during hearings on whether Myanmar violated the U.N. Genocide Convention on December 2019, attorney Tafadzwa Pasipanodya

146 *Id.* at pp. 22-43. Not only did Myanmar implemented orders on controlling births but in April 2022 Bangladesh Home Minister Asaduzzaman Khan Kamal told national media that the government would introduce birth control measures in the refugee camps to stop population growth among the refugees. *See*, "Birth Control Measures to be Introduced in Rohingya Camps: Home Minister," *Prothomalo English*, April 11, 2022, https://en.prothomalo.com/bangladesh/government/birth-control-measures-to-be-introduced-in-rohingya-camps-home-minister.

147 Fortify Rights, "*Tools of Genocide*," p. 41. *See also*, U.N. Human Rights Council, Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar, U.N. Doc. A/HRC/39/CRP.2, September 17, 2018, para. 484. Advisory Commission on Rakhine State, *Towards a Peaceful, Fair, and Prosperous Future for the People of Rakhine*, August 2017, http://www.rakhinecommission.org/ app/uploads/2017/08/FinalReport_Eng.pdf, p. 27.

148 Independent Rakhine Initiative, *Freedom of Movement in Rakhine State*, 2020, pp. 12-13.

149 U.N. Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/CRP.2, September 17, 2018, paras. 482, 484.

150 Fortify Rights, "*Tools of Genocide*," p. 42.

151 Republic of the Union of Myanmar, Office of the President, "Formation of the Steering Committee for Issuance of National Verification Card (NVC) in Rakhine State for Those Who Will Undergo Verification for Citizenship," Notification No. 21/2017, February 8, 2017, https://www.moi.gov.mm/moi:eng/?q=announcement/14/11/2018/id-9873.

152 The Republic of the Union of Myanmar President Office, "NV Process is First Step Towards Citizenship," October 29, 2017, http://www.president-office.gov.mm/en/?q=issues/rakhine-state-affairs/id-7868.

153 Photographs of Rohingya NVCs from Rakhine State Myanmar and Cox's Bazar District, Bangladesh. *See also*, Fortify Rights, "*Tools of Genocide*," p. 44.

154 In addition to the Rohingya, according to the FFM in 2018, the Myanmar authorities reportedly issued NVCs to other communities in Shan and Karen states. The FFM noted, "[a]s of January 2017, over 16,000 NVCs had been issued in Shan State and 3,500 in Kayin. In both states, more than a quarter of the population do not have identity documents." Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/CRP.2, September 17, 2018, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf, p. 117, fn. 1082.

155 Poppy McPherson, "Three Years After Exodus, Myanmar Erases Names of Rohingya Villages, UN Map Makers Follow Suit," *Reuters*, September 11, 2020, https://www.dailysabah.com/world/asia-pacific/myanmar-erases-names-of-rohingya-villages-un-says.

on behalf of The Gambia—the country bringing the case against Myanmar—recognized the role of the NVC in facilitating the genocide of the Rohingya, saying, "a further step Myanmar is taking against the Rohingya as a group is the intensified effort to force them to accept 'national verification cards' that explicitly recognize cardholders as non-citizens and brand them as 'Bengali[s].'"[156]

The spatialization of control that the different regimes of documentation facilitated made the 2016 and 2017 military's self-described "clearance operations" targeting Rohingya civilians so devastating. Estimates place the total number killed at a minimum of 9,000, which is widely considered to be an undercount, as the Myanmar authorities denied access to affected areas, effectively blocking any casualty recording.[157] Gang rapes of women and girls occurred on a massive scale.[158] U.N. satellite imagery identified the full or partial destruction by arson of more than 390 Rohingya villages in Rakhine State, 40 percent of the total number Rohingya villages in the state.[159] The military has since bulldozed scores of Rohingya villages, leaving displaced Rohingya with no place to return.[160]

In the weeks and months before the Myanmar military-led attacks in 2016 and 2017, Fortify Rights documented an uptick in efforts to coerce or force Rohingya to accept NVCs.[161] Evidence suggests a positive correlation between efforts to force Rohingya to accept NVCs and efforts to destroy the Rohingya as a group. These findings demonstrate that the NVC process has not been a response to the crisis in Rakhine State, as the NLD government suggested, but rather a fundamental part of the genocide.[162] Adding to Fortify Rights's research, the U.N. FFM said in 2019:

> Statements by government officials demonstrate that the 'clearance operations' beginning on 25 August 2017 were a response to Rohingya villagers collectively refusing to accept NVCs and, that the 'clearance operations' were not aimed at crushing the ARSA [Arakan Rohingya Salvation Army—a militant Rohingya group operational on the Myanmar-Bangladesh border], as the Government claimed.[163]

Comparative Analysis

Despite important contextual differences, the above three case studies suggest that Rohingya are indeed experiencing a genocide in Myanmar that resembles what the Jews underwent in Nazi Germany before the official start of the "Final Solution" and is similar to what the Tutsi endured before the 1994 Rwandan genocide.[164]

156 *Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, International Court of Justice (ICJ), CR 2019/18, Verbatim Record, December 10, 2019, https://www.icj-cij.org/public/files/case-related/178/178-20191210-ORA-01-00-BI.pdf, p. 41, para. 18.

157 Médecins Sans Frontières, *"No One Was Left": Death and Violence against the Rohingya in Rakhine State, Myanmar,* March 9, 2018, https://www.msf.org/myanmarbangladesh-%E2%80%98no-one-was-left%E2%80%99-death-and-violence-against-rohingya p. 5.

158 U.N. Human Rights Council, *Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of its Ethnic Conflicts*, U.N. Doc. A/HRC/42/CRP.4, August 22, 2019, para. 38.

159 U.N. Institute for Training and Research, *UNOSAT Analysis of Destruction and Other Developments in Rakhine State, Myanmar,* September 7, 2018, https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/UNOSATReportMyanmar_20180912.pdf, p. 7.

160 *Id.* at pp. 10, 11. Fortify Rights, *Tools of Genocide*, p. 61.

161 Fortify Rights, *Tools of Genocide*, pp. 12, 61, 63; John Quinley, "The Roots of Myanmar's Rohingya Crisis," *Daily Star*, October 23, 2019, https://www.thedailystar.net/rohingya-crisis/news/the-roots-myanmars-rohingya-crisis-1817305.

162 Fortify Rights, "*Tools of Genocide*," p. 43; John Quinley, "The Roots of Myanmar's Rohingya Crisis," *Daily Star*, October 23, 2019, https://www.thedailystar.net/rohingya-crisis/news/the-roots-myanmars-rohingya-crisis-1817305.

163 U.N. Human Rights Council, *Detailed Findings of the Independent International Fact-Finding Mission on Myanmar,* U.N. Doc. A/HRC/42/CRP.5, September 16, 2019, para. 90.

164 *See, for example*, Fortify Rights, "*Policies of Persecution*"; Fortify Rights, "*They Gave Them Long Swords*"; Fortify Rights, "*Tools of Genocide*"; Zarni and Cowley, "The Slow-Burning Genocide of Myanmar's Rohingya" ; Nicholas Kristoff, "I Saw a Genocide in Slow Motion," *New York Times*, March 2, 2018, https://www.nytimes.com/2018/03/02/opinion/i-saw-a-genocide-in-slow-motion.html.

There is a strong consensus among scholars that "strategies of mass violence are developed in response to real and perceived threats to the maintenance of political power."[165] The framing of small, marginalized, and persecuted minority groups as a threat to "the nation" is apparent in all three cases analyzed in this report.[166] The threats attributed to Jews, Tutsi, and Rohingya were not grounded in any empirical reality, which is why it was so easy for perpetrators to scapegoat and kill their targets in vast numbers. Jews, ostracized for centuries, never possessed political, economic, or military power in Europe.[167] By contrast, Tutsi did enjoy such power before independence, but they effectively lost all of it following the rise of extremist Hutu ethno-nationalism.[168] Rohingya have been almost entirely dispossessed since the military seized power following the 1962 coup.

Less clear is the extent that armed conflict plays in the onset of genocidal violence.[169] For example, although historians may disagree as to whether the Holocaust helped or hindered the Nazi's war effort, there is little doubt that the armed conflict served as a critical catalyst for killing Jews on a mass scale in the name of protecting Germany from "enemies of the state," as Jews were often officially labelled.[170] The 1994 genocide of the Tutsi also unfolded in the context of a regionalized war. During the early 1990s, armed conflict between the Hutu-led government and the RPF headed by Tutsi elites in exile, caused significant loss of life and conflict-induced displacement.[171] Both outcomes reinforced Hutu extremist propaganda, which asserted that Tutsi everywhere were traitors to "the nation." Perpetrators used this accusation to justify the 1994 genocide when identification cards played an essential role in identifying Tutsi in more urban areas.[172]

Moreover, in Rakhine State, Myanmar, the military's attacks in 2016 and 2017 were ostensibly in response to Rohingya militant attacks against police. Historically, the military explained its large-scale operations against Rohingya civilians as being necessary to protect "the nation" from internal and external threats to its continued unity, stability, and sovereignty.[173] The very few armed Rohingya groups that have risen since the 1940s–most recently ARSA, previously known as *Harakh al Yaqin*–were short-lived, small in size, and lacking significant popular support, adequate material resources to support a sustained insurgency, or demonstrated capacity for tactical effectiveness.[174] Nevertheless, while ARSA posed no genuine security threat to the state, the conflict between ARSA and the Myanmar military may have amounted to a non-international armed conflict. The Myanmar military has used the pretext of national security, which is intertwined with widespread islamophobia, to justify armed conflict and violence against Muslims in general and Rohingya in particular.[175]

165 Scott Straus, "'Destroy Them to Save Us': Theories of Genocide and the Logics of Political Violence," *Terrorism and Political Violence,* Vol. 24, No. 4, 2012, p. 546.

166 *See,* Alexander Hinton, ed., *Annihilating Difference: The Anthropology of Genocide,* (Berkeley: University of California Press, 2002); Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Fear,* (Durham: Duke University Press, 2006).

167 U.S. Holocaust Memorial Museum, "Jews in Pre War Germany," *website,* https://encyclopedia.ushmm.org/content/en/article/jews-in-prewar-germany?series=32; U.S. Holocaust Memorial Museum, Jewish Life in Europe Before the Holocaust, *website,* https://encyclopedia.ushmm.org/content/en/article/jewish-life-in-europe-before-the-holocaust.

168 Mamdani, *When Victims Become Killers,* pp. 43, 44.

169 Straus, "Destroy Them to Save Us," p. 547.

170 *See,* Yaron Pasher, *Holocaust versus Wehrmacht: How Hitler's "Final Solution" Undermined the German War Efforts,* (Lawrence: University of Kansas Press, 2015). Christopher Fettweis, "War as Catalyst: Moving World War II to the Center of Holocaust Scholarship," *Journal of Genocide Research,* Vol. 5, No. 2, 2003, pp. 225–236.

171 Global IDP Database, *Profile of Internal Displacement: Rwanda*, October 29, 2004, https://reliefweb.int/sites/reliefweb.int/files/resources/450251CAD179D23185256F3C006574A0-nrc-rwa-29oct.pdf, pp. 20, 21.

172 René Lemarchand, "The Rwanda Genocide," *Century of Genocide; Critical Essays and Eyewitness Accounts,* Samuel Totten and William Parsons, eds., (London: Routledge, 2004), pp. 402, 403.

173 Ware and Laoutides, *Myanmar's Rohingya Conflict,* p. 17.

174 Ken MacLean, "The Rohingya Crisis and the Practices of Erasure," *Journal of Genocide Research,* Vol. 21, No. 1, 2018, pp. 4, 5.

175 Ronan Lee, "Extreme Speech in Myanmar: The Role of State Media in the Rohingya Forced Migration Crisis," *International Journal of Communication* 13, 2019, pp. 3203–3224.

All three cases, but especially in the case of Rwanda and Myanmar, share the metaphor of "invasion," which will continue to bedevil constructive efforts to find a sustainable solution to the protracted Rohingya crisis. During the post-colonial period, Hutu extremists succeeded in portraying Tutsi as alien settlers who placed native Hutu under their illegitimate control.[176]

The narrative uncritically reproduced the prejudices established by the Belgian colonialists.[177] The conflict-induced forced migration and subsequent returns of large numbers of Tutsi at repeated points after the country's independence further reinforced popular Hutu perceptions that only the Hutu were the true "sons and daughters of the soil."[178] Consequently, in the eyes of Hutu extremists and their supporters, the 1994 genocide was necessary to "clear [the country] of a threatening alien presence."[179] For these reasons, some experts argue that the genocide was not an ethnic one, but rather an act of "racial cleansing" on the grounds that Hutu perpetrators perceived Tutsi as "colonial settlers."[180]

Similarly, the refusal by Myanmar's government to recognize the Rohingya as an "indigenous race," the substantial body of discriminatory laws and policies targeting Rohingya, as well as extensive hate speech against Rohingya, all serve to frame Rohingya as "illegal Bengali immigrants" that should be violently forced back to Bangladesh. In particular, popular fear of religious and demographic "invasion" through large-scale immigration of Muslims from Bangladesh and the alleged high reproductive rate among Rohingya inside Myanmar, reinforce the widely shared belief that Rohingya are "aliens" who do not deserve state protections, much less citizenship rights.[181] For example, public approval for the 2016 and 2017 clearance operations was, anecdotally at least, extremely widespread as were denials that mass atrocities against Rohingya actually occurred, a claim attributed to "false stories" published in the international media.[182]

Finally, and most broadly, as all three cases make clear, identification cards and other forms of official documentation that "force a person to be affiliated with a governmentally-defined group and expose persons to profiling and human rights abuses based upon their group identity" can play an instrumental role in the genocidal process.[183] Such classifications promote, according to one typology: deindividualization (societal polarization), dehumanization (institutional polarization), and demonization (eliminationist polarization).[184] While the details of each form of polarization vary by context, as the three case studies show, it is clear that identification documents make it bureaucratically easier to identify, persecute, and kill targeted populations on a widespread, systematic, and massive scale. Genocide by attrition, which facilitates these outcomes through "indirect methods of destruction," must consequently be taken seriously as part of the effort to understand past genocides and to prevent future ones.[185]

176 Magnarella, "Explaining Rwanda's 1994 Genocide," *Human Rights & Human Welfare*, p. 28.

177 *Id.* at 25.

178 *Ibid.*

179 *Ibid.*

180 *Ibid.* For extended discussion, see, Mamdani, *When Victims Become Killers*.

181 Nyi Nyi Kyaw, "Islamophobia in Buddhist Myanmar: The 969 Movement and Anti-Muslim Violence," *Islam and the State in Myanmar: Muslim-Buddhist Relations and the Politics of Belonging*, ed. Melissa Crouch, (Oxford: Oxford University Press, 2016), pp. 194, 195.

182 Congressional Research Service, "Burma's Brutal Campaign Against Rohingya," 2017, p. 3.

183 Prevent Genocide International, "Group Classification on National ID Cards as a Factor in Genocide and Ethnic Cleansing," p. 1.

184 *Id.* at pp. 4-5.

185 Sheri P. Rosenburg, "Genocide Is a Process, Not an Event," *Genocide Studies and Prevention: An International Journal*, Vol. 7, No. 1, 2012, p. 18.

II. Post-Coup Human Rights Violations Related to National Verification Cards in Myanmar

> *"The [NVC application] form has not changed after the coup. It involves [answering questions on] race and religion."*
>
> – Rohingya man, civil society member, August 2021[186]

> *"They wrote 'Bengali' [at the immigration office]. . . Our name is Rohingya, but they wrote 'Bengali.'"*
>
> – Rohingya man, Rakhine State, Myanmar, July 2021[187]

On September 2021, the U.N. Special Rapporteur on human rights situation in Myanmar, Tom Andrews, highlighted the continued forced and coercive implementation of the NVC process by the Myanmar junta following the February 1, 2021 *coup d'état* and the role of NVCs in the erasure of Rohingya. In an annex to his report to the U.N. General Assembly, Tom Andrews stated:

> The junta continues to force or coerce Rohingya to accept the Identity Card for Nationality Verification (ICNV)/National Verification Card (NVC). The ICNV/NVC still does not serve as a predictable or accessible pathway to citizenship, nor has it increased access to rights, including freedom of movement, in a consistent and predictable manner. The NVC process continues to require Rohingya to self-identify as foreigners and, as such, remains an administrative tool to erase Rohingya ethnic-identity.[188]

Validating these points, on November 19, 2021, junta-backed media reported the junta's Ministry of Foreign Affairs saying:

> Myanmar does not recognize the term "Rohingya." The real aim of using this term is to claim wider ethnicity and territorial status. Such usage has never existed in legal and historical records of the country and thus, the people of Myanmar cannot accept it.[189]

186 Fortify Rights interview with A.C., U.S., August 10, 2021. This Rohingya man fled Myanmar after the February 2021 attempted coup and sought asylum in the United States.

187 Fortify Rights interview with Z.I., Rakhine State, Myanmar, July 19, 2021.

188 Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, "Annex 1 – Additional Human Rights Concerns Observed by the Special Rapporteur," U.N. Doc. A/76//Slot3181, September 1, 2021, https://www.ohchr.org/Documents/Countries/MM/GA76report-annex-SR-Myanmar.pdf, para. 18.

189 The statement by the military junta Ministry of Foreign Affairs in Naypyitaw went on to say: "It is disturbing to see that the unlawful and terrorist groups, NUG and Kyaw Moe Tun recognize the term 'Rohingya' and call for repealing the 1982 Myanmar Citizenship Law in direct contradiction to the national interests, historical facts and

Rohingya interviewed by Fortify Rights believe the junta is continuing a longstanding campaign to erase the ethnic identity of Rohingya and destroy them as a people group, using the NVC as a tool to implement this campaign. This chapter exposes how the Myanmar military junta is continuing to use NVCs to deny Rohingya the right to basic rights in the context of an ongoing genocide in Rakhine State, Myanmar.

Restrictions on Nationality and Denial of Identity

Rohingya in Myanmar who applied for the NVC since February 1, 2021, told Fortify Rights that the junta is continuing the authorities' earlier practices of refusing to allow them to identify as "Rohingya" in the application process, and instead requiring them to register as "Bengali" or another foreign identity.[190]

A Rohingya woman in Rakhine State's Buthidaung Township told Fortify Rights how the junta labelled her a "Bengali" when she applied for a NVC in July 2021 in order to travel and pass security checkpoints in Rakhine State. She told Fortify Rights:

> I went to Buthidaung immigration office to make the NVC . . . [The officers] wrote "Bengali." In the column, they wrote "Bengali" and the religion "Islam." I can read a little bit of Burmese. [The military] want to make us *Desh Sara* [stateless]. I feel bad they wrote I was Bengali. I am a Rohingya, and we have a family list that is Rohingya, and we have Rohingya parents.[191]

Another Rohingya man, 30, in Buthidaung Township, who applied for an NVC after the coup around March or April 2021, told Fortify Rights: "[Junta officers] asked my religion. They asked my ethnicity . . . They wrote 'Bengali' [at the immigration office] . . . Our name is Rohingya, but they wrote Bengali."[192]

A 26-year-old Rohingya woman in Maungdaw Township told Fortify Rights how she lost all her family identification documents during the 2016 military-led attacks against Rohingya in Rakhine State.[193] She said: "During the 2016 massacre, the Myanmar military killed my husband, and our house was burned. We lost all of our belongings, including our documents such as ID cards and household registration papers."[194]

She went on to say: "As I lost all of my identity documents, I wasn't able to move from one place to another place. I can't go out so I decided to take the NVC, and I got it on October 8, 2021."[195] A photograph of the woman's NVC is on file with Fortify Rights.[196]

To travel to the immigration office to apply for the NVC, the woman described paying 2,000 Myanmar Kyat (approximately US$1) to obtain a recommendation letter from the village administration office and another 5,000 Myanmar Kyat (approximately US$2.70) to the district administration office. At the immigration office, she paid 10,000 Myanmar Kyat (approximately US$5.50) to immigration officials to facilitate the application process.[197] Describing the application process itself, she said:

will of the people." Myanmar Ministry of Foreign Affairs, "Myanmar Sees No Reason for UN's Resolution Other Than a Politically Motivated Agenda," November 19, 2021, https://www.meseoul.org/index.php?option=com_content&view=category&layout=blog&id=71&Itemid=341&limitstart=5.

190 Fortify Rights interviews with Z.B., A.Z., A.A., and B.B., Rakhine State, Myanmar, February 10, 2021, July 20, 2021, and April 4, 2022. Furthermore, an aid worker in Myanmar familiar with the situation told Fortify Rights the junta continues to use the term "Bengali," saying "It's actually one of the barriers towards obtaining documents. Rohingya don't want their documents to say 'Bengali.'" *See*, Fortify Rights communication with B.C., in undisclosed location, April 6, 2022.

191 Fortify Rights interview with Z.H., Rakhine State, Myanmar, July 13, 2021.

192 Fortify Rights interview with Z.I., Rakhine State, Myanmar, July 19, 2021.

193 Fortify Rights interview with B.B., Rakhine State, Myanmar, April 4, 2022.

194 *Ibid*.

195 *Ibid*.

196 Photograph of the NVC on file with Fortify Rights, October 8, 2021.

197 Fortify Rights interview with B.B., Rakhine State, Myanmar, April 4, 2022. Furthermore, a Rohingya person in Rakhine told *Al Jazeera* about the restrictions on travel, saying: "If we have to go to Sittwe for our health problems,

> For ethnicity, they only allowed "Bengali." . . . [The officials at immigration] insisted that I write "Bengali," so I wrote "Bengali." They know I am a Rohingya, but they said we just know Bengali, no Rohingya . . . I was very disappointed and sad as I could not list my identity.[198]

A 19-year-old Rohingya man from Minbya Township in Rakhine State similarly described being required to identify as "Bengali" when he obtained an NVC on March 25, 2022.[199] He said: "[The authorities] filled out according to details that were on my family registration list. On the family registration list our ethnicity was mentioned as 'Bengali' so they mentioned me as 'Bengali.'"[200]

The man explained why the authorities require Rohingya to identify as "Bengali," saying:

> The reason Myanmar authorities are pressuring us to accept the NVC is because they want to make us illegal immigrants and Bengali people as a strategy to exclude us from citizenship and ethnicity [in Myanmar] . . . Accepting NVC, means you identify yourself as "Bengali immigrants." We [Rohingya] don't have any options. We need documents to travel to other cities, like Sittwe or other cities specifically for medical emergencies or business.[201]

Immigration authorities in Rakhine State also made it clear to the man that citizenship was not an option for Rohingya. He said:

> I requested to the immigration officer [name withheld], "Can I apply for a citizenship card instead of an NVC? I want to apply for a citizenship card like the Rakhine community does." He said, "No" . . . The official at the immigration office said, "You don't have the same rights as the Rakhine and cannot get citizenship at this moment."[202]

The junta also continues to use tactics, which were also used under State Counsellor Aung San Suu Kyi's administration, to pressure Rohingya into accepting the NVC.[203] For example, a 57-year-old Rohingya man from northern Rakhine State told Fortify Rights how immigration officials came to his village in July 2021.[204] He said:

> [The officers] told us to take the NVC, explaining that, "No one can stay here without taking the NVC. This is not your country. You have to accept this, and then you need to apply for citizenship." Like that, they pressured us so much. It was officers from immigration department themselves who came to the village.[205]

A Rohingya man from Maungdaw Township, who spent nearly five years in detention, told Fortify Rights how the junta forced him to accept the NVC to obtain his release in April 2021, saying: "[Junta prison and immigration officers] forced us to take it [the NVC]. Otherwise, they would not free us . . . They required many signatures from us on different papers. They mention us as 'Bengali' in the NVC [application form]."[206]

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there will be many restrictions and it will take a lot of time. First, we have to go to the Buthidaung immigration office and then we have to go to the district immigration office in Maungdaw. If the district office refuses us, we can't go." *See,* Kyaw Hsan Hlaing, "Myanmar's Military Coup Prolongs Misery for Rohingya in Rakhine," *Al Jazeera,* January 6, 2022, *https://www.aljazeera.com/news/2022/1/6/rohingya-myanmar-restrictions-on-freedom-of-movement.*

198 Fortify Rights interview with B.B., Rakhine State, Myanmar, April 4, 2022.

199 Fortify Rights interview with B.D., Rakhine State, Myanmar, April 5, 2022.

200 *Ibid.*

201 *Ibid.*

202 *Ibid.*

203 An aid worker in Myanmar told Fortify Rights in March 2022: "There seems to be no major differences in the NVC process pre-or-post-coup. Perhaps one difference might be that NVC applicants are now required to travel to the immigration office in town, which is costly." Fortify Rights communication with B.Z., undisclosed location, Myanmar, March 14, 2022.

204 Fortify Rights interview with A.G., Rakhine State, Myanmar, September 24, 2021.

205 *Ibid.*

206 Fortify Rights interview with Z.F., Rakhine State, Myanmar, May 29, 2021.

Another Rohingya in Rakhine State told Fortify Rights: "We don't want to make ourselves 'Bengali' by accepting the NVC . . . How could we agree to lose our original identity knowingly?"[207]

Despite the coup and ongoing genocide against Rohingya, a small number of displaced Rohingya have informally returned to Myanmar's Rakhine State since the coup.[208] Fortify Rights obtained a filled-in "Form for Reception" issued by the junta-run Ministry of Social Welfare Relief and Resettlement—a verification form for Rohingya refugees returning from Bangladesh—which includes a section for "race" and "religion." In this completed form for Rohingya refugees returning to Myanmar, the applicant's "race" is listed as "Bengali."[209]

"Project Flowerbed": Nationwide Citizenship Verification

In and beyond Rakhine State, the junta has attempted to initiate a nationwide citizenship verification campaign called *Pan Khin*, or Project Flowerbed in English. On May 7, 2021, Myint Kyaing, who heads the Ministry of Labour, Immigration, and Population for the military junta, announced that Project Flowerbed would provide identity cards to all recognized "ethnic nationals" who lack identity documentation.[210] The junta reportedly initiated the project to address "terrible fraud in the voter list," which the military claimed to be the reason the NLD won a landslide victory in the 2020 elections.[211]

207 Fortify Rights interview with A.G., Rakhine State, Myanmar, September 24, 2021.

208 Despite the pervasive persecution of Rohingya in Myanmar, a strong desire among displaced Rohingya to return to their homeland in Myanmar remains. For example, a 2018 survey conducted by a team of Rohingya refugee researchers with support by Fortify Rights found that a majority (94.7 percent) of Rohingya surveyed in Bangladesh reported a desire to return to Myanmar, identifying a number pre-conditions that must be in place before returns would be possible, including: "citizenship" (92.5 percent), "compensation for loss" (85.9 percent), "protection (e.g., U.N. Security Force)" (75.4 percent), "freedoms (travel, attend school, etc.)." Fortify Rights, *"The Torture in My Mind": The Right to Mental Health for Rohingya Survivors of Genocide in Myanmar and Bangladesh*, December 10, 2020, https://www.fortifyrights.org/downloads/The%20Torture%20in%20My%20Mind%20-%20Fortify%20Rights%20-%20December-10-2020.pdf. In May 2021, the junta-run media *The Global New Light of Myanmar* reported the return of 790 displaced Rohingya. "Repatriation Process of Displaced Persons from Rakhine State to Bangladesh Is Underway," *The Global New Light of Myanmar*, May 23, 2021, https://www.gnlm.com.mm/repatriation-process-of-displaced-persons-from-rakhine-state-to-bangladesh-is-underway/.

209 State Administrative Council, Ministry of Social Welfare Relief and Resettlement "Form for Reception," on file with Fortify Rights, May 8, 2021. Refugees in Cox's Bazar also said the conditions are not right to return to Myanmar. For example a Rohingya man told Fortify Rights in April 2022:

> We will not go back to Burma [Myanmar] if we have to acknowledge ourselves as Bengali and receive a NVC. The conditions that Master Mohib Ullah [the late Mohib Ullah was assassinated in September 2021] has proposed in the country and abroad, if we can go with our rights according to those conditions he has proposed, we will go. Rights mean our house, our land, security of our lives and property, and living a life like the other citizens of that country.

Fortify Rights interview with B.E., Cox's Bazar District, Bangladesh, April 14, 2022.

210 The campaign is expected to issue cards to approximately four million people across the country. "Myanmar Nationals Can Grab the Rights of Citizens: Pankhin Project," *The Global New Light of Myanmar*, May 8, 2021, https://www.gnlm.com.mm/myanmar-nationals-can-grab-the-rights-of-citizens-pankhin-project/. "Consider How to Develop the Country," *The Global New Light of Myanmar*, August 24, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/08/24_August_21_gnlm.pdf. Fortify Rights research focuses on the *Pan Khin* in Rakhine State although junta-run media indicates that the project is ongoing in Yangon Region likely to try to track dissidents. *The Global New Light of Myanmar* states:

> Issuance of citizenship scrutiny cards must be done to the people residing in Yangon Region to have smooth travelling . . . Yangon Region Chief Minister U Hla Soe reported on happening of terror attacks in the Region . . . Region ministers and officials also reported on rule of law, security measures and declining of violent attacks, crime reduction, and implementation of Pan Khinn project to issue CSCs to the people.

See, "Administrative Officials Need to Take Severe Action Under the Law Without Bias Against Those Who Harm Security Measures: Senior General," *The Global New Light of Myanmar*, October 11, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/10/11-10-20211.pdf.

211 "Entire People, All Administrative Bodies Need to Join," *The Global New Light of Myanmar*, December 21, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/12/14_Dec_21_gnlm-1.pdf. Furthermore, an aid worker with knowledge of the project told Fortify Rights, "The Phan Khin project is a mobile exercise conducted by Ministry of Immigration and Population to facilitate the issuance of documents–birth certificates, household lists, and citizenship cards." Fortify Rights communication with B.C., April 6, 2022.

The junta-controlled Ministry of Foreign Affairs publicly confirmed on July 14, 2021 that "the citizenship verification process will be carried out in accordance with 1982 Citizenship Law."[212] Senior General Min Aung Hlaing further ordered that "citizenship scrutiny cards must be issued to all citizens born of Myanmar citizen parents. Relevant scrutiny cards must be released to those who are deserved [*sic*] for having citizenship and associate citizens under the 1982 Myanmar Citizenship Law."[213]

Under the Project Flowerbed directive, the township-level authorities are designated to scrutinize the accuracy of the household lists "in accordance" with the 1982 Citizenship Law, which limits full citizenship rights to specific ethnic groups, and issue "eligible cards."[214] Given that Rohingya are excluded from full citizenship rights under the 1982 Citizenship Law and its regulatory regime, the vast majority of Rohingya are not eligible for citizenship and can only take NVCs.[215]

As part of this effort, the Township Planning Administration of Maungdaw in northern Rakhine State issued an internal junta directive to its ward and village administrators on May 11, 2021.[216] The directive, signed by Aung Ye, the chair of the Township Administrative Committee, instructs authorities to gather "name lists of the migrants"—which could mean Rohingya and others may be discriminatorily denied citizenship rights in Myanmar as part of the Project Flowerbed.[217] It is unclear if Rohingya in Rakhine State are being issued anything more than NVCs during the Project Flowerbed.[218]

The rapid spread of COVID-19 cases in Myanmar, which skyrocketed in early July 2021, threatened to slow Project Flowerbed.[219] In response, amid escalating COVID-related deaths, the junta called for an "acceleration of the *Pan Khin* [Flowerbed] project, which aims to issue identity and citizenship cards to the whole population, together with the drive to have all households legally registered."[220] The junta also reportedly expanded the project in July 2021 to "displaced persons in the respective regions and states."[221]

212 Myanmar Office of the Commander-in-Chief of Defence Services, "Myanmar Rejects the Draft Resolution Tabled by OIC," July 14, 2021, https://cincds.gov.mm/node/13530?d=1.

213 "The Government Will Provide Necessary Assistance for Generating Electricity through Solar Panels, Says Senior General," *The Global New Light of Myanmar*, December 15, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/12/15__Dec__21__gnlm.pdf.

214 Township Administrative Committee of Maungdaw, "Guidance Related to the Flower Bed Project," May 11, 2021, on file with Fortify Rights, unofficial translation. Burma Citizenship Law. *See also,* Fortify Rights, "*Tools of Genocide*."

215 For example, during a meeting on June 10, 2021, the Immigration and Citizenship Verification Working Committee confirmed that the NVC process would be implemented in Rakhine State. "Immigration and Citizenship Verification Working Committee Holds Meeting (1/2021)," *The Global New Light of Myanmar*, June 11, 2021, https://www.gnlm.com.mm/immigration-and-citizenship-verification-working-committee-holds-meeting-1-2021/.

216 Directive to the Township Planning Administration of Maungdaw, May 11, 2021, official translation on file with Fortify Rights.

217 "Migrants" is a reference to Rohingya and others, which former governments, dating back to the early 1960s, have refused to recognize, using the term "Bengali" or other terms instead to emphasize their alleged "foreignness." Directive to the Township Planning Administration of Maungdaw, May 11, 2021, official translation on file with Fortify Rights.

218 Township Administrative Committee of Maungdaw, "Guidance Related to the Flower Bed Project," May 11, 2021, on file with Fortify Rights, unofficial translation. Under the 1949 Residents of Burma Registration Act, Myanmar residents are required to register members of their household and maintain "household lists." Rakhine State immigration officials and members of the Border Guard Police in northern Rakhine State conduct annual household surveys and photograph Rohingya households with their household lists since the 1990s. Rohingya are also required to promptly report any change to their family situation—including births, deaths, relocations, and marriages—to their respective Township Administration Office. The Residents of Burma Registration Act, 1949. *See also,* Norwegian Refugee Council, The Seagull: Human Rights, Peace and Development, the Statelessness Network Asia Pacific, and the Institute on Statelessness and Inclusion, "A Gender Analysis of the Right to a Nationality in Myanmar," March 2018, https://www.nrc.no/resources/reports/a-gender-analysis-of-the-right-to-a-nationality-in-myanmar/, p. 42; Fortify Rights, "*Tools of Genocide*," p. 57.

219 *See*, *for example*, Fortify Rights interview with A.C., undisclosed location, August 10, 2021. By early July 2021, only three percent of Myanmar's population was vaccinated, and COVID-19 was responsible for significant deaths. *See*, Naw Theresa, "Myanmar Plunges into Deadly Third Covid-19 Wave," *The Diplomat*, July 19, 2021, https://thediplomat.com/2021/07/myanmar-plunges-into-deadly-third-covid-19-wave/.

220 "The Fifth Month of the State Administration Council Government," *The Global New Light of Myanmar*, July 22, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/07/22__July__21__gnlm.pdf. *See also,* "Pan Khin Project Important for Socio-Economic Lives of Citizens: I & P Union Minister," *The Global New Light of Myanmar*, August 15, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/08/15__August__21__gnlm.pdf.

221 "The Sixth Month of the State Administration Council," *The Global New Light of Myanmar*, September 1, 2021, https://cdn.myanmarseo.com/file/client-cdn/2021/08/1__Sept__21__gnlm.pdf.

NVCs and Restrictions on Rights to Freedom of Movement and Livelihoods

Similar to the situation in Rakhine State before the coup, the junta is requiring Rohingya obtain NVCs and a "Form-4"—a temporary travel permit for "foreigners"—to travel temporarily between townships or, in rare cases, outside of Rakhine State.[222]

In May 2021, a Rohingya man in Maungdaw Township told Fortify Rights: "Security forces are very alert and strict right now. I cannot travel with my White Card receipt. Rakhine people are not stopped and checked like us [at checkpoints]. We, Rohingya, are not recognized as citizens but others are."[223]

Another Rohingya man in Maungdaw Township told Fortify Rights how the coup affected travel for Rohingya in northern Rakhine State, saying:

> [A]fter this military coup, [the junta] have started enforcing the travel restrictions more. People are not easily able to travel. NVC holders can travel. People have to survive. They are put into circumstances that make people vulnerable to take the NVC . . . If we see the trend, we can see the movement restrictions are more than under the NLD.[224]

A 17-year-old Rohingya girl from Buthidaung Township told Fortify Rights she spent more than 20 days in detention in an unknown location in central Rakhine State for travel-and immigration-related offenses, along with 12 others traveling between Buthidaung and Bago in mid-2021. The junta charged the group for attempting to travel to Malaysia with the support of a broker. Upon her release, junta officials stopped her again while she was traveling from central Rakhine State back to her home township. She said: "I was forced to take the NVC [by the junta] when I was between Bago and Sittwe [townships] . . . I was not happy to accept the NVC. If I didn't accept the NVC, they might have beat us."[225]

The girl described her experience in detention saying:

> I don't remember the date. We were arrested in May or June [2021] . . . There were also men and women together [in detention] . . . The police beat the men in police custody . . . I saw myself. It happened in front of us. The police beat them with their stick and with their fist. The police beat them on their face, side, and they kicked them. They pushed them with the back end of the gun.[226]

Women's Peace Network—a Rohingya-led human rights organization—reported in March 2022 that since February 2021 the Myanmar junta has arrested and detained at least 850 Rohingya people, including women and children, for traveling without permission.[227]

222 The Form-4 application process normally includes a police clearance form and Village Departure Certificate. *See*, Independent Rakhine Initiative, *Freedom of Movement in Rakhine State*, March 2020, https://www.rohingyapost.com/freedom-of-movement-in-rakhine-state-report-by-independent-rakhine-initiative/ p. 13. *See also*, Fortify Rights, "U.N. Security Council: Take Urgent Action Against Myanmar Military Junta," December 7, 2021, https://www.fortifyrights.org/mya-inv-2021-12-06/. *See for example*, Fortify Rights interviews with Z.C., A.I., A.B., Rakhine State, Myanmar, May 25, August 9, and March 25, 2021, and April 4, 2022.

223 Fortify Rights interview with Z.C., Rakhine State, Myanmar, May 25, 2021.

224 Fortify Rights interview with A.I., Rakhine State, Myanmar, March 13, 2022.

225 Fortify Rights interview with A.B., Rakhine State, Myanmar, August 9, 2021. Fortify Rights also received consent from one of the girl's guardians in the home at the time of the interview.

226 *Ibid*.

227 Women's Peace Network, "Rohingya Update: Arbitrary Arrest and Detention of Rohingya Since the Attempted Coup," March 2, 2022, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer_on_Arbitrary_Arrest_Detention.pdf.

In addition to requiring NVCs, the junta has also reinstituted earlier discriminatory policies requiring Rohingya to obtain a "Form-4." An administrative order reviewed by Fortify Rights and issued by the junta-run General Administration Department of Buthidaung Township in Rakhine State on November 25, 2021 states, "Bengali people can only travel after obtaining legal permission (Form-4)" and that breaching the order will result in "strong action being taken as per the existing law." The order further states that the restrictions are necessary to protect "township security and the rule of law."[228]

In a separate internal letter, also obtained by Fortify Rights, from the military junta's Ministry of Immigration and Population in Rakhine State's Ponnagyun Township in Sittwe District dated November 10, 2021, Chief Officer Win Myint informed the Rakhine State Director of the Ministry of Immigration and Population located in Sittwe Township of the arrest and conviction of 45 "Bengali" for "travelling illegally." According to the letter, the Ponnagyun Township Court convicted and sentenced individuals in the group on October 21 and, on November 2, the authorities released children, who were part of the group. At the time of writing, five adults remain detained.[229]

A Rohingya man, 25, from southern Buthidaung Township confirmed the continued necessity of a Form-4 in order to travel, telling Fortify Rights in December 2021: "I had to take a Form-4 [from Buthidaung Township] to go to Maungdaw Township . . . I went to Maungdaw north to work on harvesting a rice field . . . [The junta forces] checked our Form-4 at three checkpoints while going to Maungdaw."[230]

Another Rohingya man, 19, from Minbya Township confirmed that NVC-holders must still have a Form-4 to travel. He said: "Currently, I am holding an NVC as they are not giving us the national scrutiny card. Without having an ID card, it's not possible to travel. When we travel with the NVC, we still need to apply for a Form-4."[231]

Rohingya also described the challenges that the travel restrictions pose for their daily lives. For example, a 30-year-old Rohingya business owner from Buthidaung Township told Fortify Rights that he had to obtain an NVC to continue his business. He said: "I sell vegetables in Maungdaw . . . Before this, I did not have an NVC, so I could not do my vegetable business."[232]

Another Rohingya man from Buthidaung Township, who obtained an NVC in May 2021, similarly shared how he had to obtain an NVC to continue his livelihood. He said:

> It has been two and half months since I took the NVC. I took the NVC after the military coup. I had to take the NVC from the Buthidaung immigration office. I took the NVC because we don't have any business here [in Buthidaung], and I have to drive a car on the road. We can't travel to Maungdaw and Buthidaung. That's why I had to accept the NVC.[233]

He went on to describe his earlier experience being extorted at military checkpoints for not carrying an NVC. He said: "They took money from me three times at the four-mile check post. The last time was one month after the military coup . . . It was a multi-department checkpoint, and they took money from me, saying I didn't have any documents."[234]

228 The Buthidaung Township General Administration Department appended the November 25 order to an internal letter sent to multiple Myanmar military, police, and border-guard commanders as well as township administrative and justice officials. Order on file with Fortify Rights, November 25, 2021. *See also*, Fortify Rights, "U.N. Security Council: Take Urgent Action Against Myanmar Military Junta."

229 *Ibid*.

230 Fortify Rights interview with A.H., Rakhine State, Myanmar, December 1, 2021.

231 Fortify Rights interview with B.D. Rakhine State, Myanmar, April 5, 2022.

232 Fortify Rights interview with Z.I., Rakhine State, Myanmar, July 19, 2021.

233 Fortify Rights interview with A.A., Rakhine State, Myanmar, July 20, 2021.

234 *Ibid*.

NVC Requirements for Rohingya Humanitarian Aid Workers

In 2019, Fortify Rights documented how five humanitarian organizations operating in northern Rakhine State contributed to facilitating the NLD-government's discriminatory policies and practices against Rohingya by requiring Rohingya staff to obtain NVCs as a condition of employment.[235] This situation remains largely unchanged post-coup.[236] For example, a 27-year-old Rohingya man from Buthidaung Township, who applied for a job in February 2021 to join an international humanitarian organization operating in Rakhine State, said the organization required a copy of the NVC to be "attached along with other documents" in his application.[237] He described the process of applying for the NVC, which required a recommendation letter from his village administrator, a letter from the police station, and an up-to-date family list.[238] He said:

> We must mark "Bengali" in the [application] forms. We call ourselves "Rohingya" . . . The word "Bengali" is already written on the form, and we just need to mark it. "Bengali" is also mentioned in the recommendation letter of the [Rakhine] village administrator and from the police station . . . When I tried to mention "Rohingya" at the [ethnic-Rakhine] village administrator's office, they told me there is no Rohingya here, but you are "Bengali." . . . . The applicants [for the international organization] who don't have an NVC are not even shortlisted with the assumption that they won't be able to work without an NVC. To apply for a post [with an international organization], the NVC is also attached along with the other documents."[239]

Speaking about the impacts of obtaining the NVC, the man said:

> [The junta] are making us foreigners by forcefully making us accept the card, since they have power in their hands, even though we are natives of this country . . . I am already a citizen here and have all the qualifications to be a citizen. They forced me to be a foreigner.[240]

A Rohingya in Maungdaw Township who had knowledge of humanitarian operations in Rakhine State told Fortify Rights travel restrictions are imposed even on Rohingya aid workers and that "organizations are not in a position to hire Rohingya without NVCs."[241]

235 In 2019, Fortify Rights documented how five international organizations operational in Rakhine State, in policy or practice, required Rohingya staff to hold NVCs. This requirement was largely due to Myanmar authorities' pervasive restrictions on freedom of movement, and other freedoms, against Rohingya without NVCs and the challenges those restrictions would pose for staff in conducting their duties. Fortify Rights, "*Tools of Genocide*," pp. 63-65.

236 Fortify Rights interview with A.Z. and A.I., Rakhine State, Myanmar, July 20, 2021 and March 13, 2022.

237 Fortify Rights interview with A.Z., Rakhine State, Myanmar, July 20, 2021.

238 *Ibid*.

239 *Ibid*.

240 *Ibid*.

241 Fortify Rights interview with A.I., Rakhine State, Myanmar, March 13, 2022.

III. The International Legal Framework

Raphael Lemkin, who developed the concept of genocide and was the driving force behind the adoption of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, envisioned a more comprehensive definition of the "crime of all crimes" than how it is defined in the Convention. In 1944, he wrote, "The objectives of such a [genocidal] plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups . . ."[242] Most of these indicators of genocide as a process of attrition were not included in the final text of the Convention, which required significant diplomatic compromise to pass.[243] Nonetheless, Article 2 of the 1948 Convention, employing more generic language, listed five qualifying acts, three of which are directly relevant to the idea of "genocide by attrition," especially as it relates to the Rohingya case.[244]

Decades of union- and state-level laws, policies, and practices enabled military and civilian government officials to identify, control, and persecute Rohingya in ways that violated elements of Article 2 of the Genocide Convention. These enumerated crimes include:

> (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; [and] (d) Imposing measures intended to prevent births within the group.[245]

Fortify Rights, like many other human rights organizations and various U.N. bodies, have comprehensively documented all three violations, which have continued over generations.[246]

242 Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington: Carnegie Endowment for International Peace, 1944), p. ix.

243 Kurt Jonassohn with Karin Solveig Bjornson, *Genocide and Gross Human Rights Violations in Comparative Perspective*, (New Brunswick: Transaction Publishers 1998).

244 Genocide Convention, Art. II.

245 *Ibid*.

246 For example, Fortify Rights found "reasonable grounds" to believe that the Myanmar military, police, and civilian perpetrators committed the crime of genocide against Rohingya civilians in Rakhine State through at least three criminal acts of genocide: killings, serious bodily and mental harm, and the infliction of conditions of life calculated to bring about the physical destruction of the group. Fortify Rights, "*They Gave Them Long Swords*," pp.

On September 6, 2018, the International Criminal Court (ICC) Pre-Trial Chamber I ruled that the ICC may exercise jurisdiction over the alleged deportation of Rohingya from Myanmar to Bangladesh, marking the first time the Court has exercised jurisdiction over crimes involving Myanmar.[247] Later, the Government of The Gambia brought a case before the International Court of Justice (ICJ) alleging Myanmar committed the crime of genocide against Rohingya.[248]

The violations documented in this report demonstrate that the crimes and violations associated with the NVC process amount to genocidal acts and should be considered as such in ongoing investigations and legal proceedings.

59–72; Fortify Rights and the U.S. Holocaust Memorial Museum, "*They Tried to Kill Us All*." The FFM similarly found "sufficient information to warrant the investigation and prosecution of senior officials in the [military] chain of command" for the crime of genocide against Rohingya in Rakhine State. OHCHR, "Myanmar: Tatmadaw Leaders Must be Investigated for Genocide, Crimes Against Humanity, War Crimes–UN Report," August 27, 2018, https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail/aspx?NewsID=23475&LangID=E.

247 Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute, International Criminal Court, ICC-RoC46(3)-01/18-37, Decision (Pre-Trial Chamber I), September 6, 2018, para. 61.

248 International Court of Justice, "The Republic of the Gambia Institutes Proceedings against the Republic of the Union of Myanmar and Asks the Court to Indicate Provisional Measures," November 11, 2019, https://www.icj-cij.org/public/files/case-related/178/178-20191111-PRE-01-00-EN.pdf.

Recommendations

To the Myanmar Junta

- **RESTORE** relevant authority to those rightfully elected by the people of Myanmar.
- **ABOLISH** immediately the National Verification Card process, cease identifying Rohingya as "Bengali," and end all restrictions on freedom of movement for Rohingya people.
- **ORDER** junta operatives, including the Myanmar Police Force, immigration officials, junta armed forces, and others, to immediately cease requiring Rohingya to hold National Verification Cards to engage in protected activities.
- **ANNOUNCE** publicly that Rohingya are not required to accept or hold National Verification Cards.

To the National Unity Government of Myanmar

- **ABOLISH** immediately the National Verification Card process and restore equal access to full citizenship rights for Rohingya through a speedy administrative process developed in meaningful consultation with the Rohingya community in Myanmar, Bangladesh, and the wider diaspora.
- **ACCEPT** all forms of documentation, including National Verification Cards, National Registration Cards, White Cards, household lists, and other previous government and U.N.–issued identity documents, as well as alternative forms of evidence, such as testimonial evidence, to support applications for Myanmar citizenship.
- **REPEAL** all laws, policies, and orders that require the possession of a National Verification Card to engage in activities protected by international human rights law, specifically, in exercising the rights to liberty, freedom of movement, and livelihoods.
  - Work with stakeholders in Myanmar and outside the country to draft a framework of action to restore citizenship rights for Rohingya and other ethnic minorities.
  - Consult Rohingya and other ethnic groups in drafting a new citizenship law that replaces the 1982 Citizenship Law in Myanmar.
- **ANNOUNCE** publicly that Rohingya are not required to accept or hold National Verification Cards.
- **APPOINT** a ministerial-level ethnic-Rohingya representative to the National Unity Government to assist in implementing and expanding policies concerning the Rohingya people, including efforts to achieve justice and accountability for the genocide and other atrocity crimes.
- **COOPERATE** fully with international justice mechanisms regarding past human rights violations and atrocities against Rohingya, including denying citizenship rights and restrictions on freedom of movement.
- **ENCOURAGE** "insider witnesses" within the National Unity Government or deserters from the Myanmar military and police to share with international justice mechanisms any actionable information, knowledge, or past personal experience in the imposition of restrictions or the commission of crimes against Rohingya.

To the United Nations and International Organizations in Myanmar and Bangladesh

- **ESTABLISH** a common position and a coordinated, rights-respecting response to the National Verification Card process that protects the rights of Rohingya and other communities and enables Rohingya to opt out of the National Verification Card process, if they choose, without fear of reprisals or loss of opportunities.
- **OPERATIONALIZE** the Human Rights Up Front Action Plan, especially regarding work in Rakhine State and the delivery of humanitarian aid to displaced communities throughout Myanmar, to promote and protect human rights and avoid complicity in human rights violations.
- **SUPPORT** current and future international efforts to hold perpetrators of atrocity crimes accountable, including genocide and crimes against humanity. Support the mandate and work of the Independent International Mechanism for Myanmar to collect, consolidate, preserve, and analyze evidence for future criminal proceedings.
- **EMPLOY** legal specialists to identify mass atrocity crimes, recommend emergency responses, and educate the humanitarian community about prevention.

To United Nations Member States

- **RECOGNIZE** the National Unity Government as the legitimate government of Myanmar. Support the National Unity Government's existing credentials at the United Nations and other international organizations.
- **ENSURE** international justice for past and ongoing atrocity crimes in Myanmar and press the United Nations Security Council to refer Myanmar to the International Criminal Court or, alternatively, to establish an *ad hoc* international criminal tribunal to investigate and prosecute genocide, crimes against humanity, and war crimes.
- **ACKNOWLEDGE** publicly, through formal determinations, the Rohingya genocide and other atrocity crimes perpetrated in Myanmar, including war crimes and crimes against humanity.
- **ESTABLISH** a domestic inter-agency department for the prevention and ending of mass atrocity crimes worldwide and coordinate with such departments.

Acknowledgements

Fortify Rights dedicates this report to Mohib Ullah, the founder of Arakan Rohingya Society for Peace and Human Rights (ARSPH). He was a steadfast human rights defender and beloved partner of Fortify Rights and was assassinated in a refugee camp in Bangladesh in September 2021.

Ken MacLean is a Senior Advisor to Fortify Rights and is the lead researcher and primary author of this report. Fortify Rights Human Rights Specialist Zaw Win and Senior Human Rights Specialist John Quinley III co-authored and led the research on post-coup violations affecting Rohingya in Myanmar. The writing, research, and editing support team included Fortify Rights Executive Director Amy Smith, Chief Executive Officer Matthew Smith, Regional Director Ismail Wolff, and Investigations Associate Pavani Nagaraja Bhat.

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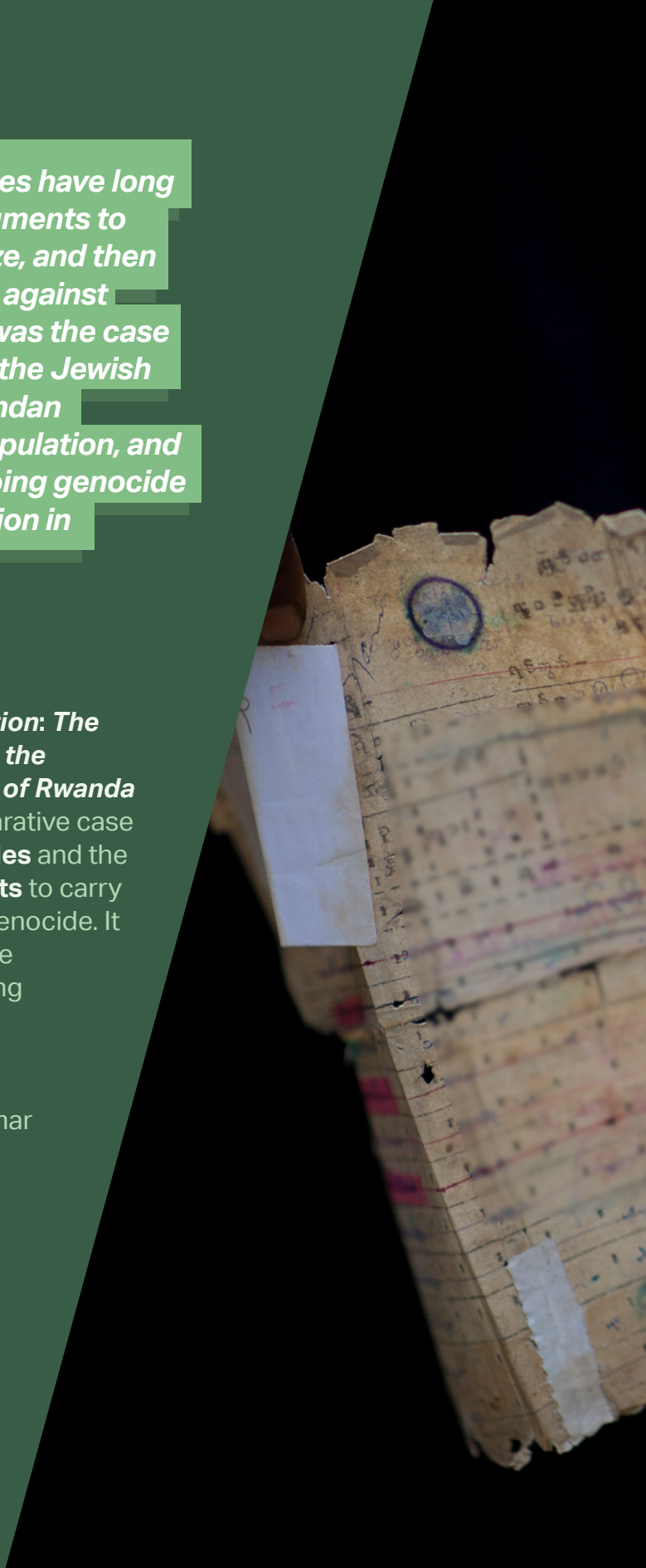
Perpetrators of genocides have long used identification documents to discriminate, dehumanize, and then carry out mass violence against protected groups. This was the case during the Holocaust of the Jewish population and the Rwandan genocide of the Tutsi population, and it is the case of the ongoing genocide of the Rohingya population in Myanmar.

This report, ***Genocide by Attrition*: *The Role of Identity Documents in the Holocaust and the Genocides of Rwanda and Myanmar*,** provides comparative case studies of these **three genocides** and the use of **identification documents** to carry out the international crime of genocide. It provides new information on the Myanmar military junta's ongoing targeting of Rohingya people in Rakhine State, and it makes detailed recommendations to address impunity by the Myanmar junta, hold perpetrators accountable, and end the ongoing genocide of the Rohingya people.



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