



Politics of Denial and Non-Recognition of Genocide

The Case of the Rohingya

Edited by Nasir Uddin
Palash Kamruzzaman · Bayes Ahmed

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ACKNOWLEDGEMENTS

First and foremost, we express our heartfelt gratitude to the Rohingya genocide survivors whose stories, everyday resistance, testimonies, and struggles build the foundation of this volume. A few sentences of gratitude are not sufficient to those who have endured persecution and genocidal sufferings. However, we sincerely acknowledge the sincerity, passion, and dignity of the Rohingya participants in sharing their experiences amid pain, trauma, and uncertainty. Their accounts unfold not only the cruel realities of persecution and forced displacement but also the ongoing genocidal violence, aiming to erase their suffering from collective memory and public awareness. Their resilience in the face of systematic persecution and structural oppression manifests the enduring strength of the human spirit. This volume is deeply indebted to their stories, voices, memories, and determination. For recording and transcribing all cases, we have attempted to ensure the highest academic integrity through high-risk ethical standards and thorough risk assessment, while also took necessary permissions and informed consent. We are deeply touched by their experience, pain, and resilience. We hope our work honours their experiences and contributes meaningfully to their ongoing pursuit of justice, accountability, and recognition.

We extend our profound gratitude to all contributors to this edited volume. The academics, scholars, researchers, and practitioners who have written chapters unfold their academic expertise, and also a strong sense

of professional and ethical commitment. Their research reflects cutting-edge scholarship, in-depth analysis, analysing Court documents, archival research, extensive fieldwork and a sustained commitment to understanding the dynamics of genocide denial and (non-)recognition within legal, political, social, cultural, and historical contexts. Each chapter enhances our understanding of the mechanisms by which genocidal atrocities are obfuscated, truncated, or denied, and how these processes perpetuate violence and impede justice. Beyond their scholarly contributions, their deep engagement has shown extraordinary patience, collegiality, and solidarity throughout the editorial process and multiple rounds of revisions. Their thoughtful engagement with editorial feedback and their cooperative spirit have greatly enhanced this volume. We are honoured to have collaborated with such a group of dedicated and committed scholars.

This edited volume is part of a project titled **“Politics of Denial and Non-Recognition of Genocide”**, funded by the British Academy (Award Reference: OIIRP230024), and we are grateful for their support. Highlighting the politics of genocide denial with the case of the Rohingya, this volume showcases unrelenting intellectual engagement and an extensive collaborative effort. Our experience of compiling this scholarship has reinforced that no academic collaboration—particularly one addressing violence, displacement, erasure, and genocide—occurs in isolation. Such work emerges from collective commitment to ethics, truth, and the quest for justice, which are essential for confronting denial in all its forms. We express our deep gratitude to everyone involved in this project, whose unwavering support made this volume possible.

We take this opportunity to acknowledge the invaluable contributions of the field investigators, translators and research assistants who collected narratives from Rohingya genocide victims living in Ukhiya, Teknaf, and the Bhashan Char Island. Several chapters in this volume are directly based on the data they collected. Their efforts in gathering testimonies and compiling reports have established a crucial foundation for scholarly engagement with the Rohingya. We particularly owe our debt to the Rohingya community field assistants in Ukhiya, Teknaf, and Bhashan Char for their tremendous support, cordial cooperation, and unconditional effort for collecting traumatizing stories, atrocious experiences, and bodily embodied manifestation of Rohingya genocide victims. We are also grateful to the institutions—University College London (UCL), University of South Wales (USW), University of Dhaka, University of Chittagong, and BRAC University—that provided the intellectual

and administrative support necessary for the completion of this volume, an environment conducive to urgent and challenging discussions about genocide denial. We express our sincere thanks to the University of Chittagong for the high-risk ethical approval, and the Office of the Refugee Relief and Repatriation Commissioner (RRRC), Cox's Bazar, the Bangladesh Navy, and the Camp in Charges (CiCs) for fieldwork permissions on highly sensitive issues, including in the remote Bhashan Char Island.

We also express our sincere thanks to the University College London (UCL) for providing financial support for publishing this book as an open-access volume. This edited volume deserves to be an open-access one so that it can be accessed by a wider audience across the globe, including the general public and the persecuted people in the world who fight for justice, recognition, and accountability, particularly the Rohingya community.

We extend distinct thanks to the editorial and publishing team at Palgrave Macmillan, whose high level of professionalism and strong degree of dedication helped this project from inception to completion. We are truly grateful to Jessica Faecks, commissioning editor at Palgrave Macmillan, for her outstanding commitment and unwavering support in expediting the editorial process. We also thank Raghupathy Kalyanaraman, production editor at Palgrave, for his meticulous attention to this project. We express our thanks to Jayalakshmi Raju, Production Supervisor of the book, for her sincere effort to publish the book on or before the deadline. Producing an edited volume on a subject as complex and sensitive as genocide denial requires patience, precision, and steadfast commitment, all of which the publishing team consistently demonstrated. Their efforts—from reviewing proposals and managing deadlines to providing editorial guidance and ensuring manuscript coherence—have been indispensable. We are especially grateful for their recognition of the project's significance and their willingness to support a volume addressing urgent and politically challenging issues.

This acknowledgement would be incomplete without expressing our sincere gratitude to our families, friends, and loved ones. Editing a volume on genocide denial is both intellectually challenging and emotionally demanding. Our family members have accepted the long hours, emotional exhaustion, and the many moments when this work required our full attention. Their support provided the emotional grounding indispensable to continuing our engagement with difficult histories and challenging

truths. In this sense, this volume is deeply indebted to our families and friends.

Finally, this book represents both an academic intervention and a moral commitment: an intervention into the structures and narratives that perpetuate denial, and a commitment to honouring the experiences of survivors and victims' by ensuring their stories are heard, acknowledged, and remembered. If this volume contributes, even in a modest way, to the broader struggle for recognition and justice for the Rohingya people and other communities affected by mass atrocities such as genocide, war crimes, ethnic cleansing, and serious crimes against humanity, it will have fulfilled its deepest purpose.

With thanks
April 2026

Nasir Uddin
Palash Kamruzzaman
Bayes Ahmed

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ABBREVIATIONS

AJE	Al Jazeera English
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
ASP	Assembly of States Parties
BBC	British Broadcasting Corporation
BD	Bangladesh
BJP	Bharatiya Janata Party
BRAC	Bangladesh Rural Advancement Committee
BROUK	Burmese Rohingya Organisation United Kingdom
BSPP	Burma Socialist Programme Party
BSS	Bachelor of Social Science
BSS	Bangladesh Sangbad Sangstha
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
Cf.	Confer (compare)
CGTN	Chinese Global Television Network/China Global Television Network
Co-PI	Co-Principal Investigator
COST	European Cooperation in Science and Technology
CRC	Convention on the Rights of the Child
CSC	Citizen Scrutiny Card
DNA Test	Deoxyribonucleic Acid Test
DRR	Disaster Risk Reduction
EU	European Union
EWUCRT	East West University Centre for Research and Training
FDMN	Forcibly Displaced Myanmar Nationals

FFM	Fact-Finding Mission
FGD	Focus Group Discussion
FRC	Foreign Registration Card
GBV	Gender-Based Violence
GCRF	Global Challenges Research Fund
GNLM	Global New Light of Myanmar
GoB	Government of Bangladesh
HRC	Human Rights Campaign
HRW	Human Rights Watch
i.e	id est (that is)
IASFM	International Association for the Study of Forced Migration
ICC	International Criminal Court
ICG	International Crisis Group
ICJ	International Court of Justice
ICNV	Identity cards for National Verification
ICOE	Independent Commission of Enquiry
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunals for Yugoslavia
IDP	Internally Displaced Person
IHL	International Humanitarian Law
IIFMM	Independent International Fact-Finding Mission on Myanmar
IIMM	Independent Investigative Mechanism for Myanmar
ILO	The International Labour Organisation
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
ISCI	International State Crime Initiative
IUD	Intrauterine Device
KII	Key information interviews
KR	Khmer Rouge
LSE	London School of Economics and Political Sciences
MAF	Myanmar Armed Forces
MCP	Myanmar Curriculum Pilot
MDGs	Millennium Development Goals
MOAS	Migrant Offshore Aid Station
MOFA	Ministry of Foreign Affairs
MoU	Memorandum of Understanding
MP	Member of Parliament
MP-IDSA	Manohar Parrikar Institute for Defence Studies and Analyses
MSF	Médecins Sans Frontières
MSS	Master of Social Science
NASA	National Aeronautics and Space Administration
NATO	North Atlantic Treaty Organization

NGOs	Non-governmental organisations
NLD	National League for Democracy
NRC	National Registration Cards
NSAGs	Non-State Armed Groups
NUG	National Unity Government
NVC	National Verification Card
NYT	New York Times
OCHA	Office for the Coordination of Humanitarian Affairs
OGGRP	UN Office on Genocide Prevention and the Responsibility to Protect
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
ORCID	Open Researcher and Contributor ID
ORF	Observer Research Foundation
Para.	Paragraph
PCIJ	Permanent Court of International Justice
PhD	Doctor of Philosophy
PILPG	Public International Law & Policy Group
PTSD	Post Traumatic Stress Disorder
QCA	Qualitative Content Analysis
R2P	Responsibility to protect
RRRC	Refugee Relief and Repatriation Commissioner
RS	Republika Srpska
RSA	Rohingya Solidarity Organization
RT	Russia Today
SAARC	South Asian Association for Regional Cooperation
SDGs	Sustainable Development Goals
SDP	Sustainable Development Programme
SGBV	Sexual and Gender-Based Violence
SIMEC	Social and Industrial Management Education Centre
SOAS	School of Oriental and African Studies
STI	Sexually Transmitted Infection
TDS	The Daily Star
TRC	Temporary Registration Card
U.S	United States
UCL	University College London
UK	United Kingdom
UN WFP	United Nations World Food Programme
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly

UNGC	United Nations Convention on the Prevention and Punishment of Genocide
UNHABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNIIFFM	United Nations Independent International Fact-Finding Mission
UNSC	United Nations Security Council
USAID	United States Agency for International Development
USD	United States Dollar
USW	University of South Wales
WASH	Water, Sanitation, and Hygiene
WFP	World Food Programme
WHO	World Health Organisation

ACRONYMS

Aikaf	A locality mentioned in Myanmar connected to Rohingya narratives.
Akyab	Former name of Sittwe, a city in Rakhine State, Myanmar.
Arakan	The historical name for what is now Rakhine State in Myanmar
ARSA	Arakan Rohingya Salvation Army
Azaan	The Islamic call to prayer announced from a mosque.
Balukhali	A major Rohingya refugee camp area in Cox's Bazar, Bangladesh.
Bamar	The largest ethnic majority group in Myanmar.
Bengali	Related to Bengal, its people, language, or culture.
Bhasan Char	An island in Bangladesh used for resettling Rohingya refugees
Boli Bazar	A marketplace/local area mentioned in Rohingya accounts.
Burma	Former official name of Myanmar.
Burmanization	A state policy of national homogenization centered on Bamar/Buddhist identity
Cox's Bazar	A district in Bangladesh known for Rohingya refugee camps.
Just Cogens	Fundamental principles of international law from which no derogation is permitted
Kalar	A derogatory racial slur used in Myanmar against the Rohingya
Kutupalong	One of the world's largest refugee camps in Bangladesh.
Madrasa	An Islamic educational institution.

Magh	A local term often used for Rakhine Buddhist people.
Maungdaw	Township in northern Rakhine State, Myanmar.
Myanmar	Southeast Asian country formerly known as Burma.
Naf	The river forming part of the Bangladesh-Myanmar border.
Naga Min	“Operation Dragon King,” the 1978 military operation
NaSaKa	Former Myanmar border security force active in Rakhine.
Naypyidaw	The capital city of Myanmar
Rakhine	A state in western Myanmar and home region of many Rohingya.
Rohingya	A Muslim ethnic minority group from Myanmar.
Rosang/Rohang	Historical names for the capital of the Arakan kingdom
Ruinga/Rooinga	Early variations of the name “Rohingya” used historically
Taingyintha	“National races,” the official list of ethnic groups recognized by the state
Tatmadaw	The armed forces of Myanmar.
Teknaf	A border area in Bangladesh near Rohingya camps.
Ukhiya	An upazila in Cox’s Bazar district with refugee camps.

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Introduction: The Paradox of the Rohingya Genocide—Denial and (Non-)recognition

Nasir Uddin , *Palash Kamruzzaman* , and *Bayes Ahmed* 

1.1 INTRODUCTION

Genocide is both a legal concept and a lived reality marked by deep human sufferings and conflict between denial and recognition. This chapter examines the politics of genocide diplomacy in Myanmar and its impacts on the nation, neighbouring countries, and the Rohingya community. In 2017, the Myanmar military's brutal actions forced about 725,000 Rohingya to flee to Bangladesh, creating a major refugee crisis. Since 2019, the International Court of Justice (ICJ) has been considering a case filed by the Gambia, accusing Myanmar of committing genocide

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against the Rohingya in 2017. The ICJ hearings are ongoing, and the question of whether to deny or recognise this event remains unresolved. The uncertainty about when the mass killings will be recognised leaves Rohingya survivors in Bangladesh and other countries in limbo. In this context, the denial and non-recognition of the Rohingya genocide not only obstruct justice but also intensify insecurity, displacement, and policy inaction.

The *1948 Genocide Convention* and the *1998 Rome Statute* clearly define genocide. Still, denial and non-recognition shape the global response. The Rohingya genocide illustrates this. Over time, genocide has become contested in politics, law, history, and society. Denial and non-recognition are tied to economic and strategic interests at all levels. Global acceptance or denial often reflects geopolitical goals rather than victim realities or testimonies. This book examines the history, law, culture, sociology, and politics of the Rohingya genocide, linking theory, testimony, and data (Fig. 1.1).

As the introduction of the book, this chapter aims to identify patterns and biases in international responses through a comparative analysis of acknowledged genocides. It seeks to contribute to the development of a novel theoretical framework for understanding the dynamics of genocide denial across different contexts. Furthermore, it explores the psychological, socio-political, and cultural impacts of non-recognition on survivors, refugees, and descendants. Its overarching purpose is to understand the politics of genocide diplomacy in the (non)recognition of the Rohingya genocide, setting up the conceptual scaffolding for the chapters that follow, and signposting how evidence from Myanmar maps onto theories of genocide.

1.2 THE ROHINGYA: ETHNICITY, DENATIONALISATION, AND REFUGEEHOOD

Rohingya are an ethno-linguistic-religious minority who have been residents of Burma/Myanmar for centuries, but now a large part of them live in Bangladesh as refugees. Scholars like Charney (1999), Ibrahim (2016), Green et al. (2015), Farzana (2017), Uddin (2020), Lee (2021), and Brinham (2025), among others, believe that the Rohingya have been living in the Arakan/Rakhine state of Burma/Myanmar for several centuries, even far earlier than when the British occupied Arakan in 1826. These scholars have provided evidence of Francis Buchanan, Joana



Fig. 1.1 Rohingya refugee movement routes across South Asia and South-East by land, sea, and air (*Source* The United Nations High Commissioner for Refugees (UNHCR), 2025. <https://data.unhcr.org/en/documents/details/119336>)

Vater, and the writings from the *Classical Journal*, which have reconfirmed that a group of people living in Arakan state, long before 1826, spoke a particular language and claimed to be ‘Rohingya’. Uddin stated, “Based on my intensive readings of the available literature on the history of Arakan, Bengal-Arakan relations, and the history of public settlement in this region, I have very deliberately taken the position that the Rohingya are not ‘illegal Bengali migrations’ to Arakan/Rakhine in Burma/Myanmar, rather, the Rohingya have been living in the Arakan for a couple of centuries. On top of that, I explained that before Burma was decolonised in 1948, the Burmese ruled Arakan for only 68 years (24 years from 1406 to 1430 and 40 years from 1784 to 1824) out of 1000 years of the history of the independent Arakan kingdom. The Rohingya people have been residents of independent Arakan for about 1000 years, with different names (Ruinga/Rooinga, etc.) before 1430, when Rosang/Rohang became the capital of Arakan” (Uddin, 2022: 09–10). Charney also supported this argument that Arakanese Rakhine and Arakanese Muslims migrated to Arakan State about 1000 years ago, and certainly far before the Burmese penetrated Arakan (see Charney, 1999; Karmakar, 2024). Burma became independent in 1948, but amid a military coup, General Ne Win seized state power in 1962. Since then, the fate of the Rohingya people has been marked by darkness and persecution. Frequent torture, various forms of discrimination, killing and rape, random exploitation, regular oppression, wholesale extortion, and frequent state violence became everyday events in the lives of the Rohingya people. The junta government launched a deadly operation called Operation Dragon King in 1978, which compelled about 250,000 Rohingya to flee Burma and take refuge in Bangladesh (see Ibrahim, 2016). Uddin wrote, “Following such a constitutional and legal exclusion in the state structure, the Junta Government launched a second massive campaign called *Operation Clean and Beautiful Nation* in 1991–1992, which forced 250,000 Rohingyas to flee Myanmar to Bangladesh. Under a tripartite agreement with the involvement of the UNHCR, 236,000 Rohingyas were repatriated to Myanmar during 1992–1996, but most of them came back later on through illegal ways since the Rakhine state remained unsafe for them” (Uddin, 2019). Then the following two decades did not see any massive influx, but in 2012, around 120,000 Rohingya fled Myanmar and took shelter in Bangladesh. In 2016, about 87,000 crossed the border and took refuge in Bangladesh (Uddin,

2021). In the following year, in 2017, 750,000 Rohingya fled genocidal attacks in Rakhine state under the clearance operation perpetrated by the Myanmar military force. An Independent Fact-Finding Commission formed by the United Nations, in a report published in 2018, confirmed that in the *Clearance Operation* of 2017, about 100,00 Rohingya were killed in two months, 1900 girls and women were raped, and 392 Villages were destroyed in the Rakhine state (Uddin, 2024). Bangladesh now hosts more than 1.3 million Rohingya refugees in 34 temporary refugees in Bangladesh, where Genocide survivors and Genocide victims are living with an atrocious past, a critical present and an extremely uncertain future.

1.3 THEORETICAL FRAMEWORK ON GENOCIDE

Theoretical discussion on genocide largely revolves around the legacy of Lemkin (1944) and two international judicial proceedings: the *United Nations (UN) Genocide Convention of 1948*¹ that led to the establishment of the International Court of Justice (ICJ), and the *Rome Statute of 1998*² that led to the establishment of the International Criminal Court (ICC). Nonetheless, a book on the politics of denial and non-recognition of genocide cannot proceed without a basic theoretical discussion on genocide, as theory clarifies thresholds, signals early warning, and explains how denial practices distort legal meaning, public memory, and shape a pseudo/counter-narrative.

Genocide is better understood as a complex social, political, cultural, and psychological process rooted in modern structures of power, politics, and identity, as it is not just a mass killing and extreme form of persecution. Raphael Lemkin, the conceptual founder of the term, depicted it as a state-led systematic destruction of a group of people (see Lemkin, 1944). Lemkin defined “genocide as a coordinated plan aimed at dismantling the political, cultural, economic, and social foundations of group life” (Lemkin, 1946, p. 227). His definitional framework was contextually broad, which included social, political, national, racial, ethnic, and religious groups. However, the definitional orbit of genocide framed in the *United Nations Genocide Convention* (1948) is significantly slender as

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>.

² <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

it defines “genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group”. Admittedly, such a legal formulation is necessary, but many criticised that it obscures many forms of mass violence and killings perpetrated against political and social groups, thereby delimiting the analytical rigour of genocide as a broader social phenomenon (see Moses, 2004). This tension between legal minimalism and socio-cultural and political breadth underpins much of the denial politics examined in this book.

Many scholars (for example, Totten & Bartrop, 2009) emphasise its rational, pragmatic, and instrumental character. Totten and Bartrop (2009) argue that genocide is frequently understood as a calculated stratagem to achieve specific goals, such as population control, territorial acquisition, punishing counterparts, or ideological purification. Their typology of retaliatory, institutional, down-to-earth, monopolistic, and ideological genocide illustrates the varied rationales that can reinforce genocidal intent. This perspective aligns with Mann’s (2004) proposition that genocide is intimately connected to modern political phenomena, leading to the rise of the nation-state, massive political uprisings, and periods of crisis. Mann argues that genocide transpires when ethnic, racial, or national identities appear crucial to political power while certain groups are represented as detrimental to national homogeneity. In such contexts, the corpus of violence converts into a radical move with a purposeful solution to perceived political problems.

Johan Galtung’s theory of *structural violence* (1969) develops the concept of violence as not only doing bodily harm, but also producing systemic inequalities embedded in social, political, and economic institutions. Structural violence unfolds through exclusion, deprivation, discrimination, poverty, and lopsided access to resources. These combined forces systematically marginalise a certain group but normalise their vulnerability and sufferings. Structural violence in genocidal contexts produces the conditions under which targeted groups are rendered expendable. Long before mass killing appears on the scene, genocide under structural violence stems from discriminatory laws, socio-economic political marginalisation, and institutional racism, leading to the creation of ground for more overt forms of violence. In Myanmar, for example, the 1982 Citizenship Law, movement restrictions, and curated scarcity functioned as preconditions for later escalation. Genocide, in Galtung’s framing, emerges not suddenly but amid the gradual amplification of prevailing inequalities and systemic exclusions.

Process-oriented models of genocide are linked with Gregory Stanton's (2017) work on the ten stages of genocide. Stanton frames genocide as a non-linear process through classification, symbolisation, discrimination, dehumanisation, organisation, polarisation, preparation, persecution, extermination, and denial. Stanton's model underlines how early stages are often subtle and socially accepted, masking the trajectory toward mass violence leading to Genocide. Feierstein (2014) similarly conceptualises 'genocide as a social practice and a technology of power' designed to obliterate and restructure social relations. Unlike Stanton, Feierstein's six-stage framework highlights the transformation of relations and identities, leading to physical extermination and also to symbolic presentation, where new social norms and hierarchies are (re)institutionalised. Both approaches remind us that stages can overlap, reverse, and entrench, and that post-atrocity denial is itself a constitutive stage. However, both approaches given by Stanton (2017) and Feierstein (2014) stress that genocide targets reshaping society itself, not merely eliminating a population through mass killing, unlike ethnic cleansing.

Milgram's (1974) theory of obedience to authority illustrates that individuals are capable of executing harmful acts at the direction of a legitimate authority. In the analysis of genocidal acts, bureaucratic hierarchies and institutional authority allow perpetrators to consider their acts as necessary duties rather than moral choices. According to Staub (1989), leaders quite often identify target groups responsible for social and political problems, which justifies acts of dehumanisation, persecution, and escalating violence. Staub (1989) also emphasises the critical role of criminalisation of objects, which can lead to normalising the escalation of violence and genocidal acts. Bauman (1989) positions genocide within the structures of modernity and the modern form of the state system. He highlights genocide not as a breakdown of civilisation but as a product of modern bureaucracy and technological organisation. Scott Straus (2015) synthesises many of these perspectives along with the interaction between security concerns and ideology. He argues that genocide is most likely to occur when national leaders perceive an existential threat to a core political project and define that threat in categorical, group-based terms. Propaganda, routinised commands, and fragmented responsibility then facilitate participation.

Together, these theories conceptualise genocide as a multidimensional process involving legal frameworks, rational political objectives, structural inequalities, staged escalation, psychological mechanisms of obedience

and conformity, and ideological justifications rooted in security narratives. Genocide emerges from the interaction of modern state power, social crises, exclusionary identities, and institutionalised violence. Understanding genocide in this integrated manner underscores its preventable nature and highlights the importance of early intervention, ethical resistance, and inclusive political structures in mitigating the risk of mass violence. In the case of the Rohingya genocide, we can fit the analytical lens of the legal charter of the UN and the theoretical framework provided by Lemkin (1946), Totten and Bartrop (2009), Mann (2004), Galtung (1969), Stanton (2017), Feierstein (2014), Milgram (1974), Staub (1989), Bauman (1989), Straus (2015), and many more. Yet, as this book argues, the process of genocidal recognition is itself political, and the Rohingya case sits within a contested matrix of denial, euphemism, and potentially selective application of law.

1.4 LITERATURE ON THE ROHINGYA GENOCIDE

The Rohingya crisis has emerged as one of the most widely and well-researched contemporary instances of crimes against humanity, ethnic cleansing, genocide, and forced deportation. According to the existing body of literature, they are very possibly the most persecuted minority in the world. The scholarship is extensive in its disciplines, covering international law, political science, sociology, anthropology, gender studies, international relations, and public health. Every area of study predetermines the persecution of the Rohingya in different but occasionally overlapping terms. Through the review of the numerous papers presented on the Rohingya genocide, this review has discovered certain overarching themes that pervade the academic scholarship: (a) historical background and identity politics, (b) genocide patterns and classifications, (c) instruments of violence and displacement, (d) gendered and sexualised violence, (e) geopolitics, international law, and protection failures, (f) refugee experiences, health, and identity in exile, and (g) resistance, solidarity, and access to justice. These themes collectively anchor the Rohingya case within both legal and socio-political and cultural understandings of genocide.

Historical Roots, Statelessness, and Identity Politics

The repeated theme is that Rohingya identity is based on historical constructions and exclusionary and marginalising policies, which were deliberate and authoritarian and led to statelessness. According to scholars, the formation and preservation of ethnic identity, discriminative state policy, and increase of ethno-religious nationalism as well as hate speech by Myanmar, along with the marginalisation of Rohingya as “illegal migrants”, “other”, “outsiders”, “Bengali”, and “Bengali intruders”, left Rohingya with deep roots in the Rakhine State (Afework, 2023; Cockett, 2021; Ibrahim, 2016; Lee, 2021; Sabbir et al., 2022; Ullah, 2016; Ullah & Chattoraj, 2018; Wade, 2019; Zahed, 2021a, 2021b). Failed political transition (Lee, 2021) and democratisation in Myanmar (Roy Chowdhury, 2020) further exacerbated the situation that led to the exclusivist Buddhist nationalism and the politicisation of Rohingya identity. What is notable here is that the 1982 Citizenship Law institutionalised the Rohingya’s exclusion, depriving them of recognition and fundamental rights that rendered them as ‘the most unwanted people on earth’ (McParland, 2020). Similarly, Leider (2018), Lee (2021), and Uddin (2022) trace the Rohingya identity to precolonial Arakan, colonial encounters, and post-independence ethnic nationalism, emphasising that civic exclusion accelerated the formation of contested identity. Scholars also applied social constructivist theory to explain the linkages among identity, interests, and policies that marginalise the Rohingya and undermine their livelihoods, which ultimately lead to persecution (Afework, 2023; Garrido, 2022). Movement restrictions, surveillance, and documentation regimes compounded this exclusion over decades.

Other works, like Farzana (2017) and Chowdhury (2020), examine contested belonging and the entangled genealogy of nationalism that turned Rohingyas into an enemy, an “unimagined community”. Misrecognition, oppressive rule, and extreme violence supported by ultranationalism, religious spirit, and structural Islamophobia were made possible to the ‘legacy of forgetting’ as a political strategy (Bakali, 2020; Renshaw, 2019). The denial of belonging and the Myanmar state’s exclusionary policies and approach toward ‘different’ people are central to what Uddin (2020) terms ‘subhuman life’, a condition of extreme vulnerability shaped by statelessness and systemic discrimination. The main argument here is that historically, identity politics, whether state institutions

and Buddhist ultranationalists weaponised religious, ethnic, or nationalist to legitimise the persecution of the Rohingya ethnic minority, which ultimately rendered them stateless. This political process of weaponisation later enabled securitised narratives, rationalised mass violence and ultimately to genocide-.

*Framing the Atrocities: Genocide, Ethnic Cleansing, and Crimes
Against Humanity*

A substantial segment of academic literature debates whether the atrocities committed against the Rohingya qualify as genocide, ethnic cleansing, or crimes against humanity. The term genocide stands in difference and entails a very particular meaning as it is clearly defined under the UN Convention on the Prevention and Punishment of the Crime of Genocide, enacted in 1951 (Article II). The apparent ‘intent to destroy, in whole or in part, a national, ethnic, racial or religious group’ must be there as a fundamental element with five specific acts that include killing, inflicting serious harm, imposing certain conditions of life, preventing birth, and transferring children (UN, 1951). Works such as Hossain (2021) and Szurlej (2016) apply Stanton’s ten-stage model of genocide, and Macmanus et al. (2015) apply Feierstein’s framework of genocide’s stages, concluding that Rohingya persecution meets every definitional criterion of the Genocide Convention. Similarly, Siddique (2020) follows the five key concepts of post-truth politics to understand the violence against the Rohingya community. Few works, like Sabbir et al. (2022), Osmani et al. (2018), and Storai (2018), characterise the persecution as ethnic cleansing, while Sarmin (2020) stresses that the crisis involves both ethnic cleansing and genocide periodically. Apart from that, the vast body of literature argues unequivocally that the 2017 pogroms amount to genocide rather than ‘mere’ ethnic cleansing (Karim, 2020; Karmakar, 2024; Lee, 2021; Uddin, 2022, 2024; Van Schaack, 2019).

On the other hand, the terminological ambiguity is also mentioned by scholars. Southwick (2018) argues against the act of “naming, blaming, and claiming” in the context of international law, which, in most cases, prevents decisive action due to the politics of definition. However, the overall academic community is toward the opinion that the Rohingya case can be referred to as genocide, be it in terms of the “beginning of genocide” (Crossman, 2014), in terms of “slow-burning genocide” (Zarni & Cowley, 2014), in terms of “countdown to annihilation” (Macmanus

et al., 2015), in terms of “hidden genocide” (Ibrahim, 2016), or “genocide in attrition” (Anwary, 2022). Karim (2020) also notes that there is an argument as to whether the forced migrant Rohingyas should be known as refugees or as foreigners, with the UN considering them as refugees and Bangladesh calling them Forcibly Displaced Myanmar Nationals (FDMN). The striking feature of this case is that academic discussions about the naming of a persecution reflect the geopolitical bias: the statement has an overwhelming ground of indicative evidence of genocide, but the political participants tend to use weaker and less offensive words, such as ethnic cleansing, to evade the law and feel guilty of the crime.

Strategies and Nature of Violence and Displacement

The literature on Rohingya persecutions details systematic and multi-faceted strategies of persecution. Systematic discrimination, denial of basic rights, mass killing, burning houses and villages, looting, raping women, barring aid and journalists are among the common atrocities carried out by Myanmar, its military, and the Theravada Buddhists as “clearance operations” that killed over 100,00 Rohingya civilians, displaced over one million people to Bangladesh³ (see Fig. 1.2), raped around 2,000 women, and destroyed nearly 400 villages (Anwary, 2022; Butt et al., 2021; Cunningham, 2018; Dussich, 2018; Habib et al., 2018; Hoque et al., 2018; Ibrahim, 2016; Khin, 2017; Lee, 2021; McParland, 2020; Mohajan, 2018; Osmani et al., 2018; Parmar et al., 2022; Santoso et al., 2024; Sarmin, 2020; Siddique, 2020; Uddin, 2022; Wade, 2019). These tactics reveal coordination, scale, and intent consistent with genocidal practice.

Several works go beyond violence to examine displacement from other angles, including political economy. Anwary (2023) connects land confiscation and forced displacement to extractive capitalism and foreign investments, especially China’s, framing genocide as economically motivated

³ Officially Bangladesh hosts more than 1.2 million Rohingya refugees, including approximately 34,000 residing in Bhasan Char Island as of 28 February 2026 (UNHCR, 2026). In addition, around 150,000 Rohingya have newly arrived in Bangladesh since early 2024 (UNHCR, 2025). Rather than receiving individual refugee identity documents, these new arrivals have been issued family cards to enable access to lifesaving assistance. Unofficially, a further 300,000 Rohingya are believed to have been integrated into host communities.

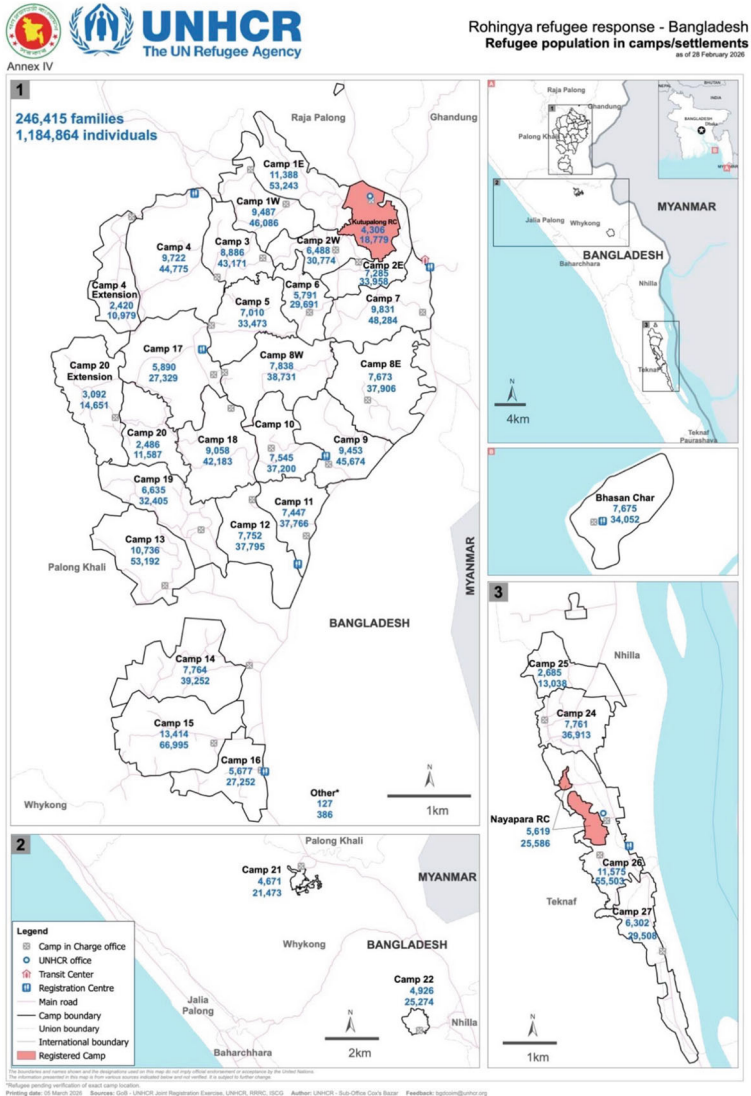


Fig. 1.2 Rohingya refugee camps and settlements in Bangladesh, including in Cox's Bazar and Bhasan Char (Source UNHCR, 2026 <https://data.unhcr.org/en/documents/details/121578>)

as much as ethnically driven. Habiburahman and Alamgir (2024), using the method of organising situated solidarity and the concept of political society, emphasise “slow and ongoing genocide” perpetuated through structural misrecognition, militarised racial capitalism, and long-term policies that erase the Rohingya presence in Myanmar. Lee and González Zarandona (2020) highlight heritage destruction as a tool of genocide against the Rohingyas and urge international recognition of heritage destruction as a significant indicator of genocide. Similarly, Uddin (2022) mentions “domicide” as an often-overlooked concept in persecution and genocide that needs equal attention. Some studies highlight the importance of acknowledging early warning so that preventive measures can be taken before it is too late (Anwary, 2022; Lee & González Zarandona, 2020; Szurlej, 2016). Thus, genocide is not only the immediate acts of violence but also structural, protracted processes aimed at uprooting a group of people from their land and history. This broader lens helps connect episodic atrocities with long-term dispossession.

Gendered and Sexualised Violence

Another prominent theme is the systematic use of sexual and gender-based violence (SGBV) as an instrument of genocide. Rosenberg (2022) employs a feminist situational analysis to show how patriarchal domination, combined with psychological and historical factors, intersected to enable the mass rape of Rohingya women. Sikri (2023), Uddin (2022), and Anwary (2022, 2020) substantiate that sexual violence, including rape, genital mutilation, and public humiliation, was not incidental but a state-organised effort and strategy to terrorise and destroy the morale of the Rohingya community. Gendered harms thus operate as both tactic and objective.

Scholarly works such as Uddin (2022) mention nearly 1,900 rapes in two months during the 2017 operations confirmed by UN reports, while Van Thillo (2022) suggests that these crimes, committed by the Tatmadaw to inflict death, serious harm, and specific conditions of life, can be prosecuted as genocide, crimes against humanity, and war crimes. Hutchinson (2018) adds a different dimension: data on pregnant women and new mothers in the Rohingya refugee population, in comparison with historical demographic patterns, can indicate increased conflict-related sexual violence and ethnic cleansing. It is then evident that SGBV served multiple genocidal functions: physical destruction,

social humiliation, intergenerational trauma, and deterrence of community reproduction. The cumulative effect is community disintegration by design.

Geopolitics, International Law, and Failures of Responsibility to Protect (R2P)

A significant amount of scholarship examines the reasons behind the relative ineffectiveness and limited response of the international community. González Villa (2019), Zahed (2021), and Alam and Mulaj (2021) highlight systemic failures in implementing R2P, which are hindered by the Association of Southeast Asian Nations (ASEAN)'s non-interference principle, the Organisation of Islamic Cooperation (OIC)'s reliance on diplomacy, the European Union (EU)'s prioritisation of democratisation, and Security Council vetoes by China and Russia. Ware and Laoutides (2018) further stress the tension between state sovereignty and humanitarian intervention. Together, these constraints explain weak prevention, patchy sanctions, and delayed accountability.

In law, analysts examine various accountability directions. Moodrick-Even Khen (2023) suggests a “triple strategy” of ICJ, ICC, and universal jurisdiction cases to have the highest probability of accountability. Becker (2018, 2020) backs the tentative measures of the ICJ and the state, noting that a legally binding instrument is not a panacea but can serve as a dominant force toward justice. Nasution (2018) and Santoso et al. (2024) bring attention to the topic of prosecution of genocide, both at the international level under an international criminal law protection, and national courts, as is the case in Indonesia, and, above, through the work of international governmental bodies. There are also out-of-court options, including mediation and negotiation, which are mentioned by Mangku and Narayani (2022). Nevertheless, Southwick (2018) warns that the inability of international institutions like the UN, ICJ, and ICC to enforce the law universally is a significant challenge to successfully respond to acts of crimes against humanity and genocide, which coincides with facilitating an instance of preventable genocide allowed to occur, as presented by Khin (2017).

Inaction and ineffectiveness in international responses are also influenced by geopolitics and geo-economics. According to Fair (2019), Karim (2020), Uddin (2020), Anwary (2023), as well as Karmakar (2024), reasons for muted and weak international responses consist in

regional political dynamics and economic interests, including US, Russian, Chinese, Japanese, and Indian strategic interests in Rakhine, especially in the form of weapons sales and the presence of natural resources in the Bay of Bengal. In that way, the literature indicates an immeasurable difference between normative approaches (the Genocide Convention and R2P) and *realpolitik*. The process thus seems to be filtered through alliances, supply chains, and strategic corridors.

Refugee Experiences, Health, and Identity in Exile

What, then, characterises the post-genocide condition of Rohingya refugees? Another key theme that arises is the situation of stateless Rohingya refugees in Myanmar, Bangladesh, and other countries. Islam (2024), Parmar et al. (2022), Cunningham (2018), Pocock et al. (2017), and Shivakoti (2017) record appalling living conditions in refugee camps, including overcrowding, malnutrition, disease, and limited mobility. In public health-related studies, it has been seen that there is an increasing rate of child mortality and malnutrition among the Rohingya refugees.

Identity and vulnerability in exile are recurring themes. O'Brien and Hoffstaedter (2020) argue that cultural destruction and forced assimilation in countries like Malaysia represent a continuation of genocide beyond Myanmar's borders. Uddin (2020) argues that the framework of 'subhuman life' has the potential to understand the extreme vulnerabilities of Rohingya refugees not just in Myanmar but also in displaced situations like in Bangladesh, where they continue to face various challenges. Adding more to the vulnerabilities, several other works focus on the growing trend of shifting attitudes and anti-refugee sentiments, like mostly negative beliefs and attitudes (Jerin & Mozumder, 2019), unconditional solidarity to anti-refugee sentiments (Ansar & Md. Khaled, 2021), and a declining sympathy (Kamruzzaman et al., 2024). These social currents further impede protection and durable solutions.

Resistance, Solidarity, and Pathways to Justice

While the literature mostly emphasises the victimisation and suffering, several studies foreground the Rohingya resilience and global solidarity. Martuscelli et al. (2024) highlighted everyday resistance strategies, from non-compliance and secrecy to staying at home and maintaining pregnancy as a gender-focused strategy to ultimately fleeing in groups and

supporting each other during the 2017 attacks. Anwary (2022) notes women's agency during the 2017 genocide as they had to take independent, split-second decisions that continuously push the boundaries of existing gender norms. These acts of agency complicate one-dimensional portrayals of victimhood.

Solidarity is another sub-theme. Habiburrahman and Alamgir (2024) stress "situated solidarity" against misrecognition, urging academics and activists to challenge militarised racial capitalism. Parmar et al. (2022), O'Brien and Hoffstaedter (2020), and Szurlej (2016) advocate for global solidarity, recognition of genocide, and collective resistance to trigger state obligation, ensure justice, lasting peace, and ultimately end the crisis. Solidarity, if sustained, can help bridge the gap between norm and enforcement.

Finally, pathways to justice are widely debated. Scholars propose ICC and ICJ prosecutions (Becker, 2018; Moodrick-Even Khen, 2023; Nasution, 2018), implicit calls for reforms to R2P (González Villa, 2019), political and interfaith dialogue and restoration of citizenship (Karim, 2020), regional asylum frameworks (Shivakoti, 2017), out-of-court processes like mediation and negotiation (Mangku & Narayani, 2022), national judicial systems (Santoso et al., 2024), and varied-level advocacy (Cunningham, 2018). Even when legal victories are uncertain and delayed, raising awareness is seen as a partial success in mobilising moral and political pressure (Moodrick-Even Khen, 2023). Apart from the various modes of prosecution and justice mentioned earlier, Uddin (2022) highlights the Rohingya perspective on resolving the crisis, noting that three key factors must be met for them: legal recognition, social safety, and human dignity. The burning question remains, "Who will bell the cat?" (Uddin, 2022). This book returns to that question in its conclusions.

1.5 STRUCTURE OF THE BOOK

The book is structured in three parts, and each part contains thematic chapters. The first part provides a conceptual and legal context of genocide studies in relation to the Rohingya crisis. The second part illustrates the empirical and evidential narratives of the victims, which work as testimonies of the Rohingya genocide. The third part critically discusses the roles of the international community, the operation of the

International Court of Justice (ICJ), and the dysfunctional discourse of “global justice”, “sharing responsibilities”, and “humanitarian protection regimes”. Together, the three parts move from theory to evidence to potential ways forward.

Conceptual and Legal Context of Genocide

In Chapter 2, San Beauchemin argues that denial of genocide is not just an act of historical revisionism; it is also a potent mechanism through which perpetrators and enablers manipulate narratives to legitimise atrocities and suppress calls for justice and accountability. This chapter investigates the political role and use of language in relation to the Rohingya people and the Rohingya genocide, focusing on the denial strategies used by the Myanmar government to build domestic consensus and deflect international criticism. The conceptual erasure of the Rohingya as an ethnic group, through the rejection of their collective identity and the construction of their foreignness, is an integral component of their victimisation. A discursive analysis of political messaging, communications, and state-media representations of the Rohingya and the atrocities of 2016–2017 reveals how identity denial intersects with genocide denial to normalise the marginalisation and violent persecution of a people while fostering an environment of impunity for the perpetrators. It thereby links semantics to sovereignty and harm.

In Chapter 3, Md Touhidul Islam and Bayes Ahmed examine the case concerning “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)” before the ICJ. They argue that the Rohingya case should be understood as a cumulative and continuing genocidal process rather than an isolated outbreak of violence. It situates the dispute within the legal framework of the Genocide Convention and traces the case from The Gambia’s application in November 2019 to the completion of the merits hearings in January 2026. The chapter shows that the proceedings are shaped by two fundamentally opposed narratives. The Gambia argues that Myanmar’s treatment of the Rohingya, including killings, sexual violence, village destruction, forced displacement, statelessness, discriminatory laws, and destructive living conditions, forms part of a broader genocidal pattern. Myanmar, by contrast, denies genocidal intent and reframes the events of 2016 and 2017 as counter-terrorism operations against the Arakan Rohingya Salvation Army (ARSA). The dispute therefore extends beyond

questions of fact to deeper contestation over intent, evidential interpretation, structural discrimination, and the politics of recognition and denial. Conceptually, the chapter uses Gregory Stanton's ten-stage framework to demonstrate how the Rohingya genocide unfolded through overlapping processes of classification, symbolisation, discrimination, dehumanisation, organisation, polarisation, preparation, persecution, extermination, and denial. It further argues that genocide should not be read through a rigidly sequential model. Drawing on the insight that denial may operate before, during, and after mass atrocity, the chapter shows that identity erasure, historical distortion, and continuing impunity are not marginal to the Rohingya case, but rather central to it. The authors conclude that the atrocities of 2016 and 2017 represented the culmination of a longer genocidal process directed against the Rohingya as a protected group.

In Chapter 4, Mohammad Pizuar Hossain explains that the "Rohingya" ethnic minority group has been the most oppressed under military rule, with precedents dating back to the 1960s and earlier, in Myanmar (formerly Burma). The individual perpetrators have been systematically committing genocide and other atrocity crimes against this community for several years, including large-scale violence in 2017. Consequently, over one million Rohingya individuals were compelled to escape Myanmar and seek refuge in neighbouring Bangladesh. As a response to this crisis, the ICJ is currently considering Gambia's petition from November 2019 regarding the "Rohingya genocide", seeking to hold Myanmar accountable as a "state". The ICC Prosecutor is also investigating the deportation, as a possible "crime against humanity", of the Rohingya from Myanmar to Bangladesh. However, these initiatives reveal a paradox in international law: while the ICJ has acknowledged the risk of genocide and ordered provisional measures, broader international responses still fall short of prosecuting genocide directly or ensuring individual criminal responsibility. The ICC's limited jurisdiction and the political deadlock within the UN Security Council, exacerbated by likely vetoes from China and Russia, further obstruct justice. This chapter examines the Rohingya genocide primarily through a legal lens, while also incorporating political aspects to explore how international legal mechanisms, shaped in part by geopolitical interests, have contributed to the construction of impunity in the face of widespread atrocity. Drawing upon the Rohingya genocide case, it argues that the failure to prevent or adequately respond to the genocide is not merely a consequence of

legal limitations, but of how international law is selectively mobilised, interpreted, and enforced.

In Chapter 5, Abdul Kadir Khan argues that the legal definition of genocide outlined in the Genocide Convention is foundational for international justice, imposing a high evidentiary benchmark. The requirement to establish specific intent often delays recognition and impedes early intervention. In contrast, the non-legal definition of genocide employed by scholars, journalists, and advocacy organisations emphasises early warning indicators, structural patterns of violence, and political context. These approaches offer a more dynamic and preventive lens for identifying and responding to genocidal intents. This chapter critically examines the evolving definitions of genocide and explores how legal and non-legal interpretations diverge in both theory and practice, using the Rohingya crisis as a central case study. Drawing on a comprehensive media (newspaper) analysis of secondary sources, this chapter argues that while legal definitions are indispensable for ensuring accountability and pursuing justice through formal mechanisms, non-legal interpretations offer a more flexible, context-sensitive, and preventative approach to identifying and responding to genocidal acts.

In Chapter 6, Pintu Kumar Mahla and Himani Choudhary explore the role of water security in the broader politics of genocide denial and non-recognition, specifically in the case of Rohingya settlements in Myanmar. It argues that denial of access to clean water and sanitation is not merely a consequence of displacement but an active tool of oppression, exclusion, and systematic marginalisation. The chapter critically examines how water scarcity is weaponised, both as a pre-genocidal and post-genocidal strategy in Rohingya refugee settlements in Myanmar. Drawing from water justice frameworks and human rights discourses, the study adopts a theoretical qualitative study to highlight how international responses to the Rohingya crisis have failed to acknowledge water deprivation as a fundamental aspect of rights erosion. It further discusses how geopolitical interests and global refugee policies have exacerbated water insecurity in displacement camps and settlements, reinforcing systemic denial of water rights. By integrating case studies from genocide-affected areas facing water injustice in Myanmar, this chapter sheds light on the urgent need for recognising water security as a central human right in genocide prevention and post-genocide rehabilitation.

Empirical and Evidential Narratives of the Rohingya Genocide

In Chapter 7, Imtiaz Ahmed and Niloy Ranjan Biswas present that through micro-narratives, this chapter examines the lived experiences of Rohingyas in Myanmar, illuminating how both physical and structural violence influenced their way of life. As a stateless group, the Rohingyas faced direct atrocities, institutionalised discrimination, and systemic exclusion, which many consider to be acts of genocidal intent. The state's attempts to protect so-called national races served as justification for their marginalisation, leaving the Rohingyas defenceless and exposed. They fled violent persecution and took sanctuary in Bangladesh, where they currently reside in temporary camps. To better understand how Rohingya people view violence and protection in the past and their imagined futures, this study puts individual voices front and centre, moving beyond macro and meso perspectives. The chapter makes the case that decades of structural violence have solidified cycles of physical violence. It concludes that resolving the Rohingya crisis requires a fundamental transformation of the Myanmar state, particularly its constitutionally embedded racial and communal frameworks, to ensure justice, human dignity, and equal rights for all. This evidential focus grounds the volume's theoretical claims.

In Chapter 8, Shikha Vasishta and Pooja Kapoor explore how the Myanmar armed forces' genocidal operation uses sexual violence and forced procreation against Rohingya women and inflicts severe social, legal, and psychological damage on survivors and rape children alike. It deconstructs the politics of genocide denial to illuminate the Myanmar state's concealment of reproductive violence as well as the ensuing statelessness and social death of the concerned children. Contextualised by intersectionality, social death, and postcolonial feminism, the research relies on secondary literature to contend that sexual violence is a deliberate strategy to kill Rohingya identity. It demands that international legal systems acknowledge reproductive violence as fundamental to genocide and that protective measures for stateless children are strengthened, placing Rohingya women's experiences at the heart of legal scholarship and academic discussion. In doing so, it bridges gender analysis with accountability debates.

In Chapter 9, Sirajul Islam, William Paul Simmons, and Saleh Ahmed argue that it took a while, but eventually international actors labelled the violence against, and forced displacement of, the Rohingya in Rakhine State in 2017 as a genocide. Such a pronouncement usually triggers a

series of responses from the international community, such as truth and reconciliation commissions, legal redress, humanitarian aid for the victims, and trust-building between the victims and the perpetrators. The 2017 Rohingya genocide, with over a million Rohingya forcibly displaced to Bangladesh, led to an unprecedented humanitarian response. In short order, camps with housing, food, water, and sanitation were established. This massive undertaking was coordinated and governed by a tapestry of international and Bangladeshi agencies, along with dozens of national and international non-governmental organisations (NGOs). Despite this multifaceted response, we argue that there was partial genocide denial from many actors and that the inadequate response made the renewed genocide of the Rohingya in 2024 and 2025 almost inevitable. Few efforts were made to memorialise what happened, especially in Myanmar. Legal redress has been stalled in international forums, and only a few cases, such as in Argentina and at the ICJ by Gambia, have been brought in other jurisdictions. Most significantly, there was almost no intervention in the communities where the genocide took place, with almost no peacebuilding efforts enacted in Rakhine State between the perpetrators and the Rohingya. The thousands of humanitarian actors working with the Rohingya in Bangladesh know very little about the internal affairs in Myanmar. This was one of the few genocides where the focus has been on the refugee camps and not on the site of the genocide, which meant that the underlying precarity of the Rohingya in Rakhine was not addressed. Thus, the global community failed in its responsibility to prevent the current genocide from happening. The chapter thus connects labels, practice, and prevention.

In Chapter 10, Md. Daiyan Belal, Sadrul Alam Kanok, Nasir Uddin, and Palash Kamruzzaman argue that following decades of systematic discrimination, human rights violations, and escalating persecution since the 1970s, the Rohingyas experienced an extreme form of genocidal attack perpetrated by the Myanmar security forces in 2017, featuring mass killing, random rapes, indiscriminate arson, and massive displacement. The intent and acts of genocide were evident in the ways the Rohingyas were dealt with and treated by the Myanmar State. While acknowledging the Gambia's case at the ICJ under trial, the entire claim of the Rohingya genocide holds ground in the Rohingya diaspora activism, some scholarly productions, and human rights advocacy, where victims' voices remain less heard. Geopolitical forces, instead, determine the dynamics of recognition and non-recognition. Drawing on intensive evidential narratives

collected from the ground, this chapter places genocide survivors at the centre, paying particular attention to the way genocide survivors conceptualise genocide amid their lived experience, which is not duly counted in the geopolitical matrix. Moving from definitional jargon and legal framework, two central quests motivate this chapter: (a) understanding the Rohingya genocide from survivors by articulating intensive evidential narratives to substantiate their claim, and (b) defining and redefining genocide amid survivors' testimony beyond decade-old definition structural orthodoxies. The authors collected 70 vivid and intensive evidential narratives of Rohingya genocide victims employing one-to-one in-depth interview method and recording micro-narratives between February and May 2025 from Kutupalong and Balukhali refugee camps in Cox's Bazar, as well as September 2025 from Bhasan Char in Noakhali, Bangladesh. The lived experience of the Rohingya genocide survivors suggests that the specific intent of destroying, killing, causing bodily and mental harm, and inflicting certain conditions of life upon them was conspicuous, well enough to substantiate the Rohingya genocide claim according to the 1948 UN Genocide Convention and the 1998 Rome Statute. Apart from them, our intensive evidential narratives are capable of making meaningful contributions to reframing the international legal holdings of defining genocide, which is manipulated by geopolitical forces for genocide denial. This chapter, therefore, recentres survivor epistemologies.

In Chapter 11, Umme Busra Fateha Sultana and Tasnim Nowshin Fariha argue that the 2017 *clearance operation* against the Rohingyas in the Rakhine state of Myanmar is considered one of the most devastating genocides of human history. While mass killings and forced migration received massive attention in the context of the Rohingya genocide, how gender-based violence had been used as a weapon of the genocide has been scant discussed. Drawing on 55 survivors' narratives from the Balukhali camp in Cox's Bazar of Bangladesh and analysed through the framework of Article II of the 1948 United Nations Genocide Convention, this chapter substantiates that these atrocities were neither random nor accidental but deployed as systematic acts of extermination shaped by gendered logics. The findings illuminate that men were subjected to physical torture, execution, and castration with the intention to destroy community leadership, social cohesion, and potential resistance. Whereas women were subjected to widespread sexual assault, including rape, gang rape, sexual mutilation and reproductive harm, followed by brutal killings in many cases. The public staging of such extreme events of violence

reflects an intent to instigate communal terror, as well as destroy individuals, family structures, and communal continuity. The findings also illustrate the deliberate imposition of precarious living conditions calculated to cause group destruction. The burning of villages, confiscation of food supplies, and forced displacement led to acute deprivations, exacerbating women's burden of primary caregiving and men's capacity to earn livelihoods and discharge protective roles. Moreover, the lethal attacks on their reproductive capacities included making women infertile through rape or sexual assault, subjecting men to genital mutilation, and killing, abducting, or forcing children to witness gender-based violence. The practices unfold an integrated genocidal strategy, designed to exterminate the Rohingyas physically, symbolically, and intergenerationally. This chapter provides valuable evidence on how the Rohingya genocide was carried out through intertwined forms of gender-based violence, accentuating the pressing need to integrate gender gendered perspectives in scholarly theorisation, as well as accountability mechanisms for genocide. It complements Chapter 6 by deepening survivor-centred analysis.

The Rohingya Genocide in Global Perspective

In Chapter 12, Kajalie Shehreen Islam and Farah Zahan Shuchy analyse how global media have covered the Rohingya crisis in connection with the genocidal violence in Rakhine State in 2017. Using agenda-setting and crisis framing theories, they have examined media reports from 2017 to 2024 to determine whether Rohingya people were portrayed primarily as genocide survivors or as humanitarian refugees. Through a theoretically grounded, iterative coding process, the chapter identifies key narrative elements such as problem definitions, causes, moral judgments, and proposed responses. It also explores how Rohingya individuals were depicted in various roles, including genocide survivors, humanitarian subjects, refugees, policy burdens, security threats, and political actors. Their longitudinal comparative analysis spans ten international media outlets and four phases: periods of intense violence and displacement; debates around accountability and repatriation; the overlap of the coup and pandemic with camp vulnerabilities; and prolonged displacement alongside regional instability. The findings reveal which frames dominated in different outlets and how attention to humanitarian concerns and recognition of genocide evolved. Rather than aiming for statistical generalisation, the study offers rich qualitative insights, compares

coverage across outlets, and helps clarify a key issue in framing research: the conditions under which Rohingya suffering becomes visible and understandable.

In Chapter 13, Muhammad Kazim Nur Sohad, S M Sadat al Sajib, and Nasir Uddin examine how genocide leads not only to death and trauma but also to forced displacement, creating long-term instability across borders and regions. Using the Rohingya genocide as a case study, it argues that displacement is a deliberate part of genocidal strategy, driven by structural violence, dehumanisation, and denial of citizenship. The chapter highlights how the forced displacement of the Rohingya has created social, political, economic, and security challenges for both Myanmar and Bangladesh, while also affecting regional stability in South and Southeast Asia. Drawing on a decade of ethnographic research, it explores consequences such as cross-border tensions, human trafficking, and strained diplomatic relations. Overall, the chapter shows that forced displacement is a central outcome of genocide with serious implications for national, regional, and global security.

In Chapter 14, Penny Green and Thomas MacManus, based on direct observation and ethnographic fieldwork conducted in 2012 and 2014–2015, examine the Myanmar State’s denial and cover-up of the genocide against the Rohingya people, focusing on the period following the annihilation phase. State officials and security forces engaged in the systematic erasure of Rohingya villages, cultural heritage, and historical records through violence, misinformation, media manipulation, and censorship. They documented various strategies and methods employed by the Myanmar government to erase the Rohingya from the country’s history and social fabric, including direct denial of the genocide itself, destruction of evidence, rewriting of history, and the suppression of the Rohingya identity. The chapter also highlights the role of Aung San Suu Kyi and her civilian government in the denial and cover-up, including their defensive lies, rebuttals against allegations of mass rape, and the prohibition on the use of the term “Rohingya”. The complicity of humanitarian organisations and the UN in downplaying the Rohingya identity is also discussed. Ultimately, the chapter argues that the Myanmar state’s denial and cover-up are crucial components of the ongoing genocide, aimed at the complete and irreversible erasure of the Rohingya people from Myanmar. Erasure, in this chapter, functions as policy, not aftermath.

In Chapter 15, Sudipta Roy Choudhry presents that it has long been said that the Rohingya, a Muslim minority group in Myanmar's (formerly Burma) Rakhine State, are cursed. They are known as the "most persecuted community" in the world as a result of their extremely difficult circumstances. Over 1.3 million Rohingyas were denied citizenship and had all of their rights removed as a result of the 1982 Citizenship Act of the Former Myanmar Government. Given their propensity for using violence to seize power and their overt participation in the systemic violence directed against the Rohingya Community, the current ruling authority of Myanmar, the *Military Junta*, has done little to eradicate the evil practices of their predecessor and is attempting to reforge the nation on principles of solidarity and unity. The Rohingya ethnic group has been forcibly displaced internationally as a result of the establishment of a de facto apartheid regime in Myanmar, which has resulted in their large exodus to nearby nations like Bangladesh, Malaysia, India, and Cambodia, among others. Given the rapid escalation of the situation and its humanitarian nature under the International Legal Framework, the Gambia has resorted to applying to the ICJ against Myanmar on 11 November 2019, alleging violations of the Genocide Convention. As a way to shed some light on the prospects for the future while carrying forward the past, this article examines the case of *The Gambia v. Myanmar* before the ICJ, highlighting its pivotal role in shaping international legal discourse on genocide prevention and state responsibility. This case holds significant legal implications, particularly in advancing state accountability for breaches of *jus cogens* norms prohibiting genocide.

In Chapter 16, Patrícia Nabuco Martuscella, Bayes Ahmed, and Peter Sammonds examine how the ongoing genocide in Myanmar continues to hinder the possibility of a safe, dignified, and sustainable return for Rohingya refugees. The authors emphasise that return must be a voluntary decision made by the refugees themselves. However, they also show that the long-term systematic exclusionary and discriminatory policies of the Myanmar authorities, together with continuing genocidal violence, atrocities, and persecution against the Rohingya, have driven repeated episodes of forced displacement since 1978 and continue to do so today. This chapter contributes to understanding refugees' return aspirations by analysing 259 micro-narratives of Rohingyas living in Bangladesh, Malaysia, and India between 2019 and 2020. In addition, the authors draw on an extensive review of the literature and an analysis of ICJ case documents to support their conclusions. The results show that while most

Rohingya participants were willing to return to Myanmar, they demanded access to citizenship, various civic rights and services in Myanmar, and accountability and justice for the perpetrators. This chapter's main contributions are linked to analysing Rohingyas living in different host countries that are not parties to the 1951 Refugee Convention, their aspirations to return to their homeland, and the search for a sustainable solution to the protracted crisis in various neighbouring countries, particularly in Bangladesh, amid ongoing genocide, war crimes, and crimes against humanity in Myanmar.

1.6 CONCLUSION

The central argument of this book is not simply justifying that what happened to the Rohingya people in 2017 is genocide, but to understand the root causes of the politics of denial and non-recognition of genocide. We argue that whether a particular case is genocide or not in the existing international judicial system and UN legal proceedings is not determined by the Genocide victims themselves, but by global geopolitics, inter-state relations, long-term interests of corporate capital, and rivalries of global powers. Consequently, while victims carry the testimonies of genocide in their bodily and embodied existence, the global system of genocidal denial vs. recognition shows the tailor of trial. Genocide is occurring before our eyes, and the international community is witnessing the vivid picture of the ongoing genocide, but the selective reaction and calculated global response to genocide is making the entire discourse of denial taken for granted for the rest of the world. In the domain of genocide recognition vs denial, geopolitics is taking over humanity. Therefore, the entire discourse of global justice and humanitarian protection regimes turns into a mockery. However, if the international community really means to bring justice for the genocide victims and hold perpetrators accountable, humanity should be placed over global geopolitics.

Building on the theoretical framework (i.e., Lemkin, Mann, Galtung, Stanton, Feierstein, Milgram, Staub, Bauman, and Straus), the Rohingya case, through different chapters in this volume, demonstrates how structural inequalities, staged escalation, bureaucratised obedience, and securitised ideologies interlock to produce mass atrocity and how denial has been embedded at every stage. The existing literature shows that identity erasure, citizenship stripping, and heritage destruction prepared the ground for “clearance operations”, while gendered and sexualised

violence served to destroy community continuity and inflict intergenerational harm. At the transnational level, gaps in responsibility to protect, selective sanctions, and the instrumental use of legal thresholds enable strategic ambiguity and defer decisive action. Moving beyond performative outrage requires recognising that what are often treated as early warning signs are, in fact, constitutive elements of genocide as both a legal category and social practice. The incremental destruction of a group's life-world, through heritage erasure, domicile, dispossession, and the everyday administration of scarcity, maps directly onto the UN Genocide Convention's concern with 'conditions of life calculated to bring about [a group's] physical destruction', while also exemplifying the structural violence that precedes overt exterminatory episodes. In this sense, the so-called indicators are neither peripheral nor merely prognostic; they are integral to the genocidal process and should be read as part of the evidence of intent and practice rather than as a separate anticipatory domain. By centring survivor testimonies alongside socio-legal rationality, this book complements and strengthens both the moral clarity and the evidentiary basis for recognition and challenges the current understanding and scholarship to replace expediency with justice in cases like the Rohingya.

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PART I

Conceptual and Legal Context of Genocide



CHAPTER 2

What's in a Name? The Discursive Logic of Identity Erasure and Genocide Denial

San Beauchemin 

2.1 INTRODUCTION

Genocide denial is commonly conceived as an attempt to dispute the occurrence of genocidal violence, minimise its scale or severity, or reframe the context in which this violence took place (Charny, 2000; Stanton, 2016). Because this definition is closely associated with Holocaust deniers, genocide denial is usually conceived as a post-facto attempt to rewrite history and absolve perpetrators of guilt. It captures one important dimension of genocide denial, but it also neglects several other ways in which denial can operate as part of the genocidal process itself. Far less attention has been paid to how denial operates pre-emptively or even in real time to justify, normalise, and facilitate the persecution of a group. Denial can be understood as a strategy of exclusion that begins with the rejection of a group's identity and helps create the political and social conditions under which persecution becomes normalised, and genocide becomes morally permissible.

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Although genocide scholars almost universally criticise the legal definition of genocide outlined in the 1948 Genocide Convention, it nonetheless represents a logical starting point in understanding the phenomenon. The Genocide Convention defines the crime as a set of “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group” (“Convention on the Prevention and Punishment of the Crime of Genocide” 1948). What the legal definition correctly identifies is the centrality of the victims’ collective identity and the deliberate destruction of that identity. This is why instances of mass killings, as frequent as they are in genocidal processes, are not required to take place for an event to meet the criteria of genocide. A genocide can be the result of extreme negligence, policies of separating children from their familial and cultural units, or the prevention of births, none of which need be accompanied by episodes of mass murder (“Convention on the Prevention and Punishment of the Crime of Genocide” 1948). The classification of an event or process as genocidal is not contingent on the attempted physical destruction of a group, but it is contingent on the attempted destruction of a collective identity. Understanding genocide as an attempt to destroy a collective identity lays the foundation for expanding the conceptualisation of genocidal denial from an attempt at historical revisionism to a core mechanism of genocidal processes. The decades-long genocidal campaign of the Myanmar state against the Rohingya people demonstrates the logic of genocide denial as integral to the genocidal process.

Although the most overt episodes of systematic and targeted physical mass violence against the Rohingya occurred between 2016 and 2017, the genocidal campaign extends far beyond this period. The phrase “Rohingya genocide” is used here in reference to the deliberate attempt at destroying the collective identity of the Rohingya people through a set of policies orchestrated by the Myanmar government and enacted through the apparatuses of the state, including the military forces.

This chapter argues that the Rohingya genocide is inseparable from the denial of the Rohingya identity. The rejection of the ‘Rohingya’ ethnonym, the denial of the Rohingya’s humanity, and the rhetorical construction of their foreignness are components of the genocidal process itself. The state further promoted the narrative of Rohingya presence in Rakhine as a national security threat for the purpose of generating domestic consensus for their persecution, deflecting domestic and international scrutiny, and advancing the genocidal campaign against the Rohingya. A discourse analysis of the state’s rhetoric on the Rohingya

shows how identity denial enables the commission of genocidal violence and creates a climate of impunity for the perpetrators. Understanding and confronting these narratives is vital to recognise the full breadth of genocide denial as a core mechanism of genocidal processes.

2.2 THEORETICAL FRAMEWORK AND METHODOLOGY

This chapter conceptualises genocide denial as a phenomenon extending beyond retrospective historical revisionism as a mechanism that is built into the genocidal process itself. Denial is understood here as a set of practices that precede, accompany, and follow the commission of genocidal acts, shaping public consciousness to make the violent repression of a group permissible and shielding perpetrators from accountability.

Stanley Cohen's typology of denial is mobilised here to highlight the discursive strategies used by the Myanmar state in its rejection of Rohingya identity. In *States of Denial*, Cohen outlines three primary forms of denial: literal denial (the facts are outright denied), interpretive denial (the facts are acknowledged but their meaning is contested), and implicatory denial (the facts and their interpretations are acknowledged but the psychological, moral, or political implications are contested) (Cohen, 2001, pp. 7–8). Though much of Cohen's work focuses on psychological and social forms of denial, including unconscious or passive responses, he also identifies state-level denial as a deliberate and strategic practice (Cohen, 2001, p. 10). This dimension is particularly relevant to Myanmar's political use of denial to justify mass targeted violence and deflect accountability. The state's discourse portrays the Rohingya as outsiders, illegal immigrants, subhumans, and threats to national security to generate consent from Myanmar's dominant group for the marginalisation and, often, violent persecution of the Rohingya.

Helen Fein's concept of the "universe of obligation" is equally important. She defines it as the circle of individuals or groups a society believes it has a moral duty to protect (Fein, 1979, pp. 33–34). Genocide becomes possible, according to Fein, when the targeted group is systematically excluded from this moral community (Fein, 1979, p. 9). Such exclusion is discursive and institutional. It often involves defining the targeted group as alien, dangerous, or otherwise unworthy of the rights and protections granted to citizens or co-nationals. The Myanmar government strategically relocated the Rohingya outside of the universe of obligation through a gradual process of legal, political, and rhetorical marginalisation. The

1982 Citizenship Law, which denied the Rohingya full citizenship by omitting them from the official list of recognised national races. Simultaneously, state narratives portrayed the Rohingya as foreign invaders to promote the view that they did not belong to the nation and were consequently undeserving of protection.

Read together, Cohen and Fein show that genocide denial operates through discourse to advance genocide. Fein shows how genocide can be made morally acceptable when a group is pushed outside of a society's universe of obligation. Then, Cohen shows how states manage the understanding of genocide through literal, interpretive, and implicatory denial. In aggregate, these insights demonstrate how states prepare the ground for genocide through discourse by eroding the status of the victims and creating moral distance between them and the dominant group. They advance the understanding of how Myanmar's denial of the Rohingya identity goes beyond a matter of terminology or classification. It is a core element of the genocidal process itself.

Operationalising the theoretical works of Cohen and Fein through a discourse analysis shows how language operates as a mechanism for identity denial. Discourse analyses treat language as constructive and action oriented (Gill, 2000). They examine how language helps construct social reality and how it can sustain power by making certain meanings and interpretations seem natural or normal. Categories such as "citizen", "terrorist", or "illegal immigrant" are not neutral descriptors; they are politically charged constructs that influence the distribution of rights and the recognition of humanity. Language contributes to drawing lines between "us" and "them", insiders and outsiders, citizens and intruders. Language reflects ideology. Observing how language constructs social hierarchies is central to understanding how a strategy of denial creates an environment in which genocide is conceivable and permissible. In examining the discourse through which the Rohingya are rejected and dehumanised, this chapter highlights how identity denial is a constitutive mechanism of the genocidal process. Denial also helps deflect accountability, which promotes the impunity of the perpetrators, and it further causes justice to be delayed or denied.

2.3 HISTORICAL AND LEGAL EXCLUSION OF THE ROHINGYA

The Rohingya are a Muslim ethnic and linguistic minority that has long inhabited Rakhine State, along Myanmar's western coastline bordering Bangladesh. Despite their centuries-long presence in the region, their place within Myanmar's national fabric has long been contested. Under British rule (1824–1948), colonial policies facilitated increased mobility across South and Southeast Asia, including the movement of labourers from present-day Bangladesh into Arakan, now Rakhine State. This period is frequently invoked by the Myanmar state to frame the Rohingya as recent migrants, despite historical records indicating otherwise (Ibrahim, 2016, p. 25).

There was a brief period following Myanmar's independence during which the democratic government of U Nu recognised the Rohingya identity. However, this recognition was curtailed following the 1962 coup led by General Ne Win. The new military regime initiated a process of 'Burmanization' or national homogenization centred around a narrow vision of ethnonational identity rooted in Theravada Buddhism and the primacy of the so-called "national races" or *taingyinttha* (Druce, 2020, p. 18). According to the junta's beliefs, the only people capable of being loyal citizens of Myanmar were the Burmese, and to a lesser extent, other Buddhist ethnic groups (Ibrahim, 2016, p. 4). Those who did not fit this description were suspected of harming the national unity of Myanmar, posing a threat to the stability of the young nation.

Launched in May 1977 under the pretence of conducting a nationwide citizenship scrutiny campaign, Operation Naga Min, otherwise known as Operation King Dragon, marked the beginning of large-scale, state-led persecution of the Rohingya in post-independence Myanmar. The operation aimed to systematically document all individuals residing within the country and classify them as either legitimate citizens or illegal immigrants. Although officially framed as an administrative effort to prepare for a future national census, in practice the operation disproportionately targeted non-Buddhist peoples, and particularly the Rohingya population of Rakhine State (HRC, 1996, p. 11). The operation triggered the flight of around 200,000 Rohingya into neighbouring Bangladesh.

A few years later, the 1982 Citizenship Law became the principal legal mechanism for the exclusion of the Rohingya from the state's sphere of

legal responsibility. The law introduced a citizenship system that recognises only those belonging to one of 135 officially sanctioned “national races” as full citizens. The Rohingya, along with other non-Buddhist communities of Muslim, Hindu, or Chinese descent, were omitted from the list and consequently stripped of their citizenship (Haacke, 2016, p. 810).¹ Through statelessness, Myanmar constructed the legal architecture for marginalisation and persecution. The significance of the law lies not only in what rights it removed, but in what reality it asserted. By making ethnicity the precondition for citizenship, the state translated identity denial into administrative practice. Bureaucracy became one of the vehicles through which the Rohingya were delegitimised as a group indigenous to Myanmar. Without citizenship, the Rohingya were excluded from access to fundamental rights, including freedom of movement, access to education, healthcare, legal protection, and political participation. For decades, successive governments imposed a regime of bureaucratic surveillance and control over the Rohingya’s lives. Requirements for travel permits to move between villages, official approval to marry, and birth restrictions via the ‘two-child policy’, implemented to restrict Rohingya mobility and family life, instilled a perception of the Rohingya as a separate and even excessive population (Fortify Rights, 2014). These restrictions can be seen as tools of demographic engineering designed to contain and reduce the Rohingya presence in Rakhine State.

Parallel to legal erasure, the Myanmar government pursued a strategy of identity denial, where the name ‘Rohingya’ was gradually purged from official use and replaced by “Bengali” to position them as foreign agents. State narratives constructed the Rohingya as a demographic threat and a source of instability, framing them alternately as “illegal immigrants”, “Bengali extremists”, and “terrorists”. These narratives gained traction in the 2010s as the state recast escalating violence as a national security crisis and portrayed its attacks on the Rohingya as legitimate counterterrorism operations.

Taken together, these strategies eroded the Rohingya’s humanity in Myanmar’s political imagination. Refusing the ethnonym, denying

¹ The Rohingya are considered stateless because most of them do not have a credible pathway to obtaining citizenship rights in Myanmar, and no other state, including Bangladesh, recognises them as its citizens. However, the Rohingya themselves reject their identification as “stateless” according to their belief of being lawful residents of the land that they have inhabited for centuries (Brinham 2023, p. 342).

Rohingya history in Rakhine, and stripping citizenship rights all helped recast the group as alien and disposable. This process marks the transition from symbolic erasure and discursive violence to physical destruction. Once a group is stripped of its identity and portrayed as alien, subhuman, and a threat, the threshold for using physical violence against them becomes much lower. As historical cases of genocides have shown, attempts at the physical destruction of a group are often preceded by efforts to redefine or erase that group both symbolically and legally. A similar pattern is discernible in the case of the Rohingya genocide.

The transition from structural violence to mass atrocity was facilitated by the already-established legal and ideological framework that depicted the Rohingya as non-citizens and outsiders. By 2016, Myanmar's military had laid the groundwork that enabled it to frame its large-scale "clearance operations" in Rakhine State as legitimate counterinsurgency responses to a terrorist threat. These operations, however, targeted whole Rohingya communities with extrajudicial killings, sexual violence, mutilation, enforced disappearances, and, through the bulldozing or burning of villages, led to the forcible displacement of over 700,000 people into Bangladesh. The characterisation of the Rohingya's presence in Myanmar as unnatural and threatening caused the mass atrocities of 2016–2017 that are widely recognised as a "textbook case of ethnic cleansing" and a genocide (UN News, [2017](#)).

2.4 DISCURSIVE STRATEGIES OF DENIAL

Rejecting the Name 'Rohingya'

The Myanmar government's denial of Rohingya identity is most evident in its refusal to use the name "Rohingya", the ethnonym with which the group self-identifies. It is difficult to pinpoint exactly when avoiding the use of the name 'Rohingya' became the standard practice among Myanmar authorities. Some sources suggest that Prime Minister U Nu referred to the Rohingya by name in the context of proclaiming their equal status with other ethnic groups in Myanmar, but there are very few instances of a Myanmar government official doing so thereafter (Nay San Lwin, [2012](#)). This shift, where the Myanmar authorities increasingly abandon the use of the Rohingya ethnonym in favour of more generic or stigmatising characterisation, appears to inscribe itself in the grander project of 'Burmanization' and the exclusion of non-Buddhist minorities

from the national community. The position of the Myanmar government is that the ethnonym “has not been found in any historical and legal documents of Myanmar”, thus making it illegitimate (Ministry of Foreign Affairs, 2023). It was reported in 2014 that the government of Myanmar had requested that aid workers and foreign officials not employ the ethnonym (Al Jazeera, 2014). In 2016, Myanmar’s Ministry of Information directed state-run media to avoid the name “Rohingya”, instructing them instead to use “Muslim community of Rakhine State” or “people who believe in Islam in Rakhine State” in preparation for a visit from then-UN Special Rapporteur Yanghee Lee (Gerin, 2016; Lloyd, 2016). This measure was contested by the military-backed opposition party because it would give the impression that the Rohingya were indigenous to Rakhine state and obscure their purported Bengali origins (Anadolu Agency, 2016). Likewise, officials formally requested that U.S. Ambassador Scot Marciel refrain from using the name ‘Rohingya’ when addressing the situation in Rakhine State (The Guardian, 2016). Over the same period, demonstrations held in front of the U.S. embassy in Yangon protested the use of the ethnonym by American officials (Taylor, 2016). The rejection of the ‘Rohingya’ name equates to the denial of the Rohingya’s ethnic identity. The aim is to render the Rohingya socially invisible and to further promote the notion that they do not belong in Myanmar. Revealingly, Myanmar’s Minister of Information argued that the name should not be used because it had “never been accepted by the people of Myanmar” (Al Jazeera, 2014). Naming became a site of political struggle because recognition of the ethnonym “Rohingya” also implied recognition of history and belonging.

This outright rejection of the Rohingya identity can be understood in Cohen’s terms as a literal denial or refusing to “acknowledge the facts” (Cohen, 2001, p. 7). This policy could alternatively be read as an interpretive form of denial with regard to the acknowledgement of some version of reality. The state acknowledges that a conflict has taken place in Rakhine State, but it denies that the Rohingya are a people with legitimate historical ties to Myanmar. It also denies that the conflict is rooted in state oppression.

Equally as enlightening as is the state’s refusal to use ‘Rohingya’ are the instances in which it does use the ethnonym. The selective use of the name ‘Rohingya’ is especially revealing when examining its near-exclusive application to the Arakan Rohingya Salvation Army (ARSA), an ethnic armed insurgent group that Naypyidaw has designated as a terrorist organisation

(Lee, 2021a). In an August 2022 press release, the Ministry of Foreign Affairs declared that “the Government and people of Myanmar do not recognise and accept the use of the term ‘Rohingya,’” further asserting that “those using the term are found to be doing so for political purposes” (MOFA, 2022). Positioning the use of the name ‘Rohingya’ as politically motivated serves to delegitimise the group’s claims of belonging to the country. By portraying the ethnonym as a political tool, the government seeks to cast doubt on the Rohingya’s presence in Myanmar and undermine their demands for recognition. State Counsellor Aung San Suu Kyi reinforced the discursive erasure of the Rohingya name in her 2019 address to the International Court of Justice, where she notably avoided direct references to the Rohingya as the ethnic group victimised by the Myanmar military, invoking the name only in relation to ARSA (Siddiqui & Safdar, 2019).

Myanmar’s deliberate association of the name ‘Rohingya’ with insurgency and terrorism sought to frame the Rohingya population as a security threat. This is not an uncommon tactic in the universe of cases in which a majority Muslim people are intended to be demonised, particularly in the post-9/11 era where Islam, or an orientalist and prejudiced conception of Islam, is already often associated with barbarism and overall backwardness (Mamdani, 2002). This strategy reflects the view of the Myanmar government that promoting Islamophobic tropes in its justification of the violent persecution of the Rohingya can act as a cover against international opprobrium. This is how the state of Myanmar rationalises its discriminatory and repressive policies and practices, ranging from the Rohingya’s exclusion from legal status in Myanmar to their violent repression through military means. This strategy could be construed as implicative denial, where the state acknowledges the facts of a situation but frames them as justified responses, thereby contesting the moral significance of the events.

Constructing Foreignness

The denial of Rohingya identity functions through a parallel narrative, constructing the foreignness of the Rohingya to Myanmar. Since General Ne Win’s launch of the ‘Burmanization’ project, the Myanmar state has adhered rigidly to the claim that Rohingya are “Bengalis” who migrated illegally during or after the British colonial period to promote the view that the Rohingya are not the indigenous ethnic group that they are, but

as opportunistic migrants fraudulently seeking citizenship. These claims persist despite extensive scholarly evidence documenting the longstanding presence of Muslim communities, including the Rohingya, in the Arakan region for centuries (Ibrahim, 2016, p. 51; Lee, 2021b, 39).

The government of Bangladesh rejects the categorisation of the Rohingya as Bengali. Dhaka has explicitly condemned Myanmar's policy as a tactic to promote a narrative of illegal immigration as to generate consensus for the securitisation of the Rohingya people. In a 2026 communiqué, the Ministry of Foreign Affairs explained that:

The Rohingya possess a distinct ethnic identity, cultural heritage, traditions, social practices, and language that is very distinct from Bangla despite similarities with its Chittagonian dialect. The systematic effort to call the Rohingya as “Bengalis” is a denial of their inherent right to self-identify and to use that nomenclature debate to justify their exclusion, persecution, and eventual ethnic cleansing in the 2016-17 period. Categorising them as ‘Bengali’ has been part of a systematic campaign by the Myanmar State to deny the Rohingya of their fundamental rights, including citizenship and human rights. (Ministry of Foreign Affairs, 2026)

Bangladesh's refusal to accept the “Bengali” label disrupts Myanmar's attempt to externalise the Rohingya and recast them as someone else's population.

One way that the narrative of the Rohingya as foreign and threatening is disseminated is through the language used by state-affiliated media. Studies of publications such as *Global New Light of Myanmar* and *Myanma Alinn* show that the name ‘Rohingya’ is rarely used. Instead, the term “Bengali” appears frequently, even when referring to armed groups like ARSA, which are described as “Bengali terrorists” (Kironksa & Peng, 2021, p. 22). This choice of terminology conceals the strategy designed to erase Rohingya identity from public discourse. Media organisations such as the Myanmar Press Council have defended the use of the term “Bengali” based on its supposedly neutral meaning, even as human rights groups and Rohingya activists have identified its use as an example of hate speech and identity denial (Rahman, 2019).

Equally, social media platforms have been vectors through which anti-Rohingya discourse was spread and normalised. Facebook, which is widely used in Myanmar, has been criticised for its failure to address the spread of hate speech and misinformation targeting the Rohingya (Schissler, 2025).

A 2018 United Nations fact-finding mission found that the platform had been used to incite violence and promote dehumanising narratives that exacerbated hostility in the leadup to the 2016–2017 episodes of mass genocidal violence (Human Rights Council, 2018, 14). Although civil society groups had long sounded the alarm, Facebook did not remove pages linked to the Myanmar military and banned top officials from its platform, including General Min Aung Hlaing, until 2018 (Meta Newsroom, 2018). Repetition mattered here as much as content. Once “Bengali”, “terrorist”, and “illegal immigrant” became commonly used descriptors, they appeared to be facts.

Official policies and administrative practices have also advanced the denial of the Rohingya identity. During the 2014 national census, for example, the government prohibited individuals from identifying as Rohingya and required them to register as “Bengali”. Then-presidential spokesman, Ye Htut, publicly stated that any household refusing to do so would be left out of the census entirely (BBC News, 2014). Such administrative measures demonstrate how the denial of identity is institutionalised and used to deny legal recognition to the group.

Along with the narrative of the Rohingya as Bengali, the process of exclusion also relies on racialised language and imagery. Rohingya people are often described as physically distinct from the Burmese, with references to skin colour, facial features, and hygiene. The term ‘kalar’, commonly used in Myanmar as a derogatory slur against the Rohingya and other Muslims of South Asian descent, is central to the discursive construction of the Rohingya as fundamentally foreign and non-Burmese. Rooted in colonial-era language and racial hierarchies, ‘kalar’ suggests otherness, impurity, and inferiority (Islam, 2025, p. 4). In 2009, in what has become a well-documented instance, the Consul General of Myanmar to Hong Kong Ye Myint Aung wrote in a letter to several diplomats and media outlets that the Rohingya people are “not Myanmar people” as they are “ugly as ogres” with “dark brown skin” in contrast to the “fair and soft” complexion of the Burmese (Ye Myint Aung, “Consulate General of the Union of Myanmar Hong Kong”). MP Aung Win expressed similar views in a 2017 BBC interview in which he stated that Buddhist men would not rape Rohingya women due to their supposed lack of cleanliness and attractiveness (Human Rights Watch, 2017). Emphasising physical appearance reinforces the idea that the Rohingya are inherently different from the Burmese and that, therefore, they do not belong in Myanmar.

The use of racialised and dehumanising language is most obvious in the description of the Rohingya as “human fleas”, “creatures”, or people hated for their “stench” (Siddiqui, 2019; Winn, 2016). This kind of discourse supports an exclusionary logic that reinforces the notion that the Rohingya and the Burmese are inherently different, and that this difference exists at a biological level. The insistence on pathologising the Rohingya’s skin colour, physical features, or the supposition of their uncleanness works as a form of biological essentialism that frames the Rohingya as inherently incompatible with Burmese identity and culture. This insistence on physical difference provides a visible basis for othering the Rohingya and makes their exclusion appear to flow from supposedly inherent biological distinctions. Promoting dehumanising ideas about the Rohingya and portraying them as physically repugnant or morally flawed is yet another way in which the Myanmar state has tried to justify its persecution of the Rohingya and their violent expulsion from the country.

These practices reflect the process of exclusion that relocated the Rohingya outside of the universe of obligation. Construction of Rohingya foreignness helped produce an ‘us versus them’ binary that consolidated a national identity defined in opposition to a racialised and dehumanised other for the purpose of generating more social cohesion among the majority and justifying the marginalisation and violent persecution of the minority.

2.5 DIMENSIONS OF GENOCIDE DENIAL

The discourse of denial functions as both a consent-building tool for the domestic audience and a reputational shield on the global stage. Domestically, identity denial leads to public indifference or support for violence against a group pushed out of a shrinking universe of obligation. In Myanmar, this made the Rohingya morally expendable. Internationally, these practices can help frame atrocities as legitimate security measures, deflecting accountability through literal, interpretive, and implicatory denial, as demonstrated by the state’s promotion of the counterterrorism narrative to justify genocidal violence against the Rohingya.

The Domestic Logic of Denial

At home, the state used the strategy of identity denial to generate public consent for the persecution of the Rohingya. Within Myanmar’s domestic

context, the erasure of the term 'Rohingya' and the categorising of the group as outsiders help shape perceptions about who belongs, who is worthy of empathy and protection, and who is not. Fein argues that genocide becomes possible when a targeted group is defined outside the social and moral community that a society considers worthy of protection. The domestic logic of denial consequently reflects the process of relocating the Rohingya outside of the sphere of obligation.

Silencing internal dissent can be seen as a distinctly more coercive function of the strategy of identity denial. Although some of the more democratic actors in Myanmar may privately acknowledge the injustices faced by the Rohingya, public acknowledgement is often avoided due to political costs (Lee, 2014). The result is a broad-based consensus, or the appearance of a consensus, that reaffirms the Rohingya's exclusion. Individuals and organisations committed to human rights or even simply seeking to report on the plight of the Rohingya are frequently reluctant to challenge the state's narrative for fear of reprisal in the form of social backlash or being targeted with arbitrary legal actions. Given Myanmar's restrictive attitude towards freedom of expression and its limited freedom of the press, speaking out against the government often comes with consequences. According to journalist Aung Naing Soe, the most dangerous issue to report on in Myanmar is the human rights abuses targeting the Rohingya (Lakhdhir, 2019, p. 2). His claim is supported by the imprisonment of Reuters journalists Wa Lone and Kyaw Soe Oo for purportedly violating the State Secrets Act following the 2018 publication of a Pulitzer Prize-winning report exposing the massacre of ten Rohingya civilians (BBC, 2018). This coercive dimension of denial helped create a society in which the Rohingya were so thoroughly erased from political and moral concern that even acknowledging their existence could invite punishment.

This is further evidence that the genocidal violence of 2016–2017 did not constitute an isolated episode but the culmination of decades of policies of systemic exclusion that repositioned the Rohingya outside of the 'universe of obligation' where they could be violently persecuted with relative ease. Denationalising the Rohingya isolated them from domestic society and international legal norms. When physical genocidal violence occurred, it did so in an environment where the victims were not recognised as belonging to the nation nor possessing the right to exist within it.

International Dimension of Denial

In the aftermath of the ARSA attacks, the military forces framed their activities in Rakhine State as “clearance operations” against armed insurgents or terrorists. The Myanmar government itself is the target of extremist violence to defend itself against allegations of targeted persecution of the Rohingya. On that basis, it dismissed allegations of human rights violations as biased or politically motivated and accused international actors of misrepresenting the situation to undermine Myanmar’s sovereignty (Ministry of Information, 2023). In 2019, Aung San Suu Kyi appeared before the International Court of Justice to defend the military’s actions, describing them as legitimate responses to attacks by a Rohingya armed insurgent group. She categorically rejected the accusation of genocidal intent, though, in her testimony, she asserted that:

It cannot be ruled out that disproportionate force was used by members of the Defence Services in some cases in disregard of international humanitarian law, or that they did not distinguish clearly enough between ARSA fighters and civilians. There may also have been failures to prevent civilians from looting or destroying property after fighting or in abandoned villages. But these are determinations to be made in the due course of the criminal justice process, not by any individual in the Myanmar Government. (Al Jazeera, 2019)

Interpretive denial is clearest in the way the statement refrains from denying that military misconduct may have occurred but reframes the military actions to minimise responsibility and deflect accusations of genocidal intent. Suu Kyi presents the issue as one for legal determination to sidestep immediate moral or legal implications of the military’s actions by deferring judgement to a future judicial process. Implicatory denial is also noted in the emphasis on procedural correctness to downplay the seriousness of the events. By focusing on legality rather than ethics, Suu Kyi avoids acknowledging wrongdoing or recognising an urgent moral obligation to respond. In doing so, she accepts the possibility of certain facts or interpretations but challenges their moral and political significance. This was less a denial of facts and more an attempt to control the terms under which those facts could be interpreted.

Naypyidaw further cemented this position by commissioning a domestic inquiry that, while acknowledging isolated abuses, concluded

there was no evidence of genocide (Final Report of Independent Commission of Enquiry, 2020). When confronted with reports of mass graves, as in the case of the Gu Dar Pyin massacre, state officials denied any large-scale killing of civilians and claimed that only “terrorists” were buried (The Associated Press, 2018), which conceals a strategy of interpretive denial. Rather than rejecting the occurrence of deaths entirely, authorities acknowledged the existence of the graves but portrayed the victims as combatants instead of civilians (The Associated Press, 2018). By shifting the interpretation of the events, the government attempted to justify its actions and reduce the perceived severity of the violence. Framing the Rohingya as security threats enables the state to justify its actions to the domestic and international communities, which can help suppress calls for investigations into the events and pre-emptively address demands for justice and accountability.

Denial of the identity of the Rohingya serves both internal and external purposes. Domestically, identity denial reinforces the military’s narrative of national unity and sovereignty under threat, mobilising ethno-nationalist and Islamophobic sentiments to justify violence against the Rohingya. Internationally, the narrative crafted by the Myanmar government allows it to invoke Westphalian notions of sovereignty and its corollary, non-interference in a state’s domestic affairs, to avoid accountability and to claim criticisms as politically motivated. In addition to operating as a tool of propaganda for the domestic audience, denial can also be conceived as an instrument of foreign policy and reputational management on the world stage.

2.6 DISCUSSION

A more expansive understanding of denial complicates some of the most common conceptualisations of the genocidal process. Influential models of the development of a genocide, like that of Gregory Stanton, have conceptualised different “stages” during which the genocidal ideology emerges, consolidates, and is transformed into the physical annihilation of a group. The stages are non-sequential, and denial is conceptualised as “last[ing] throughout” the genocidal process, yet the formulation of denial as the “final stage” still suggests a temporal separation between the conditions that enable genocide (classification, symbolization, discrimination, dehumanisation, organisation, polarisation, preparation, persecution, and extermination) and genocide denial (Stanton, 2016). Cohen

and Fein's insights help reveal that what is at least partly conceptualised as a final 'denial' phase is in fact a set of discursive and institutional practices that shape the universe of obligation, those who belong and those who do not, which legitimises the other phases of the genocidal process. In the Rohingya case, these practices of exclusion and erasure interacted with all stages of the genocidal process, from denationalisation through the 1982 Citizenship Law to the rhetorical framing of the mass atrocities of 2016–2017 as a counterterrorism operation, to normalise violent repression as a defensive necessity, justifying mass expulsion and extermination.

Over decades, the denial of Rohingya identity produced a climate in which the consequences of being recognised as Rohingya are so severe that some members of the community have chosen to reject their ethnic identity altogether. Over time, identity denial can be internalised by the victims of genocidal violence. The fear of being targeted has led some Rohingya individuals to reject the ethnonym (Prasse-Freeman, 2022, 118; 2023, 439). Adopting other ethnic labels, claiming different origins, or avoiding group affiliations can, at least temporarily, become a means of protection. It should not be seen as a voluntary rejection of one's identity but as a strategy for survival. Addressing this dimension of the crisis requires more than legal recognition and demands the creation of conditions in which being Rohingya no longer carries the stigma of exclusion and the threat of violence. Restoring a sense of safety and pride in the Rohingya identity and ensuring that no one feels compelled to erase themselves to survive might just be the first step in attaining justice.

Consequences of the state's strategy of denial are especially noticeable in the lives of the Rohingya displaced to Bangladesh. Over one million Rohingya currently reside in the overcrowded refugee camps of Cox's Bazar, where conditions are unstable and the future uncertain. Rohingya communities have made it clear that they are unwilling to return to Myanmar unless certain basic demands are met, most of them including being granted full citizenship and its benefits, such as freedom of movement, which would likely entail the formal recognition of the Rohingya as a legitimate ethnic group, and credible guarantees of safety (Brinham, 2023, 349). Repatriation without these protections would place them back into the same system of abuse and possibly even subject them to the same violence that forced them to flee. Many Rohingya view their return as impossible under current conditions because the denial of their identity remains embedded in Myanmar's legal and political structures. For any long-term solution to be viable, it must begin with recognition and

the dismantling of the narratives and policies that continue to dehumanise and exclude them. Justice, especially repatriation, remains out of reach so long as the Myanmar government continues to deny the identity of the Rohingya and the atrocities to which they were subjected. Lacking citizenship rights, the Rohingya are unable to leverage Myanmar's legal and institutional mechanisms for justice, and their statelessness renders them dependent on the often inconsistent will of the international community for any avenue of redress.

Reconceptualising denial as part of genocide, rather than something that happens in its aftermath, helps explain how atrocity becomes politically defensible and socially acceptable. Such reframing bears important implications for genocide prevention. More attention must be paid to the weaponisation of language and the construction of narratives that could be preparing the terrain for genocidal acts. Early interventions must target identity denial and narratives of erasure. In the case of the Rohingya, denial was already fully operational in the attempts to erase the collective identity of the Rohingya and in the dehumanising discourse of the state, all of which existed in tandem with their legal exclusion from citizenship. The cumulative effect of these strategies laid the necessary groundwork for the eventual destruction of Rohingya bodies and communities in the physical sense.

The international community still has an important role to play in redressing this situation. Perhaps most crucially, we must seek to amplify Rohingya voices in international fora. Decisions about the Rohingya have often been made without their participation. Rohingya activists and survivors must be present in discussions about transitional justice and repatriation, as much as it is important to recognise and reject bids for insubstantial resolutions that seek to bypass the involvement of the Rohingya or quickly shut the door on this decades-long genocidal campaign. For this reason, raising awareness of the plight of the Rohingya is a necessity, particularly as this crisis continues to evolve in a crowded information environment in which competition for attention is fierce.

2.7 CONCLUSION

The denial of Rohingya identity is closely associated with the denial of the genocidal atrocities that took place from 2016 to 2017 and in sporadic events since. The erasure of the group's existence as a distinct people and the rejection of their claim to indigeneity to Myanmar lay

the ideological groundwork and the rhetorical justification for the violent repression of the state. Genocide, as defined in international law, is a crime committed against a national, ethnic, religious, or cultural group. The classification of an event or process as genocide hinges on the acknowledgement of the targeted group's existence. By refusing to recognise the Rohingya as an indigenous ethnic group and instead labelling them as "illegal immigrants" or "Bengalis", the Myanmar state negates their claim to belonging. Domestic and international audiences are conditioned to view the Rohingya as outsiders undeserving of the rights, freedoms, and protections reserved for citizens. The use of dehumanising language reinforces 'us versus them' dynamics and creates distance between violence against the targeted group and what is considered morally unacceptable. Posing the Rohingya as a threat to national security further obscures the genocidal nature of the violence, as it grants the perpetrators some degree of plausible deniability over their intent as the destruction of communities can be explained as incidental to counterterrorism campaigns or defensive measures.

This chapter advances scholarship on denial in two key respects. First, it reconceptualises denial as a constitutive mechanism of the genocidal process itself. Second, by placing Cohen's typology of denial in dialogue with Fein's concept of the 'universe of obligation' and applying this hybrid framework to the Rohingya case, it demonstrates how identity erasure and the construction of foreignness operate through discursive practices that create the environment in which mass expulsion and extermination are rendered morally and politically acceptable. The state's weaponisation of language as a mechanism for erasing the Rohingya's identity facilitated their legal and social exclusion and legitimised violent persecution amounting to a genocidal campaign. While genocide denial is often conceptualised as following the commission of mass violence, the Rohingya case shows that denial exists within the genocidal logic itself. Myanmar's rejection of the Rohingya's identity, the delegitimisation of their claims to belonging, and their portrayal as security threats all amounted to the dehumanisation and exclusion of the group well before systematic and organised physical violence began to take place. In the Rohingya case, the refusal to name a people was already part of the attempt to destroy them.

Declaration I hereby declare that this research report is my own original and unaided work, and I have given full acknowledgement to all the cited and referred sources used. This research report has not been submitted previously for any degree or examination.

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Genocide Denial and Recognition: A Contested Perspective of the Rohingya Crisis

Md Touhidul Islam  and *Bayes Ahmed* 

3.1 INTRODUCTION

Genocide, also called the crime of all atrocious crimes, is a complex issue in contemporary world affairs. It received its legal foundation through the *United Nations Convention on the Prevention and Punishment of Genocide* (UNGC) in 1948, the year Myanmar, formerly known as Burma, gained independence. After 70 years of independence, the Republic of the Union of Burma/Myanmar faced a genocide case before the International Court of Justice (ICJ) in 2019, brought by the Gambia, a small West African country with a Muslim population of more than 95%, concerning violence and genocide against the Rohingya, an ethno-religious-linguistics minority group that has historically been living in the

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Arakan region in north-western Myanmar. As a party to the UNGC, Gambia, not as a directly injured state but heavily influenced by its position in the *Organisation of the Islamic Cooperation* (OIC) and the personal role of Gambian Minister of Justice, Abubacarr Tambadou, who has experience of serving as an associate legal officer at the International Criminal Tribunal for Rwanda (ICTR), invoked Myanmar's responsibility for breaching its obligation under the Convention and for failing to prevent genocidal acts committed against the Rohingya community (Becker, 2020; Jeffrey, 2023).

After its initial hearing of the parties in December 2019, the Court recognised the vulnerability of the Rohingya community and issued provisional measures against Myanmar—requiring Myanmar to ‘take all measures within its power to prevent the commission of all acts’ against the Rohingyas (Article II of the Convention), to prevent its military and other agencies, institutions and bodies from committing acts (Articles II and III of the Convention), and to ‘take effective measures to prevent the destruction and ensure the preservation of the evidence’ (International Court of Justice, 2020a, pp. 29–30). The Court also directed Myanmar to report on these measures within four months, and thereafter every six months until the final decision is made in this case, thereby placing the legal recognition of the Rohingya genocide within the ICJ's deliberations.

Nevertheless, there are non-legal or beyond-legal aspects of understanding genocide, as scholars have often highlighted the limits of the legal definition set by the 1948 Convention (Dunkelberg, 2025; Kazyrytski, 2022). Genocide has been defined and codified as a legal term; yet, it also has a socio-political aspect, including cultural issues, which the UNGC negotiation process failed to persuade the then-powerful actors to accept (Moses, 2023, p. 284). Therefore, it has been a political phenomenon from the beginning, making the concept more critical. As a political concept, it, moreover, cannot be decoupled from the concepts of coloniality, modernity and development (Dunkelberg, 2025). Every conflict or act of violence has “political logics”, which generate agency power and drive its parties and followers to engage in violence, whether only to fight the opponent or to target with the intent to eliminate the other (Moses, 2023, p. 279).

When a group faces destruction, in part or in whole, due to its identity of being a national, racial, ethnical or religious group, as defined in the UNGC, it does not mean killing them physically, it means killing

“something more”, namely the “social figuration” and “dynamic relational network” that have been in practical social interaction for years, decades and centuries that breaks down forcefully to disentangle the group (Powell, 2007, p. 538). Such networks fall apart, people of the group get disentangled, and thus the group faces social death through genocide when it loses social vitality because of the forceful destruction of its relations with other social entities and processes (Card, 2010). Such socio-political and relational logics have often received less attention in the legal recognition of genocide, but more substance in denying violence and atrocities culminating in genocide. There have been numerous studies on the Rohingya persecution, violence, forced migration, and life in refugee camps in Bangladesh (Ibrahim, 2018). Some have characterised it as an evolving issue related to Myanmar’s reluctance to integrate into the national fabric—nation-building process—thereby affecting their citizenship rights, exacerbating ethno-political tensions that undermine their opportunities and potential, and rendering them a stateless population (Pugh, 2013).

Others, such as Mulaj (2025), Ibrahim (2018), O’Brien and Hoffstaedter (2020), Martuscelli, Ahmed, and Sammonds (2022) have considered the Rohingya case as a genocide, with various interpretations and focuses, beginning long before the 2016 and 2017 events that recently displaced over a million people from their homes and led them to seek refuge in neighbouring Bangladesh. The state, Myanmar and its fragmented nation-building process have pursued an “exclusionist nationalist ideology” that has considered the Rohingya community as “a threatening Other” and thus has culminated in their decades-long marginalisation, maltreatment, and persecution in their ancestral land in Arakan (Mulaj, 2025, p. 951).

While Mulaj (2025) contends that both the ‘intent to destroy’ and the severity of atrocity crimes have unfolded concomitantly in the Rohingya genocide, Ibrahim (2018) argues that, as an ethno-religious minority group, the Rohingya have not been recognised as one of the 135 ‘national races’ in Myanmar, nor have they been allowed to exercise citizenship rights since the 1982 Citizenship Law. They have experienced a severely restricted life, including restrictions on movement, marriage, and a range of abuses carried out by the state in collaboration with the Buddhist majority (Ibrahim, 2018). The exclusionist state policy developed over the period in an authoritarian setting that has prioritised state sovereignty over humanisation of its entire population, including the Rohingyas. While

the country is supposed to make a transition towards democracy, both the military and the democratic political party, the National League for Democracy (NLD), have shares in pursuing a genocide as they have the “same prejudices” towards Rohingyas that were overtly reflected when the NLD leader defended the military in the Hague (Ibrahim, 2023). Nevertheless, Rohingyas developed and adopted strategies, such as non-compliance with authority, not staying home but maintaining secrecy, moving from one area to another, studying and marrying, and hiding girls and remaining pregnant to avert sexual violence, etc., to form everyday resistance to genocidal acts in Myanmar before finally moving to Bangladesh under severe violence and atrocity (Martuscelli et al., 2022).

O’Brien and Hoffstaedter (2020) have argued that Rohingyas have experienced genocide, as the violence inflicted upon them targets their identity—both as a group and as a social unit—stemming from the ongoing destruction and disappearance of their culture, since they have been deprived of their right to education in their own language and denied their cultural and religious rites. However, little has been done on the issues and debates surrounding the denial and recognition of the Rohingya genocide. Therefore, this chapter has attempted to explore and analyse the Rohingya crisis through an analytical framework of genocide denial and recognition and elucidates this case through Stanton’s (2023) ten stages of genocide. It has been developed through an extensive review of secondary literature, including books and journal articles, and by drawing on cases of genocide and their processes of denial and recognition. Besides this, it has consulted the proceedings of the ICJ to understand the opposing positions of the Gambia and Myanmar, which have been dealing with the genocide case since 2019.

For clarity, we want to highlight that we explore the Rohingya case and emphasise non-legal interpretations of genocide, since a legal suit on this matter is in operation at the ICJ, which has legal authority to determine the nature and extent of genocide, if any such genocide has occurred against the Rohingya community. Nevertheless, we have used the ICJ proceedings to explain the contradictory positions of the parties, such as the Gambia and Myanmar, and connect them to the discourse of genocide denial and recognition. In doing so, we define genocide comprehensively in the next section, followed by an exploration of the Rohingya case through Stanton’s framework for explaining genocide. Afterwards, we explore the discourse of genocide denial and recognition in the following section. Thereafter, we present a detailed update on the

Gambia versus Myanmar case before the ICJ and explain how these parties have argued for their positions, demonstrating the importance of understanding the criticality of issues and the lengthy, evidence-based process of genocide recognition from a legal perspective, beyond the socio-political perspective on genocide.

3.2 GENOCIDE: A BEYOND-LEGAL CONCEPTUAL UNDERSTANDING

A conceptual understanding of genocide involves two main paradigms: legal and beyond legal, which complicate matters in a world where states are legally empowered to prevent genocide, while non-democratic regimes often use leverage to decide their actions within their borders, if not beyond, and design strategies to control populations and to take action(s) against other states when in conflict. Liberal scholars conceive of genocide as the “intended action of a coherent agent”, indicating states that have the intent or willingness to commit genocide, and post-liberal scholars argue that genocide is “a structural process” that does not need “any intending agents” but destroys “a social collectivity” (Powell, 2007, p. 528). The world we live in operates as a broader political system that connects states among themselves and ties each state to its population. Every state has its own political and social structures, thus linking every community and group, formally and informally, to the larger structure. While there is an “intent” clause associated with the legal definition of genocide, that “intent to destroy” does not mean only the physical killing or destruction of a group, it is more firmly embedded in the structure and in “long-term operation comprising multiple and varied offences” (O’Brien & Hoffstaedter, 2020, p. 4).

When social collectivity and social relations are targeted to be destroyed alongside the population of a group, this raises questions about the socio-political structures of those states involved in the genocidal process. These factors make the concept of ‘genocide’, as a political phenomenon and a discursive discourse, highly complex to understand because it includes numerous issues, actors, motives, and possibly their intentions and interests, as well as factors such as state, war, security, ethnicity, nationality, and faith—all linked to modernity and the socio-political transformation of the world. In such a changing world, genocide has appeared in different forms and has been carried out as a political act within the domestic political framework of the state, indicating a mindset that advocates “a simple

pattern of violence by a single ‘perpetrator’-state or -regime against a singular ‘victim’ population group”, although a competitive international system of nation-states underpins it, as those primary states consider their sovereignty more important than the unity of all their nations to survive in the system of states (Shaw, 2011, p. 647).

This political act or process is closely linked to the socio-economic and cultural background of society and associated with historical memories, which are manipulated by the state apparatus, including leaders, through various policies during the phases of state-building and nation-state formation, contributing to the development of a mindset that views others differently and seeks to destroy some of them, if not all (Horowitz, 2017). When social hierarchies and differences—such as in-group versus out-group, inferior versus superior, wanted versus unwanted, good versus evil—have fostered stereotypical mindsets and a dominant worldview that perceives targeted others as wrong groups or enemies, often trapped in hopelessness and vulnerabilities, are subject to exploitation, torture, killing, or eradication (Jones, 2024, pp. 4, 13). This represents a non-legal or extra-legal understanding of local contexts that underpins genocide, which the legal definition largely fails to encompass, as it neglects these deeply embedded backgrounds and issues.

The concept of ‘genocide’, legally popularised through the 1948 UNGC, commonly known as the Genocide Convention, after World War II (WWII), has brought an extraordinary moral positioning and an idea of saving people of different races, identities and diversities from persecution, slaughter and atrocities. Genocide, a term coined by Polish jurist Raphael Lemkin (1946, pp. 227–228), who was a Jewish refugee from Nazi-occupied Europe, originally defined it as “the crime of destroying national, racial or religious groups”, with the motivation or ‘intent’ of carrying out persecution, violence, and so on. Over the period, a ‘crime without a name’, as described by former British Prime Minister Winston Churchill, has been recognised as the ‘crime of all crimes’ because of its severity and intent to eliminate the ‘other’, the victims.

To define and describe ‘genocide’, Lemkin (1944, p. 79) initially emphasised several key issues as essential elements—“coordinated plan” to destroy “a national or an ethnic group”, regarded as a collective entity, aimed to dismantle “the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups”, and to ruin “the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups”,

which, although, were not fully realised in the legal definition of genocide. The definition of the UNGC that includes five specific “acts”—such as killing, causing serious bodily or mental harm, inflicting conditions of life that lead to physical destruction, measures to prevent in-group births, and the forcible transfer of children from one group to another—“committed with intent to destroy, in whole or in part”, of “a national, ethnical, racial or religious group”—has served as a useful policy document and an international treaty. However, it has attracted criticism on certain grounds, especially for not incorporating political groups and cultural genocides into its responsibilities (Dunkelberg, 2025; Kazyrytski, 2022). As a crime, genocide breaches the established rules of war and commits crimes against humanity because of violating the very “natural right of existence” of those groups against whom the perpetrators conspired to exterminate or annihilate (Lemkin, 1946, p. 229).

Beyond the legal definition, there are politico-contextual factors, as mentioned before, that create conditions for the unfolding of genocide. Genocide as a socio-political phenomenon develops and is orchestrated within a “political imaginary” context where one group perceives ‘the other’ as a future threat. As a result, they consider implementing various exclusionary policies that, intentionally, continue to destroy ‘the other’ group. Straus (2015) argues that the very ‘founding narrative’ of genocide is rooted in society, promoted by the higher elites, normalised through policies by leaders, and carried out by their followers, institutions, and extreme perpetrators. Aside from the role of elites and leaders, Mulaj (2017) and Straus (2015, p. x) emphasise the existence of ‘ideology’, which develops over time in connection with the social, political, and cultural history of the land and its people, who live side by side despite their differences, creating a binary condition of ‘us’ versus ‘them’. Mulaj (2017, pp. 128–129) argues that “ideology”—be that “nationalist, racial or religious”—through which perpetrators project the target group as “a threat”, dehumanise them, exclude them from their moral obligations for “purging and elimination” and portray them “as subhuman and evil” to justify their actions. A form of “subtle” coercion that often cannot be observed but is embedded at the very root of society and social hierarchy continues against the weak groups that face discrimination (Žižek, 2008).

Ideologies, however, “are not simply idealistic political” standpoints of the parties; instead, they are deeply connected to the political worldviews of individuals, groups, and organisations, which not only pursue their strategic interests collectively but also shape security and the politics of

power (Maynard, 2019, p. 637). Therefore, ideology becomes a mindset that develops through the trajectory of history and politics, sustained by an implicit hierarchical system that maintains structural inequalities, injustices, hatred, and prejudice. None can overcome these through policies alone, which, in fact, could be exclusionary, culminating in more deprivation and further denial of rights, thus creating an environment conducive to the long-term annihilation of groups at the bottom of a class-based society.

A narrow, conservative interpretation of genocide in the 1948 UNGC has rendered the concept more politicised by excluding key categories such as socio-political and cultural genocide, and by creating ambiguity about the need to prove ‘intent’, which is more a legal issue than a socio-political one (Dunkelberg, 2025). The ‘intent’ to kill or annihilate ‘others’, whether wholly or partly, who are different from the dominant group, has distinguished genocide from other crimes like war crimes and crimes against humanity, despite ambiguities within the international legal framework. Despite having a narrow focus on understanding the genocide from an international system perspective, the issue of genocide quickly becomes international when it is about preventing genocide and punishing genocidal atrocities, through either international intervention to prevent large-scale violence or legal mechanisms to prosecute perpetrators who violate international law (Shaw, 2011; Straus, 2012).

International law often “appears powerless” or overwhelmed when attempting to establish such intent, as no state or authority openly admits, clearly states, or acknowledges genocidal intent in legal proceedings (Dunkelberg, 2025, p. 2). Consequently, proving ‘intent’ or ‘genocidal intent’ remains difficult due to contrasting narratives of the violence, especially when the state and its legitimate authorities seek to justify it as serving the “intended function of security” (Mulaj, 2017, p. 129). This allows any state to interpret an event or episodes of genocidal violence arbitrarily, under different labels. The state acts as a mediator between war and genocide, as genocide frequently appears as a highly organised aspect of war targeting defenceless civilians who have little or no means of resistance (Mulaj, 2017). However, any understanding of the concept of genocide requires both legal and extra-legal perspectives; without these, any explanation or interpretation of genocide denial and (non-) recognition could be one-sided, as the legal definition is tied to legal texts, to the intent to destroy and judicious recognition of genocide, and social recognition depends on the socio-cultural-historical and political

contexts in which the genocide occurs and how a genocide is interpreted and explained within the prism of international political system.

3.3 STANTON'S TEN STAGES FRAMEWORK OF GENOCIDE AND THE ROHINGYA CASE

Genocide does not begin suddenly with mass killing alone. Genocide often develops gradually and unfolds through cumulative state practices over time through law, bureaucracy, and propaganda, with mass violence emerging as the culmination of a longer political and institutional process of group destruction. This is what Gregory Stanton (2023) has argued in his famous ten stages of genocide, although he has confessed that these stages do not mean any linearity in committing genocide, instead indicate their interconnectedness and simultaneous operations, leading to the completion of a genocide process that ends with the perpetrator's denial of any such crime. A targeted group is first marked as alien, denied equal belonging, stripped of rights, increasingly segregated, and represented as a threat to the nation or state. Such segregation not only leads to discriminatory practices but also contributes to the dehumanisation of members of that group, sustained through various formal and informal processes and institutions, and attracts community people to act against that targeted group and creates conditions for direct violence over the period (Spencer, 2012). However, over time, Stanton has revised his stages of genocide, prompting many to consider his latest ten stages as an analytical perspective for examining cases that have potential links to genocidal process.

The Rohingya case, therefore, has been looked through this framework, as its earlier version was applied to other cases, including the Holocaust (Barel et al., 2010), that does not consider only the final violent phase as genocide but links it with the earlier stages of denial of identity, imposition of restrictions, culminating in social isolation, and state-sponsored violence to carry out the physical and social destruction of a group. It helps us to explain Myanmar's policies and actions towards the Rohingyas, ranging from earlier socio-political and legal policies to the 2017 atrocity crimes and reflecting its subsequent responses and arguments, as placed in the ICJ. Table 3.1 connects the ten stages with the Rohingya case, its associated socio-economic conditions in Myanmar and their significance for a genocide claim.

Table 3.1 Stanton's ten stages of genocide and the Rohingya case

<i>Stages</i>	<i>Significant indicator</i>	<i>Appearance in the Rohingya case</i>	<i>Relevance to a genocide claim</i>
1. Classification	Society separates people into categories of "us" and "them"	Following the 1962 military takeover of Myanmar, the Rohingyas have been treated differently in public and state discourses and often considered as an unwanted group, denying their equal rights in national life, but seizing their citizenship documents/cards	Such exclusionism of the population means targeting a single group, a collectivity, for a longer-term process
2. Symbolisation	The targeted group is labelled, named, and sustained with hatred and prejudice, or administratively marked in ways that help in persisting such symbolisation	Other than recognising the Rohingyas as non-citizens of Myanmar or as illegal migrants, as Bengalis, the state distinguished and termed them as non-nationals, and provided the FRCs in 1974, and no one received colour-coded CSCs in 1989. Following international advocacy, they were issued white-coloured TRCs in 1995, which did not confer citizenship either. The TRCs were revoked in 2015	The state appeared as a dominant entity to define the identity of the Rohingyas differently and arbitrarily, leaving them detached from the national life, institutions, and participation

<i>Stages</i>	<i>Significant indicator</i>	<i>Appearance in the Rohingya case</i>	<i>Relevance to a genocide claim</i>
3. Discrimination	Using legal and political means to deprive civil and political rights and influence the safety and protection of the 'other' group	A formal, legal process of systematic discrimination of the Rohingyas began with the enactment of the 1982 Citizenship Law that made them stateless in their country, Myanmar. This Law affected their political rights as well as civil rights, including freedom of movement, marriage rights, birth registration, access to education, work, and services	Using an exclusionist ideology and materialising it through a stringent legal approach not only deprived citizenship rights of the Rohingyas but also weakened the group long before any mass atrocity takes place, like in 2016–2017. Broadly, it sets a foundation for the denationalisation process
4. Dehumanisation	Denying the target group's human identity but presenting them as anything 'less than human', like animals, alien to society, insects or diseases, etc. Hate speech and propaganda accelerate the dehumanisation process	A concerted anti-Rohingya hate campaign continued both in traditional and social media that portrayed them as a threat to Myanmar's 'national races', projected them as 'Bengalis', 'Muslim dogs' etc., which undermined their human potential and normalised their mistreatment, on the one hand, and provoked many local ethnic Rakhine Buddhists, including influential religious leaders, to stand against them, undermining their equal protection from the state	The dehumanisation campaign has been highly organised, pursuing the state narrative through the military and local elites, and using social media platforms like Facebook to rationalise the coercive action and atrocity against the Rohingyas, with the aim of outnumbering them and forcing them to leave the area, as the latest episode happened in 2016–2017

(continued)

Table 3.1 (continued)

<i>Stages</i>	<i>Significant indicator</i>	<i>Appearance in the Rohingya case</i>	<i>Relevance to a genocide claim</i>
5. Organisation	Genocide violence becomes structured through formal and informal institutions and networks, command, and logistics	Atrocities against the Rohingya population have been carried out through organised state structures, including its military, the Tatmadaw, border police, and other security forces. Besides the direct actions, other techniques of violence like sexual violence against women, burning villages, and displacing a huge number of them both inside the Rakhine and into Bangladesh indicate coordinated activities of the state	Myanmar's organised violent campaign against an organised Rohingya group, the Arakan Rohingya Salvation Army (ARSA) and terming them as insurgents or terrorists have been instrumental in orchestrating its actions and activities against the total Rohingya population in Rakhine state, allowing the state to interpret its actions and activities differently than genocide
6. Polarisation	Divisions are so deep that forbid coexistence, as the dominant group establishes total control through propaganda and emergency laws or decrees, which further isolate the target group	The segregation process that began at earlier stages continued to persist for the Rohingyas living in a polarised society, isolating them in camps, village confinement, and regulating them through checkpoints and movement restrictions	When polarisation continues, it breaks down the normal coexistence of diverse identity groups, as they live apart politically and socially. Keeping the Rohingyas vulnerable via separation and segregation allowed the state to identify and control them, as well as define its grounds and design actions

<i>Stages</i>	<i>Significant indicator</i>	<i>Appearance in the Rohingya case</i>	<i>Relevance to a genocide claim</i>
7. Preparation	Authorities create the conditions for large-scale destruction or expulsion and often use euphemism to hide their real intentions, justifying them through self-defence discourse	The conditions for Rohingya atrocities have been created over the period through denationalisation, controlling their life, marriages and birth, movement and services that weaken them. However, the 2016–2017 episodes of violence have been justified by Myanmar in the name of security, stability and defence of the state	Violence or atrocity does not emerge suddenly; there is an action and reaction chain, culminating in atrocities. Therefore, Myanmar has argued for counter-terrorism operations against the ARSA, justifying its actions, resulting in the destruction and expulsion of the Rohingya community
8. Persecution	The victim group suffers systematically—through different means—and severely, and experiences targeted harm, dispossession, confinement, deprivation and so on. The perpetrators often test the water to see how the international community reacts to their actions	Before the 2017 atrocities, many studies, including the UN Fact-Finding Mission report, observed that the Rohingyas have experienced systematic persecution over the years in a hostile environment, subjecting them to camp confinement, village isolation, deprivation of basic services, including food and education, and denial of ordinary life conditions	Deteriorating life conditions and persistent persecution have connections to Article II(c) of the UNGC, linking life conditions to the slow physical destruction of life and rapid death once violent atrocity begins

(continued)

Table 3.1 (continued)

<i>Stages</i>	<i>Significant indicator</i>	<i>Appearance in the Rohingya case</i>	<i>Relevance to a genocide claim</i>
9. Extermination	The most brutal stage is when mass killing and other acts of destruction are carried out against the target group	Amongst the different episodes of violence, the 2016 and 2017 “clearance operations” have observably been the most brutal, as many Rohingyas were killed, women were raped, children were orphaned, civilians were attacked, villages were burned, and a mass exodus of Rohingyas happened towards Bangladesh to find a safe refuge	The destruction of a group, in part or in total, has relevance to Article II of the UNGC that specifies the killing and causing serious harm, both physical and mental. Although there is an ‘intent’ issue linked to these, such an extent of violence does not happen in isolation but is linked to earlier discriminatory policies and actions of the state
10. Denial	Perpetrators generate narratives to deny, cover up, justify, or reframe what has occurred; denial strategies continue throughout and post-genocide phases	Myanmar tends to define what has happened with the Rohingyas differently, refusing the genocide claim and characterising the actions as lawful operations against the ARSA. Besides challenging the UN report and other evidence and upholding the spirit of not recognising the Rohingya identity, it questions the framing of the legal suit that the Gambia filed against it that has stretched the UNGC far too long	Denial of the genocide claim has been a strategic option, not covering only the post-2017 period, but connecting to the past policies and standings of the state that denied the Rohingya identity and pursued diverse activities that have significance for accountability, justice and rights

Source The Authors, 2026

One of the key categories of classification is the creation of an artificial ‘us versus them’ mentality in national life, based on differences of any kind, including ethnicity, race, or religion, which serves as an impetus for long-term policies of deprivation, discrimination, destruction and the devouring of the other (Stanton, 2023). Over the decades, the Rohingyas had been treated differently in their homes in Rakhine state and have been considered with prejudice, as illegal ‘Bengalis’, foreigners, who are significantly different from the other races of Myanmar. Although the 1982 Citizenship Law finally restricted their civil and political rights, making them stateless, an imposed identity was given to them by different means, which denied their Rohingya identity. For example, in 1974, the state’s documentation process classified some Rohingyas as non-nationals and issued them Foreign Registration Cards (FRCs). No Rohingyas received the colour-coded Citizens Security Cards (CSCs), introduced in Myanmar in 1989. Due to international advocacy, the Myanmar government issued white-coloured Temporary Registration Cards (TRCs) to Rohingyas in 1995 (not as citizenship cards), which, however, were revoked in 2015.

Symbolisation and segregation are sources of distinguishing the Rohingyas from other races in Myanmar, culminating in a process of dehumanisation. One of the key aspects of Stanton’s framework is dehumanisation, which follows “a process”, evolving over time and not static to a particular event (Spencer, 2012, p. 49). Those who get involved in this process as part of the perpetrator group gradually socialise “into cruelty”, becoming “quite extraordinary” by altering their psychological framework to normalise harming the victims (Spencer, 2012, p. 50). The dehumanisation process of the Rohingyas has been rhetorical, on the one hand, as they were considered alien and a threat to social cohesion and national security, and practical, on the other hand, indicating those discriminatory policies that the state enacted and executed through its institutions, including the Tatmadaw and religious leaders, to maintain segregation and polarisation at the community level.

When marginalisation, polarisation, and persecution develop as a package, no one within the state or country dares to protest them; instead, they often decisively participate in those processes, either to satisfy their greed by supporting the perpetrator or remain passive because of fear generated by the regime in charge (Spencer, 2012). The condition in Rakhine state has not been an exception. Local people of other races, instead of standing against those policies, supported those processes as the state framed the ideology of Rohingya exclusion, connecting to the

conditions for the preparation phase of the framework (Mulaj, 2025). The Rohingyas were put under severe vulnerability, on the one side, through legally curtailing their political rights, keeping them confined to an area, denying their basic livelihood rights—education, movements, marriage, births, etc., and justifying any actions and events under the rubric of security and defence of the state.

Although Stanton's model has relevance in tracing a genocidal process, it must not be treated as a rigid, sequential framework, since most stages are complexly intertwined, some may occur simultaneously, and they reinforce one another. Persecution, for example, does not only mean arrests, isolation, discrimination, and deprivation, as discussed in earlier stages, but can cover up occasional direct and subtle, indirect violence. The UN Fact-Finding Mission report highlighted the decades-long systematic persecution and structural violence in a hostile environment in Myanmar, which culminated in the 2016–2017 direct violence. The 'clearance operations' were brutal, ruthless—arguably killed the Arakan Rohingya Salvation Army (ARSA) combatants and non-combatants—attacked civilians, violated women, injured many, orphaned children and intimidated millions of Rohingyas, leading to a massive influx of Rohingyas to cross the border to seek refuge in neighbouring Bangladesh (Ahmed et al., 2019).

The final stage of Stanton's framework is denial, which persists throughout the genocidal process and into the post-atrocity phase. Myanmar's position is strategic on this matter: on the one hand, it has throughout the trajectory of the crisis refused to recognise the Rohingya identity, and defines what happened to the Rohingyas in 2016–2017 differently, like interpreting it as lawful counter-terrorism operations, on the other hand. Moreover, it tends to emphasise the narrow legal definition of genocide and a limited time frame of atrocity in refusing the claim of genocide, which has significance for wider denial literature. Nevertheless, Stanton's framework does not imply a linear model for studying genocide; genocide is far more complex than this stage model suggests. Only a rapidly unfolding violent atrocity becomes observable, many other issues remain silent but contribute to discrimination, deprivation, persecution, exclusion, and so on (Jahan, 2012).

Henry C. Theriault (2021) has taken a critical perspective on Stanton's framework and argued for a comprehensive understanding of denial, which is not limited to the final stage of a genocide; denial can happen at any stage—before, during, and after the genocidal. It is a constant

process. Perpetrators may deny planned genocide, deny ongoing atrocities, and continue denial long afterwards. This is especially relevant to the Rohingya case, where denial did not appear only after the atrocities, but operated before, during, and after them through identity erasure, historical distortion, and the reframing of violence as counter-terrorism operations. Taken together, these two theories show that the Rohingya case is better understood as a dynamic, overlapping and continuous process, not as a simple step-by-step sequence in which denial appears at the end.

Therefore, Stanton's framework can be considered as an analytical tool, helping to analyse patterns and processes, and to understand how policies and actions unfold over times targeting a group. It is not a legal framework for defining and measuring the extent of genocide. The legal aspect of the definition of genocide lies with the UNGC, and legal recognition of genocide is a matter for the concerned Courts or Tribunals. Nevertheless, in summary, the Rohingya case appears as a cumulative genocidal process rather than a single outbreak of violence. The evidence relied upon by the Gambia suggests a progression from classification, discrimination, and dehumanisation to segregation, persecution, extermination, and continuing denial. This can strengthen the argument that the 2016–2017 atrocities were the culmination of a longer project of destruction and subsequent mayhem directed at the Rohingya.

3.4 DENIAL AND RECOGNITION: TWO SIDES OF THE GENOCIDE COIN

Denial and recognition are two sides of the same coin—in this chapter, it pertains to the term 'genocide'. Denial is a common language among perpetrators, whether in Cambodia, Rwanda, Srebrenica, or any other locations that experienced genocide, whereas the survivors' quest for recognition of genocide and their past losses is universal. Such recognition provides a sense of satisfaction to the families and friends of the victims and survivors. The cruel reality of world politics is that no perpetrators, whether involved in an in-group atrocity or an outgroup genocide, willingly admit their engagement in genocidal acts (Bilali et al., 2020; Leach & Cehajic-Clancy, 2013). Nevertheless, the history and memory of genocide "reflect an ongoing contestation and evolution, within both societies and individual hearts and minds", linking to selective commemoration of the atrocities, justification of the past events and acts, and

seeking the truth to address or mitigate one's guilt for a society enduring genocidal violence (Jones, 2024, p. 587). It indicates, unfortunately, that in human society, denial of genocide and the pursuit of recognition for genocide persist, albeit from opposing perspectives.

Denial, as a concept or a discourse, has become "an integral part of genocide" (Huttenbach, 1999, p. 216) since the perpetrator state or authority may develop a denial strategy along the line of unfolding the genocidal acts, if not before (Operation Broken Silence, 2023). Nor does the denialist narrative or tendency limit itself to the regime or authority involved in the genocidal massacre; it persists "long after the event by a variety of groups and people, including successor governments or successor enemies of the victim people" (Charny, 2000, p. 37). However, one of the key aspects of genocide denial is spreading strategic lies, which Smith (2014, p. 104) argued as a means of "deliberate distortion of the facts" for questioning both the intent and the occurrence of genocide, often to serve "some presumed advantages" for perpetrators. Therefore, a process of "falsification, deception, and half-truths" continues even after the physical destruction of people, intending to erase the memory of the victims and suffocate any remembrance of the events, victims, and survivors (Hovannisian, 1999, p. 202). Denial, therefore, constitutes "an obstacle to intervention against and prevention of genocide", suggesting elaborative objectives, as Theriault (2013, p. 47) further said, "'Denial' is a verbal strategy consisting of assertions that events that constitute genocide are not happening or did not happen or that the events in question are or were something other than genocide".

A new form of political narrative unfolds through an obsessive pursuit of denialist "fallacious arguments" and "erroneous facts" to distort historical truth and "eradicate the awareness of truth", aiming to prevent the revival of groups and people who experienced violence (Imbleau, 2005, p. 243). However, other than disputing the number of deaths (even though the number is not a significant indicator of genocide) and blaming the victims for the atrocity or projecting them as perpetrators, a process of generating denial narratives persists for many reasons, including preventing genocidal accountability and thus avoiding legal prosecution of both the state and individuals involved in committing genocide (Mulaj, 2017; Smith, 2014).

Genocide denial has long-term aims and a deeper significance than merely killing, posing an existential threat to both survivors and their society. Theriault (2013, p. 48) states:

Denial also functions to destroy further the victim group, by wiping out even the memory that they existed as they did before genocide; if there was no genocide, then the people who were killed in fact were not killed and their present nonexistence means they did not exist in the first place, that is, they never existed; the victims' cultural, social structures, economic wealth, political relevance, and so on that were destroyed were in fact not destroyed and their present nonexistence means that they in fact never existed; and so on. Denial transforms a partial success into a more total genocide, by denying the link of dispersed survivors, their culture, and social structures to the place where their group experienced genocide.

Denial is not straightforward; rather, it is "far more deeply entrenched, often representing a societal consensus" of diverse actors, who have material and political interests, since a prevailing status quo benefits the ruling authority and their allies (Jones, 2024, p. 601). Cambodia exemplifies a long-term denial of the Khmer Rouge (KR) genocide that occurred between 1975 and 1979. This denial benefited national political leaders with former ties to KR and served the interests of powerful Western states, including the US, which, even after the KR were ousted, continued to consider them the legitimate representatives of Cambodia at the UN (Grickevičiūtė, 2024, p. 28; Menzel, 2007). Meanwhile, these states condemned the Vietnamese invasion of Cambodia, whereas the KR, strategically, received direct regional support from Thailand, assistance from China, and indirect backing from the US, which was involved in the Vietnam War (Menzel, 2007, p. 216). Although the UN-backed hybrid tribunal finally recognised the Cambodian genocide in 2007 and prosecuted two top leaders of the KR regime, the involvement of powerful states in such roles raises questions about their stance on genocide and its recognition, especially when it unfolded in the 1970s.

"Diaspora activism", however, plays a crucial role in persuading other states to politically recognise a particular genocide (Armoudian & Smits, 2025, p. 92). In the case of the Armenian genocide, diaspora activism, including a coalition of Armenians, Assyrians, Greeks, and Kurds, and their strategies like lobbying, letter-writing, social media use, and petitions, have over the last three decades impacted political recognition of this genocide in the US, Germany and France, although some states, like Bolivia, Luxembourg and Slovakia, recognised it despite not having any strong Armenian diaspora presence (Armoudian & Smits, 2025). Such political recognition has been vehemently opposed by Turkey, which has justified the Armenian uprising as a threat to the territorial integrity of

the Ottoman Empire. Nevertheless, many powerful global states have previously shown a lack of interest in acknowledging this genocide due to Turkey's geo-strategic position in the Middle East and its NATO membership (Matossian, 2023).

While some other European governments and the European Parliament recognised the Armenian genocide, Sweden and its executive branch, despite being altruistic and human rights oriented and despite having recognition of this genocide from local bodies such as its unicameral parliament, the Riksdag in 2010, as well as several political parties, activists, and ethnic organisations, have adopted a tactical approach of "cautiously" avoiding recognition (Fittante, 2023, p. 392). From a geopolitically pragmatic perspective, it resisted recognition and did not want to antagonise Turkey, projecting that this could undermine its commitment to democratisation, while maintaining a strategic relationship to overcome challenges related to the Syrian refugee crisis (Fittante, 2023).

Such approaches to opposing political recognition by states that uphold the spirit of human rights standards not only encourage the denialist narrative of the state's responsibility but also discourage others from joining the quest for genocide recognition. Thus, denial is an aspect of genocide that requires distinct recognition apart from simply acknowledging the genocide itself. The victim group or community, including the surviving cluster who experienced the genocide but fortunately survived, provides the initial recognition of a genocide, even if they might not be aware of the legal definition of genocide. They clearly understand that they have suffered and endured persecution, atrocity, and extermination solely because of being the 'other', due to their racial, religious, or ethnic differences, which have been exploited by the dominant, powerful group against them. Therefore, they stand against the oppressors who obviously deny the genocide; in other words, they acknowledge the denial process too. One might question the extent or degree to which their recognition aligns with the legal criteria of genocide; such questions are less empowering for a group that becomes a victim due to the identity that the state or another group at first projected as a future threat. Therefore, victim and survivor recognition forms the foundation for other types of recognition, such as academic, public, political, and legal acknowledgement.

Regardless of the forms of recognition a genocide receives, perpetrators continue to deny not only the genocide itself but also the various forms

of recognition. Like the political recognition of the Armenian genocide refused by Turkey, the legal recognition of the Srebrenica genocide by two judicial bodies, namely the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Court of Justice (ICJ), has been challenged by local nationalist political leaders of the Republika Srpska (RS). They not only contested the legal proceedings and distorted the truth in a revisionist manner, calling Srebrenica a “fabricated myth”, but also celebrated convicted political leader Radovan Karadžić and sentenced army officer Ratko Mladić as war heroes, normalising genocide denial in public discourse through different glorification initiatives (Rahim, 2019; Simic, 2025, p. 500; Subotić, 2022).

However, the ineffective roles of international bystanders, including powerful states and international organisations like the UN, influenced by their geo-strategic interests and political reluctance, during the period of fomenting and orchestrating genocide, have a serious impact on genocide denial (Cohen, 2001, p. 18). For example, neither the UN nor powerful global states like the US took proactive steps to prevent genocide, nor did they even use the ‘G’ word in Rwanda in 1994 and in Srebrenica in 1995, until the violence was nearly over. This largely helped the genocidal processes conclude and denied them responsibility for their inaction (Theriault, 2013). Such avoidance of their roles during a crisis and the failure to recognise genocide may evoke feelings of “shame or guilt” in them, often leading them to create legal mechanisms, like the ICTY and ICTR, to acknowledge genocides through a legal process and to punish the perpetrators (Charnysh & Riaz, 2025, p. 3220).

Although genocide “benefit(s) the perpetrator” either to end the war with victory or to create space for a negotiated settlement, the post-war period benefits the victim community, which over time can claim and legitimise its demand for “recognition, accountability and redress” (Mulaj, 2017, p. 129). The victim and survivor community seeks recognition for what brutal atrocity and persecution happened to them, while the perpetrators aim to interpret the events and issues of genocide in their own way, with mystification, if not falsification, often denying their roles in the genocide process, even after legal recognition. Therefore, recognition sometimes does not end denial in the domestic context where a genocide occurred. The ever-evolving politics of denial and recognition in the RS of Bosnia and Herzegovina is an uncanny case of post-recognition denial that may manifest and persist differently across contexts. The ongoing nature of denial sustains the continuity of genocide itself as long

as it dismisses the responsibility for historical policies, acts, and atrocities, thereby fostering conditions for future intolerance and violence, if not systematic genocide.

3.5 THE GAMBIA AND MYANMAR ARE AT THE ICJ: DEBATE AND ARGUMENTS CONTINUE

The case concerning “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)” began on 11 November 2019, when the Gambia, a country in West Africa, instituted proceedings before the ICJ, alleging that Myanmar had breached the Genocide Convention through its treatment of the Rohingya in Rakhine State (International Court of Justice, 2026; United Nations, 1948). On 23 January 2020, the Court ordered Myanmar to prevent Genocide acts, preserve evidence, and report regularly (International Court of Justice, 2020a). By rejecting Myanmar’s objection to the case on 22 July 2022, the Court allowed it to proceed. Both parties submitted their key arguments in writing, with evidence where possible, including The Gambia’s Memorial, Myanmar’s Counter-Memorial, The Gambia’s Reply, and Myanmar’s Rejoinder. The debate has continued, and there have been repeated exchanges on compliance and requests for provisional measures. The case gained further momentum once eleven other states joined under Article 63 of the ICJ Statute between 2023 and 2025 and intervened on issues concerning the interpretation of the treaty (Table 3.2).

As in many other cases at the ICJ, the continuity of the case has been shaped by two opposing narratives and perspectives, presented by The Gambia and Myanmar. The former has argued that Myanmar committed a systematic genocide against the Rohingya identity group, culminating in the highest levels of violence in 2016 and 2017, including torture, killings, sexual violence, torching houses, destroying villages, and forcibly displacing them (International Court of Justice, 2020b). The latter, on the other hand, has denied the genocide charge against the Myanmar state, interpreting those 2016 and 2017 events from a traditional state security perspective and defining those actions as counter-terrorism operations against the ARSA (International Court of Justice, 2023). However, the case has, in the meantime, attracted significant international attention, focusing on the facts and interpretations that the parties present, the evidence submitted, and, more importantly, the legal and broader

Table 3.2 Major developments in the ICJ case: *The Gambia v. Myanmar*, 2019–2026

<i>Date</i>	<i>Key development</i>	<i>Significance</i>
11 November 2019	The Gambia instituted proceedings against Myanmar before the ICJ under the Genocide Convention	This formally began the case on the Rohingya genocide
10–12 December 2019	The Court held hearings on the Gambia's request for provisional measures	The first public hearings focused on urgent protection for the Rohingya
23 January 2020	The Court indicated provisional measures, ordering Myanmar to prevent genocidal acts, preserve evidence, and submit regular reports	This was the Court's substantive order in the case
23 October 2020	The Gambia filed its Memorial	This was a major step in the merits phase, setting out The Gambia's full genocide case against Myanmar
20 January 2021	Myanmar filed preliminary objections	Myanmar sought to stop the case before it reached the merits
21–28 February 2022	The Court hearings on Myanmar's preliminary objections	This dispute at this stage concerned jurisdiction and admissibility
22 July 2022	The Court rejected all of Myanmar's preliminary objections	This allowed the case to proceed fully to the merits phase
2020–2025	Myanmar filed a series of twelve reports on compliance with the provisional measures, and The Gambia responded with written observations	These filings created an ongoing record on conditions in Rakhine, repatriation, accountability, and continuing risk to the Rohingya
24 August 2023	Myanmar filed its Counter-Memorial	Myanmar set out its full merits defence, denying genocide and framing the events as counter-terrorism operations against the ARSA
Late 2023–2025	Eleven States intervened under Article 63 of the ICJ Statute: Belgium, Canada, Denmark, France, Germany, Ireland, the Maldives, the Netherlands, Slovenia, the Democratic Republic of Congo, and the United Kingdom	The case has widened beyond the two parties and gained broader significance for the interpretation of the Genocide Convention

(continued)

Table 3.2 (continued)

<i>Date</i>	<i>Key development</i>	<i>Significance</i>
3 July 2024	The Court admitted the interventions of the Maldives and the joint group of Canada, Denmark, France, Germany, the Netherlands, and the United Kingdom	The Court confirmed that third States could participate in questions of treaty interpretation
23 May 2024	The Gambia filed its Reply	The Reply rebutted Myanmar’s Counter-Memorial and reinforced The Gambia’s genocide claim
30 December 2024	Myanmar filed its Rejoinder	This completed the written pleadings on the merits
25 July 2025	The Court admitted the interventions of Slovenia, the Democratic Republic of Congo, Belgium, and Ireland	This expanded the total number of intervening States to 11
12–29 January 2026	The Court held the merits hearings, including two rounds of oral argument, the examination of three witnesses and one expert called by the Gambia, and one witness called by Myanmar	This was the final oral phase before judgement
27 January 2026	The Gambia presented its final submissions	The Gambia asked the Court to find Myanmar responsible under the Genocide Convention and to order remedies
29 January 2026	Myanmar presented its final submission, the hearings concluded, and the Court announced that it would begin its deliberations	The case entered its final judicial stage, with judgement pending

Source ICJ, 2026; <https://www.icj-cij.org/case/178> (last accessed on 12 April 2026)

definitions of genocide and the burden of proving intent in this legal battle.

The most recent development (as of April 2026) is that the merits hearings ended on 29 January 2026, and the Court has now begun its deliberations. The next step will be the judgement on Myanmar’s responsibility, its compliance with the provisional measures order, and any remedies that may follow (see Table 3.2).

3.6 WHY THE GAMBIA ARGUES THE ROHINGYA CASE IS GENOCIDE?

The Gambia's framing of the Rohingya genocide case is comprehensive and can be grouped into a few connected themes. Broadly, it indicates that the arguments The Gambia presented are holistic, highlighting decades and generations of structural violence, discrimination and persecution directed towards the Rohingya community, carried out by Myanmar with the specific intent to harm or destroy them. It has not considered the 2016 and 2017 events only; instead, it has argued that those violent events are the culmination of earlier discriminatory policies and systematic violence (International Court of Justice, [2020b](#), [2024a](#)).

The Gambia, primarily, presents that the Rohingyas—as an ethnic, racial, and religious group—are protected under the UNGC, but they have been chronically targeted collectively by Myanmar. It rejects Myanmar's non-recognition of the Rohingya identity and argues that the denial of identity of an identity group does not allow a state to revoke legal protection to it. Secondly, it argues that genocidal violence has been perpetuated through decades of formal and informal structural violence, referring to the 1982 Citizenship Law that repealed the Rohingya's citizenship rights, restrictions on their everyday affairs, like movement, marriage, education, services, etc., which collectively orchestrated an environment conducive to genocidal atrocity and destructive action against this identity group (International Court of Justice, [2020b](#), [2019a](#)).

Thirdly, The Gambia has accused Myanmar of committing various acts prohibited by Article II of the UNGC, such as killing members of the target group, inflicting serious bodily or psychological harm, undermining life conditions, as well as controlling in-group births of the target, which have been closely linked to the legal aspect of the case (International Court of Justice, [2020b](#)). Furthermore, it argued that the 2016 and 2017 'clearance operations', carried out against the Rohingya population by the Tatmadaw and other security forces, are the culmination of earlier policies and activities, and constitute genocidal acts at least from two perspectives: their intent to destroy the Rohingyas as a group, totally or partially, and the nature and extent of the massive violence of these events, such as mass murder, sexual violence, including rape, and the

burning of villages and houses (with inhabitants locked inside) (International Court of Justice, 2019a, p. 6). Those acts cannot be interpreted as counter-terrorism actions only.

Another crucial aspect of the Gambia's submission has been its strong emphasis on sexual torture and violence, including the rape and gang-rape of Rohingya women and girls, a heinous part of this genocide that has immediate and long-term consequences, including death and trauma, for survivors (International Court of Justice, 2020b). The Gambia has repeatedly highlighted these issues, with references in its memorial. The sixth component of the Gambia's position highlights various forms of denial—the denial of genocide, the denial of Rohingya identity, the denial of citizenship, the denial of human rights leading to discrimination, the denial of birth registration, and the denial of access to sustenance, including health care and food, all associated with Myanmar's denial of responsibility (International Court of Justice, 2020b). Beyond these denials, Myanmar has challenged the international evidence indicating a pattern of avoiding accountability for its policies and actions, as the Gambia perceives it. Such denials do not help address the Rohingya crisis as it has come to this stage; instead, they tend to sustain impunity for the process of discrimination, deprivation, persecution, violence and atrocities perpetrated against them and with the intent to destroy them, as a group, in part or in whole, by the state, Myanmar.

3.7 MYANMAR'S POSITION AND ITS CORE DENIALIST ARGUMENTS

Myanmar has taken a defensive position, and its presentation before the ICJ has been built on a comprehensive framework for rejecting a genocide claim, not meeting the very core aspect of the genocide definition—the intent (International Court of Justice, 2019b, 2023, 2024b). The primary foundation of Myanmar's position lies in defining the Rohingya crisis and the 2016 and 2017 events as parts of a complex internal armed conflict, not as genocide. For example, in the first public hearing, Aung San Suu Kyi, as the Union Minister for Foreign Affairs of Myanmar, presented the crisis as part of a larger Rakhine State problem—where Myanmar's defence forces were fighting an internal conflict with the Arakan Army—and claimed the 2016 coordinated attacks of the ARSA on police posts invited counter-operations from the state's forces (International Court of Justice, 2019b). She attempted to shift the legal framing

from genocide to internal conflict, connecting it with insurgency and “war crimes”, not genocide with any such intent, which “will be prosecuted through our military justice system, in accordance with Myanmar’s Constitution” (International Court of Justice, 2019b, p. 18). Nevertheless, whatever the ‘clearance operations’ Myanmar had carried out were not intentionally criminal or genocidal in nature but were standard military counter-operations immediately after the ARSA attacks (International Court of Justice, 2023).

The second point of Myanmar’s argument, as related to the first, concerns specific genocidal intent. It stressed that ‘the intent’ has not been proved, as it has envisioned genocide from a narrow perspective and argued that not all serious atrocities comply with the UNGC. Therefore, it has advanced the argument that the materials and evidence the Gambia presented to the Court may support claims of human rights violations, breaches of international humanitarian law, and individual war crimes. Nevertheless, apart from rejecting the Gambia’s comprehensive interpretation of the UNGC, Myanmar challenged the reliability and weight of the evidence it submitted, including the UN Fact-Finding Mission reports, reports from NGOs and media, witness statements, satellite imagery, etc., which are untested, methodologically weak, and advocacy-driven (International Court of Justice, 2024b).

Myanmar has also questioned the Gambia’s intention of stretching the UNGC, from a genocide defining instrument to a wider human rights instrument, covering a range of issues, such as discrimination, movement restrictions, life in camps, citizenship grievance, and statelessness, which it has perceived are not part of genocidal conduct. Moreover, it has a firm tendency to reject the Rohingya identity, both legally and politically; therefore, it has continuously referred to the Rohingyas as ‘Bengalis’ and objected to a long-standing notion of their historical presence in Myanmar (International Court of Justice, 2023). However, this form of identity denial has been a part of its positioning in the ICJ, indicating an attention to rejecting the Rohingya identity at the global level.

A similar narrative has operated in Myanmar. In a 2018 publication, the Tatmadaw supported this process by consistently labelling the Rohingyas as intruders or insurgents, sources of instability (*The Guardian*, 2018). Myanmar claimed that some 100,000 Bengali Muslims illegally migrated to Myanmar in 1971, when Bangladesh was liberated from Pakistan, and that this continued thereafter (International Court of Justice, 2023, p. 15). Bangladesh, which has been hosting more than a

million displaced Rohingyas in Cox's Bazar, a bordering district, claimed that Myanmar spreads disinformation and distorts the historical facts of its 1971 Liberation War, when people in Bangladesh also experienced genocidal violence committed by the Pakistani military and its local collaborators (The International Association of Genocide Scholars, n. d.; Spencer, 2012, p. 64). Bangladesh rejected the "false migrant narrative" that Myanmar mentioned in its submission to the ICJ, on the grounds that it is historically incorrect, and argued that portraying the Rohingyas as foreigners, Bengalis, and an internal security threat is nothing but an approach to deny the Rohingya identity and a diversion from the atrocity crime committed in 2016 and 2017 (BSS, 2026; Government of Bangladesh, 2026). Historical census data also show a long-established and significant presence of the Muslim community in Arakan/Rakhine long before Myanmar's independence on 4 January 1948 from British rule (LSE Archives, 1971). However, the overwhelming majority of Bangladeshi refugees, including Hindus, Buddhists and Muslims, who fled to India and Myanmar during the Liberation War, returned to Bangladesh following its independence from Pakistan on 16 December 1971 (LSE Archives, 1971).

Broadly, Myanmar's argument to the ICJ has been an attempt to disentangle the 2016 and 2017 atrocities from the historical background and structural context that perpetuated discrimination, deprivation and persecution against the Rohingyas. Putting the ARSA and its attack at the forefront, Myanmar has intended the ICJ to look into the case more from a narrow perspective than excluding the decades-long discriminatory policies and practices. The denialist narrative that Myanmar pursued has been linked to its wider and longer-term state narrative that seeks to recast the Rohingya crisis as a problem of migration, internal security, terrorism, border control, and bureaucratic verification. The advancement of a bureaucratic-security narrative that normalises verification and return without recognising the Rohingya identity, while Bangladesh, as the displaced Rohingya hosting country, has rebutted this very nationalist narrative of Myanmar, associated with the politics of refusal, non-recognition, historical distortion, and justification that has sustained the Rohingya crisis.

3.8 CONCLUSION

Genocide, as a concept and as a process, emphasises the ‘intent to destroy’, indicating the willingness and motives of the agents or perpetrators to pursue strategies, policies and actions to annihilate the ‘other’ group, both physically and collectively. This ‘intent to destroy’ is the foundation-stone of the legal definition of genocide and evolves within a specific socio-political context that questions acceptance, rejects diversity and targets a political imaginary threat, on the one hand, and raises the question of the moral responsibility of the genocide participants, who have been motivated by their so-called superior ideology and by sentiments of being a superior race to the group they target, as well as those who cannot act in time to prevent genocidal violence, on the other hand. Nevertheless, whatever the political or racial logic constitutes the foundation of committing that motive or intent to eliminate a racial, ethnical, national or religious group, partially or totally, genocide has to be understood both from the legal and beyond-legal framings due to its nature of targeting a group and dismantling its dynamic social networks and relations with other formal and informal groups and institutions, meaning to complete a social death of that particular group that has its own culture, language, religion, and institutions in the larger system of states, communities, and groups.

The Rohingya, an ethno-religious-linguistic identity group in Myanmar, have suffered diverse patterns of discrimination, deprivation and denial, solely because of their identity, and have experienced atrocity culminating in a large number of them taking refuge in Bangladesh in 2017. Stanton’s framing of the ten stages of genocide is significant in explaining the Rohingya case, as the process developed over a period during which they were subjected to deprivation of their identity and basic rights, and to living in a polarised society that restricted their movements, dehumanised them, and all of which created conditions for the forceful expulsion of many of them from the Arakan state in 2017. Their state, Myanmar, which though claims Rohingyas are illegal Bengalis, denies the Rohingya identity as well as the claim of genocide in the legal suit filed by the Gambia at the ICJ. While the Gambia argues in favour of a legal recognition of the Rohingya genocide, Myanmar argues against it and presents its argument, interpreting its actions as lawful, standard counter-terrorism operations against the ARSA. One of the signature features of the theoretical framing of denial is that the authority interprets it

differently from the issue or events in question, perhaps mixing it with deceptive arguments.

Like some other cases, the Rohingya case has received victim recognition, some academic recognition and rhetorical political recognition of the US in 2022 and several other countries, including Canada, the Gambia, Maldives, the United Kingdom, and the Netherlands, among others, have joined the ICJ case and pushed for legal remedies and actions. Yet, the legal recognition is the jurisdiction of the court that determines the nature and extent of genocide, which the Gambia has been pursuing to end decades-long structural discrimination of the Rohingyas, to end impunity and to bring justice for them; therefore, it seems it has framed the case broadly, supported mostly by secondary evidences while covering the wider spectrum of the Rohingya crisis that systematically evolved in Myanmar. Myanmar challenges that evidence and questions the framing of the case that covers a wide range of issues, covering human rights violations or breaches of international humanitarian law or individual atrocity crimes that do not qualify as genocidal. This politics of narrative may not influence the court's declaration, which relies on the parties' evidence; therefore, one must wait for the ICJ's final judgement in the Gambia vs Myanmar case. Nevertheless, one must not forget the theoretical framing of the politics of genocide denial and recognition, which implies that legal recognition does not entirely end denial, a point all should focus on as well to materialise the symbolised, philosophical commitment of 'never again'.

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‘If Everything Is Genocide, Nothing Is Genocide’: The Construction of Impunity for the Rohingya Genocide Within International Law

Mohammad Pizuar Hossain 

4.1 INTRODUCTION

The Rohingya, an ethnic minority in Myanmar’s Rakhine (formerly Arakan) state, have endured decades of systemic discrimination, violence, and exclusion. Since the 1960s, they have been systematically deprived of their legal status, civil and political rights, and access to basic services by successive military regimes (Human Rights Watch (HRW), 2000; Leider, 2018). The brutal military crackdown in August 2017, which involved mass killings, rape and sexual violence, and the forced exodus of over one million individuals to neighbouring Bangladesh, is predicated upon this

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systemic, state-led marginalisation (Human Rights Council (HRC), 2018; United Nations High Commissioner for Refugees (UNHCR), 2025). The UN Independent International Fact-Finding Mission (IIFFM) on Myanmar concluded that these atrocities demonstrated the “hallmarks of genocide” and recommended bringing senior military officials responsible for these crimes under trial (HRC, 2018).

Despite the glaring evidence of large-scale and systemic persecution of the Rohingya, the international legal system was initially reluctant, if not outright resistant, to formally characterise the crisis as “genocide”. The International Court of Justice (ICJ) is adjudicating The Gambia’s 2019 case under the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide* (*Genocide Convention*) and initially ordered provisional measures to prevent genocide (ICJ, 2020). As of January 2026, the Court has progressed to public hearings on the merits, pending any final decision on genocidal intent. International Criminal Court (ICC)’s investigation is limited within the scope of crimes against humanity for forced deportation, leaving investigation and attribution of individual criminal responsibility for genocide unaddressed (ICC, 2019). As a result, neither forum has thus far addressed the full evidentiary and legal contours of genocidal intent or the question of individual criminal liability for genocide. The stringent criteria established by the *Genocide Convention* (reinforced by the 1998 *Rome Statute of the ICC* (*Rome Statute*)), particularly the requirement to prove “intent” to destroy a protected group “in whole or in part”, underscores the severity of the crime and confines its use to only a handful of scenarios (Hinton, 2020; Schabas, 2009).

This has resulted in a paradoxical trend, where atrocities that may legally qualify as genocide is denied or at least downplayed, not through outright rejection of the facts, but through selective deployment of legal and political language. As some scholars and practitioners have cautioned, this tendency to guard genocide as a category of “exceptional violence” risks creating a space in which atrocities are acknowledged but not characterised in accordance with its true nature (Moses, 2021; Power, 2002). This is an outcome that may contribute to ongoing impunity for perpetrators and prolonged suffering for victims of genocide, such the Rohingya.

Accordingly, this chapter examines the Rohingya genocide primarily through a legal lens. It also incorporates political aspects to explore how international legal mechanisms, which are shaped in part by geopolitical interests, have contributed to the construction of impunity in the face

of widespread atrocity. Drawing upon the Rohingya genocide case, the chapter argues that the legal exceptionalism of genocide in international law produces a dual effect. First, it elevates genocide to the highest legal status. Second, it enables strategic denial of genocide, as states and institutions hesitate to fully invoke or prosecute it due to complex legal and political constraints.

The chapter begins by outlining the conceptual and legal parameters of genocide before providing a historical overview of the Rohingya persecution in Myanmar. The following section draws upon empirical studies and human rights reports to examine the patterns of atrocities committed primarily during the Myanmar military's 2017 wave of violence against the Rohingya. It mainly emphasises acts indicative of genocide and the intent behind them. Through leveraging insights from this case study, the chapter then analyses the responses of the ICJ and the ICC to the crisis and explores the wider consequences of genocide denial.

4.2 THE EVOLUTION AND EXCEPTIONALITY OF THE CRIME OF GENOCIDE

The term “genocide” was first coined by Raphael Lemkin in 1944. His definition of genocide expanded the extent of the crime of mass killing as an annihilation of a distinct group's cultural, linguistic, and national identity (Lemkin, 1944). His efforts were instrumental in the adoption of the *Genocide Convention* by the UN. Despite its foundational and normative significance, the legal development of the concept of genocide has marked a striking exceptionalism. *Genocide Convention's* definition of genocide was influenced by political compromise and deliberate dilution, rather than functioning as a complete foundation for confronting mass atrocity. Specifically, it omitted political and cultural groups, elements fundamental to Lemkin's initial understanding of genocide as the annihilation of the core foundations of a group (Schabas, 2009). The narrowing of its purview has rendered genocide as a highly exclusionary category, resulting in sporadic and asymmetric application. This section examines the evolution of the concept of genocide within international law, focusing on its legal and political implications of exceptionalism, as aligned with the chapter's theoretical framework.

The Legal Evolution of Genocide

Genocide was first recognised as a distinct and punishable crime on 11 December 1946 by the UN General Assembly Resolution 96(I). This recognition laid the groundwork for the *Genocide Convention*, adopted in 1948. As of June 2024, the *Genocide Convention* has been ratified or acceded to by 153 states. The principles established in the *Convention* is also regarded as part of general customary international law by all states, regardless of their ratification (Schabas, 2025). Accordingly, all states are under a legal obligation to recognise and prevent genocide as a crime prohibited under international law (Milanovic, 2006). The prohibition of genocide is also among the “peremptory norms” (*jus cogens*), as recognised in The ICJ (2007) decision, meaning that no derogation from this principle is permitted under any circumstances.

The legal definition of genocide contains two components. First, the perpetrator must have a “specific intent” (*dolus specialis*) to destroy, either completely or partially, a protected group, which can be a national, ethnic, racial, or religious group. Second, certain forbidden actions must be carried out against members of that group. The prohibited acts include killing, causing serious physical or mental harm, deliberately creating conditions of life aimed at the group’s physical destruction, preventing births within the group, and the forcible transfer of children.

Between the two components, intent to destroy the group, or the “special intent” is the distinctive element, which must be proven based on the specific situation and evidence in each case. For illustration, the International Criminal Tribunal for the former Yugoslavia (ICTY) emphasised in the *Brđanin* case (2004) that the presence of a “destructive intent” distinguishes genocide from other international crimes. Similarly, the ICC held in the *Al Bashir* case (2009) that the crime of genocide is complete when the conduct in question poses a concrete threat to the existence of the targeted group or a substantial part thereof. The ICC further noted that genocidal intent can be inferred from a manifest pattern of similar acts directed against the group. Importantly, there is no fixed numerical threshold for victims to establish genocide. For example, both the ICTY and the International Criminal Tribunal for Rwanda (ICTR) have held that even the killing of a single member of a protected group may amount to genocide, depending on the context and intent of the act (ICTR, *Akayesu*, 1998; ICTY, *Krstić*, 2001).

As to the question of determining the nature of (and defining) “protected groups” of genocide, there is no established and universally accepted criteria yet. In the *Akayesu* case (1998), the ICTR initially characterised such groups as being stable and permanent in nature. Similarly, the ICTY noted in cases such as *Jelisić* (1999), *Brđanin* (2004), *Blagojević* and *Jokić* (2005), and *Stakić* (2003) that the determination of a protected group must be based on the specific facts and circumstances of each case, assessed through both objective and subjective lenses. In defining an “ethnic group” (pertinent to the Rohingya context), factors *inter alia* a shared ancestry, language, culture, and bond were considered by the ICTR in cases such as *Akayesu* (1998), *Nahimana* (2003), and *Kayishema* and *Ruzindana* (1999). Significantly, in *Kayishema* and *Ruzindana*, the Tribunal held that group identification may also depend on the perception of the perpetrators, meaning, if the perpetrators viewed the targeted individuals as belonging to a distinct, protected group, such perception can be considered while determining an “ethnic group”.

The other component of the crime of genocide is the commission of certain acts, including killing, causing serious physical or mental harm, deliberately creating conditions of life aimed at the group’s physical destruction, preventing births within the group, and the forcible transfer of children. These are collectively called the “genocidal acts” committed against the members of a protected group, with the aim of destroying that group in whole or in part (*see Genocide Convention*, art. II; *Rome Statute*, art. 6). This chapter focuses on the first three acts as they are particularly relevant to the Rohingya context.

The act of “killing”, in the context of genocide, is akin to murder, but with a distinct requirement of being accompanied by the specific intent to destroy the group. The burden of proof rests with the prosecution, which must establish beyond reasonable doubt that the accused deliberately participated in the killings as part of a broader genocidal campaign (ICTR, *André Ntagerura et al.*, 2004; *Simba*, 2005). The existence of genocidal intent can be inferred from patterns of conduct, the scale of atrocities, and the systematic targeting of a group (ICC, *Al Bashir*, 2009; ICTY, *Jelisić*, 1999).

The second genocidal act is “causing serious bodily or mental harm to members of a group”, which refers to premeditated actions that result in severe physical or psychological suffering. The term “harm” in this context encompasses only serious injury, though it need not be permanent, irremediable, or fatal (ICTY, *Brđanin*, 2004). “Bodily harm”

includes grave injuries to a person's health, disfigurement, or other significant damage to external or internal organs (ICTR, *Akayesu*, 1998). "Mental harm", on the other hand, denotes acts that impair a victim's psychological well-being, such as instilling intense fear, intimidation, or trauma. Serious mental harm includes, *inter alia*, the acts of torture, inhuman or degrading treatment, sexual violence and rape, and interrogation involving beatings or threats of death (ICTR, *Akayesu*, 1998; ICTY, *Krstić*, 2001). It may also result from forcible transfer, deportation, or other methods of terrorisation directed at the group (ICTY, *Jelisić*, 1999).

Regarding the third genocidal act, i.e., "deliberately inflicting conditions of life calculated to bring about the group's physical destruction", the Tribunals have offered further clarification. The ICTY in *Brđanin* case (2004) and the ICTR in *Kayishema* and *Ruzindana* case (1999) observed that perpetrators often strategise their actions, choosing not to immediately kill the target group members, rather imposing living conditions that facilitate incremental destruction of the group. The ICTY clarified in *Stakić* case (2003), that direct killing is not an exclusive element in the phrase "calculated to bring about physical destruction". Instead, it may involve subjecting victims to extreme deprivation, such as inadequate housing, clothing, hygiene, excessive work, or physical exhaustion, intended to cause their slow demise.

While a relatively coherent legal framework exists through the function of the *Genocide Convention*, the *Rome Statute*, and the jurisprudence of ICTR and ICTY, the adjudication of genocide is fraught with complexities, both legal and political. Its constitutive elements—namely, special intent, protected groups, and enumerated acts, are now widely recognised under international law, but their application remains contested. Through the jurisprudence established by the ICTY, ICTR, and the ICC, the legal threshold for genocide has been clarified, and further expanded to include non-lethal forms of harm, such as psychological trauma, inhumane living conditions, and forcible transfers, as genocidal acts (ICC, 2009; ICTR, 1998; ICTY, 2001).

However, the evolution of the term genocide cannot be understood in purely doctrinal terms. It now functions as both a legal category and a moral signifier, carrying a symbolic weight that often eclipses other atrocity crimes such as war crimes, crimes against humanity and ethnic cleansing. The invocation of genocide implies not only individual criminal responsibility but also a collective moral failure by the international community to prevent or respond to mass violence (Moses, 2021). It is

widely regarded as the “crime of crimes” in international law, representing the most extreme violation of human dignity and integrity (Power, 2002; Schabas, 2009). While this elevated status of genocide as the highest form of atrocity crime reinforces its legal and moral significance, it has also contributed to the creation of, what scholars call “genocide exceptionalism”.

Genocide exceptionalism refers to the tendency within legal, political, and advocacy arenas to regard genocide as uniquely heinous, and most urgent or consequential among other forms of international crimes, such as crimes against humanity or war crimes (Brudholm & Lang, 2012). As the following discussion underscores, this exceptionalism has generated both strategic uses and unintended consequences. On the one hand, human rights advocates and victims can leverage identifying an atrocity as genocide to gain global attention, and possibly intervention, and more importantly demand rapid victim mobilisation. On the other hand, this elevated status and global recognition under the *Genocide Convention* or general customary international law creates a deterring effect among states and institutions from recognising certain atrocities as genocide, as such recognition would trigger binding obligations under the *Genocide Convention*, including the duty to prevent the genocide and punish the perpetrators (ICJ, 2007).

Legal and Political Implications of Genocide Exceptionalism

The unique legal character of genocide has paradoxically rendered it both formidable and obscure. The stringent criteria for establishing genocidal intent present considerable challenges in international legal proceedings (ICTR, *Akayesu*, 1998; Schabas, 2009). The difficulty of proving the genocidal intent often prompts prosecutors to resort to less politically charged category of crimes against humanity (*Rome Statute*, art. 7; Schabas, 2009). This dynamic demonstrates that genocide is regarded as an exceptionally severe and infrequent crime, distinct from other forms of atrocity crimes (Moses, 2021). This notion has two counter-intuitive results. First, it preserves the conceptual and moral distinctiveness of genocide within international law. Second, it incentivises states and institutions to refrain from recognising an atrocity as genocide to avoid the legal and political obligation accompanying such recognition. Thereby, genocide exceptionalism shapes how atrocities are understood and responded to, influencing when and whether acts of mass violence

are labelled as genocide. Hinton (2016) thus argues that this reliance on a narrow and elevated definition of genocide often masks the suffering of those whose experiences fall outside strict legal boundaries.

Katz (1994) asserts that the phrase “If everything is genocide, nothing is genocide” functions as a caution against what he views as the conceptual inflation of the term “genocide”. This concern, which is implicit in his warning that overextending the definition may undermine this term’s significance, emerged from debates within Holocaust uniqueness scholarship, where Katz and others responded to what they regarded as an expanding and sometimes indiscriminate use of the genocide label in political discourse, human rights advocacy, and academic debates. In this context, the misuse of the phrase that Katz warns about pertains to two interconnected tendencies. Firstly, the term is used in contexts of mass violence, despite the absence of a clear intent to annihilate a protected group, either wholly or partially. Secondly, the term is employed as a rhetorical device to obtain political or moral advantage, often at the expense of analytical accuracy.

Furthermore, he argues that such broad or instrumental uses risk eroding the term’s moral force and legal coherence. Indeed, subsequent scholarship has identified similar patterns of conceptual stretching, for example, in debates about colonialism, cultural suppression, or large-scale civilian casualties, where the presence of genocidal intent remains contested or ambiguous (Hinton, 2020; Moses, 2021). Katz argues, these instances of conceptual inflation of genocide exemplifies its risk of diffusing its distinctive nature, which weakens both its normative weight, and its legal utility. In addition, Katz endorses requiring the complete destruction of the group as a necessary condition for an act to qualify as genocide, as opposed to the *Genocide Convention*’s recognition of the intent to destroy a group “in part”, which in his view is too broad, and potentially imprecise. He also raises questions as to the determination of what qualifies as a “group” under the *Convention*, the kind of relationship required to exist among them, and if there is a threshold number of members required to qualify as a group. He contends, the complexity and ambiguity is elevated by the inclusion of “parts” of a group as potential targets of genocide.

Most importantly, Katz’s argument about the uniqueness of genocide highlights the central importance of intent. Instead of prioritising the victims’ group identity, he supports recognition of genocide (and especially the Holocaust) as a distinct form of atrocity only when the

specific intent to destroy an entire group exists. For him, it is not about how many people were killed (absolute number) or what percentage of a group was destroyed (relative proportion), but rather about the perpetrator's intent to annihilate an entire group because of their identity (Berel, 1996). However, Katz's use of the concerned phrase presents a fundamental dilemma in the acknowledgement of genocide within international law and politics. The overextension or dilution of the phrase jeopardises its conceptual and normative efficacy. However, the strict legal definition, which requires clear intent to destroy a protected group, along with political reluctance to use the term, often leads to non-recognition of serious crimes. This contradiction entails that severe atrocities may not be recognised as genocide, which fosters denial, inaction, and impunity (Hinton, 2021; Power, 2002).

This paradox extends beyond theoretical implications and has substantial practical effects. The denial results not from differing facts, but based on legal and procedural technicalities, which obscure the true nature and intent of the violence. In light of this, the chapter contends that the conceptual and legal paradoxes inherent in the definition of genocide have contributed to the construction of impunity, a phenomenon clearly illustrated by the persecution of the Rohingya community. The following section traces the historical trajectory of Rohingya persecution in Myanmar to contextualise these dynamics.

4.3 THE HISTORICAL TRAJECTORY OF ROHINGYA PERSECUTION IN MYANMAR

The systematic persecution of the Rohingya in Myanmar is underpinned by an intricate convergence of historical erasure, legal exclusion, and institutionalised violence. This section thus describes the historical evolution of this persecution, with particular focus on how shifting state policies, military campaigns, and institutional structures have gradually marginalised the Rohingya community members in Myanmar.

Institutionalised Discrimination and the Politics of Belonging

Myanmar gained independence from British colonial rule in 1948. The Rohingya population has a longstanding historical presence in northern Rakhine state, located on the country's western coast. This community's

ethnic identity and historical claims to indigeneity have been consistently denied by successive Myanmar governments and nationalist groups, despite substantial evidence of their longstanding presence in the region prior to British colonial rule (Leider, 2018; Yegar, 2002). They are viewed as unlawful migrants from Bangladesh, rather than a native ethnic community in Myanmar (International Crisis Group, 2014).

The Rohingya are excluded from the list recognising 135 ethnic groups in Myanmar's 1982 *Citizenship Law*, which legally serves as the root of their institutionalised marginalisation (Cheesman, 2017). This legislation delineated three classifications of citizenship, such as full citizenship, associate citizenship, and naturalised citizenship. The Rohingya's exclusion is grounded on the law's requirement of the ethnic group's documented presence in Myanmar predating 1823, for the granting of full citizenship (Cheesman, 2017). The legislation mandates documentary evidence of ancestry, which numerous Rohingya individuals cannot provide owing to historical exclusion from censuses and official records. This legal denial has allowed successive regimes to depict the group as "outsiders", thereby legitimising discriminatory practices and broader public hostility.

The Rohingya have been subjected to numerous instances of discriminatory regulations that limited, *inter alia*, their freedom of movement, access to education, and opportunities for job and property ownership (Fortify Rights, 2014). Official authorisation is often required for them to marry, travel, or renovate religious structures (Fortify Rights, 2014). These institutional restrictions are described by scholars as a "system of apartheid" in Rakhine state in Myanmar (HRC, 2018). Besides, under international law, the Rohingya qualify as stateless due to their denial of citizenship, which in turn deprives them from legal protection, political participation, and freedom of movement (UNHCR, 2019). Notably, statelessness significantly heightens their vulnerability to exploitation, abuse, and widespread atrocities. The state's legal and political frameworks systematically reinforce the exclusion of the Rohingya, resulting in their continued persecution.

State Violence and Mass Displacement

Persecution of the Rohingya started during the 1960s, after General Ne Win's military coup in 1962 (HRW, 2000). The successive nationalisation campaign, especially under the Burma Socialist Programme Party (BSPP)

(also known as the “Lanzin Party”), involved widespread disenfranchisement, militarisation of Rakhine state, and enforced relocations (HRW, 2000). Notable instances of anti-Rohingya violence occurred in 1978 and again in 1991–1992, leading to the mass displacement of Rohingya community members to Bangladesh, accompanied by limited repatriation efforts (Amnesty International, 2004; Grundy-Warr & Wong, 1997; HRW, 2000). The “Operation Nagamin” (also known as “Operation Dragon King”), initiated in 1978, represents one of the earliest military operations aimed at the Rohingya, purportedly designed to register citizens and identify “illegal immigrants” (Grundy-Warr & Wong, 1997). The operation resulted in significant human rights violation, including killings, arbitrary arrests, and forced displacement, which led to over two hundred thousand Rohingya being displaced to Bangladesh (Grundy-Warr & Wong, 1997). A successive wave of mass displacement took place during 1991–1992 under “Operation Pyi Thaya” (also known as “Operation Clean and Beautiful Nation”), reflecting similar tactics and outcomes as the previous campaign (Amnesty International, 2004). While international condemnation sparked temporary repatriation during both periods, these efforts failed to resolve the systemic persecution of the Rohingya.

Subsequent outbreaks took place in 1997 and 2001, culminating in a significant escalation from 2012 to 2017 (Hossain, 2021). In 2017, the violence reached its peak, whereby the Myanmar military launched so-called “clearance operations” following attacks by the Arakan Rohingya Salvation Army (ARSA) on several police outposts. These operations involved, among others, widespread mass killings, gang rapes, the burning of entire villages, and the forced displacement of more than one million Rohingya individuals into Bangladesh (HRC, 2018; UNHCR, 2025). Collectively, these campaigns of violence evidence state-sponsored violence, exclusion, and the systematic violation of rights. The UN IFFM on Myanmar determined that the operations against the Rohingya group were executed with genocidal intent and recommended the prosecution of senior military leaders for genocide, and other international crimes (HRC, 2018). Accordingly, having outlined the historical context, the next section analyses the genocidal violence targeting the Rohingya in 2017.

4.4 ANALYSIS OF GENOCIDAL VIOLENCE AGAINST THE ROHINGYA IN 2017

The campaign of violence in 2017 was allegedly carried out collectively by the Myanmar military, Border Guard Police, and local Rakhine Buddhist militias (Amnesty International, 2017; HRC, 2018). This section examines the crimes committed during these operations, drawing primarily on Hossain's (2020) empirical study. The study drew on focus group discussions with 96 Rohingya refugees (59 men and 37 women, aged 18–65 years) residing in the Kutupalong refugee camp in Cox's Bazar, Bangladesh. Participants were organised into 12 focus groups of 7–9 members, selected through simple random sampling from a list of 383 households and classified by gender, age, and registration status.

Each focus group discussion lasted 90–120 minutes and was facilitated by trained moderators, with gender-matched teams, interpreters, and a psychiatrist present for the women's groups. The research followed strict ethical protocols, such as participants provided informed consent, confidentiality, and anonymity were ensured, and discussions proceeded at a pace comfortable for participants. Supported by organisational reports and existing scholarship, this analysis offers insight into the forms of violence experienced by the Rohingya.

Genocidal Acts

The violence perpetrated against the Rohingya during the 2017 operations mirrors several of the prohibited acts outlined in Article II of the *Genocide Convention*, specifically, the killing of group members, the infliction of serious bodily or mental harm, and the intentional imposition of conditions aimed at causing the group's physical destruction. Evidence compiled from eyewitnesses attests to the systematic killings, mass rapes, and other forms of sexual violence, alongside the use of torture and the destruction of religious and cultural sites in Rakhine state, Myanmar (Fortify Rights, 2018; HRC, 2018). Hossain's (2020) study, focusing on the 2017 wave of violence against the Rohingya, delineates seven specific forms of violent acts as reported by respondents: the killing of family members, neighbours, or fellow villagers; rape and sexual violence against women; arbitrary arrest; unlawful confinement; forcible deportation to

Bangladesh; the burning of homes and villages; and the looting of property and personal belongings. The following discussion outlines each form of violent acts as identified in his study:

Regarding the killings of Rohingya community members, 59.37% of respondents bore witness to the killings of family members, neighbours, or fellow villagers. Testimony from a 29-year-old man reveals, the Myanmar military incinerated his entire village overnight: *"I witnessed the Myanmar military kill all the members of my family. I lost my father, mother, and younger brother"* (Hossain, 2020, p. 55). The breadth and scale of the massacres documented across northern Rakhine state highlight the intentional and systematic nature of the violence directed at the eradication of the Rohingya population.

The study presents substantial evidence of significant physical and psychological harm experienced by the Rohingya population. The data reveals extreme prevalence of sexual violence, with 42.71% of respondents witnessing or experiencing rape or other forms of sexual violence committed by Myanmar security forces and local Buddhist collaborators. One traumatic account from a 32-year-old woman describes her daughter and sister being raped before she was raped by military personnel: *"They also raped me, and I fell unconscious"* (Hossain, 2020, p. 46). The psychological trauma associated with these acts was intensified by arbitrary arrests, reported by 48.96% of respondents; unlawful confinement, reported by 44.79%; and the forced deportation of all respondents to Bangladesh. These findings signify, how the perpetrators ran a systemic campaign to exterminate the Rohingya from Myanmar by causing these severe physical and psychological harm.

The findings also revealed that 71.88% of respondents had observed or experienced the destruction of their homes and villages, while 53.13% reported being victims of looting of property and personal belongings. This destruction included educational institutions, mosques, marketplaces, healthcare facilities, and agricultural areas. An elderly Rohingya man recounted, *"the military personnel robbed my two jewellery stores. They also set my houses on fire at the end. I used to lead a life like a king in Burma but now I am leading a life like a beggar"* (Hossain, 2020, p. 56). By institutionalising the denial of essential resources such as food, shelter, healthcare, education, and livelihood, the perpetrators strategized a calculated effort to create conditions conducive to the physical destruction of the group.

In addition to Hossain's study, the UN IFFM on Myanmar concluded that the military actions against the Rohingya exhibited the hallmarks of genocide, inferring genocidal intent from the context, pattern, and scale of the committed atrocities (HRC, 2018). Furthermore, findings from Amnesty International (2017) and HRW (2017) corroborated the extensive and systematic occurrence of these attacks, utilising satellite imagery, fire detection data, and direct testimonies from survivors. Findings from Amnesty International (2017) and HRW (2017) has further reinforced these findings, confirming the systemic occurrence of these attacks, utilising satellite imagery, fire detection data, and direct testimonies from survivors.

In sum, these consistent and large-scale violence support its legal characterisation as genocide and raise urgent questions about accountability. Despite the existence of substantial evidentiary record, the Rohingya community has yet to see meaningful justice delivered to them. This inaction reflects a broader climate of impunity surrounding atrocity crimes. The following discussion offers a detailed analysis of genocidal intent, a core legal element in defining the crime of genocide and a major barrier to securing justice for the Rohingya genocide.

Genocidal Intent

As indicated earlier, the special intent to destroy, in whole or in part, a protected group is a core element of the crime of genocide. The atrocities against the Rohingya are evidently paired with a pattern of conduct by the Myanmar state that fulfils the genocidal intent of erasing their identity and presence in Rakhine state. The government's denial or destruction of evidence, coupled with the organised, discriminatory, and large-scale violence serve as further contextual evidence of their genocidal intent.

According to Hossain (2020), a significant majority of Rohingya participants, roughly 67.71% reported that Myanmar's authorities engaged in a systematic destruction of evidence. This involved the destruction of evidence through mass graves, the cremation of remains, and the coercion of witnesses. One respondent described the execution of prominent Rohingya religious leaders in a Buddhist temple, followed by secret burial. Another recalled military personnel and local Buddhists throwing fireballs into homes, acts later falsely attributed to Rohingya villagers by the state. The Myanmar government also denied independent investigations and continued to reject accusations of genocide even before

the ICJ (2020). In 2019, The Gambia brought a case against Myanmar at the ICJ under the *Genocide Convention*. Efforts by Myanmar's representatives to frame the allegations as exaggerated or politically motivated were unsuccessful, as the Court determined that provisional measures were essential to prevent further harm to the Rohingya population (ICJ, 2020). Such patterns of denial, deception, and blame-shifting mirror what Stanton (2013) identifies as a typical feature of genocidal processes: the strategic effort to conceal atrocities and shield perpetrators from accountability.

While these actions do not amount to direct proof of intent, their legal weight stems from how they reinforce the inference of a genocidal intent. As international jurisprudence suggests, intent can manifest from a look at the broader context, such as the scale of the attacks, the systematic targeting of a protected group, the discriminatory dehumanising rhetoric against Rohingya, and the coordination between state and non-state actors. For illustration, the ICTY and the ICTR have repeatedly affirmed that genocidal intent may be inferred from a "pattern of conduct" (e.g., ICTY, *Krstić*, 2001; ICTR, *Akayesu*, 1998).

The systematic nature of the atrocities against the Rohingya, coupled with the state's destruction of evidence, ongoing denial, and obstruction of justice, provides a strong foundation for inferring genocidal intent. Myanmar defended its actions at the international sphere by labelling them as legitimate counterterrorism measures. In doing so, they attempted to shift the attention from the underlying discriminatory motives and the organised, targeted nature of the violence. The legal and rhetorical strategies demonstrate a broader pattern of state-sponsored denial, which constructs impunity by obscuring genocidal intent and reframing mass violence as national security policy. This strategic reframing undermines the pursuit of justice and reinforces the significant challenge of addressing genocide when it is framed within the context of counterinsurgency. Based on the analysis of genocidal acts and intent, the following section assesses the international legal responses to the Rohingya genocide and evaluates the effectiveness of existing mechanisms in ensuring international criminal accountability.

4.5 ASSESSMENT OF INTERNATIONAL LEGAL RESPONSES TO THE ROHINGYA GENOCIDE

This section assesses international legal responses to the Rohingya genocide, including pertinent proceedings at the ICJ, ongoing investigative initiatives by the ICC, and *albeit* briefly, the universal jurisdiction case currently before an Argentine Court. While these efforts reflect a degree of commitment to justice, their efficacy is often hampered by narrow jurisdictional bounds, rigid legal interpretations, and broader geopolitical dynamics.

The ICJ's State-Centric Approach to Justice

The ICJ proceedings against Myanmar represent a significant development in international law. By centring on the state's duty to both prevent and penalise genocide, the case has brought Myanmar's conduct under judicial oversight. In January 2020, the ICJ issued provisional measures, directing Myanmar to prevent genocidal acts against the Rohingya and to preserve evidence. However, these measures are preventive in nature and do not yet amount to a finding of genocide. Importantly, the case has advanced beyond the preliminary stage. The merits phase of the case began with the public hearings in January 2026. The Court analysed Myanmar's alleged violation of the *Genocide Convention*, setting the stage for a final, legally binding decision (UN, 2026).

This legal intervention underscores the exceptional gravity of genocide as a crime under international law. In the Rohingya case, the systematic and widespread nature of the atrocities, combined with Myanmar's persistent denial, deliberate destruction of evidence, and obstruction of judicial processes, strongly supports the inference of genocidal intent. The ICJ's approach emphasises that genocide should always be treated as a serious legal issue, not because it is hesitant to use the term, but because it should be applied in instances where both the objective facts and the specific intent meet the required evidentiary thresholds. Nevertheless, the ICJ case reflects the deliberate and state-centric nature of international adjudication. As Shany (2012) observes, the ICJ's jurisdiction addresses only state responsibility, not individual criminal liability, and the enforcement of its judgments ultimately depends on political will. This structural limitation is particularly evident in the context of Myanmar, where geopolitical alliances constrain international action. While the ICJ provisional

measures are legally binding and take effect immediately, the Court is dependent on the UN Security Council to enforce compliance if a state fails to act. Any follow-up measures requiring the UN Security Council involvement are subject to consensus, which can in effect be neutralised by pronounced geopolitical divisions (Cheung, 2020).

Moreover, while the ICJ proceedings in *The Gambia v. Myanmar* case are judicial and immune from vetoes by any state, the broader international response to Myanmar is shaped by the UN Security Council politics. China and Russia have repeatedly expressed their willingness to exercise their veto power in the UN Security Council deliberations concerning Myanmar. For instance, they have either blocked or watered down resolutions or initiatives critical of Myanmar's military and resisted stronger actions, including global arms embargoes, targeted sanctions, and the ICC referrals (AlJazeera, 2007; HRW, 2021; *The Guardian*, 2017; The Business Standard, 2021). These actions indicate a persistent effort to protect Myanmar from meaningful international accountability, thereby illustrating how geopolitical dynamics can impede the enforcement or practical impact of the ICJ rulings (Asia Times, 2018; South China Morning Post, 2022; Yahoo News, 2017).

Apart from the obstacles posed by the veto power, the international response to the Rohingya genocide is restricted by deep seated structural constraints, driven by China's strategic interests in Myanmar (particularly the Belt and Road Initiative), Russia's military ties and arms sales to the Tatmadaw, and the Association of Southeast Asian Nations (ASEAN)'s longstanding principle of non-interference (Storey, 2023; Tritto & Huang, 2023). These geopolitical factors collectively reduce international leverage and limit the transformative potential of judicial findings. Moreover, confining the proceedings strictly within the parameters of *Genocide Convention* narrows the legal inquiry to the question of genocidal intent. This risks marginalising the decades of systemic discrimination, disenfranchisement, and structural violence that characterise the broader Rohingya experience (Green et al., 2018).

At the same time, recent procedural developments, such as the admissibility of multiple third-state interventions (e.g., Ireland, Belgium, and the Democratic Republic of Congo) and the involvement of witnesses and survivors during the merits hearings, underscore the increasing internationalisation of the dispute and the enhanced evidentiary depth presented to the Court (Independent Investigative Mechanism for Myanmar, 2026). The long delay between the 2020 provisional measures and a

possible final ruling in 2026 highlights a major flaw in international justice (its slow pace). This reinforces criticisms concerning the temporal limitations of judicial responses to ongoing mass atrocities. As a whole, these constraints emphasise the persistent gap between legal recognition and meaningful redress in efforts to address the Rohingya genocide, highlighting the failure of state-focused international proceedings to handle mass atrocities effectively.

The Limits of Justice at the ICC

The ICC's investigation, authorised in 2019, focuses on crimes such as deportation that occurred across the Myanmar-Bangladesh border (ICC, 2019). This approach constitutes a significant jurisdictional innovation, as Myanmar is not a Member to the *Rome Statute*. Nevertheless, the ICC's reach is geographically constrained, as it can only prosecute crimes that possess a transboundary element. Consequently, many atrocities perpetrated entirely within Myanmar's borders remain beyond the Court's current legal grasp. This uneven scope has been critiqued for failing to reflect the full extent of the violence experienced by the Rohingya populations (Williams & Levy, 2019). Acts such as killings, rape and sexual violence, confinement, and destruction of village, which are central to the Rohingya's experience, are prone to be legally invisible to the ICC unless they can be linked to cross-border conduct. Furthermore, the failure to initiate indictments or trials has highlighted perceptions of the ICC's procedural limitations and its exposure to political constraints.

As of November 2024, the ICC's Office of the Prosecutor submitted a request for an arrest warrant against Min Aung Hlaing in relation to crimes against humanity, including the deportation and persecution of the Rohingya between August and December 2017 (HRW, 2024; ICC, 2024). This submission marks the first attempt to hold a top-tier Myanmar official accountable at the ICC and reflects a renewed prosecutorial commitment to upholding international justice. Nonetheless, the practical impact of this move is shadowed by significant challenges. Key challenges include Myanmar's persistent non-cooperation, the absence of robust enforcement mechanisms, and the ICC's limited jurisdiction over crimes committed entirely within Myanmar (Williams & Levy, 2019).

The Argentine Universal Jurisdiction Case

In 2021, a case was admitted in Argentina under the principle of universal jurisdiction, aiming to prosecute Myanmar officials for international crimes, including genocide. Seeking to bypass the structural failures of the UN and the ICC, the proceeding was initiated by Rohingya rights organisations and supported by transnational legal networks (Burmese Rohingya Organisation UK, 2021). Given its track record of pursuing justice for international crimes, Argentina was an ideal setting for this legal experiment. On 13 February 2025, a federal criminal Court in Buenos Aires in Argentina issued arrest warrants for 25 Myanmar military and civilian officials, including Commander-in-Chief, Senior General Min Aung Hlaing, and Deputy Commander-in-Chief, Soe Win, for alleged genocide and crimes against humanity committed against the Rohingya community between 2012 and 2018 (Global Justice Center, 2025; Legal Action Worldwide, 2025). These warrants represent the first instance where public arrest warrants have been issued within a universal jurisdiction framework for the crimes against the Rohingya, representing a significant step towards justice. Nonetheless, as Lessa (2022) argues, universal jurisdiction can express legal solidarity and produce important archival records but rarely results in direct accountability without broader political alignment. Thus, while promising, the case's capacity to deliver justice remains limited. The proceedings run the risk of being primarily symbolic in the absence of suspect custody or wider state cooperation.

4.6 CONCLUDING REFLECTIONS: CONSTRUCTING IMPUNITY IN THE ROHINGYA GENOCIDE

This chapter has detailed legal and political technicalities that led to the international neglect of the Rohingya genocide. The analysis began by critiquing the narrow criteria for proving genocidal acts and intent under international law, highlighting how these challenges have shaped the recognition and understanding of violence against the Rohingya. It shows that the stringent criteria for establishing genocidal intent, while acknowledging it as an exceptional form of atrocity, simultaneously constrain the legal acknowledgement of atrocities, revealing a persistent tension between normative ideals and practical enforcement.

This chapter uses a combination of legal instruments and secondary data to show that the violence against the Rohingya, including mass

killings, sexual violence, forced deportation, and the systemic destruction of livelihoods clearly meets the threshold of genocidal acts. By bringing in direct testimonies and empirical data, the analysis argues that these acts were not random, but reflected a deliberate plan to destroy the group, thereby meeting both the material and mental elements required under international law. By integrating empirical field research with legal analysis, this chapter contributes an evidence-based approach to understanding how patterns of violence can substantiate the inference of genocidal intent, bridging a gap often left by purely doctrinal studies.

The chapter also critically assessed the responses of international legal institutions, particularly the ICJ, the ICC, and the Argentine Court. While mechanisms such as investigations, provisional measures, and arrest warrants symbolise a formal recognition of these atrocities, they are still hampered by significant hurdles through procedural limitations, jurisdictional boundaries, and geopolitical considerations. This work contributes a unique perspective by conceptualising these limitations as manifestations of legal minimalism, where mass atrocities are addressed through the least politically contentious legal avenues, often avoiding the full recognition of genocide despite robust evidence.

Furthermore, the analysis highlights the paradoxical relationship between genocide's exceptional legal status and the political realities of international relations. This chapter contributes to scholarship on genocide exceptionalism by showing that the very label that mobilises global attention also shields perpetrators from broader accountability. In the case of the Rohingya, this dynamic has led to a situation where genocide is acknowledged through political rhetoric but remains only partially operationalised within the legal sphere, perpetuating both impunity and the erasure of victimhood. Finally, this chapter underscores that impunity is not simply the product of legal gaps but is actively constructed and reinforced by existing legal and political frameworks. International law, while providing the vocabulary to name atrocities, remains dependent on political will, state cooperation, and institutional design for its enforcement. A central contribution of this research is the assertion based on the Rohingya genocide, that international legal frameworks may unintentionally facilitate impunity when their application is inconsistent or their mechanisms are underutilised.

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The Politics of Rohingya Genocide: Why Non-legal Definitions Matter for Understanding Genocidal Intent

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5.1 INTRODUCTION

The Rohingya crisis in Bangladesh is a striking example of how the definition of genocide becomes a highly contentious legal and political concept. While the legal definitions of genocide are crucial for international accountability and global justice, their stringent evidentiary and political constraints often delay recognition, early intervention and timely preventive measures. In contrast, non-legal definitions of genocide offer a more flexible and context-sensitive approach to identifying early warning signs of genocidal processes as they occur. In this regard, O'Brien and Hoffstaedter (2020) contend that the designation of mass atrocities, killings, and violence against the Rohingya as genocide carries significant political and legal consequences, because it may trigger stronger international responses, enhance protection for Rohingya refugees in Bangladesh, and potentially create conditions for the long-term and voluntary repatriation of over one million Rohingya refugees from Bangladesh to Myanmar.

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On 25 August 2017, hundreds of thousands of de facto stateless Rohingya people were subjected to torture, mass killings, and widespread persecution following a brutal attack by the Myanmar military. As a result, more than 700,000 people were forcefully displaced and fled to the nearby Cox's Bazar district in Bangladesh, in search of refuge, safety and security (Nilsen, 2022). United Nations officials, including then High Commissioner for Human Rights Zeid Ra'ad Al Hussein, described these events as a "textbook example of ethnic cleansing" (Beyrer & Kamarulzaman, 2017). Similarly, UN Secretary-General António Guterres questioned whether a more appropriate term could be found when "one-third of the Rohingya population had to flee the country" (Beyrer & Kamarulzaman, 2017, p. 1571).

The Rohingya have endured decades of systemic persecution, including the denial of citizenship and deprivation of basic rights (Kamruzzaman et al., 2023). After the 2017 mass atrocities and the denial of genocide against the Rohingyas, the Rohingya community continues to seek justice and accountability to the International Criminal Court (ICC), the International Court of Justice (ICJ), and other international judicial bodies (Aziz, 2023). The United Nations Independent International Fact-Finding Mission (UNIIFFM) investigated the issue in Myanmar, and on 12 September 2018, released a comprehensive 441-page report documenting mass killings, widespread sexual violence, grave violations against children, and women and the systematic destruction of villages (OHCHR, 2018). However, Hau Do Suan, the UN ambassador of Myanmar, vigorously refuted such allegations of genocide and defended their military operations as legitimate counterterrorism measures against the Arakan Rohingya Salvation Army (ARSA). He contended that "there is no ethnic cleansing, no genocide", emphasising the government's responsibility to fight against terrorism and protect civilians by any means (*South China Morning Post*, 26 September 2017). Such official denial demonstrates how allegations of genocide and atrocity crimes become deeply politicised, reinforcing impunity and impeding accountability (Cowper-Smith, 2019). Hence, the deeply rooted politics of genocidal denial not only exacerbates the sense of victimisation but also creates an environment that amplifies acts of mass violence (Parent, 2016).

Although more than a million Rohingya have sought refuge in Bangladesh, the concept of genocide remains critical to ensure the safety, security and justice, particularly regarding the prospects for a durable and

voluntary repatriation from Bangladesh to Myanmar. Raphael Lemkin, who coined the term *genocide*, defined the term as encompassing not only mass killings but also the destruction of a group's social, cultural, religious, and economic foundations, including forced displacement and the systematic erasure of identity (Lemkin, 1945). While the legal definition of genocide is based on the 1948 Genocide Convention, it remains foundational for legal prosecution; its requirement to establish *specific intent* poses significant evidentiary challenges, particularly in the early stages of atrocity crimes (Stensrud, 2016). In contrast, non-legal definitions of genocide often lack formal and legal authority but are essential for risk assessment and early prevention. Such non-legal interpretations, usually employed by scholars, advocacy organisations, and early warning mechanisms, focus on motifs of structural violence, progressive stages of destruction, and deeply rooted political context.

Although the UN Fact-Finding Mission concluded in 2018, asserting that there was a *prima facie*¹ case of genocidal intent by the Myanmar military, the U.S. Department of State in 2021 initially described the atrocities as “ethnic cleansing” (Islam, 2023). This term lacks a clear legal definition under international criminal law (*The Daily Star*, 2022b). In an interview with the Bangladeshi newspaper *Prothom Alo* (15 January 2021a), Maung Zarni, a Rohingya genocide scholar and activist, commented: “Even the UN’s top human rights chief has chosen to use the term ‘ethnic cleansing’ instead of ‘genocide’. This is dishonest. They are playing a political game. They know that once ‘genocide’ is officially used, all 190 United Nations member states would be legally obligated to act, including initiating legal proceedings against Myanmar” (*Prothom Alo*, 25 July 2021a).

Myanmar’s non-membership in the Rome Statute² further limits the ICC’s jurisdiction over existing international legal mechanisms. Hence, complementary non-legal frameworks are imperative, as such frameworks can capture the full spectrum of genocidal violence and guide early preventive responses. Accordingly, this chapter addresses the following

¹ *Prima facie* denotes an initial assessment, based on credible evidence, that a group has been subjected to acts indicative of genocide, pending formal legal adjudication.

² Rome Statute of the International Criminal Court (1998), the founding treaty of the ICC, defining the Court’s jurisdiction over genocide, crimes against humanity, war crimes, and the crime of aggression. United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdsg_no=XVIII-10&chapter=18.

research questions: *how do legal and non-legal definitions of genocide diverge in theory and practice? How do non-legal definitional frameworks contribute to the identification and interpretation of genocidal intent in the Rohingya case?* The chapter makes two principal contributions. First, it advances conceptual clarity regarding legal and non-legal definitions of *genocide*. Second, it examines how non-legal frameworks contribute to the interpretation of genocidal intent and can recalibrate international legal responses under conditions of political or jurisdictional constraints.

5.2 BACKGROUND

Historically, Myanmar has persistently denied Rohingya citizenship, excluding them from the 135 officially recognised ethnic groups, known as *taingyinthá* (Cheesman, 2017b). Large-scale displacement of the Rohingya to Bangladesh dates back to the 1970s. In 1978, around 250,000 Rohingya fled to Bangladesh, followed by an estimated 200,000 who fled during the second influx in 1991–1992 (Uddin, 2020). In 2012, anti-Muslim violence broke out across central and northern Rakhine State, much of it linked to Buddhist extremist groups. About 160 people were killed (Nilsen, 2013, p. 116), while more than 140,000 were displaced and confined to internally displaced persons (IDP) camps, and around 10,000 others fled to neighbouring Bangladesh (Stensrud, 2018). The situation deteriorated significantly on 25th August 2017, following the brutal attacks of the Arakan Rohingya Salvation Army (ARSA), which was eventually triggered by a state-led large-scale military response in northern Rakhine State. Although Myanmar's military responded to it as a security operation, different media coverage and reports found mass killings, sexual violence, and entire villages being burned. In the months that followed, roughly 750,000 Rohingya fled across the border into Bangladesh (Uddin, 2020). Today, more than one million Rohingya are still living in Bangladesh, in 33 refugee camps, where conditions remain overcrowded and heavily restricted (Khan, 2024).

The 2018 Fact-Finding Mission of the United Nations Office of the High Commissioner for Human Rights (OHCHR) found that attacks against the Rohingya were both widespread and systematic. These included killings, enforced disappearances, torture, sexual violence, arbitrary detention, deportation, and forced transfer, pointing to the likely commission of crimes against humanity (OHCHR, 2018, p. 408).

According to the findings of the UNIIFFM report, there are indications that the Myanmar state authorities, with their military (Tatmadaw), have acted with genocidal intent. The report also describes actions that could amount to war crimes and crimes against humanity (Islam, 2023; OHCHR, 2018, p. 346). It is estimated that 10,000 people have been killed, but the true figure is uncertain due to limited access to the region. Based on these findings, the Mission recommended referring the situation to the International Criminal Court (ICC). If that was not possible, it was suggested that a special tribunal be established instead (Nartey, 2022).

The UN Fact-Finding Mission identified five categories of evidence indicative of genocidal intent in the Rohingya case (OHCHR, 2018, p. 360). The first category relates to a set of factors regarding the prevalent rhetoric of hatred and contempt, reflecting long-standing and systematic discrimination based on the Rohingya's ethnic, religious, and racial identity. The Second category relates to specific utterances of government officials, politicians, military officers, and religious leaders, including the use of derogatory language and dehumanising terms. The third set of indicators relates to the existence of discriminatory plans and policies, seeking the demographic and ethnic composition of Rakhine State, including the adaptation measures designed to bring about such change. The fourth category focuses on the evidence of an organised and coordinated plan of destruction of the Rohingya as a protected group, as demonstrated by the systematic, coordinated execution of killings, sexual violence, and destruction of villages across multiple townships. The fifth category indicators revolve around the extreme brutality of the attacks on civilians, including the targeted killing of pregnant women, infants and widespread sexual violence against women and children.

Myanmar's government, however, rejected the UN findings and ICC jurisdiction, claiming that the allegations constituted a politically motivated agenda, and citing Myanmar's non-membership in the Rome Statute (McPherson, 2018). In practical terms, Myanmar's non-signatory status to the Rome Statute limits the ICC's jurisdiction over crimes committed within its territory. Nevertheless, due to mounting international pressure, many states and entities were prompted to seek legal jurisdiction, justice, and pursue accountability for atrocities committed against the Rohingya (Cowper-Smith, 2019). In 2019, the ICJ issued a provisional order requiring Myanmar to take steps to prevent genocide against the Rohingya population (Stensrud, 2021).

Taken together, this set of factors indicates genocidal intent to destroy the Rohingya in whole or in part, thereby distinguishing these crimes from other forms of mass atrocities. Additionally, these factors provide a critical empirical foundation for analysing how legal and non-legal frameworks identify and interpret genocidal intent.

5.3 MASS ATROCITY CRIMES: GENOCIDE, CRIMES AGAINST HUMANITY, AND ETHNIC CLEANSING

Generally, mass atrocity crimes are explained through three closely related categories: *genocide*, *crimes against humanity*, and *ethnic cleansing*. To establish culpability, each category requires different underlying acts and mental elements (*mens rea*), including specific intent in some cases (Braga, 2018). A critical question, therefore, emerges when considering the persecution, killings, deportations, and sexual violence committed against the Rohingya in Myanmar: which terminology most accurately contextualises these acts—genocide, ethnic cleansing, or crimes against humanity?

Crimes against humanity consist of widespread or systematic attacks against any civilian population, while victims do not need to belong to any specific group, nor do the acts need to be motivated by group identity, based on Article 7 of the Rome Statute. The term *ethnic cleansing*, however, is not formally incorporated in international law; it generally refers to the forcible expulsion of a group from a particular territory (Lieberman, 2012, p. 44). The 1948 Genocide Convention (Article II) defines *genocide* as: *[A]ny of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: a) Killing members of the group; 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; d) Imposing measures intended to prevent births within the group; e) Forcibly transferring children of the group to another group.*

Genocide is defined as acts committed with specific intent (*dolus specialis*) to destroy, in whole or in part, a protected group, where destruction is defined as the group's physical or biological annihilation, rather than cultural assimilation or social disintegration. The phrase "in whole or in part" recognises that a significant portion of the group has been targeted to affect the group as a whole. The term "as such" emphasises that the intent must target the group as a separate entity, with victims

who are selected on the basis of their group affiliation rather than as individuals (Stensrud, 2016). Although there is some overlap between crimes against humanity and the definition of genocide, particularly while interpreting widespread or systematic attacks on civilians, genocide clearly targets the destruction of a group itself, aiming to eradicate it as a separate entity (Coalson, 2013). Hence, documenting genocide is particularly challenging as it requires *specific intent*, especially while atrocities and violence are still ongoing (Stensrud, 2016).

Understanding Genocide: Legal vs Non-legal Definition of Genocide

The concept of *genocide* requires a nuanced understanding, given the non-legal definitions regarding both theory and practice (Prostensrud, 2016, p. 5). From a legal perspective, genocide is considered a crime defined by the 1948 *Genocide Convention*, which emphasises the act of executing with specific intent to destroy a protected group, in whole or in part. Despite the historical prosecution and formal accountability are imperative for defining the legal aspects, there remain two significant shortcomings: firstly, establishing the *specific intent* of genocide is often difficult, especially when the atrocities are ongoing; and secondly, the recursive pattern of legal action often fails to adequately capture early warning signals, structural patterns of violence, and precursors of genocide, thereby hindering timely prevention and intervention (Stensrud, 2016).

Furthermore, non-legal definitions can contemplate these limitations by conceptualising genocide as a “processual and social phenomenon” rather than an isolated action. Feierstein (2014, p. 14) elaborates genocide further as involving: (a) the destruction of a considerable portion of a group’s social relations and (b) the use of terror to enforce a new type of identity and social order among the survivors. Therefore, it is considered a distinct form of state crime (Green et al., 2015). In this vein, genocide is perceived not solely as mass killing of civilians but as a prolonged process aimed at disassembling the political and social institutions, cultural practices, language, national identity, religion, and economic viability of a targeted group. Eventually, this process aims to obliterate the security, freedom, and well-being of individuals within that group (Lemkin, 1945). It can be recognised through population fragmentation, cross-border forced displacement, and the social construction of ethnic identity.

Since 2011, it is conspicuous that the Myanmar military forces (Tatmadaw) have been engaged in *deliberate killings, torture, sexual violence, and destruction of villages*, particularly during the “clearance operations” in 2016 and 2017 (OHCHR, 2018). These acts caused both *physical and psychological harm*, which are the main components of defining genocide based on Article II of the 1948 Genocide Convention. Here, physical harm refers to serious injuries and mutilations, while mental harm comprises long-term psychological trauma. Additionally, Myanmar’s policies have long portrayed the Rohingya as a national threat, resulting in *restrictions on marriage, movement, and childbirth*. For example, since 2005, Myanmar’s policy limits couples to having only two children and in 2015, it introduced a 36-month birth spacing law in high-migrant areas (Lowenstein, 2015). In this vein, these measures, together with physical and psychological harm, satisfy the *acts and intent elements* of genocide.

However, legal frameworks alone do not capture the entire spectrum of genocidal processes, particularly the nascent phases and the ongoing dynamics of genocide. Feierstein’s six-stage model, offers the non-legal frameworks, including further insights of the genocidal processes: (1) stigmatisation, dehumanisation, and scapegoating; (2) harassment, violence, and terror through arrests, detentions, and deprivation of rights; (3) enforcing isolation and segregation across social, geographic, economic, political, cultural, and ideological spheres; (4) systematic weakening through deprivation, malnutrition, lack of healthcare, torture, sporadic killings, and humiliation; (5) extermination through executing mass killings; and (6) symbolic enactment manifesting in denial and expunging of victims’ memory (Feierstein, 2014, p. 109). In this vein, non-legal definitions of genocide can supplement the formal legal framework by offering insights for *early warning, risk assessment, and preventive measures*. Although defining the *legal aspects of genocide* remains grounded in addressing the prosecution and establishing formal accountability, *non-legal definitions* emphasise the social processes and early indicators of genocidal intent.

5.4 METHODOLOGY

Due to the complicated and contentious nature of genocide, particularly considering the early warning signs and capturing the evidence-based information of genocidal intent, this chapter employs a qualitative

research design. In this regard, mainstream Bangladeshi national newspapers were therefore screened and analysed as invaluable and usable sources for examining the evolving nature of public discourse and narratives concerning genocide in the context of Rohingya refugees in Bangladesh.

Generally, newspapers convey cultural and political repertoires, reflecting broader social behaviours, public discourses, and the influence of non-legal frameworks on the recognition and interpretation of genocidal acts (Deacon, 2007, cited in Kamruzzaman et al., 2023). Thus, a theory-driven content analysis offers a thorough, systematic, and analytical method for revealing meaningful aspects across different narratives (Braun & Clarke, 2021). While analysing newspapers' items, this study examines how non-legal definitions and evolving frames of genocide are reinterpreted, refined, negotiated and contested in public discourse. Moreover, it also identifies the political narratives that limit the recognition of genocidal intent. Therefore, a *purposive sampling strategy* was utilised to identify a total of 60 newspaper contents (both Bengali and English), including articles, reports, editorials, interviews, and op-eds from four Bangladeshi leading newspapers, which are also accessible online: *The Daily Star* ($n=20$), *Bangla Prothom Alo* ($n=15$), *New Age* ($n=10$), and English *Prothom Alo* ($n=15$). These newspapers were selected based on large readership, reputational prominence, and consistent coverage of Rohingya-related issues. Besides, secondary sources on the legal documents and reports were analysed as supplementary information supporting the contents of newspapers published between September 2017 and June 2025.

To systematically code, synthesise, categorise, and interpret the extracted data, the study adopts a qualitative content analysis (QCA) framework (Braun & Clarke, 2021). This framework allows for the analysis of historical context and the contemporary debates on the issues related to the Rohingya crisis for a subjective and structured interpretation regarding genocidal acts. To translate the Bengali-language articles into English, *AI-assisted tools*³ were used to ensure accessibility and semantic correctness. To identify, gather data, and systematically analyse manifestations of genocidal intent, this study uses

³ The author used an AI tool to maintain the language consistency of the English translation and corrected the data manually to ensure accuracy and contextual fidelity.

Daniel Feierstein's six-stage model of genocide as social practice (see section "[Understanding Genocide: Legal vs Non-legal Definition of Genocide](#)") (Feierstein, 2014). To capture the emerging patterns of the genocidal process surrounding the Rohingya displaced group from Myanmar to Bangladesh, theory-driven (deductive approach) analysis of data was used for the identification of evidence and capturing the evolving patterns in the discourse that correspond to each stage of genocidal acts. Microsoft Word was used for manual coding and for data processing. The *Initial coding* phase identified preliminary codes, which were then refined through *focus coding*, resulting in categorisation according to Feierstein's (2014) model. Taking into account the *frequency and context of coding*, such a process enabled systematic categorisation while operationalising analytical interpretation, and the newspaper narratives provide a systematic understanding of non-legal definitions and early indicators of genocidal intent. The theory-driven content analysis provides an effective analytical lens for scrutinising how public discourse in Bangladesh reflects, reinforces, counterfeits, and perceives the stages of genocide. Thereby, it highlights the potential for understanding genocide, especially how formal legal definitions are constrained by political and jurisdictional discourses.

5.5 FINDINGS AND DISCUSSION

This section presents the main findings of the qualitative content analysis, interpreted through Daniel Feierstein's (2014) model of genocide as a social practice. The analysis was placing the genocide as a process rather than an isolated event, illustrating how the newspaper media discourse reflects different stages of genocide. It also reveals the recurring patterns of collective indicators of genocidal intent against the Rohingya through the lens of the non-legal definition of genocide.

Stigmatisation and Dehumanisation: Denial of Rohingya Identity

The findings of the content analysis show that Bangladeshi newspaper reports frequently highlighted the systematic exclusion of the Rohingyas from Myanmar's officially recognised ethnic groups. This reflects the categories of Feierstein's (2014) first stage of genocide, which includes

stigmatisation and dehumanisation. These refer to the symbolic exclusion of Rohingyas from national recognition. For example, the terms used, such as “illegal,” “outsider”, and “demographic threat”, illustrated how such stigmatisation normalises exclusionary policies regarding the denial of Rohingya identity. In Myanmar, there is a deep historical root and a persistent narrative of “negative otherness”, exemplified by citizenship denial (Ullah, 2011). Newspapers often referred to the negative stereotyping and systematic dehumanisation of the Rohingya minority.

Building on the process of social and symbolic exclusion described above, these actions—reinforced by discriminatory policies—have weakened the Rohingya’s basic rights to safety, freedom, health, and dignity (Green et al., 2018). Furthermore, the Rohingyas have been pushed to the margins by being called illegal migrants and people without a country; this exclusion is demonstrated by the denial of citizenship and their removal from Myanmar’s list of 135 national ethnic groups (Cheesman, 2017a). The legal foundation for this exclusion was solidified after the 1982 Citizenship Law, issued by the Myanmar military, which created different types of citizenship: ‘associate’ and ‘naturalised’. To be a naturalised citizen, one had to prove they lived in Burma before independence in 1948. Additionally, earlier laws, such as the Foreigners Act of 1846, the Registration of Foreigners Act of 1940, and the Registration of Foreigners Rules of 1948, were used to define who was foreign, both before and after independence, maintaining obstacles to Rohingya legal protections (Ahsan Ullah, 2016, p. 3).

Lemkin (1945, p. 41), while reflecting the deliberate genocidal intent, noted that: “the genocidal purpose of destroying or degrading the economic foundations of national groups was to lower the standards of living and to sharpen the struggle for existence, so that no energies might remain for a cultural or national life”. Furthermore, the xenophobic leaders of the Buddhist religious group in Rakhine state, and their members, have further accused the Muslim Rohingya population of being national threats. Due to excessively high birth rates of Rohingyas and their intermarriage with Buddhist women, these Buddhist leaders were afraid of the preservation of Myanmar’s Buddhist traditions. Such racial motives and hatred narratives reflect deeply entrenched anti-Rohingya prejudice and systematic discrimination in Myanmar’s sociopolitical landscape for decades (Ebbighausen, 2022).

Harassment, Violence, and Terror: Towards Systematic Atrocities

The second analytical pattern, *harassment, violence, and terror*, corresponds to the second stage of Feierstein's model of genocidal process. The screened newspaper content frames "clearance operations" as coordinated campaigns targeting civilians. The UNIFFM (2018) recommended that Myanmar be brought before the International Court of Justice (ICJ). It urged that the military had perpetrated "genocidal acts" during these operations. The operations eventually resulted in over ten thousand deaths and the displacement of over 740,000 Rohingyas (*The Daily Star*, 11 December 2020a). Moreover, these operations involved acts consistent with genocidal intent. These included mass killings, rape, other forms of sexual violence, and the deliberate burning of entire villages. Sometimes, residents were locked inside their homes (*The Daily Star*, 28 August 2018b). For instance, 11 individual eyewitness accounts from Kani village, gathered by BBC News, revealed details about one of the largest massacres. It took place in the nearby village of Yin, where at least 14 individuals were reportedly beaten to death and their bodies disposed of in a forest pit (*Prothom Alo*, 25 July 2021a). Also, "*Prothom Alo*" reported that an eyewitness interviewed by the BBC recounted, "before being killed, they were tied with ropes and beaten". He added, "We begged the soldiers for our lives, but they didn't respond. At that time, the soldiers asked the women if their husbands were among those captured. If so, they were told to perform the last religious rites for them". The witness also said that "torture was carried out in Ji Bin Dwin village, located nearby. A mass grave there revealed the decomposed bodies of 12 people. Among them, one body was found to be quite small in size, suspected to be a disabled child" (*Prothom Alo*, 25 July 2021a).

Furthermore, then U.S. Secretary of State Antony Blinken cited the killing of thousands and the displacement of nearly one million Rohingya during the 2016–2017 military operations, stating that "there was clear evidence of an attempt to destroy the Muslim minority" (*New Age*, 21 March 2022; *The Daily Star*, 21 March 2022a). He further asserted that "the military's intent went beyond ethnic cleansing to the actual destruction of the Rohingya", emphasising that the attacks were "widespread and systematic", a main aspect in the legal determination of crimes against humanity (*The Daily Star*, 22 March 2022b). Notably, Myanmar's military, the Tatmadaw, has also been accused of systematically using rape as a weapon of war to terrorise and destabilise the Rohingya community (Siddiqui, 2018).

Isolation and Segregation: Institutionalised Social Exclusion

A third dominant theme in the media discourse is the *expulsion and social segregation* of the Rohingya. This aligns with Feierstein's stage of isolation. For example, about 140,000 internally displaced Rohingya have been confined to camps in Myanmar (Stensrud, 2016). The Myanmar government also imposed extensive surveillance and strict movement restrictions on the Rohingya, keeping them in "prison villages" or ghettos (Green et al., 2015, 2018). Reports also show that denying state recognition and imposing institutional social exclusion create isolation for Rohingya Muslims in Rakhine State. These security measures have expelled the Rohingya from wider Myanmar society—socially, geographically, politically, culturally, and ideologically. The government's hardline stance, especially through the 1982 Citizenship Law, denies Rohingyas citizenship and strengthens their legal and social exclusion. This shows the deliberate isolation and segregation of a targeted group. Authorities refuse to use the name "Rohingya" because the group is not listed among the country's 135 national ethnic groups. Officials instead call them "Bengali" to suggest they are of foreign origin (Ullah, 2011).

Maung Zarni, a well-known Myanmar human rights activist, said the effort to isolate the Rohingya began in 1978. He argued that "the plan for the genocide was made in 1966 and aimed to move Buddhist populations into northern Arakan" (*Prothom Alo*, 15 October 2021b). This plan sought to isolate the Rohingya minority. As a result, hundreds of thousands were forced from their homes, left homeless, or pressed into forced labour. Some managed to escape to districts near the Bangladesh border, but many died crossing the Naf River or the Bay of Bengal. The lack of international protection has made the Rohingya vulnerable to rising violence (*The Daily Star*, 25 August 2024).

Systematic Weakening: Identity, Social, and Economic Deprivation

The selected newspaper contents also reveal the long history of persecution and denial of basic rights for the Rohingya minority. They reveal a persistent pattern of weakening, rooted in the Rohingya being legally excluded, denied recognition, deprived economically, and controlled by authorities. At the 52nd session of the UN Human Rights Council, the UN High Commissioner for Human Rights, Volker Türk, presented a report stating that "one of the most frequently employed tactics by

Myanmar's military has been the systematic and widespread burning of villages and civilian homes. According to over a decade of UN monitoring, by February 2022, at least 39,000 homes across the country had been either burned or destroyed as part of military operations — including incidents in Kachin State in 2011 and Rakhine State in 2017” (Maung, 2023).

The long-standing deprivation of fundamental rights of Rohingyas is particularly evident in their denial of full citizenship, which restricts their access to legal protections and public services. These exclusionary practices have been institutionalised through a series of discriminatory legal and administrative measures of identification schemes. For instance, in 1983, the Myanmar government started using colour-coded Citizen Scrutiny Cards (CSCs), which created three categories: pink for full citizens, blue for associate citizens, and green for naturalised citizens (Cheesman, 2017a). Even though these cards were supposed to be legal identity documents, most Rohingya were largely left out. In 1995, a new registration process was started. Rohingyas faced strict background checks, and those who had previously held green cards had denied them under the new rules. Temporary Registration Cards (TRCs), also known as “white cards”, were introduced for the Rohingya. These cards labelled them as “Bengali”, which marked them as outsiders (Cheesman, 2017a, p. 472). According to the Advisory Commission's report (2017),⁴ things worsened in 2015 when the government abolished the TRCs and launched a new process, the identity cards for National Verification (ICNV). These cards did not recognise Rohingya as part of Myanmar's ethnic groups and kept them in a marginalised position as foreigners. As a result, these bureaucratic obstacles continue to undermine the Rohingya's legal, social, and political rights and steadily weaken their status in Myanmar.

The evidence often describes these actions as intentional strategies of domination. They also compare these policies to past events such as Nazi Germany and Rwanda. In Nazi Germany, Jews had to carry special identification cards before being forced into ghettos and later sent to death camps (Green et al., 2018, p. 100). Similarly, in Rwanda in the 1990s, the Hutu-led government carried out mass violence against the Tutsi

⁴ Towards a peaceful, fair and prosperous future for the people of Rakhine, Final report, *Advisory Commission on Rakhine State* (2017). Available at: <https://www.ecoi.net/en/document/1410180.html>. Accessed on 12th July 2025.

population (ibid., 2018). In Myanmar, the government encouraged Buddhist nationalist and extremist groups to target the Rohingya, and special ID cards were used to mark and isolate them as foreigners before violence took place. Kyaw Win, a human rights activist, explained that “the enforced ID system played a crucial role in the persecution of the Rohingya. The NVC, while promoted as a stepping stone to citizenship, forced Rohingya into a lower status that denied their ethnicity, excluded them from society, denied them rights and erased their history” (*Prothom Alo*, 2 December 2022).

Extermination: Mass Killings and Sexual Violence

The newspaper findings also present documents as evidence of mass killings, rape, and the complete demolition of the village during and after the 2017 military violence. These acts represent an *extermination* stage. The narratives in newspapers and other media describe these actions as part of genocidal intent, not as separate events. Since 2017, about 25,000 Rohingyas have been killed by Myanmar’s state forces. More than 36,000 people were set on fire, 19,000 Rohingya women and adolescents were raped, and 116,000 others were beaten (*The Daily Star*, 18 August 2018a). Over 10,000 Rohingya were killed by the Tatmadaw during the violence in 2017 (Siddiqui, 2018). This included executing children, women, and the elderly, shooting those fleeing, and burning victims alive in their homes.

Two former Myanmar soldiers, Maung Thet Win Tun and Zaw Naing Tun, confessed to the genocide of the Rohingya to the Arakan Army. According to their testimonies, a commanding officer issued the following order to his subordinates: “Shoot at everything you see and hear”. Another officer reportedly commanded, “Kill anyone you see, regardless of whether they are young or old” (*Prothom Alo*, 9 September 2020). Additionally, the UN human rights chief, Volker Türk, raised the alarm about a repetition of the 2017 atrocities committed against the Rohingya in Myanmar. He claimed that “the military and the Arakan Army have both committed serious human rights violations and abuses against the Rohingya. These include extrajudicial killings, some involving beheadings, abductions, forced recruitment, indiscriminate bombardments of towns and villages, and arson attacks” (*New Age*, 23 August 2024).

Sexual violence was systematically employed as a weapon of terror, disproportionately targeting Rohingya women and adolescent girls.

Thousands of Rohingya women were gang-raped or assaulted by soldiers, forcing survivors to flee *en masse* to Bangladesh (OHCHR, 2018). The systematic use of sexual violence shows a deliberate strategy of targeting women to instil terror and facilitate population destruction.

Symbolic Enactment: Erasure of the Rohingya's Memory

The content analysis of the selected newspapers identifies patterns aligned with *symbolic enactment*. These include the erasure of the memory of the Rohingya's historical and cultural existence. Many newspaper reports document the destruction of whole villages, the bulldozing of homes and surroundings, and Myanmar authorities' systematic refusal to recognise the Rohingya as a legitimate ethnic group (Prothom Alo, 25 July 2021a). According to Feierstein (2014, p. 126), the final stage of genocide—symbolic enactment—is the removal of memory and history. Here, victims are not only annihilated physically, but their historical presence is erased to imply they “never existed”. This is evident in Myanmar's continued denial of the Rohingya identity, their exclusion from historical existence, and their erasure from the national consciousness. The Rohingya have been subjected to the denial and erasure of their collective memory over several decades. More than 360 Rohingya villages were partially or completely destroyed by Buddhist forces (based on the satellite imagery in March 2018). At least 55 villages were completely bulldozed, removing all traces of buildings, wells, and vegetation (Siddiqui, 2018).

The Myanmar government has repeatedly portrayed the Rohingya as outsiders, “illegal Bengali immigrants”, and “terrorists” (Ullah, 2011). The Rohingya were left off the official list of 135 state-recognised ethnic groups, a key step that led to their ongoing exclusion after the 1982 Citizenship Law. This government-approved marginalisation legitimised and normalised violence perpetrated by security forces, Rakhine nationalists, and extremist Buddhist belligerent monks like Ashin Wirathu, resulting in massacres, mass killings, and extermination (Green et al., 2018). The marginalisation of the Rohingya has been reinforced through discriminatory identity documentation policies, echoing historical patterns of past exclusion and symbolic enactment.

Furthermore, Myanmar authorities deliberately avoid recognising the “Rohingya” group's self-identified ethnonym. Instead, they politicise nomenclature to expel the group, referring to them as “Bengalis”

or “illegal Bengalis” in order to deny their historical presence and identity within Myanmar (Brooten et al., 2015). This denial of recognition is compounded by racialised slurs such as “kalar” and descriptors like “ugly as ogres”, “dirty”, and “terrorist”. These practices reflect a broader symbolic enactment strategy designed to dehumanise, expel, and erase the memory of Rohingya existence from Myanmar (Brooten et al., 2015, pp. 718–719).

5.6 CONCLUSION

This chapter explores the scope of both legal and non-legal definitions of genocide and explains how the non-legal frameworks contribute to identifying, interpreting, and responding to establish the genocidal intent of the Rohingya group in Myanmar. The study further analyses the Rohingya case, highlighting how these definitions integrate legal precision with the contextual understanding of the genocidal intent offered by non-legal frameworks to improve the efficacy of preventing genocide and responding to the early signals.

Drawing on Feierstein’s (2014) model of *genocide as a social practice* and a theory-driven content analysis, this chapter has shown how media consistently reflect that genocide is a consistent process rather than just a discrete event of mass killings. The legal definition of genocide is fundamental for pursuing formal accountability. However, the specific intent requirement is often difficult to prove, thereby prolonging the impunity of the culprits. Nevertheless, the Rohingya case illustrates that these limitations often delay recognition and enable prolonged impunity, even amid political and jurisdictional barriers that impede formal legal accountability. In contrast, non-legal definitions of genocide further provide a broader analytical lens through which the earlier stages of genocidal intent can be identified by analysing the patterns of violence, exclusionary practices, and the motifs of destruction of the group. The findings reveal recurring patterns of genocidal intent against the Rohingya population in Myanmar, referring to the non-legal frameworks as a critical interpretive tool for understanding the construction of genocidal intent, which might eventually be difficult to establish through the legal definition following the 1948 Genocide Convention.

The genocide of Rohingya in Myanmar is a state-blocked prosecution (PILPG, 2018). Despite extensive evidence collected by the UNIFFM, Myanmar has persistently rejected allegations of genocide.

In fact, Myanmar restricted the access and movement of the international investigators to collect the evidence of the full-scale atrocities and establish genocidal intent. The fact-finding mission documented and estimated that approximately 10,000 people were killed during the state-led violence before the mass influx of displacement of Rohingyas from Myanmar to Bangladesh on 25 August 2017. However, the politics of genocide denial in Myanmar not only undermines accountability but also causes prolonged psychological and social harm to survivors on the ground by delegitimising their experiences and erasing historical memory (Parent, 2016).

Additionally, denial persists due to structural constraints in international justice mechanisms. Myanmar's non-membership in the Rome Statute and the Security Council's silence further limit effectiveness. Nevertheless, the Gambia filed a case at the ICJ in November 2019,⁵ alleging that Myanmar had committed genocide against the Rohingya Muslim group (*The Daily Star*, 23 January 2020b). This case entirely relies on findings from the UN Fact-Finding Mission and is supported by evidence from multiple international human rights bodies. Likewise, Argentina's judiciary has invoked the principle of universal jurisdiction to initiate legal proceedings against Myanmar's military commanders, including Senior General Min Aung Hlaing, for crimes against the Rohingya (*The Daily Star*, 11 December 2020a). These judicial proceedings highlight the importance of continued ICC investigations and broader international accountability mechanisms to prevent further atrocity crimes, genocidal acts and crimes against humanity. Bangladesh, as the primary host of displaced Rohingya, has a vested interest in the legal proceedings. However, it cannot bring a case against Myanmar independently because of Myanmar's reservation to Article IX of the Genocide Convention. Further, it can request to intervene in the ongoing ICJ case under Article 62 of the ICJ Statute. While such intervention is at the Court's discretion, it would allow Bangladesh to participate meaningfully in the proceedings (Foyosal, 2024).

In essence, legal definitions of genocide are essential for the prosecution and ensure formal accountability; non-legal definitions, on the other

⁵ International Court of Justice (ICJ) (2019). Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*). Request for the indication of provisional measures. Available at: <https://www.icj-cij.org/files/case-related/178/178-20191111-PRE-01-00-EN.pdf> (Accessed: 26 July 2025).

hand, provide critical insight into early warning signs and social practices to establish the genocidal intent. This chapter contributes to broader debates on genocide recognition and prevention by demonstrating how non-legal approaches demonstrate evidence that legal frameworks often fail to capture, especially in the context of the Rohingya case.

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Water as a Weapon: Water Insecurity and the Politics of Genocide in Rohingya Settlements in Myanmar

Pintu Kumar Mahla  and *Himani Choudhary*

6.1 INTRODUCTION

Water is a scarce and vital resource. It is crucial to recognise the ‘right to water’, which is essential for leading a dignified life. Several international organisations, such as the United Nations (UN), have faced challenges related to the denial of water rights. However, refugees, asylum seekers, and internally displaced persons (IDPs) have limited access to water, whether they reside in camps or urban and rural areas. International norms clearly state that refugees and asylum seekers should be entitled to water under the same conditions as nationals (Economic and Social Council, 2003).

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The denial of access to clean water and sanitation has become a tool of oppression, exclusion, and systematic marginalisation, especially in the Rohingya settlements in Myanmar (Amnesty International, 2025). In Myanmar, water deprivation has served both as a pre-genocidal measure to isolate and weaken the Rohingya community and as a post-genocide mechanism that continues to cause suffering in refugee settlements (see Fig. 6.1) by denying access to potable water and sanitation, undermining survival and dignity. Recent reports show that water deprivation remains a serious problem in Rohingya settlements in Myanmar. Du Nyaung Pyin Gyi village in Myanmar's Rakhine State, which has 621 Rohingya residents, has suffered from not getting safe drinking water (Reliefweb, 2024). Similarly, in the villages in Mrauk U and Minbya, an urgent need for safe water access was flagged in the Rohingya settlements, which indicates a major disruption to normal water access (UNICEF Myanmar, 2024a). Moreover, in 2017, during a military operation in Myanmar, there was a forced starvation of Rohingya communities, creating an acute shortage of water and food. The Myanmar military has allowed the looting of Rohingya livestock and set fire to several local markets (Amnesty International, 2018). These actions showcase the dismantling of essential life systems, underscoring how water deprivation became a method of both pre-genocide and post-genocidal violence under international law, especially in the Rohingya settlements in Myanmar.

The reference to water deprivation, as a pre-genocidal and post-genocidal mechanism, has been taken from the concept of genocide, which is often associated with the Holocaust. Raphael Lemkin was the first to coin the term 'genocide' (McDonnell & Moses, 2013). He described genocide as 'a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, to annihilate the groups themselves. The objectives of such a plan would be the disintegration of political and social institutions, culture, language, national feelings, religion, and the economic existence of national groups, as well as the destruction of personal security, liberty, health, dignity, and even the lives of individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are targeted at individuals, not in their capacity, but as members of the national group' (Irvin-Erickson, 2016). Moreover, in the 1948 'Convention on the Prevention and Punishment of the Crime of Genocide' genocide was defined as 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group,

Internally Displaced Persons (IDPs) in Myanmar

Of the 519,647 stateless persons, 225,175 are displaced, and 224,749 of them are displaced in Rakhine State. These displaced stateless people from Myanmar are Rohingya and asylum-seekers, and they are also counted as Internally Displaced Persons (IDPs). The data was last updated on 31 December 2025.

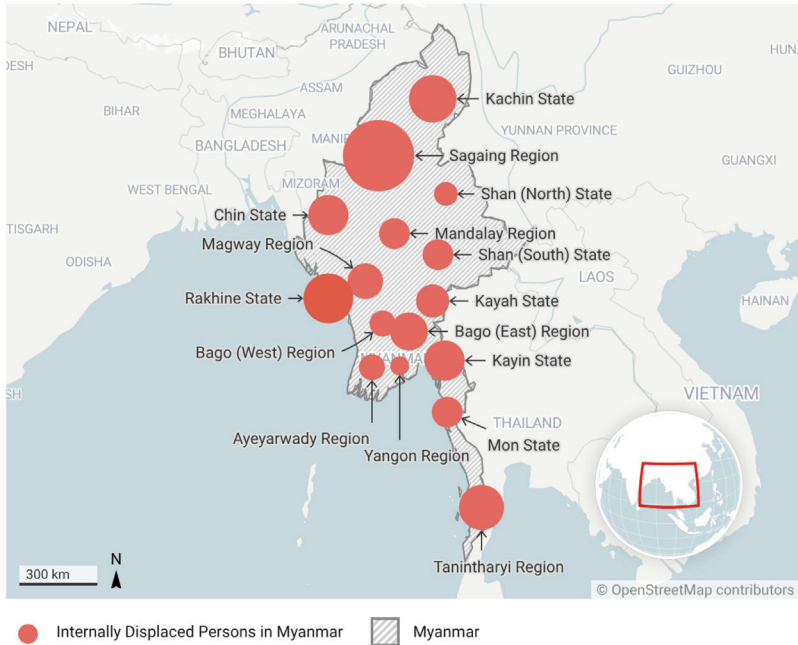


Fig. 6.1 Internally displaced persons (IDPs) in Myanmar (*Source* Created by the authors using Datawrapper from the United Nations High Commissioner for Refugees (UNHCR). The UNHCR source has been embedded in an interactive version of the figure. A high-resolution interactive version is available in Mahla (2026))

as such: (a) Killing members of the group; (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; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group' (United Nations, 1948).

In this context, the genocidal practice of deliberately imposing living conditions on a group to cause its physical destruction refers to instances where the perpetrator does not resort to immediate killing but instead employs indirect strategies aimed at ultimately leading to the group's demise. This form of harm, often called 'slow violence', is a recognised and well-documented concept in international law and has been addressed in legal proceedings by the International Criminal Tribunals for both the former Yugoslavia (ICTY) and Rwanda (ICTR) (Burmese Rohingya Organisation UK, 2025).

Water deprivation constitutes a form of 'slow violence' committed by the Myanmar authorities. The conceptual framework of 'slow violence' has been clearly outlined by Rob Nixon, who describes it as a kind of violence that is often invisible and unfolds over extended periods (Nixon, 2013). Recognising and addressing this violence on a broader scale is very challenging. It generally affects marginalised or oppressed communities, such as the Rohingya, who frequently lack the resources to survive. According to the report of the Independent International Fact-Finding Mission on Myanmar, 'the 600,000 Rohingya remaining inside Myanmar face systematic persecution and live under the threat of genocide' (United Nations Human Rights, 2019). The report also details the abuses of human rights. In the name of national security, Myanmar authorities have cut off vital resources for the Rohingya community by restricting their access to humanitarian aid, including water and food (ibid.). Therefore, this slow violence or genocide underscores the long-term and often overlooked harms, like water injustice, inflicted upon neglected communities such as the Rohingya.

The chapter shows how water insecurity acts as a hidden harm, mainly impacting marginalised Rohingya communities. Elucidating Fig. 6.2, it shows how a chain of political violence, legal neglect, and a weak international response lead to water insecurity in Rohingya settlements in Myanmar. This insecurity is then used as a form of slow violence and structural violence, which means that harm is done gradually through everyday deprivation instead of only through direct physical attack. This process leads to systematic marginalisation, which then leads to the weaponisation of water. In this way of thinking, water deprivation is used as both a pre- and post-genocidal strategy. In this context, the Myanmar case is linked to larger discussions about water justice and human rights through the lenses of water security and genocide politics. However, these frameworks and discourses result in only a tenuous recognition, as failures

in international response perpetuate the non-recognition of water deprivation as a significant political and genocidal concern. This shows that not having enough water is not an accident, but something that is done and kept going by politics.

This chapter will address this major research gap, i.e., the use of water as a weapon in the Rohingya genocide is a planned way to oppress people that is part of Myanmar's larger politics of denial and exclusion. In Rohingya settlements, the denial of access to clean water and sanitation is not an unintended consequence of displacement; rather, it is a deliberate strategy to perpetuate exclusion, dependency, and degradation.

State authorities have turned water scarcity into a structural tool of control that strengthens social and ethnic hierarchies by blocking wells,

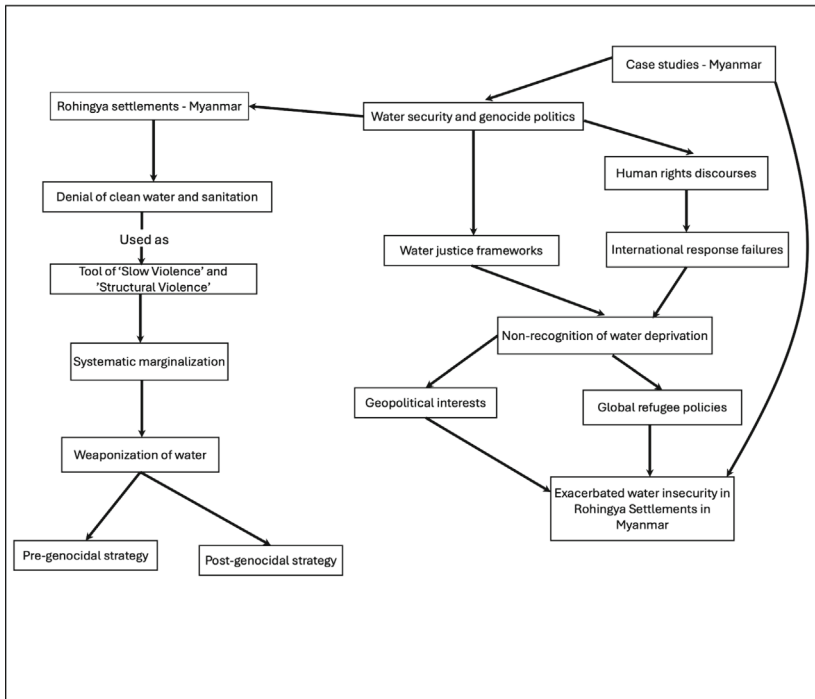


Fig. 6.2 The conceptual framework on water insecurity and Rohingya settlements in Myanmar (*Source* The Authors, 2026)

limiting aid, and making it harder to build sanitation infrastructure (Human Rights Watch, 2021). This lack of resources serves as both a pre-genocidal strategy that makes people's lives harder and their communities less resilient, and a post-genocidal strategy that keeps people suffering by making the environment unstable. Responses from other countries that are based on humanitarian rather than rights-based frameworks have mostly failed to see water deprivation as a political act. This has allowed genocide denial to continue under the pretence of logistical failure. Geopolitical interests and strict global refugee policies make this insecurity worse, making it normal for water rights to be eroded over time. Looking at water through the lens of justice and human rights shows that denying it is not just a lack of concern for people, but a serious violation of their dignity and existence. Recognising water security as a fundamental human right is crucial for preventing genocide, ensuring accountability, and facilitating post-conflict rehabilitation for the Rohingya people.

Using this novel context, the chapter examines legal scholarship on the human right to water. By criticising the Genocide Convention (1948) for overlooking environmental and resource-based persecution, the chapter exposes a legal blind spot in cases of weaponised deprivation. Drawing on the works of renowned scholars like Galtung and Peter Gleick, the chapter builds a foundation for exploring water as a medium of violence, legitimacy, and neglect within legal and humanitarian debates (Galtung, 1969; Gleick et al., 2020). As a result, it is a theoretical qualitative study exploring how denying access to water is used deliberately as a tool of oppression, identity-based targeting, and ultimately genocide.

6.2 THEORETICAL FRAMEWORK: STRUCTURAL VIOLENCE AND THE RIGHT TO WATER

Violence is often seen as direct, visible harm. However, it can also be an invisible, systemic harm present not only in acts of war but also in institutions and their policies that cause inequality and suffering. The institutional system frequently inflicts harm through the systemic denial of essentials like clean water, leading to hunger and displacement. As a formidable example, the ongoing conflict in Gaza is emblematic of the invisible harm to the water infrastructure and facilities in the region. The conflict has impacted water infrastructure a lot, which ultimately leads to hunger and the denial of clean water (UNEP, 2025; UNICEF, 2025).

According to Galtung, when such suffering could be avoided, violence exists even without a clear aggressor (Galtung, 1969). For example, a community facing water shortages by neglected institutional policies experiences structural violence. In this context, water insecurity exemplifies structural violence, embodying the silent, systemic harm embedded in policies that hinder communities from attaining basic human dignity or rights. The right to water entails having sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use. To meet the water rights, countries are obliged to provide equal accessibility to water facilities to prevent any discrimination. In particular, states must provide utmost attention to refugees, asylum seekers, and internally displaced persons within their borders (Economic and Social Council, 2003).

To ensure proper accessibility to water facilities, the water right, like any human right, imposes certain types of obligations on countries, for example, obligations to respect and obligations to fulfil (The Office of the High Commissioner for Human Rights, 2010). Based on these obligations, States Parties have to refrain from interfering directly or indirectly with the enjoyment of the water right. Moreover, they have to adopt the necessary measures directed towards the full realisation of these rights. They have to adhere to the rights of water during any kind of armed conflict and emergencies under international humanitarian law. However, states' retrogressive measures, as structural violence, often violate water rights. These measures are very much incompatible with the core obligations, like no threat to physical access to water and access to water on a non-discriminatory basis, under international humanitarian law.

Sometimes, the structural violence is not referred to as 'genocide'. There have been a lot of debates around the difference between violence and genocide. Whenever there is a comparison of violence with genocide, violence is always deemed less significant (Lakin, 2024). However, Fein gave a sociological definition of 'genocide' which is broader and is very much relevant to contemporary violent conflicts. Echoing the words of Fein, 'Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim' (Fein, 1990). Meaningfully, this broader perspective does not replace the legal definition of 'genocide'. The one thing to be considered here is that, as per this

broad sociological genocide perspective, state policies also played a significant role in shaping the genocide. For instance, in the Rwandan genocide, state-led violence related to the land and population was a major example of pre-genocide causes, and deforestation was a post-genocide impact (Moodley et al., 2010).

Therefore, genocide is a kind of slow structural violence caused by the deprivation of necessities or livelihood, i.e., water, at the hands of state parties. In this context, using water as a weapon by denying access to it is a slow structural violence, which should be regarded as both a pre-genocide and a post-genocide strategy at the hands of state parties. For example, the denial of access to water to the Rohingya community, in particular, is a kind of ‘crime of crime’ at the hands of the state, i.e., Myanmar. It is a specific intent to destroy the community part or full, which is requisite for an act of violence to be considered an act of genocide as defined by international law.

6.3 WATER SCARCITY IN ROHINGYA SETTLEMENTS

Water scarcity is a critical humanitarian issue in Myanmar, especially in the Rohingya Settlements. These densely populated areas have limited access to safe and reliable water sources. Infrastructure for clean water remains inaccessible to the Rohingyas (Rohingya Action Ireland, 2025). The government’s neglect of policies towards the IDPs, particularly the Rohingyas and limited resources often restrict water access, worsening living conditions within the settlements. This has serious implications for health, sanitation, and human dignity. Addressing water scarcity in the Rohingya settlements requires coordinated efforts by the state to ensure fair access to safe water. It must include strong, long-term commitments by the government to safeguard water rights and Water, Sanitation, and Hygiene (WASH) to support the well-being of displaced communities. Currently, ‘an estimated 5.6 million people across the country urgently require essential WASH support. More than 60% of homes lack access to safely managed drinking water, and one-third of households are without basic hygiene facilities. Over 3 million internally displaced persons (IDPs) are in critical need of life-saving WASH services’ (UNICEF, 2024). The Rohingyas are among the highest IDPs who have suffered the most in Myanmar. Since February 2021, ‘Sagaing region has suffered the highest IDPs (more than 1.2 million people), followed by the southeast (Mon, Kayin, Tanintharyi, Kayah, southern Shan and Bago east) with more than

935,000 displaced people. These increasing displacements affected WASH needs across the country. For instance, UNICEF provided clean drinking water to 323,731 people (52,542 boys, 51,376 girls, 102,752 men, and 117,061 women) affected by conflict in these regions, particularly Yangon and Rakhine' (UNICEF Myanmar, 2024b).

The humanitarian situation of IDPs in Rohingya settlements across the entire state is dire. They lack sufficient assistance regarding water rights and WASH. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 'thousands of children are at risk of dying from acute malnutrition, while tens of thousands are without sufficient shelter, food, water, and sanitation' (Smith, 2013). The UN also reported that shelter needs have increased significantly; 20,000 displaced persons lack access to safe, adequate water (ibid.). Human Rights Watch, in a conversation with a displaced Rohingya woman near *Ba Du Baw* camp, reported that they emphasised the need for a proper water supply because the well water is not good (ibid.). Moreover, as per the informal conversation between a UN official and Human Rights Watch about the conditions in detention in Arakan State, there is torture, humiliating torture. They are kept without food and water, in very bad conditions (ibid.).

It is a well-known fact that in 2024, 'East Asia and the Pacific recorded the highest number of people displaced due to conflict and violence, reaching 3.8 million individuals. Approximately 93% of these displacements occurred due to conflict between the Myanmar Armed Forces (MAF) and various non-state armed groups (NSAGs) in Myanmar. The effects of conflict severely disrupted farming activities, worsening food insecurity across affected areas' (Internal Displacement Monitoring Centre, 2025). Each IDP camp reflects the utmost problem of access to water, sanitation, and other necessities. In Myanmar's IDPs, particularly the Rohingya, face severe restrictions on their freedom to access necessities like water. They are very much confined to their villages or displacement camps. In 2017, several humanitarian services were suspended due to military security operations that affected over 150,000 people (Amnesty International, 2017). It was the time when the State government failed in their action to provide access to livelihoods and its short and long-term food and water security (Amnesty International, 2019). They continued to impose harsh restrictions on humanitarian access throughout the country.

The condition is getting worse at the hands of the state parties. There is a well-known case study where the military actions and government

negligence are a major cause of internal displacement of the Rohingyas, which in turn affects their livelihood. For instance, the massacre and exodus to the West of Maungdaw in August 2024. There were two factors that caused large numbers of people to move to the western edge of Maungdaw. One was the forcible evacuation, and the other was the launching of coordinated bombing and shelling attacks on targets in and around Maungdaw on August 4, 2024. After being confined in any particular camp, people were not given food or water and had no access to medical care (Kaladan Press Network, 2024).

Therefore, access to necessities like safe WASH resources has become a big concern for Rohingya settlements in Myanmar as military actions, displacements, and breakdown of essential aids and supplies continue to intensify. Families are forced to displace where WASH resources are severely limited (UNICEF, 2024). In such a milieu, no access to clean water showcases the growing violence that is a genocide at the hands of state parties.

6.4 LEGAL ANALYSIS: GAPS IN GENOCIDE LEGAL MECHANISM AND WATER RIGHTS

The current international legal system governing genocide showcases pertinent gaps in the contemporary instances of mass atrocity, including denial of access and destruction of vital natural resources like water. The legality of genocide has largely focused on the overt acts of physical violence, such as killing and torture, while undermining structural and environmental methods of violence, such as the denial of water rights and better WASH, forced displacement from arable land, or the contamination of natural resources. Moreover, even the Rome Statute of the International Criminal Court (ICC) has not been adequately enforced, particularly when resource denial or environmental destruction occurs outside of active conflict or within state borders, often falling into a legal grey area that evades existing genocide statutes (International Criminal Court, 2021).

The condition of the spurned Rohingya community highlights the limitations and shortcomings of the existing international legal mechanism in addressing other forms of genocide. For instance, in the *Gambia v. Myanmar* (2020), the International Court of Justice (ICJ) issued a preliminary ruling mandating provisional measures to prevent further genocidal acts against the Rohingya, acknowledging that their case

was ‘plausible’ under the Genocide Convention (International Court of Justice, 2022). However, this ruling had a limited scope and enforcement. It did not address the broad pattern of violence, like denial of access to water, food, healthcare, and land, faced by the community. As the UN Independent International Fact-Finding Mission on Myanmar detailed in its 2018 report, ‘the extreme violence perpetrated against the Rohingya in Rakhine State since the military operation in 2017, in what the Tatmadaw referred to as ‘clearance operations’. It documents in unsparing detail how the Tatmadaw took the lead in killing thousands of Rohingya civilians, as well as forced disappearances, mass gang rape and the burning of hundreds of villages’ (The Office of the High Commissioner for Human Rights, 2018). These violent state actions are rarely analysed through the lens of the contemporary genocidal perspective, largely due to the narrow viewpoint of the current Genocide Convention.

The failure of these legal bodies to adequately address such acts reveals a critical blind spot in international law: the lack of recognition for ecocide and resource denial as instruments of genocidal policy. Ecocide is an extensive destruction of the environment, leading to a large impact on the inhabitants of the planet. It has been considered a genocide, which is a crime against the Earth itself (Arifin et al., 2024). Besides environmental degradation, Ecocide has great social, economic, and humanitarian implications, particularly the displacement of people. It has far-reaching consequences that hamper not only the state in which it happens but also neighbouring regions. For instance, the extensive destruction of ecosystems and livelihoods in the Rohingya settlements in Myanmar leads them to be displaced from their original places to another country, particularly Bangladesh (Amnesty International, 2018). The recent Amnesty International 2025 report depicts that ‘since August 2017, the Rohingya refugee population in Cox’s Bazar has grown to more than 1.2 million people. The majority fled in 2017, joining previous waves of Rohingya refugees from 2016, the 1990s and the 1970s. Today, Cox’s Bazar is home to the world’s largest refugee settlement, with new Rohingya arrivals reported almost daily owing to the results of an ongoing armed conflict between the Myanmar military and the Arakan Army that escalated in November 2023’ (Amnesty International, 2025). Consequently, addressing ecocide as a global phenomenon, several scholars advocate for the inclusion of ecocide as an international crime, making it a matter of international law and global cooperation.

Scholars, notably Polly Higgins, increasingly called for the incorporation of ecocide into international criminal law (Higgins, 2010). Notably, Polly Higgins proposed the codification of ecocide as the extensive destruction, damage, or loss of ecosystems of a given territory to such an extent that peaceful enjoyment by the inhabitants has been severely diminished. Higgins' proposal draws attention to the moral and legal failure of the international community to confront environmental harm as a human rights and existential threat, especially when such destruction is orchestrated with discriminatory intent. When applied to cases like the Rohingya, this lens reveals how the denial of access to water, destruction of wells, burning of crops, and obstruction of humanitarian aid are not incidental consequences of violence but rather calculated methods to erase a group of people by removing their means of life (United Nations, 2025). However, ecocide remains unrecognised in binding international legal instruments, and its conceptual overlap with genocide has not yet been adequately theorised or adjudicated in courts.

The case of the Rohingya, who have been driven from their land and denied access to water, food, and medical care, represents a classical example of genocidal actions inflicted through environmental and infrastructural means. Nonetheless, because these actions do not fit the prevailing mould of genocide as a direct physical violence, they have remained peripheral to formal charges and international outrage. Therefore, the Genocide Convention's narrow emphasis on direct physical violence leaves substantial gaps in accountability when states employ indirect, structural, or environmental means to eliminate targeted groups. The Rohingya case exemplifies the failure of international legal systems to recognise the full spectrum of genocidal strategies, particularly those involving deprivation of basic resources and destruction of life-sustaining infrastructure. Other recent examples, like Israel's limiting of water access in Gaza, are similar to strategies used in mass atrocities and could make serious violations of humanitarian norms seem normal. Cutting off water is a simple but very effective way to control people. Water is necessary for life; we need it every day for drinking, cleaning, and farming. Using siege tactics, like cutting off water supplies, weakens the very fabric of society, causing people to become desperate and angry because they are thirsty, hungry, and frustrated. The blockade by Israel makes it hard to get safe drinking water and the tools and materials needed to fix water systems or offer alternatives like bottled water. Attacks on water infrastructure have

contaminated supplies with sewage, which has caused diseases like dysentery to spread. This makes people more likely to get sick and makes them more likely to be malnourished. The crisis is getting worse because shelters are too full and drug-resistant infections are spreading. Consequently, many Palestinians have had to drink salty water because they do not have access to clean water. This has caused serious damage to their kidneys (Zeitoun et al., 2025).

These major cases showcase that only the incorporation of ecocide into international law will not solve these big invisible violences. There is a dire need for a paradigm shift in how we understand mass atrocity, not simply as spectacular acts of violence, but as systems of destruction aimed at erasing people through the annihilation of their environment, resources, and means of life.

6.5 POLICY DIRECTIONS: A NEED FOR REFRAMING THE CURRENT GENOCIDE FRAMEWORK

The growing strategic importance of water as a weapon or a means of inciting violence necessitates a fundamental re-examination of the current international legal framework concerning genocide. In the modern world, water deprivation has become a tool for structural violence and genocide (Zeitoun et al., 2025). The existing framework for genocide does not adequately address environmental or resource-based forms of mass structural violence. Denying access to water, an essential resource for life, has served as a sign of genocidal intent. The plight of the Rohingya community is a notable example of this structural violence. Rohingya areas in Myanmar have not only led to water shortages for the population but also undermined the social fabric of the targeted community (Ahmed et al., 2025).

Consequently, some measures need to be considered to reframe the existing legal and humanitarian framework. First, the international community must officially recognise that systematic water deprivation can signal and enable genocidal acts or serious crimes against humanity. Such recognition will facilitate earlier interventions and increase accountability in conflict zones. Second, crimes against the Rohingyas in Myanmar have been regarded as both acts of genocide and ethnic cleansing (United Nations, 2018). To broaden the concept of genocide and related crimes, it is necessary to incorporate water rights explicitly into UN genocide monitoring protocols and related crimes like crimes against humanity, war

crimes, and ethnic cleansing. Moreover, programmes addressing water inequalities, such as those in Rohingya IDPs and refugee camps, must receive sustained international funding and oversight to ensure fair and culturally appropriate access to water. By aligning legal, humanitarian, and environmental frameworks, we can promote a global paradigm of water justice that prevents atrocity crimes and restores communities affected by violence.

6.6 CONCLUSION

The case of the protracted Rohingya community reflects how water has been used as a coercive tool of structural violence or genocide. The Rohingya experience demonstrates that structural violence does not merely exist in abstract governance failures or infrastructural collapse, but in acts like blockades to humanitarian aid and systemic denial of basic water services. These are not collateral consequences but calculated strategies of dispossession. This denial of water rights and WASH exposes critical blind spots in international legal frameworks. The Genocide Convention's current narrow definition neglects ecocidal and resource-based harms caused at the hands of state parties. It starkly reveals that the global legal mechanism on genocide must evolve. As resource wars and climate-linked displacements increase, so too must our capacity to recognise environmental genocide. Hence, water is not just a humanitarian concern. It is a fundamental right, a legal battleground, and, in the context of the Rohingya, a weapon turned inward by state systems designed to erase. If genocide in the twenty-first century is to be prevented, then our vision of it must focus on the mitigation of deliberate denial of life-sustaining ecologies.

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PART II

Empirical and Evidential Narratives
of the Rohingya Genocide



Understanding Genocidal Violence: The Discursiveness of Camp-Based Rohingya Narratives from Bangladesh

Imtiaz Ahmed  and *Niloy Ranjan Biswas* 

7.1 INTRODUCTION

The Myanmar government formed an Independent Commission of Enquiry (ICOE) in May 2018. It described its mandate through a press release on 30 May: “investigate the allegations of human rights violations and related issues, following the terrorist attacks by ARSA (ICOE, 2020). The panel found ‘no evidence’ of genocide committed by Myanmar’s security forces. ICOE statements highlighted that the security forces were involved in significant killings and human rights abuses; however, “there is insufficient evidence to argue that the crimes committed were undertaken with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group for the international crime of genocide” (Deutsche

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Welle, 2020). Myanmar's government used the ICOE as another tool for its crimes against the Rohingyas, rather than investigating state violence against them.

In the International Court of Justice's (ICJ) hearing in December 2019, Myanmar's former State Counsellor Aung San Suu Kyi defended the armed forces (*Tatmadaw*) by denying all charges of crimes against humanity and genocide targeting the minority Rohingya (Deutsche Welle, 2019). The denial of genocide or crimes against humanity by the *Tatmadaw* is not just an intentional act that reflects the significance of frequency and quantification of casualties to the outcast Rohingyas from the national narratives. The hiding of the 'intent' of eliminating a racial or ethnic group has been evident if one listens to the voices of the victims.

The Rohingyas have faced systematic discrimination, statelessness, and targeted violence in the Rakhine State of Myanmar. Such persecution has forced Rohingya women, girls, boys, and men to flee to Bangladesh for many years, with significant spikes following violent attacks in 1978, 1991–1992, and 2016. The August 2017 exodus of the Rohingya is a blazing example of Myanmar's state-sponsored genocide. As of January 2018, various violent tactics were used by the military and other state security agencies in Myanmar, forcing around 750,000 Rohingya to flee their native land and take shelter in Bangladesh (ICG, 2018). Unlike the ICOE, the UN-mandated Independent International Fact-Finding Mission on Myanmar described the immediate cause of their plight—as a “widespread and systematic attack on [civilians],” including “murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution, and enslavement” with “elements of extermination and deportation” as well as “systematic oppression and discrimination [that] may also amount to the crime of apartheid” (Human Rights Council, 2018, p. 16).

Bangladesh has offered shelter to the Rohingya. The humanitarian community rapidly scaled up operations to provide life-saving protection and assistance to Rohingya and Bangladeshis in affected host communities. The United Nations High Commissioner for Refugees (UNHCR) describes the Rohingya refugee crisis as “the most urgent refugee emergency in the world” (Omer, 2025). Rohingya victimhood is reflected through their status as stateless or internally displaced persons (IDPs) within Myanmar and refugees in Bangladesh, India, and other South, Southeast, and West Asia countries (Alam, 2019).

In Myanmar, the exclusion process of the Rohingyas started in the mid-1970s. The 1974 Emergency Immigration Act imposed ethnicity-based identity cards, which allowed only Foreign Registration Cards for the Rohingyas. They were targets of state-led exclusion and were made easy targets for both military and quasi-military regimes. Furthermore, the Myanmar government discriminated against the Rohingya's religious rights. They were not permitted to participate in large religious gatherings, use loudspeakers for prayer calls, construct new mosques, or renovate existing ones (Brooten, 2015). Existing studies mainly highlight the macro perspectives of violence against the Rohingyas concerning the role of the persecuting state and its agencies. Notably, Martuscelli et al. (2024) and Hossain (2021) highlight micro perspectives for understanding individual agency within genocide narratives. To extend the methodological significance of micronarratives, this chapter examines how the Rohingyas have perceived violence and protection during their lives in Myanmar. It focuses on the importance of individual narratives of structural and direct violence in Myanmar. This chapter makes a unique contribution by using camp-based Rohingya stories as a way to understand genocidal violence. Instead of seeing testimonies as just evidence, it considers narratives as a way to make sense of things, showing how violence has changed over time and space—from slow to structural to explosive. Utilising a narrative-based interpretivist approach, the paper re-establishes survivor agency, illustrating how Rohingyas express, recall, and interpret the genocide. The findings reveal patterned mechanisms of exclusion rather than isolated episodes of abuse. They point to a cumulative process in which legal, administrative, and cultural practices of marginalisation gradually produce the conditions for genocidal violence, understood through a survivor-driven framework, which is rare in contemporary genocide scholarship.

7.2 GENOCIDAL VIOLENCE

Genocidal violence indicates a precise type of violent activity. This chapter highlights genocidal violence as state-sponsored violence to protect its national security by destroying the other (Gebrewold, 2008). The state and its security forces conduct an exclusionary process against relatively less powerful communities. One can understand genocidal violence better through the operation of the state's exclusionary practices, legitimised by a conformist pattern of knowledge. This process often leads to the

displacement of people beyond the borders. The latter, as refugees, are forced to take shelter in other countries (Ghosh, 2016).

Article II of the Convention on the Prevention and Punishment of the Crime of Genocide of the United Nations, 1948 (United Nations General Assembly, 1948), defines genocide as “any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group; and
5. Forcibly transferring children of the group to another group (United Nations General Assembly, 1948).

The definition of genocide may raise some confusion. First, the actual occurrence of the violence is essential, which could lead to a quest for the quantifiable measurement of genocidal violence. Besides, it may be biased towards registering physical violence and ignoring other structural forms of violence. Second, it is often difficult to measure the ‘intent’ of the perpetrators of genocide as they use state institutions and national legislative and protection frameworks to exclude the victims. To prove ‘intent to destroy,’ one may need to validate the existence of physical violence, which often could fall under ordinary crime. Moreover, “conditions of life” include structural or systemic categories of violence other than physical ones. This may help understand a state or a society that hosts genocidal violence for an extended period, but it often gets blurred by official historical narratives.

Johan Galtung’s thesis on direct violence refers to physical violence and manifests the outcome of conditions created by various invisible forms of violence. Direct violence has its roots in cultural and structural violence; it feeds and strengthens them (Galtung, 1969). On the other hand, structural violence is a type of violence built on social structures, institutions, ideologies, and histories. Galtung also proposes that social systems, cultural traditions, customs, and institutions operate in ways that deny rights and create obstacles to people’s needs (Galtung, 1969).

It is assumed that structural violence is indirect; therefore, the subject is unidentifiable, further expressing a systematic and objective sense of oppression, independent of feelings and beliefs. Slavoj Žižek (2009) has further problematised this. Žižek classifies violence into two types: subjective violence and objective violence. Subjective one is the most visible, which refers to physical violence and terror. On the other hand, objective violence is invisible and inherent to the structure. These are “subtle forms of coercion that sustain relations of domination and exploitation, including the threat of violence” (Žižek, 2009).

Žižek (2009) also identifies ‘symbolic’ violence in language, producing social domination and the incitement of subjective violence. Objective violence is invisible since it sustains the very zero-level standard against which one perceives something as subjectively violent. Inequality among classes is considered an integral part of the societal structure; hence, violence between the haves and have-nots is also structural and inherent in such states. Violence results when policies favour the majority and exclude the minority (Guhathakurta, 2017).

This chapter considers violence as an outcome of an exclusionary process practised by the state and its machinery to eradicate a particular group with the support of institutions and the complacency of civilians. Even though physical violence is not a continuous practice by the perpetrators, exclusionary politics may entail a large part of the genocidal violence that gradually discriminates against the victims. The genocide perpetrators apply all forms of violence, from direct, physical violence to ideological violence. The sustained and disproportionate nature of violence, combined with the denial of citizenship and other rights, led to the permanent exodus of Rohingyas. Such practices may evolve as an outcome of the protection of majoritarianism, which seems to be the central preoccupation of the exclusionary nature of the state. An exclusionary state, Myanmar, as a typical case in this chapter, often harms its citizens and applies violence against them, or does not protect the citizens against a violent perpetrator. In any case, the lack of protection makes the victims flee to a safer place.

In addition to considering genocide based on large-scale violence, this chapter highlights two analytical factors: (a) structural violence in the form of gradual exclusion of a race and (b) sustained physical violence, both large and small, against the Rohingyas. It is imperative to elaborate on the process of exclusion of Rohingyas beyond the meta-narratives of

the state. This process includes racial discrimination, denial of citizenship, lack of access to fundamental rights, forced laborious tasks, and physical violence, including killing, rape, injuries, and displacement. The significant findings of this chapter are discussed in relation to these two broad factors.

This chapter adopts a phenomenological perspective on violence, focusing on how survivors interpret and narrate their lived experiences as a subjective phenomenon. There is significance in examining violence as an act of intentionality by the perpetrator of violence. This act of intentionality will be better understood, as the phenomenology of violence proposes, through the “sense structures” of an individual’s consciousness, which bring about the feeling of estrangement from the lived world and oneself. Violence should be viewed as an act of intentionality inflicted to cause the other to suffer (Staudigl, 2007). It is essential to acknowledge that refugee narratives are neither homogeneous nor objective, and that their descriptions are often shaped by their current circumstances (Malkki, 1995). Rather than treating violence solely as an objective event measurable through statistics, this chapter examines the meanings Rohingya survivors attach to violence within their everyday lives.

7.3 MICRONARRATIVES AS A METHODOLOGICAL APPROACH

The world is composed of narratives (Maines, 1993). It is often argued that the world we know and live in reflects acts, feelings, and lives within the framework of human consciousness. Humans create narratives that are not only constructions of the self but also a complex intersubjective interplay between society and the self. Barthes (1977, p. 79) proposed:

Narrative is present in various forms, including myth, legend, fable, tale, novella, epic, history, tragedy, drama, comedy, mime, painting, stained glass windows, cinema, comics, news items, and conversations. All classes and human groups have their narratives.

As opposed to macro or meso-narratives, micronarratives suggest:

Specific patterns of stories begin to emerge when a large number of stories is collected and plotted around specific metadata options—whether the story is about the past, present, or future, is the story about corruption,

cooperation or competition... Moreover, the tool enables you to delve deeply into the cluster and capture the specific history, thereby merging statistics and personal experience. (Peleah, 2013)

Micronarratives, or life stories, differ significantly from macro- or meso-narratives, which offer a singular narrative of an event. Macro-narratives are large, overarching accounts—such as official histories or national explanations—that present a unified interpretation of events. In contrast, meso-narratives reflect shared stories at a community or group level (Somers, 1994). The life stories are positioned for plausibility on evidence and in-depth knowledge of what has happened without depriving the ‘self’ who has experienced it. One can arrange multiple micronarratives to gain a broader worldview and develop a more complex, diverse narrative structure. However, it is unnecessary to generalise the narratives for a ‘singular view.’ Imtiaz Ahmed (2019) suggests that micronarratives need not be limited to a fixed number as research tools. More stories from diverse storytellers would provide additional grounds to complement quantitative and other sources of knowledge (Ahmed, 2019).

Between October 2019 and mid-March 2020 (before COVID-19-related travel and health restrictions began in Bangladesh), the authors of this chapter collected 75 micronarratives from Rohingya refugees living in refugee camps in Ukhiya and Teknaf in the Cox’s Bazar district. Among the storytellers or micronarrative providers, 59 were male, and 16 were female Rohingya. The storytellers were from 11 camps. The authors employed snowball sampling techniques to identify the storytellers. First, the camps were located in the adjacent areas of Kutupalong and Balukhali in Ukhiya. Thirty-one storytellers were carefully selected for this chapter, with attention paid to the diversity of age, gender, and place of origin in Myanmar. Among the storytellers, eleven were over sixty years old. The oldest storyteller, from Maungdaw, Myanmar, resides in Camp 13, Ukhiya, and is 82 years old. The youngest storyteller was a 17-year-old male from Camp 14.

The study recruited four local enumerators to collect micronarratives. All four enumerators were residents of Ukhiya and Cox’s Bazar. One of the four enumerators was a female. Moreover, their proficiency in the local language enabled them to conduct micronarratives with Rohingya refugees. The authors and four local enumerators started conducting the first micronarratives in October 2019. The authors repeatedly visited the campsites in Cox’s Bazar in December 2019, January, and February 2020,

and observed the enumerators' micronarrative collection process. After each micronarrative, researchers and field enumerators continued their discussion using the enumerators' notes. The authors analysed the data and clustered important information, which they used in the write-up.

The tools used in this chapter included direct quotations, written field notes, transcription of micronarratives, authors' explanations, summaries of secondary literature, abstracts, and judgements. The study adhered to the ethical standards of both institutions, thereby ensuring full compliance with research integrity standards. The British Academy funded the project as part of the "Rohingya Journeys of Violence and Resilience in Bangladesh and its Neighbours: Historical and Contemporary Perspectives" (Award Reference: SDP2\100094) programme. The authors followed the conventions of writing field notes immediately after completing micronarratives. Pseudonyms are used in this chapter to anonymise participants' identities. The authors and field enumerators informed the Rohingya storytellers and obtained verbal consent before collecting their narratives.

The study employed cross-narrative consistency checks, contextual probing, and temporal-spatial verification of events to ascertain the authenticity of micronarratives. Accounts were juxtaposed with verified reports from the UN and human rights organisations. These strategies verified that participants recounted first-hand experiences, thereby enhancing the credibility and reliability of their testimonies.

7.4 KILLING AND BODILY HARM

Widespread physical violence against the Rohingya population has been a regular feature in Myanmar, peaking in 1978, 1991–1992, 2012, 2016, and most recently, in August 2017 (Haar et al., 2019). It is estimated that between 2017 and 2019, nearly 200 Rohingya settlements were destroyed in Myanmar. During the recent violence, several Rohingya men were beheaded. Young girls were sexually violated, resulting in the deaths of at least 6700 Rohingyas, including 730 children, between 25 August and 24 September 2017 (Beech et al., 2020; MSF, 2017).

Another study discarded the above conservative numbers of mass killings and found that an estimated 25,000 Rohingyas were murdered and 19,000 Rohingya women and adolescents were raped during the military crackdown in Myanmar's Rakhine state in August 2017 (Reuters, 2018). The Ontario International Development Agency of Canada shared

the findings from interviews with 3300 Rohingya households from 33 Rohingya camps in Cox's Bazar in January 2018. The study also demonstrated that approximately 43,000 Rohingyas suffered bullet injuries, and 36,000 were thrown into the fire by the Myanmar security forces during the violent campaign (Reuters, 2018). The International Fact-Finding Mission also concluded that Myanmar had disregarded its obligation to stop genocide against the Rohingyas. In addition, the state failed to investigate a series of violent incidents and introduce adequate security or legislative measures to criminalise and prevent genocidal violence (Human Rights Council, 2018).

Multiple Rohingya micronarratives confirmed that the Myanmar military had conducted violent torture and abuses on Rohingya people in Myanmar in 2016 and 2017 to persecute them using various means. Rohingyas are first-hand witnesses to the gruesome events of physical atrocities committed by Myanmar security forces over a significant period. Roshon Jaman, the 62-year-old Rohingya refugee woman, recalled her terrifying experience and described, "Houses were burnt, and thousands of people were burnt alive. Many toddlers were cut into pieces" (Micronarrative 01, Camp 17, Cox's Bazar, 4 November 2019). She further said, "I witnessed with my own eyes how brutally the military forces tortured a girl. The military cut every piece of her body apart" (Micronarrative 01, Camp 17, Cox's Bazar, 4 November 2019).

Md. Nur Bosor, aged 28, from Rashidong, Aikaf area of Myanmar, described the horrific and brutal crackdown undertaken by the Myanmar military in his locality:

In 2017, they brutally tortured people in our village and killed many of our siblings. The Burmese army shot at us. They burned our houses. They physically tortured our women. They burned our houses with fire, with everything in them. The elderly ones among us could not get out of those houses. They died while burning in those houses. (Micronarrative 02, Camp 16, Cox's Bazar, 4 February 2020)

Md. Nurulla, a 25-year-old Rohingya refugee who is working as a teacher in the Rohingya camp, remembered the experience of genocidal violence by the Myanmar army in 2017:

My heart still breaks into pieces while remembering the atrocities committed by the Burmese army in 2017. They killed our parents and

siblings brutally. They physically tortured and repressed our mothers and sisters. They did not even let our tiny babies live. They burned our houses with fire. (Micronarrative 03, Camp 06, Cox’s Bazar, 28 January 2020)

Md. Ibrahim (28), a Rohingya man from Boli Bazar, Maungdaw, shared his experience:

Whenever I recall the gruesome attack of 2017, I get traumatised by pain and sorrow. They set fire to our homes and villages. They burned down our belongings, voiceless domesticated animals—cows and crops in the fields. They forced us to leave our houses. They tied us into groups and tortured us. They beat us mercilessly till death. (Micronarrative 04, Camp 14, Cox’s Bazar, 17 January 2020)

The United Nations General Assembly, in its resolution 74/246 of 27 December 2019, reiterated the above findings by identifying, “[Rohingyas] have been and continue to be subjected to the excessive use of force and violations of human rights and international humanitarian law by the military, security and armed forces” (United Nations General Assembly, 2019). The crimes committed against the Rohingya population included mass arrests, forced relocation, rape and other forms of sexual violence, summary executions, torture, unlawful killings, pre-planned targeted and widespread burning and demolishing of Rohingya villages, homes, mosques and other structures, enforced disappearance, food and water deprivation, and humiliating treatment (Amnesty International, 2018; ICG, 2017; MSF, 2024).

While these accounts document extreme brutality, their analytical value lies in how survivors connect such violence to earlier forms of structural exclusion. The narratives suggest that mass killing is not experienced as an isolated rupture but as the culmination of long-standing restrictions, discrimination, and state-sanctioned marginalisation. In this sense, direct violence appears as the visible endpoint of a much deeper process.

7.5 CONDITIONS OF LIVES

The [Myanmar] Government’s hostile policies towards the Rohingya, the living conditions to which it subjects them, its continued denial of their citizenship and ethnic identity, its failure to reform laws that subjugate the Rohingya people, the continuation of hate speech directed at the Rohingya,

its prior commission of genocide and its disregard for accountability about the “clearances operations” of 2016 and 2017, the mission also has reasonable grounds to conclude that there is a strong inference of genocidal intent on the part of the State.

—Report of the independent international fact-finding mission on Myanmar (Human Rights Council, 2018)

The successive governments of Myanmar did not recognise the Rohingyas as one of the national races. It denies them the entitlements of citizenship based on the 1982 citizenship law (Amnesty International, 2004). Historical evidence suggests that the Rohingyas have inhabited the Arakan region since the eighth century (Ludden, 2019). Rohingyas were acknowledged as full members of Myanmar. During civilian rule after independence in 1948, they were part of society. The state-led discrimination and violence against them can be traced back to the military coup of 1962 (Albert & Maizland, 2020; Biswas, 2020). In 1962, the Burmese military took control of Myanmar and imposed discriminatory policies, including limiting movement and confiscating National Registration Cards (NRCs) (Albert & Maizland, 2020; Guhathakurta, 2017; Washaly, 2018). The Rohingyas had voting rights until 2015 when the quasi-civilian government cancelled their ‘white card’ or NRC documents. Subsequently, the first mass exodus of Rohingya people from Myanmar to Bangladesh occurred when they failed to register themselves as citizens through the Nagamin census or Dragon Campaign in 1977; a military-led oppressive and vicious operation took place to register citizens and screen out foreigners (Bari, 2018; Ullah, 2011). Following the census, the Myanmar army conducted an oppressive campaign, and more than 200,000 Rohingya fled to Bangladesh in 1978 (Amnesty International, 2004).

Citizenship and Exclusion of a Race

The 1982 citizenship law divided the people of Burma into three categories—citizens, associate citizens, and naturalised citizens, based on lineage and national race (Ludden, 2019). Besides, in 1983, the last census before 2014, the Rohingyas were not included as a national race. The Myanmar Government added options, such as ‘other indigenous races’ and ‘foreign race,’ to identify Rohingyas (Immigration & Manpower Department, 1986). Myanmar authorities have actively

worked to misrepresent Myanmar's demographic history and present the Rohingyas as not being a legitimate part of Myanmar's political fabric and not having been part of the country historically. Henceforth, they were labelled "resident foreigners" or "Bengalis" (Guhathakurta, 2017).

Furthermore, citizenship could not be obtained even if children were born to non-citizens in Myanmar, resulting in the denial of citizenship over generations. Rohingyas (Human Rights Watch, 2017). Oppression of Rohingya through the census did not get any better during the last three decades; instead, in the 2014 census, Rohingyas were again deliberately excluded from the list of ethnic groups in Myanmar (Ibrahim, 2016; Uddin, 2020). Moreover, Rohingyas were forced to identify themselves as 'Bengalis,' and those who failed to do so were forcefully sent to IDP camps after having their remaining identification cards confiscated. As a result of systematic and protracted violence, the Rohingyas fled Myanmar, resulting in multiple mass exoduses in 1978, 1991–1992, 2012, and then in 2016–2017 (Cheesman, 2017).

Abdus Shukur, a Rohingya man living in Camp 13 in Ukhiya, described how they were excluded as a race in Myanmar, "In 2010, Myanmar government confiscated all Rohingya cards and important papers from our homes. In 1994, NaSaKa forces burned all the documents from us. And from then on, the oppression started" (Micronarrative 05, Camp 13, Cox's Bazar, 02 January 2020).

Md. Nurul Haque, a 29-year-old Rohingya refugee who was a shop-keeper in Myanmar, in his narrative, described the patterns of discrimination they faced as a race in Myanmar. He said:

Many nations [ethnic groups] lived in Burma, but they had removed us from the Constitution. The majority of Burmese people are Buddhists, and the Rohingyas are Muslims. They never saw us positively because we are Muslims. They consistently identified us as bad people and treated us as their servants. (Micronarrative 06, Camp 14, Cox's Bazar, 02 February 2020)

The issue of citizenship is also linked with other rights of the Rohingyas—their right to movement, education, employment, and the like. Md. Rafiq, a resident of Maungdaw, Myanmar, stated:

We were once full citizens in Burma. In 1982, the Burmese government revoked our citizenship. Just as my forefathers were persecuted for this, so

are we. We had to stay within a specific boundary. We needed permission from the Burmese police to go outside. (Micronarrative 07, Camp 13, Cox's Bazar, 02 January 2020)

Setera, a Rohingya refugee woman, said, "The Myanmar Government started stripping the Rohingyas of their citizenship. We lived like floating citizens, without the permanent status of a citizen, like the Rakhine people.¹ Our wishes had no value, and we were not supposed to expect anything from the state. We were obliged to do whatever the government forced us to do" (Micronarrative 08, Camp 14, Cox's Bazar, 12 January 2019). Restrictions on movement and denial of access to fundamental civil rights caused significant troubles for the Rohingyas in Myanmar. For example, Md. Naeem, a Rohingya, spoke with great sadness that "even though we were born in Myanmar, we did not get any benefits in Myanmar. The police were always on guard to restrict movements in our area. No one could go outside the village without the permission of the police" (Micronarrative 09, Camp 13, Cox's Bazar, 22 January 2020). Rohingya storytellers share such stories, highlighting how they were deprived of their citizenship rights and made stateless in Myanmar. The intent of exclusion has also been reflected in other trends of discrimination towards the Rohingya.

Denying Freedom of Religious Practices

In Myanmar, Muslims, regardless of their ethnicity, were violated by the Buddhist extremists, who would allegedly like to turn Myanmar into a pure Buddhist state by eliminating Muslims from the country (Ibrahim, 2016). Rohingya Muslims in Myanmar are barred from gathering in large numbers. The state authority has further restricted calls to prayer by using loudspeakers, constructing new mosques, and renovating existing ones. Islamic religious books are prohibited from being printed and imported into the country. One has to denounce their Muslim identity and accept the Buddhist identity in the application form to join the military (Tripathi, 2025). Not only was it restricted to calling to prayers, but it was also forbidden to enter the mosques (*The Rohingya: Silent Abuse*, 2017).

¹ Otherwise, also known as *Magh*, a Myanmar Buddhist ethnic group, who like the Rohingyas, place their ancestral homelands in the Rakhine state of Myanmar.

Furthermore, the security agencies used barbed wire to block roads to prevent villagers from going to mosques, food markets, or water resources (ICG, 2017). The military-led government portrayed itself as the protector of religion and funded monasteries to maintain its popularity (Ibrahim, 2016). A group of Buddhist monks conspired with the army to receive monetary benefits and gifts to spread hatred against the Muslims in Myanmar, particularly against the Rohingya Muslims (*An Unholy Alliance: Monks and the Military in Myanmar*, 2019; Routray, 2020). Many Buddhist monks with extremist views sought to dehumanise Rohingya Muslims by comparing them with animals, telling soldiers that killing Muslims would be legitimate, spreading anti-Muslim propaganda, and spreading hate speech against the Rohingyas on social media (Walton, 2017).

Oppression of the religious practices of Rohingya Muslims in Myanmar is evident in the micronarratives. Juhar Ali, aged 45, who lives in Tanjimar Ghona camp, said, “Azaan was not allowed in the mosque. NaSaKa forces forbade the call to prayer. We could not practice religion freely” (Micronarrative 10, Camp, Tanjimar Ghona, Cox’s Bazar, 02 January 2020). It was challenging to practise religious rituals and sometimes deadly, as Md Nurul Kabir, a 60-year-old Rohingya from the Akyab district in Myanmar, described. Recollecting the horrific experience, he narrated:

The Rakhine and I follow different religions. Muslims often pray in secret. Once, some of us were saying *tarabi* prayers in the month of Ramadan, and all of a sudden, a group of soldiers attacked us at around 9 pm in the middle of our prayers. We had to leave the mosque and escape the life-threatening experience. (Micronarrative 1, Camp 13, Ukhiya, Cox’s Bazar, 07 November 2019)

A 37-year-old Rohingya man, Md. Sharif, who was physically persecuted in Myanmar by the military, shared the oppression conducted by the army on Muslims. Sharif said:

Tablig is an essential practice of our religion. Those who were religious used to attend the *Tablig*. Once, some of us were going to attend a *Tablig*, but the Burmese police charged us with firing bullets. Two were caught by them and killed with sharp weapons. We had to pray in hiding. (Micronarrative 12, Camp Tomru, Cox’s Bazar, 14 January 2020)

Religious education was also prohibited. Bodiur Rahman, an elderly Rohingya, shared his experience regarding the oppression of religious practice:

If we got our children admitted into a madrasa,² then they would physically harass the parents. And they would also beat the madrasa's teacher (*maulvi*). Once, a boy living next door went to get admitted into a madrasa. Later, they arrived at the madrasa, chasing the boy. They shot the boy dead and started beating the religious teacher there. (Micronarrative 13, Camp 14, Ukhiya, Cox's Bazar, 21 November 2019)

Other Rohingya shared similar stories of oppression and persecution by the Myanmar security forces regarding the religious practices of the Rohingya in Myanmar.

Forced Labour

The UN General Assembly resolution 74/246 of 27 December 2019 expressed grave concern about the inhuman treatment and forced labour imposed on the Rohingyas (United Nations General Assembly, 2019). The Rohingyas perceived forced labour as an enforced practice, evident from numerous statements shared by the Rohingya. The latter also highlighted the coercive process of extractive labour and forms of discrimination, such as physical torture and malnourishment during their work for the Myanmar security forces and other state authorities (Micronarrative 14, Camp 14, Cox's Bazar, 25 January 2020; Micronarrative 15, Camp 13, Ukhiya, Cox's Bazar, 19 November 2019).

Nur Kalam, a Rohingya refugee, narrated:

When they needed a workforce, they would come to our villages and take the people they required as labour. After exploiting them all day long at work, the Burmese security forces would not pay them, and they would not even provide a single meal. They sometimes forced us to work a night shift. (Micronarrative 16, Camp 13, Cox's Bazar, 08 January 2020)

In Rakhine State, forced labour of the Rohingya by military and local authorities has been a widespread and well-documented practice for

² Madrasa denotes an Islamic educational institution where students receive instruction in religious studies, often alongside general subjects depending on the type of institution.

decades. A 2015 report by Fortify Rights noted that Rohingya men and boys, as young as 10 years old, were regularly conscripted for unpaid labour—such as road construction, brick carrying, and portering for the military—under threat of punishment, often in inhumane and unsafe conditions (Fortify Rights, 2014) and Amnesty International (2004) reported that Rohingya civilians were frequently made to work for long hours without food or rest and were routinely beaten if they failed to meet expectations.

Sajida, a Rohingya woman from the Akyab district of Myanmar, narrated how their brothers and fathers were forced to work as labourers for the Myanmar army without any pay:

We lived like slaves of the Rakhine people. Our brothers and fathers were regularly drafted to serve as watchmen. They were even required to break stones and hailstones. But they were never paid for doing these works. (Micronarrative 18, Camp 17, Cox's Bazar, 24 November 2019)

We found similar narratives from Rohingya refugees who have been living in Bangladesh's refugee camps. The International Labour Organisation (ILO) has long raised concerns about the Myanmar military's use of forced labour, particularly in Rakhine State. According to its 2013 report, forced labour was "institutionalised and systematic," particularly targeting stateless and ethnic minority communities like the Rohingya, who had no legal recourse due to their lack of citizenship (International Labour Organisation, 2013). The withdrawal of the ILO's complaint mechanism from Myanmar following the 2021 military coup has further exacerbated the vulnerability of Rohingya to exploitative labour practices (International Labour Organisation, 2023).

No Access to Health Facilities

The health infrastructure of Rakhine province is exceptionally fragile, and its capacity is overwhelmed by the never-ending casualties from bloody conflicts in the region (International Crisis Group, 2020). For example, there are only nine health workers per 10,000 people in Rakhine. Additionally, in the northern part of Rakhine, access to private healthcare is limited (Debarre, 2019). Furthermore, the largest hospital in the region, Sittwe General Hospital, is overcrowded, under-equipped, and

lacks services, technical equipment, medical supplies, and infrastructure, and is part of a health system plagued by corruption (Debarre, 2019).

According to the Ministry of Health and Sports (2017) report, the state had only 0.25 doctors per 1000 people, well below the national average of 1.1 per 1000 and far below the World Health Organisation (WHO) recommendation of 2.3 per 1000 for essential health coverage. In the predominantly Rohingya northern Rakhine region, healthcare access is even more constrained due to bureaucratic restrictions on movement and deliberate exclusion from government health initiatives (Smith & Hassan, 2012). Moreover, the denial of citizenship and limits on the Rohingya's movement by the government authorities restrict their access to healthcare. The chronic discrimination against the Rohingya in accessing medical services has led to high morbidity and mortality among the Rohingya people (Ives, 2016).

Selim, a 30-year-old Rohingya from Akyab district in Myanmar, now living in Thangkhali, Ukhia, Cox's Bazar, described his experience of losing his mother due to a lack of proper medical treatment:

When my mother got sick, my father tried everything to seek medical treatment for her. But nothing worked out. Our locality's primary medical treatment facility was all that could be arranged. My father relentlessly requested that the Myanmar military grant permission to take my mother to a hospital for better treatment. But they did not grant permission. Her life ended without treatment. (Micronarrative 19, Camp 13, Ukhiya, Cox's Bazar, 12 November 2019)

The experience of Md. Habibur Rahman, a 30-year-old Rohingya from Andong, Maungdaw area of Myanmar, was no better:

The medical facilities were so poor that people were reluctant to visit doctors. Although there was a hospital, medicine and proper service were unavailable there. If we wanted to go outside to receive advanced medical treatment, we had to face harassment and pay them money as a bribe. (Micronarrative 20, Camp 13, Cox's Bazar, 01 March 2020)

Due to the lack of medical facilities, death and sickness were common among the Rohingyas, and many Rohingyas shared such stories. Many could not say why some of their family members died, nor could they understand the symptoms. Their narratives also show how they were ill-treated for any health-related issues and took this as part of their 'fate.'

There were a few self-learned paramedics who would be the primary source of their treatment.

Médecins Sans Frontières (MSF) reported that Rohingya villages were often denied access to emergency medical services, with patients requiring official permission to travel to public hospitals. This process could take days and frequently resulted in preventable deaths (Médecins sans Frontières, 2017). Sittwe General Hospital, the largest facility in the region, reportedly maintains separate wards for Rohingya and Rakhine patients, with discriminatory practices against Rohingya, such as denial of treatment or referral only to substandard clinics (Fortify Rights, 2017).

Blocking Access to Education

Education for Rohingya children in Myanmar has been severely restricted due to discriminatory state policies. The Amnesty International (2017) report details that discriminatory state policies and de facto segregation have severely limited Rohingya and Muslim children's access to official government education facilities in Rakhine State since 2012. For instance, only 63% of Muslims reported having access to a government school, compared to 92% of ethnic Rakhine. Many public schools were closed or converted into shelters for security forces, and Rohingya teachers were barred from teaching. A Human Rights Watch (2019) report noted that Rohingya students were often segregated in "temporary learning spaces" with poor infrastructure, a lack of materials, and limited teacher support. Access to secondary education was virtually non-existent for Rohingyas in IDP camps and villages.

Most of the Rohingya children in the Rakhine received their primary education in a madrassa or *maktab* (Islamic religious schools), and only a few of them went to secular schools. The Rohingya living in the IDP camps in Myanmar have minimal access to education facilities (Alam & Kamruzzaman, 2020). Rohingyas also faced restrictions on applying for any government jobs as they were not considered citizens of Myanmar. It had a spiralling influence, as a lack of education led to limited access to employment in the formal sector, and unemployment generated little interest and restricted access to education. Moreover, Myanmar did not approve the education curriculum in Bangladesh to teach the Rohingyas who had come earlier as refugees (Gunia, 2019). It also raised a concern that the Government of Bangladesh aims to educate the Rohingyas in

their curriculum. However, without Myanmar's recognition, they would not be recognised as skilled human resources.

Gol Meher is a 45-year-old Rohingya woman from Dhei Boinya in northern Rakhine. She further lamented her inability to educate her children in Myanmar due to discriminatory practices by the Myanmar state authorities. In her words:

According to state rules, boys can study through the 10th grade, and girls can study through the 5th grade. If the girls studied more than the 5th grade, the army would forcibly seize them, rape them, and kill them. They used to torture them so that they would not study. The authority does not want Rohingya boys to study and get jobs. (Micronarrative 21, Camp 12, Cox's Bazar, 02 January 2020)

Md. Rafiq, a 22-year-old Rohingya refugee, also narrated the same: "We could study only up to 10th grade. The Moghs used to teach us, but they did not teach us properly. Neither would they take exams and classes" (Micronarrative 17, Camp 17, Cox's Bazar, 16 January 2020). Barring access to education for Rohingyas in Myanmar is evident in multiple micronarratives. The deprivation has a long-term impact on Rohingyas—no access to employment and restricted movement to different cities.

Looking ahead, educational reintegration will pose a serious challenge if repatriation occurs. Rohingya children educated in the camps in Bangladesh currently follow the Myanmar Curriculum Pilot (MCP) introduced in 2020, with support from UNICEF, UNHCR, and the Bangladesh government (Karen Reidy, 2020). Although this initiative aims to prepare children for eventual reintegration into Myanmar's national education system, the Myanmar government's refusal to recognise Rohingya as citizens raises concerns about whether these children's education will be recognised upon return.

Forced to Bribe and Indiscriminate Taxation

Various authorities of the state and security agencies forced Rohingya families to pay taxes to register any births or deaths in the family. The northern Rakhine state authorities oppressed the Rohingya through discriminatory registration policies and restrictions. For example, since mid-2002, pregnant Rohingya women had to register themselves by

going to the nearest NaSaKa camp, where often they had to show their faces and abdomens. Furthermore, since 1992, Rohingyas have had to seek permission to get married. Such a restriction was only applied to the Muslim population, not to other ethnic or religious groups in the region (Amnesty International, 2004).

The micronarratives highlighted that the Rohingya people in Myanmar were forced to pay different amounts to the Myanmar state authorities in taxation. As the following Rohingya narrated:

We had to give the Army half of the crops we produced on our land.³

Once, my brother-in-law and our cattle, when they were grazing in the field, were taken away by the NaSaKa. They would not release the cattle without getting some money.⁴

The military demanded a large amount of money from the Rohingya boys if they wanted to continue their studies.⁵

Even when a child was born in a family, we had to register their name with money. If someone died, you had to register with cash. If a family raised cattle, they had to pay for them. And if the animal dies or we sell it, the government gets an amount, too.⁶

Army personnel used to go from house to house and collect 40 rupees [0.5 USD]. My father used to pay them 80 rupees [1 USD] not to come inside the home.⁷

Kefayet Ullah, a Rohingya man, gave a list of taxes they had to pay to Myanmar security forces on different things:

³ Md. Shahid, aged 26, a Rohingya refugee from Merullah (Micronarrative 22, Camp 06, Cox's Bazar, 28 January 2020).

⁴ Rashida Khatun, a Rohingya refugee woman (Micronarrative 23, Camp 12, Ghonar Para, Cox's Bazar, 29 November 2019).

⁵ Siraj Ullah is a 45-year-old Rohingya refugee (Micronarrative 24, Camp 12, Moynar Ghona, Cox's Bazar, 25 November 2019).

⁶ Abdul Haq, an elderly (82) Rohingya refugee man (Micronarrative 25, Camp 13, Cox's Bazar, 08 December 2019).

⁷ Hosne Ara, a 60-year-old Rohingya woman (Micronarrative 26, Camp, Cox's Bazar, 02 January 2020).

To get married, the bride's and groom's families had to pay one lakh Burmese Kyat each [70 USD]. We could not go fishing in the sea. If someone went, he would be fined 100,000 Burmese Kyat [70 USD] and imprisoned. (Micronarrative 28, Camp 13, Cox's Bazar, 13 November 2019)

Md. Siddique, living in the refugee camp in Bangladesh, described how he could not fulfil his desire to construct a building due to the obligations of paying a large amount of money to the Myanmar military:

I hoped to build a house, but we were banned from erecting one. To construct a tin-shed house, we had to pay approximately 20 lakhs of Kyat (approximately USD 1,400) in taxes. (Micronarrative 29, Camp 13, Tajnimar Ghona, Cox's Bazar, 19 November 2019)

The narratives demonstrate evidence of both physical and structural violence. The International Court of Justice (ICJ) acknowledged this in its provisional judgement in *The Gambia vs Myanmar*, delivered on January 23, 2020. The ICJ reiterates Myanmar's duty to comply with its obligations to take all necessary measures to protect the Rohingyas of Myanmar from any acts of genocide and crimes against humanity.

Forcible Transfer and Displacement

The perilous journey of the Rohingyas to Bangladesh to escape persecution by the Myanmar junta was arduous and uncertain. These people had to endure severe suffering to find safety and security. According to the Human Rights Watch 2017 report, Rohingyas, in their journey towards Bangladesh, met with injuries from firearms, hunger, exhaustion, and death. They walked up and down steep, slippery hills during monsoon rains, with sore hips and swollen legs, making it challenging for many to survive. Furthermore, Myanmar soldiers raped and sexually assaulted Rohingya women while fleeing to Bangladesh. Many of these women had to continue their journey through jungles with swollen and torn body parts. Some of them gave birth on the way without medical assistance or proper medications (Amnesty International, 2018; Human Rights Watch, 2017). The statutes of the International Criminal Court and the International Criminal Tribunals for Rwanda and Yugoslavia identified rape as a crime against humanity (United Nations General Assembly, 1998).

Rohingya's worst nightmare in their journey towards Bangladesh was caused by antipersonnel landmines along the key departure pathways near Bangladesh and Myanmar's borders. It is reported that Myanmar security forces evidently and deliberately planted landmines to cause severe harm to the fleeing Rohingya population (Amnesty International, 2018; Human Rights Watch, 2017). A study shows that the Rohingya journey from Myanmar to Bangladesh took up to 17 days. This journey included either crossing the Naf River or taking a boat in the Bay of Bengal along the coast from Myanmar shores, resulting in the deaths by drowning of nearly 200 Rohingya people between August and September of 2017 (MOAS, 2019).

Foyezul Islam fled from Myanmar and narrated his perilous journey to Bangladesh after the persecution. In his words:

In August 2017, the Mogs and Burmese Army members set the village houses on fire and started shooting. I decided to come to Bangladesh along with my family for fear of losing our lives. We could bring some money and gold that my wife wore as our belongings. Afterwards, on the way to crossing hills and forests on foot for two days, the Burmese soldiers attacked us again and fired bullets. We started to run for our lives. (Micronarrative 30, Camp 13, Tanjnimar Ghona, Cox's Bazar, 21 November 2019)

Bodiur Rahman, an elderly Rohingya refugee, shared the heart-wrenching story of his journey from Myanmar to Bangladesh:

Everything had to be left behind except some money or gold. At night, we went with the whole family and hid on a hill. Then, we would walk some distance, keeping our eyes open. We had been walking like that for seven or eight days. Meanwhile, we grew exhausted from a lack of food. Some of them even became senseless. We could not take them with us. We do not know where they are now, whether they are dead or alive. (Micronarrative 13, Camp 14, Ukhia, Cox's Bazar, 21 November 2019)

The Myanmar security forces used rifles, machetes, and flamethrowers to attack Rohingya villages. They also used lethal military-grade weapons and planted land mines near the Bangladesh-Myanmar border to deliberately cause physical harm to the Rohingyas fleeing to Bangladesh to escape violence (Albert & Maizland, 2020; Micronarrative 31, Camp 12, Cox's Bazar, 07 December 2019). The narratives repeatedly flagged

how the Rohingyas had to endure perilous journeys to Bangladesh to escape brutal persecution in Myanmar. Across these narratives, structural violence emerges not as a background condition but as an active mechanism of control that reorganises everyday life. The repetition of restrictions across domains—citizenship, movement, religion, labour, and education—indicates a systematic architecture of exclusion that precedes and enables large-scale physical violence.

7.6 CONCLUDING REMARKS

The chapter highlighted the significance of an individual's consciousness in narrating the experience of genocidal violence. Henceforth, it does not objectify violence as just an incident. Instead, it has incorporated the victim's subjective explanation of violence as inhumane instead of a technocratic act. The analytical value of micronarratives in this study lies not in their individual content alone, but in their aggregation, which allows the identification of recurring patterns, narrative clusters, and shared meanings across diverse lived experiences.

The findings of this chapter categorise genocidal violence as per Article II of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (United Nations General Assembly, 1948). The blending of micronarratives and secondary data demonstrates violence in various clusters merged into two broad categories—direct (physical) and indirect (structural/symbolic) violence. As indicated earlier, these are: (a) conditions of life leading to physical destruction—exclusion from the national census, citizenship, no access to religious practices, no education, forced labour, forced bribe, and indiscriminate taxation, (b) killing, physical tortures, and death, and finally (c) forcible transfer and displacement from their place of origin. Individual narratives depict their experience of physical and structural violence. The understanding of genocidal violence is further informed by both Galtung's idea of indirect (structural/cultural) violence and Žižek's idea of symbolic violence (Galtung, 1969; Žižek, 2009). Rohingya micronarratives in this chapter demonstrate such violence in various forms of state-led infliction of conditions on their lives over a long period in Myanmar.

Micronarratives offer a discursive demonstration of the structural violence inherent in Myanmar to exclude Rohingyas from Myanmar's political and social spaces. The elite of Myanmar—the military and their

associated political actors—have committed genocidal violence against the Rohingyas. The narratives demonstrate examples of structural violence in areas of registration of birth, death, and marriage, restrictions on movement, and no access to health and education in Myanmar. Besides, Myanmar has excluded the term ‘Rohingya’ from official documents, and this exclusion has gradually made the Rohingyas stateless. The Rohingyas were deprived of justice and other protection mechanisms of the state, which had been a significant source of violence. This prompted individuals, organisations, and countries to seek justice in international courts, such as The Gambia’s case before the International Court of Justice (ICJ) and Argentina’s case before the Supreme Court of Argentina in 2019 (Agence France-Presse, 2021). Finally, Rohingya narratives demonstrate that they remain uncertain and confused regarding their repatriation to Myanmar. The fear of extinction still haunts them, preventing them from exploring a durable solution to the crisis.

Recent discussions surrounding the establishment of a ‘humanitarian corridor’ between Bangladesh and Myanmar’s Rakhine State have failed to adequately address the issue of accountability for the genocidal violence committed against the Rohingya population. While the initiative is framed as a humanitarian solution to ensure aid delivery, it has not been accompanied by any precise mechanisms to ensure justice, truth-telling, or reparations for victims. Rohingya community leaders and human rights advocates argue that without guarantees of legal recognition, citizenship, and cooperation with international justice mechanisms such as the International Criminal Court or the International Court of Justice, the corridor may entrench impunity rather than promote accountability (Aziz, 2025; Rahmatullah, 2025). There is growing concern that this initiative may function more as a containment strategy than a step towards restitution and durable solutions.

Subsequent developments in the case of *The Gambia v. Myanmar* have further strengthened international scrutiny of Myanmar’s actions. In July 2022, the International Court of Justice rejected Myanmar’s preliminary objections and confirmed its jurisdiction over the case. This decision allowed the proceedings on the merits of the genocide allegations to move forward, marking a significant step towards legal accountability. Furthermore, in January 2026, the ICJ held full merits hearings in the case, marking a critical stage in determining state responsibility for genocide against the Rohingya. The Gambia presented evidence of systematic violence and genocidal intent; however, Myanmar continued to frame its

actions as counter-terrorism operations, thereby reinforcing patterns of state-led denial (Global Centre for the Responsibility to Protect, 2026). It is important to note that the inclusion of Rohingya victim testimonies in the proceedings underscores the growing recognition of narrative-based evidence in establishing genocidal processes.

The chapter considers refugees' individual experiences of violence and contributes to making such experiences to have a deeper understanding of the problem of violence. Second, structural or indirect violence is not always homogeneous or objective. Subjective explanation of violence that incorporates the sense of a violated 'self' offers an in-depth explanation of the perpetrator's violent act and intention. Moreover, such an analysis provides a better understanding of the interconnection between physical and structural violence. Genocidal violence operates through identifiable mechanisms rather than sporadic acts of brutality. The micronarratives reveal how these mechanisms are experienced, internalised, and interpreted by survivors, offering insight into the lived processes through which genocide unfolds.

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APPENDIX: LIST OF MICRONARRATIVES

<i>Micronarratives codes</i>	<i>Details (Pseudonymous, place and time)</i>
Micronarrative 01	Roshon Jaman (62), Camp 17, Cox's Bazar, 4 November 2019
Micronarrative 02	Md. Nur Bosor (28), Camp 16, Cox's Bazar, 4 February 2020
Micronarrative 03	Md. Nurulla (25), Camp 06, Cox's Bazar, 28 January 2020
Micronarrative 04	Md. Ibrahim (28), Camp 14, Cox's Bazar, 17 January 2020
Micronarrative 05	Abdus Shukur, Camp 13, Cox's Bazar, 02 January 2020

(continued)

(continued)

<i>Micronarratives codes</i>	<i>Details (Pseudonymous, place and time)</i>
Micronarrative 06	Md. Nurul Haque (29), Camp 14, Cox's Bazar, 02 February 2020
Micronarrative 07	Md. Rafiq, Camp 13, Cox's Bazar, 02 January 2020
Micronarrative 08	Setera, Camp 14, Cox's Bazar, 12 January 2019
Micronarrative 09	Md. Naeem, Camp 13, Cox's Bazar, 22 January 2020
Micronarrative 10	Juhar Ali (45), Camp, Tanjimar Ghona, Cox's Bazar, 02 January 2020
Micronarrative 11	Md Nurul Kabir (60), Camp 13, Ukhiya, Cox's Bazar, 07 November 2019
Micronarrative 12	Md. Sharif (37), Camp Tomru, Cox's Bazar, 14 January 2020
Micronarrative 13	Bodiur Rahman, Camp 14, Ukhiya, Cox's Bazar, 21 November 2019
Micronarrative 14	Camp 14, Cox's Bazar, 25 January 2020
Micronarrative 15	Camp 13, Ukhiya, Cox's Bazar, 19 November 2019
Micronarrative 16	Nur Kalam, Camp 13, Cox's Bazar, 08 January 2020
Micronarrative 17	Md. Rafiq (22), Camp 17, Cox's Bazar, 16 January 2020
Micronarrative 18	Sajida, Camp 17, Cox's Bazar, 24 November 2019
Micronarrative 19	Selim (30), Camp 13, Ukhiya, Cox's Bazar, 12 November 2019
Micronarrative 20	Md. Habibur Rahman (30), Camp 13, Cox's Bazar, 01 March 2020
Micronarrative 21	Gol Meher (45), Camp 12, Cox's Bazar, 02 January 2020
Micronarrative 22	Md. Shahid (26), Camp 06, Cox's Bazar, 28 January 2020
Micronarrative 23	Rashida Khatun, Camp 12, Ghonar Para, Cox's Bazar, 29 November 2019
Micronarrative 24	Siraj Ullah (45), Camp 12, Moynar Ghona, Cox's Bazar, 25 November 2019
Micronarrative 25	Abdul Haq (82), Camp 13, Cox's Bazar, 08 December 2019
Micronarrative 26	Hosne Ara (60), Camp, Cox's Bazar, 02 January 2020
Micronarrative 27	Md. Jobayer (28), Camp 08, Cox's Bazar, 29 January 2020
Micronarrative 28	Kefayet Ullah, Camp 13, Cox's Bazar, 13 November 2019
Micronarrative 29	Md. Siddique, Camp 13, Tajnimar Ghona, Cox's Bazar, 19 November 2019
Micronarrative 30	Foyezul Islam, Camp 13, Tanjnimar Ghona, Cox's Bazar, 21 November 2019
Micronarrative 31	Hasan Ali (20), Camp 12, Cox's Bazar, 7 December 2019

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The Politics of Forced Reproduction: Genocide Denial and the Legal Invisibility of Rohingya Children

Shikha Vasishtha  and *Pooja Kapoor* 

8.1 INTRODUCTION

The use of sexual violence, specifically the forced impregnation of women as a method for altering demographics, has been a critical factor in understanding the genocide against the Rohingya people. While the systematic rape campaign conducted by the Tatmadaw has often been viewed as an incident of atrocity rather than a deliberate attempt to break down the reproductive continuity of the Rohingya and therefore their social/cultural/biological future as a distinct nation, there is significant evidence of repetition in the manner in which this campaign was conducted. Specifically, consistent use of gang rapes, sexual mutilations, mass forced nudity, and assaults on pregnant women throughout Rakhine State; Kachin State; and Shan State (as identified by United Nations Human Rights

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Council investigators documenting ethnic-based violence) demonstrates that reproductive harm was incorporated within the operational strategy of the military and therefore cannot be considered an opportunity/accidental crime (United Nations Human Rights Council, 2019).

As such, forced pregnancies are used to erase ethnicity through the utilisation of women's bodies as locations of erasure. Not only do these pregnancies generate long-term psychological damage to victims, destroy community structures, and create socially marginalised survivors along with the children resulting from the aforementioned abuses, who will likely experience statelessness, social ostracism, and legally non-existent status. Furthermore, the elimination of recognition of birthright citizenship for these children represents an additional mechanism of ongoing genocidal damage that currently existing legal frameworks are incapable of identifying. Additionally, the consistent obstruction of evidence related to reproductive atrocities committed during the genocide, the intimidation of those providing testimony regarding these crimes; and Myanmar's refusal to document and recognise children born to mothers raped during the genocide, illustrate that denial of genocide does not merely occur retrospectively. Rather, denial occurs contemporaneously in ways that obliterate the material and inter-generational impact of reproductive atrocity.

This article argues that reproductive violence should be treated as a primary form of genocidal intentionality and not as secondary to other forms of atrocity. Such an argument is grounded in precedent established in analogous cases. For instance, the ICTR Prosecutor versus Bagosora et al. (ICTR, 2008) decision recognised that systematic sexual violence directed towards members of a vulnerable population could constitute part of a genocidal plan, especially if such targeted populations included women capable of producing offspring. Similar paradigm shifts are required in relation to this issue (Deb Chowdhury, 2025).

In order to view reproductive violence as genocide against the Rohingya people, it is essential to situate this violence in a larger structural framework based upon Rohingya exclusions. Historically speaking, this violence developed over multiple generations based upon intentional disenfranchisements implemented through colonial law. During colonial administration in Arakan (now Rakhine State), thousands of migrants arrived from Bengal in response to labour shortages created by colonisation. Subsequently, British colonial officials began to categorise many residents already living in the area as "immigrants from Chittagong."

This racist characterisation embedded an idea of Rohingya Muslims as foreign and excluded them from national discourse for centuries after Britain relinquished control of Burma. In fact, this foreignness was codified into law with the passage of Burma's Citizenship Act in 1982. Under provisions of the law, the Rohingya were not listed among Burma's national races and thus lost all their right to Burmese citizenship. Lack of official recognition led to conditions for repeated rounds of organised violence by the military. Displacement by force; enforced labour; state-sponsored rape were all consequences of prior roundups and operations (Operation Dragon King; 1978 & Operation Pyi Thaya; 1991-92) and were repeated in the 2016-17 "operations to clean-up" Rohingya villages in Rakhine State, which would eventually become internationally recognised as ethnic cleansing and crimes against humanity (Sarmin, 2020a).

Accountability mechanisms designed internationally have failed to date. The case brought before the International Court of Justice (ICJ) by The Gambia against Myanmar resulted in interim orders requiring Myanmar to prevent further genocidal actions and protect potential evidence. Despite these orders, Myanmar continues to block aid workers' access to Rohingya communities; prohibit documentation efforts; and refuse citizenship to children born to mothers who were raped during the genocide, thereby inhibiting compliance. The ICC launched an investigation into allegations made against Myanmar in September 2018; however, due to evidence issues and lack of jurisdiction, the investigation remains stalled. Conditions continue to worsen for displaced people. Forced relocations to camps such as Bhasanchar (May 2023) took place without transparent or meaningful processes for obtaining consent from displaced individuals.

Both historically and presently, however, these events reflect a continuous trajectory of exclusion. The Rohingya have been both highly visible as a demographic threat and completely invisible as bearers of rights (Amnesty International Canada, 2018). The central role that reproductive violence plays in this genocide is illustrated by its placement here. This chapter builds upon an increasing body of scholarship and law calling for recognition of reproductive harm as integral and not ancillary to genocide. Only then may international actors hope to develop justice mechanisms that address not only immediate physical violations, but also inter-generational devastation caused by reproductive violence.

8.2 THEORETICAL FRAMEWORKS: GENDER, POWER, AND LEGAL INVISIBILITY

The theoretical framework of this chapter draws from postcolonial feminism, theories of social death, intersectionality, and legal anthropology, explaining how forced reproduction acts as a form of genocidal destruction. This does not simply elucidate gendered oppression, but also assists in conceptualising how reproductive violence is an attack against the biological as well as political existence of a group of people.

Rohingya women bear a double burden, made hyper visible as victims of extreme violence while remaining unheard in the very spaces meant to determine their rights. The critique of feminist universalism of the West, as by Chandra Talpade Mohanty (2003), goes further to demonstrate the manner in which humanitarian and media discourse have often reduced Global South women to the passive subject, being stripped of their historical specificity. These insights on the Rohingya case imply that the forced reproduction is not only an act of individual violence but a continuation of colonial racialisation where Muslim fertility in Arakan has long been represented as excessive and threatening (Funes & Eren, 2025).

The second defining frame is a theory of social death proposed by Orlando Patterson (1982), according to which genocidal projects focus on destroying not just the bodies, but also the social and legal personhood. This is observed among children born of genocidal rape, as they have not been granted nationality in Myanmar, nor are they recognised as citizens in Bangladesh, nor do they appear in international documentation systems. They live in a state of juridical nullity, i.e., to be biologically alive but politically erased. Social death, therefore, encapsulates the effect of reproductive violence that creates a multi-generational erasure whereby genocide ceases being physical destruction but a gradual form of violence that destroys lineage, identity, and belonging.

This analysis is further enhanced by Kimberle Crenshaw's theory of intersectionality (Crenshaw, 1989), which explains the interaction of gender, ethnicity, religion, and statelessness to compound Rohingya women's vulnerability. Sexual violence, pregnancy by coercion, and the subsequent legal invisibility of children are not discrete harms but mutually reinforcing systems of domination. Intersectionality also illuminates the ineffectiveness of humanitarian intervention: intervening by focusing on women as a heterogeneous category disregards how age, disability,

marital status, location of camp, and class mediate the access of a survivor to health care, justice and social support.

The final dimension is offered by legal anthropology. Ayelet Shachar (2009) argues that birth registration is a sovereign act in which states define political membership. This is exemplified by Sarah Horton (2016), who demonstrates that bureaucratic categorisations have the capacity to reproduce marginality and exclusion. The fact that the state refuses to issue birth certificates or allow humanitarian registration is not an administrative failure in the Rohingya situation, but rather a reflection of a long-standing genocidal policy of documentary denial. Legal invisibility is an administrative technology of destruction by foreclosing the channels of nationality, education, and mobility.

Together, these theoretical frameworks show that reproductive violence is not peripheral but central to genocidal intent. Additionally, these views have been synthesised as being genocidal in the sense of destroying reproductive futures and not just the destruction of bodies. They situate the wombs of Rohingya women as a terrain of sovereignty, demographic control, and legal subjecthood, and they illustrate that reproductive atrocity must be at the centre of any serious account of the Myanmar genocide.

8.3 FORCED REPRODUCTION AND THE CHILDREN OF GENOCIDAL RAPE

The prevalence of sexual violence and forced impregnation by the Myanmar security forces on Rohingya women in the course of the 2016–2017 operations in Rakhine State was systematic and strategic rather than incidental to conflict. The documentation of the patterns of rape, gang rape, and other forms of sexual violence committed by the Myanmar military as part of coordinated operations against civilians in multiple townships, including Maungdaw, Buthidaung, and Rathedaung, which were investigated by the Independent International Fact-Finding Mission on Myanmar in 2018. It was discovered that these practices were discriminatory against women and girls of reproductive age, frequently using violence, threats and duress and were accompanied by killings, arson, and forced displacement as part of a broader campaign of destruction (Independent International Fact-Finding Mission on Myanmar, [IIMM], n.d.).

The detailed findings of the mission consist of the testimony of the survivors who witnessed soldiers entering homes to conduct mass rapes, sometimes rape in the presence of male relatives, and often following commands that implied a demographic motive; women described being taunted as “Bengali breeders,” reflecting the prejudicial framing of Rohingya fertility as threatening. These documented trends are in line with the findings of other organisations, such as Human Rights Watch that reported that the Myanmar security forces employed sexual violence to terrorise civilians and disrupt family unity and community underpinnings (Human Rights Watch, 2019). Human Rights Watch provided various first-hand accounts of systematic sexual violence in several villages, strengthening the argument that forced impregnation was a part of a premeditated strategy to cause the greatest possible harm.

These intentional attacks on the reproductive abilities are consistent with the trends identified in earlier genocide jurisprudence. In *Prosecutor versus Akayesu* (1998), the International Criminal Tribunal of Rwanda ruled that rape and sexual violence may be considered as genocidal acts when performed with an intent to destroy the target group, either in whole or in part (International Criminal Tribunal for Rwanda, 1998). Although *Akayesu* did not categorise forced impregnation as an independent crime of genocide, it upheld that a pattern of organised sexual violence against women can be used to prove the intent of genocide when combined with a broader pattern of atrocities. In *Prosecutor v. Kunarac, Kovac and Vukovic*, the International Criminal Tribunal of the Former Yugoslavia stated that forced pregnancies resulting from organised sexual slavery is an indicator of a crime against humanity (International Criminal Tribunal for the former Yugoslavia, [ICTY], n.d.). Similar to this reproductive violence in genocide settings, the discriminatory component of such violence appears to be equally powerful. Children who are born of violence in genocidal settings have a special and precarious place legally and socially. Under Myanmar’s Citizenship Act of 1982, “Rohingya” is not considered a national ethnicity; therefore, they are denied citizenship by default, thus rendering them stateless in terms of national law (Cheesman, 2017) and continue this process throughout their family history. Due to their parents having no recognised legal status, they cannot receive a birth certificate, leaving those children stateless from birth. In Bangladesh, there are over three hundred thousand Rohingya refugees living as refugees and the Government has failed to provide citizenship or complete legal recognition to all children born in refugee

camps and assigned them different categories (i.e., “undetermined nationality”) which do not allow them to enjoy substantive rights (Shachar, 2020); such absence of nationality removes the fundamental legal protection of children of being able to exercise access to justice, freedom of movement and public services.

According to the report of the United Nations Children’s Fund (UNICEF), most of the Rohingya children born in displacement situations are not formally registered, demonstrating that birth registration has been infrequent and that most of the children born in the camps have been unregistered and are therefore not under the protection of the law. According to UNICEF, only approximately 18 per cent of births by Rohingya mothers took place in any formal health facility, which indicates an extremely low birth registry and official registration. Such unregistered children encounter significant barriers to education and healthcare access, as such services tend to demand evidence of age and nationality, which they are unable to provide (UNICEF, 2018).

The lack of legal identity is one of the factors that led to the concept of social death, which was introduced by Orlando Patterson as an individual’s state of existence, which lacks social recognition, civil rights, and political community membership. In “Slavery and Social Death”, Patterson (1982) described the victims of social death as essentially being disposed of the essential forms of social life that provide a sense of dignity and belongingness. Children born of genocidal rape, denied nationality and formal identity, exist in a comparable condition: removed from legal and social structures that would grant them personhood, civic membership, and social bonds.

Cultural stigma adds to the psychological and social burden of these children. According to humanitarian sources, Rohingya children born of rape are subjected to further layers of social persecution and ostracism in camps, among which social norms regarding the origin and purity can further marginalise mothers and their children. Furthermore, there are several documented incidents where women said they were afraid of being rejected by the community in case the circumstances of their pregnancy were disclosed, which sometimes led to isolation and deprivation of both mother and child (Physicians for Human Rights, 2018). Moreover, in terms of international law, the situation indicates that there are major differences in accountability mechanisms. Forced pregnancy is classified as a crime against humanity and a war crime in the Rome

Statute of the International Criminal Court, but there is no specific reference to reproductive coercion as an independent form of genocide in the Genocide Convention for reproductive coercion (International Criminal Court [ICC], 1998). Consequently, the prosecutions against the Rohingya genocide have been more and more about deportation, persecution, and murder; reproductive aspects have frequently been subsumed within larger prosecutions.

Provisional measures to prevent additional genocidal activity and to preserve evidence about the crimes (including sexual violence) have been used to place Myanmar under accountability before the International Court of Justice (International Court of Justice, 2020). However, Myanmar's continued obstruction of independent investigations and destruction of physical evidence have impeded efforts to document the full scope of reproductive violence. The current International Criminal Court preliminary probe into the atrocities of human rights committed by the Myanmar military officials highlights the necessity of more precise doctrinal recognition of reproductive violence in the context of genocide litigation (International Criminal Court, 2024a).

Intersectional analyses go further to explain the interaction of overlapping inequalities, such as gendered segregation of violence, systemic ethnic discrimination, and statelessness, that come with exclusionary legislations that compound to produce unique vulnerabilities for Rohingya women and their children. The intersectionality concept, described by Kimberle Crenshaw (1992), describes the interaction between these identity and oppression axes to influence lived experiences, making singular policy responses inadequate.

Reproductive violence is also contextualised through postcolonial feminist views of historical histories of racialisation and state-sponsored exclusion. The question of *Can the subaltern speak?* by Gayatri Chakravorty Spivak (1988) highlights the fact that the marginalised women are often made inaudible in prevailing legal and political arenas, despite their being the immediate victims of violence. Chandra Talpade Mohanty (2003) proposes that universalisation of the experiences of women as witnessed by Western systems tends to obscure the particular relations between the histories of colonialism, racialisation, and gendered harm. These observations explain why the reproductive suffering of Rohingya women has been ill-conceived in mainstream genocide discourses.

Furthermore, forced reproduction during Myanmar's genocidal campaign and the resulting statelessness and social marginalisation of children born of sexual violence reflect a multi-faceted genocidal process. These physical, legal, and psychological harms are part of a continuum of recognising the entire scope of genocide and need to be incorporated into accountability mechanisms to support the rights and dignity of those survivors and their children.

8.4 GENOCIDE DENIAL AND THE ERASURE OF REPRODUCTIVE ATROCITY

Myanmar's attempt to protect itself from accountability has rested on systematic denial and minimisation of evidence that rape and reproductive violence were at the core of its genocidal attack against the Rohingya. Senior generals, diplomatic representatives, and state media have all rightly dismissed thousands of testimonies by survivors as "fake news," casting mass rape as an insurgent lie. On the ground, troops have bullied witnesses, tracked humanitarian clinics, and harassed families that assist international investigators. Satellite images taken at the end of 2017 and the beginning of 2018 revealed Myanmar's security forces burned down a total of fifty-five deserted Rohingya village sites, including those used to commit sexual violence atrocities like Inn Din and Tula Tuli. As a result, potential forensic areas that could potentially hold evidence of reproductive violence were destroyed. In addition to burning down villages, the military intelligence officers involved in this effort have consistently intimidated witnesses to sexual violence incidents, spied on humanitarian clinics, and harassed families who assisted foreign investigators (Human Rights Watch, 2018).

After these script-based denials of sexual violence were elevated globally, in December 2019, Myanmar's civilian head Aung San Suu Kyi defended her nation before the International Court of Justice (ICJ) when The Gambia petitioned for genocide charges related to the treatment of the Rohingya people. She argued that "sexual violence was not a state policy" of the Tatmadaw. However, she did so after the Tatmadaw issued internal directives instructing their personnel to describe allegations of rape as "malicious propaganda." However, in July 2022, the ICJ ruled on preliminary objections, stating that the court does indeed have jurisdiction based on mass murder and systematic sexual violence (Human Rights Watch, 2019).

Nonetheless, even after the ICJ ordered Myanmar to comply with six-month interim measures in 2020, and to submit six-monthly compliance reports since then, the reports submitted to date are cursory and do not include any information regarding investigations into forced pregnancies. Furthermore, none of the reports submitted to date has been publicly released, with the exception of being reviewed externally. Lack of transparency associated with the process allows Myanmar to claim technical compliance while continuing to deny reproductive atrocity. Global diplomatic processes have offered little redress. Each successive draft UN Security Council resolution which referenced sexual violence committed against the Rohingya by name since 2017 has either been blocked by China and Russia or significantly diluted due to their opposition; furthermore, the UN Security Council held an open debate regarding Myanmar in September 2024 and failed to reference the term “rape” in its presidential statement regarding Myanmar, despite sustained advocacy by the UN Special Representative on Sexual Violence in Conflict.

Additionally, states that support stronger actions against sexual crimes committed against the Rohingya people have struggled to place reproductive crimes at the centre of their efforts; Canada and the Netherlands intervened in the ICJ case solely regarding jurisdictional issues; meanwhile, regional powers like ASEAN have focused primarily on cease-fire diplomacy versus holding perpetrators of gender-based violence accountable. While the U.S. March 2022 genocide declaration stated that rape was “widespread”, subsequent packages of sanctions imposed by the U.S. on Myanmar targeted economic elites and weapons procurement systems as opposed to lower-level commanders responsible for leading units engaged in sexual violence. Even with universal-jurisdiction prosecutions, the indictment documents rarely include reproductive crime as a separate genocidal offence; Argentina’s February 2025 arrest warrant targeting twenty-five Myanmar officials included offences of aggravated murder, torture and sexual assault, but did not include forced pregnancy as a stand-alone genocidal offence (Forbes, 2025). This results in an epistemological hierarchy wherein Rohingya women’s testimony is relegated to secondary status relative to senior-level diplomatic efforts. Media around the world and many humanitarian organisations continue to report mass rape as a tragic but marginal collateral effect of ethnic cleansing, as opposed to an integral part of ethnic cleansing.

This reporting continues Fricker's concept of "testimonial injustice"; survivors' testimonies are discredited, sanitised, or made understandable only after being filtered through male attorneys and Western non-government organisations. Marginalisation through discourse is compounded by linguistic barriers; nearly all of the official proceedings are conducted in Burmese and English as opposed to Rohingya; therefore, survivors' own terms for rape and forced pregnancy rarely appear in the record. When women attempt to interact with visiting delegation members inside refugee camps, they often are under surveillance by local leaders who fear retaliation, thereby establishing a culture of whispers as opposed to formal depositions.

The Tatmadaw's denialist tactics become substantially strengthened by what can only be characterised as "forensic austerity"; intentional deprivation of essential components of the evidentiary framework necessary to document reproductive injury. Myanmar's military hospitals will refuse to produce obstetrics records from individuals born between 2016 and 17 time frame, corresponding to the Tatmadaw clearance campaigns, citing national security concerns. Bangladesh's policies inside the camps restrict access to DNA testing and limit abortions to cases of life-threatening pregnancies; both options would provide critical evidence to confirm reproductive crimes: identifying fathers and confirming forced pregnancy. MSF documents show there were over 1900 rape-birth children born between 2017 and 2024 without any medical or civil documentation other than vaccination card records to prove them, resulting in no documentation for investigators to follow on paper. A June 2024 International Commission of Jurists briefing documents the systematic seizure of prenatal records from detained Rohingya women, most of whom miscarried following beatings; loss of such records inhibits correlating physical trauma with foetal loss (International Commission of Jurists, 2024).

These latest developments in Bangladesh see a parallel logic of population control masquerading as humanness. In May 2025, *The New Humanitarian* documented forced IUD insertion in at least a dozen camps, with health workers threatening to withhold food rations unless women agreed to long-acting contraception. Even defined as "population management," these practices conceal and reproduce the prior atrocity of forced pregnancy by refocusing attention on refugee fertility as a contemporary logistical problem.

A 2022 WHO baseline survey in Cox's Bazar found that less than 10% of facilities offered post-abortion care, and just 27% offered rape

survivors treatment. Remarkably, no formal requests for post-rape abortion were seen; a statistically improbable result in the context of reported sexual violence cases since 2017. The silence betrays not demand—but the silencing force of stigma, surveillance, and faulty reporting channels. Therefore, reproductive violence remains unlogged in official statistics, reinforcing further the delusion that sexual violence was not pervasive and not systemic (World Health Organization, 2022). The evidence politics gets along with current criminal proceedings. In November 2024, when the ICC Prosecutor requested an arrest warrant against Commander-in-Chief Min Aung Hlaing, the application preferred deportation and persecution but excluded forced pregnancy on grounds of “insufficient corroborated medical records” (Reuters, 2024).

It is not technical evidence that is lacking; it is the result of the orchestrated destruction of evidence over decades: villages being bulldozed, midwives being intimidated, and rape kits missing. Conversely, hundreds of testimonies with descriptions of soldiers speaking in terms of a responsibility to “dilute the Bengali bloodline,” language qualifying under Akayesu as genocidal intent, have been gathered by Amnesty International and Human Rights Watch and are categorised in the interest of protecting witnesses and are therefore frequently labelled as “untested” by courts. The system is self-perpetuating: denial limits evidence, absence of evidence limits charges, and limited charges rationalise denial.

The continued suppression of evidence and lack of responsibility by Myanmar further increases the erasure of reproductive atrocity and its consequences on Rohingya children. The provision of preservation of forensic evidence regarding alleged crimes committed by the perpetrators in the framework of the Genocide Convention is a primary focus in the International Court of Justice (ICJ) provisional measures order of 23 January 2020 that expressly required Myanmar to take effective measures to prevent the destruction of and the preservation of evidence as to the alleged atrocities against the Rohingya, including those associated with sexual violence and forced reproductive harm (International Court of Justice, 2020). Nonetheless, Myanmar has violated this and other binding directives on numerous occasions, maintaining access to independent investigators and on the preservation of any physical evidence in such a way that it obscures the tangible documentation of reproductive violations. Furthermore, the allegations brought against Myanmar, based on the genocidal campaign, comprising steps that served to keep the

population below the level of upcoming births, are guarded by the understanding that reproductive suppression is also one aspect of genocidal behaviour, which should be judicially examined. In November 2024, the prosecutor of the International Criminal Court (ICC) requested that the military leadership of Myanmar be arrested on charges of crimes against humanity, specifically deportation and persecution, and indicated that it would pursue secondary charges, an action that continues an attempt to establish an evidentiary base despite systemic constraints (International Criminal Court, 2024b). The legal invisibility of children born of genocidal rape was rendered stateless by the 1982 Citizenship Law, and then left without documents in Bangladesh's refugee camps compounds this denial, as their lack of legal identity both reflects and reinforces the political refusal to acknowledge reproductive harm as a core component of genocide (Independent Investigative Mechanism for Myanmar, 2025).

Myanmar's denial strategies of genocide function through a multi-faceted apparatus: official denial, witness intimidation, diplomatic manoeuvring that marginalises sexual violence, and deliberate erasure of the forensic trail. International reactions, albeit symbolically powerful, have not displaced this apparatus thus far because they are still satisfied with truncated narratives in which reproductive atrocity is a peripheral and not a central component of genocidal strategy. Breaking this standoff requires survivor-centred regimes of documentation, mandate expansions that address forced pregnancy as an autonomous genocidal act, and procedural changes at the ICJ and ICC allowing for evidence collection in refugee environments. Without such a change, the reproductive aspects of the Rohingya genocide would be lost to the very silence Myanmar has gone to such great lengths to build.

8.5 TOWARDS LEGAL RECOGNITION AND REPRODUCTIVE JUSTICE

International criminal law has traditionally acknowledged genocidal intent in the systematic extermination of a group protected by international law, but only recently has it begun to treat reproductive violence on the same footing as constitutive of the crime. The law of the International Criminal Tribunals for the former Yugoslavia and Rwanda determined that systematic sexual violence could constitute genocide where it is used with the intent to eradicate the "biological and social reproduction" of a group, such as in Akayesu (ICTR, 1998) and Kunarac (ICTY, 2001). Subsequent

decisions like the ICTR's Bagosora ruling (2008), the Jean-Paul Akayesu reparations order (Nharaunda-Makawa & Kurebwa, 2021), and European Court of Human Rights and Inter-American Court jurisprudence have increasingly raised the standards of evidence for establishing forced impregnation as pertinent to genocidal intent. As such, these actions serve to physically violate women's bodies while systematically depriving them of their reproductive capacity as a means to eliminate the group identity over multiple generations. Building upon this premise, the ICC Office of the Prosecutor's 2022 revised Policy on Gender-Based Crimes identified "reproductive violence" (including forced pregnancy, sabotaging birth control, and forcing birth registration) as a distinct analytical category.

Given these changes now exist as a comparative doctrine to evaluate Myanmar's use of forced pregnancy as a principal element of the Rohingya genocide rather than merely a subsidiary element thereto, those children born from said campaign remain vulnerable. There are potential avenues to remedy this via international law. Article 7 of the CRC recognises every child's right to a name and nationality; both the 1954 and 1961 Statelessness Conventions establish obligations for states to avoid statelessness and reduce it; and CEDAW General Recommendation No. 30 (2013) obliges countries to address conflict-related gender-based violence, specifically the reproductive impacts thereof. All three treaties lack the compulsory jurisdiction mechanism available with the ICC/ICJ. Both Myanmar and Bangladesh have declined to collaborate on any of these matters. UNHCR's 2024 Myanmar Annual Results Report reported there were 28,000 + Rohingya children born in Cox's Bazaar with no birth certificate or status as lawful residents, further exemplifying the breakdown of treaty obligations when states do not agree to enforce them. UNHCR the disparity between strong norms and weak implementation demonstrates the need to embed the rights of stateless children into real accountability mechanisms by expanding jurisdiction over existing tribunals or establishing new *sui generis* claim processes funded through international trust funds. One concrete way the Rome Statute reform can occur. At the 23rd Assembly of States Parties (ASP) held in The Hague during December 2024, Sierra Leone proposed an amendment to articles 7 & 8 that will make "forced reproductive control" a war crime and crime against humanity and will allow for forced pregnancy's genocidal aspects and will criminalise the destruction of birth records as an inchoate offence.

Although still subject to negotiation, the draft enjoys support from a transnational coalition of states organised by Argentina, Canada, and the Netherlands and is supported by non-governmental organisations involved in global justice, such as the Global Justice Centre and the Gender + Justice Project. The latter argues that the current Elements of Crimes fail to cover contraceptive sabotage and systematic denial of access to abortion services. Similar momentum exists in practice. On November 19, 2024, the ICC prosecutor asked for an arrest warrant for Commander-in-Chief Min Aung Hlaing, citing forced displacement and persecution, but stated that “additional evidence of reproductive crimes could lead to additional charges.” Should the ASP ratify the amendment, future arrest warrants would contain the possibility to prosecute forced pregnancy based on principle alone, thereby closing the doctrinal gap that currently precludes atrocity committed through reproductive force.

The Court could, at the merits stage, interpret Article II(d) “measures intended to prevent births in the group” to encompass forced impregnation and simultaneous denial of abortion services.

To make such a decision possible, intervening states could file amicus briefs outlining comparative jurisprudence from Bosnia, Rwanda, and the Inter-American Court of Human Rights’ Yean and Bosico case, which connected birth-registration denial with structural discrimination. Procedurally, the ICJ would be able to require Myanmar to provide obstetric and civil-registry records, akin to its 2006 directive in the matter of *Bosnia v. Serbia* for mass grave bookkeeping. These top-down reforms should be complemented with feminist, survivor-led models of justice. First, documentation procedures would be changed from trauma-extraction to rights-co-production, mobilising Rohingya midwives, paralegals, and grassroots community-based organisations to collect affidavits and medical testimony. The Argentinian universal-jurisdiction inquiry, whose March 2025 arrest warrants are heavily dependent on NGO-curated evidence through encrypted portals, is proof that such decentralised architectures are possible.

Second, reparations schemes need to acknowledge caretaking work and psychosocial damage suffered by mothers of camp-born children in social stigmatisation. Rwanda’s 2023 pilot genocidal rape survivors’ reparations programme, comprising educational scholarships to their children and community dialogue circles, is a working model. Third, legal aid schemes need to include statelessness advocacy within gender-based

violence counselling, such that birth registration campaigns, DNA testing, and nationality petitions progress in parallel with trauma counselling.

Intersectionality has to inform this agenda. The Rohingya example reminds us that gender cannot be separated from ethnicity, religion, migration status, or disability. Policies that fail to account for these intersecting determinants risk creating new hierarchies: Bangladesh's recent pilot to issue digital IDs to "Myanmar nationals" in camps, for instance, employs male household heads as first registrants, excluding single-mother rape survivors and their children from entitlements. Feminist futures for the law thus call for iterative, reflexive design that prioritises the expertise of the most impacted. The 2025 Human Rights Council resolution 59/L.21, calling on member states to "ensure the full participation of women and girls in transitional-justice processes," is in this direction but is non-binding (UN Human Rights Council, 2025). Lastly, reproductive-justice frameworks encourage a shift in remedy away from simple compensation to structural change.

This involves integrating sexual-and-reproductive-health services, such as access to safe abortion, into cease-fire agreements and refugee-response plans as non-negotiable commitments under Common Article 3 and Additional Protocol I of the Geneva Conventions. It also entails applying universal jurisdiction, as in the 2025 Buenos Aires indictments of Myanmar generals, to target mid-level culprits who master-minded contraception sabotage and birth-certificate destruction. The ICC's recent warrant for Taliban leaders over gender apartheid, welcomed by campaigners as a "watershed for women's rights," highlights an international shift towards recognising gender-based repression as a threat to international peace. Positioning Rohingya reproductive atrocities within this developing jurisprudence would not only encourage accountability but also set the standard that attacks against a group's reproductive capacity are attacks on the group itself.

In short, reproductive justice for the Rohingya demands doctrinal innovation, institutional courage, and feminist praxis. By placing reproductive violence centre stage as a key pillar of genocidal strategy, deploying existing human-rights agreements to safeguard stateless children, reconfiguring the Rome Statute and ICJ processes, and situating survivor agency at its core, the international legal order can transition from delayed understanding to efficacious response.

Another aspect that reinforces this legal architecture is the realisation that obstructing evidence and defiance of civil documentation are

mechanisms of genocide denial as opposed to post hoc lapses of enforcement. In its provisional measures order in *The Gambia versus Myanmar* (2020), the International Court of Justice (ICJ) clearly obliged Myanmar to maintain evidence concerning the acts which amount to the crimes subject to the prohibitive measures of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide. Later accounts of village bulldozing, denial of forensic access, and deletion of medical and birth records indicate that evidentiary destruction operates to preclude responsibility for reproductive crimes as they occur. Later accounts of village bulldozing, denial of forensic access, and deletion of medical and birth records indicate that evidentiary destruction operates to preclude responsibility for reproductive crimes as they occur. Similarly, the International Criminal Court (ICC) Office of the Prosecutor has established that continuing interference and repression of documentation is pertinent to evaluating criminal intent and ongoing injury, especially in areas where such conduct reinforces the statelessness of children born of sexual violence. These practices, together with the Convention on the Rights of the Child (CRC), the Convention Relating to the Status of Stateless Persons (1954), and the Convention on the Reduction of Statelessness (1961), demonstrate a spectrum where denial of nationality and birth registration is a continuation of the genocidal violence through administrative forms. Legal invisibility, in this context, is not incidental, but a constituent component of reproductive atrocity, which makes genocide not an act of mass violence but a long-term condition enabled by legal frameworks, bureaucracies, and denial.

8.6 CONCLUSION

It contends that forced reproduction is not merely an incidental by-product of the Rohingya genocide, but rather it is one of its fundamental operational logics. Through the history of how sexual violence and forced pregnancy, forced abortion denial, medical evidence destruction, and prevention of birth registration all work in concert, the analysis shows that the genocidal project of Myanmar has not ended at the point of physical violence but rather culminates in the attempts at the preclusion of the reproductive futures of Rohingya using deliberate reductions of both sexual violence and the lack of access to abortion services. Genocide as such is not just done by killing, displacement, or expulsion, but by

the juridical and administrative creation of absence. Based on postcolonial feminist theory, intersectionality, and social death, the chapter has demonstrated how in the body of Rohingya women, sovereign power, racialized demography, and gendered domination are being negotiated. Spivak and Mohanty shed light on the epistemic silence that makes reproductive atrocity unviable even in mainstream law, and the theory of social death by Patterson serves to articulate the long-term effects on children born of genocidal rape, whose exclusion from nationality, documentation, and citizenship status is a continuation of the genocide against children. Crenshaw's intersectionality further clarifies how gender, religion, ethnicity, and statelessness intersect to compound vulnerability and frustrate access to justice. Furthermore, by foregrounding genocide denial as an active process that erases ongoing reproductive harm through evidentiary obstruction and legal invisibility, the chapter advances existing genocide scholarship beyond event-based analyses. It advocates that international courts and policymakers acknowledge forced pregnancy, denial of reproductive care, and impediment of civil registration as some of the pillars of evidence of genocidal intent. Additionally, to hold meaningful accountability, survivor-centred legal interpretation and reparative practices that restore recognition, identity, and futurity to those whom genocide seeks not only to destroy, but to erase are of utmost importance.

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How Material Genocide Denial in the Aftermath of 2017 Perpetuated the Conditions for the Current Rohingya Genocide

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9.1 INTRODUCTION

Soon after the start of the attacks on Rohingya in Rakhine State, Myanmar in August 2017, the UN labeled the events as “a textbook case of ethnic cleansing,” and within weeks the term genocide was widely used to describe the events where thousands were killed and over 700,000 Rohingya were forced to flee across the border to Bangladesh.¹

¹ Though it took until March of 2022 for the United States to declare the actions of 2017 as a genocide (Washington Post, [2022](#))

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It is almost impossible to deny that there was a genocide of the Rohingya in 2017. Dozens of scholars (for example Dussich, 2018) and commentators and NGOs have declared it a genocide and named the Burmese military (the Tatmadaw) and local Buddhist militias as the perpetrators. The evidence is overwhelming. Videos and photos of the massacres are available as are satellite images showing dozens of villages were burned. Personal testimonies from survivors and some perpetrators have been collected. The international fact finding mission for Myanmar in their 2019 additional report to the UN General Assembly welcomed a case against Myanmar that would show “perpetration by Myanmar of genocide and the State’s failure to prevent and punish genocide” (UN Human Right Council, 2019, para. 108). In their 2018 report they concluded “there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State” (para. 87). They based this conclusion on finding that the Tatmadaw engaged in four of the five prohibited acts under the Genocide Convention “(a) killing; (b) causing serious bodily or mental harm; (c) inflicting conditions of life calculated to bring about the physical destruction of the group in whole or in part; and (d) imposing measures intending to prevent births.” The fact finding mission also found sufficient evidence that there was genocidal intent, that is the intent of these actions was to destroy the Rohingya in whole or in part. These findings are echoed in the 2026 ICJ hearings as well as reports of UN Special Rapporteurs, Human Rights Watch, Fortify Rights, Amnesty International, and others (for example Lee, 2018).

The main source of denial, not surprisingly, has been the Burmese government. For instance, in 2019 State Counsellor Aung San Suu Kyi, the 1991 Nobel Peace Prize laureate, addressed the International Court of Justice (ICJ) and defended the military’s actions in Rakhine State. She first recognized the suffering of the people of Rakhine, especially those that had to flee to Bangladesh. Then, she justified the “clearance operations” in Rakhine as part of military actions in response to the attacks by the Rohingya armed group Arakan Rohingya Salvation Army (ARSA) in August 2017. She admitted that there may have been “disproportionate force” used by the military and it is possible that “they did not distinguish clearly enough between ARSA fighters and civilians” (Al Jazeera, 2019). These allegedly isolated incidents, she claimed, were subject to

ongoing investigations and trials of the perpetrators in Burmese military courts. She assured the ICJ that “there will be no tolerance of human rights violations in the Rakhine, or elsewhere in Myanmar” (Al Jazeera, 2019). As she summarized, “We are, however, dealing with an internal armed conflict, started by coordinated and comprehensive attacks by the Arakan Rohingya Salvation Army, to which Myanmar’s Defence Services responded.” Notably, Aung San Suu Kyi did not use the word “Rohingya” in her remarks outside of the reference to ARSA thus continuing their attempted erasure (Becker, 2019). The ICJ in its order granting provisional measures rejected her claims and warned that “there is a real and imminent risk of irreparable prejudice to the rights” of the Rohingya (para. 75).

Despite the 2017 atrocities being widely labeled a genocide, we hold that there have been two inter-related genocide denials. The first is what we will label material genocide denial of the 2017 massacres, that is an inadequate material response to the knowledge that a genocide occurred in Rakhine State. The second genocide denial is that the world community, for the most part, has denied that a genocide is currently happening in Rakhine State and that it started, at minimum, in 2024, but more likely is a continuation of the 2017 genocide (BROUK, 2025a). These two genocides are intimately connected. The material genocide denial to the 2017 atrocities was a direct cause of the 2024–2025 genocide. This is a stark example where genocide denial breeds the next genocide. As Stanton has written in his famous stages of genocide, denial “is among the surest indicators of further genocidal massacres” (Stanton, 1998). Since the global community turned a blind eye to the situation in Rakhine, the conditions were in place for the 2024–2025 genocide. The global community violated its duty to prevent genocide.

Below we will explore how these genocides were interconnected, why they have been denied, and what can be done differently now. In our discussion, we make several additions to the academic literature. We introduce the concept of material genocide denial where the occurrence of genocide is not denied but the material response to it is inadequate. In the Rohingya case, this material genocide denial stems in significant part from what we call “righteous ignorance.” Since many international institutions, NGOs, States, and humanitarian workers were working hard to do the right thing for Rohingya refugees in Bangladesh, they would be more susceptible to turning away in good conscience from what was happening in Rakhine State. Our discussion also sheds additional light on

what a material genocide response should be. We agree with many jurists and scholars that retributive justice is not enough to address a genocide, but that restorative, reparative, and social justice are needed (Gahima, 2024). In addition, the root causes of the genocide must be addressed. We go further and argue that the Rohingya need to be empowered so they can stand up for their own rights in Bangladesh *and* Myanmar. In order to prevent further genocides in Myanmar or elsewhere in the world, the global community must listen to the victims and give them hope for a future where they are free from persecution and their human rights are respected.

9.2 GENOCIDE DENIAL: INTRODUCING MATERIAL DENIAL OF THE 2017 GENOCIDE

Sociologist Stanley Cohen in his now classic book *States of Denial: Knowing about Atrocities and Suffering* explores the disconnect between knowing and acting when facing human rights abuses. Some, like Aung San Suu Kyi, will intentionally or consciously deny a fact and thus believe they do not need to take action. While others will turn away unconsciously in order to not face unpleasant facts. One scholar of climate change denial described this process: “people actually work to avoid acknowledging disturbing information in order to avoid emotions of fear, guilt, and helplessness.... As a result of this kind of denial, people describe a sense of ‘knowing and not knowing’ about climate change, of having information but not thinking about it in their everyday lives” (Norgaard, 2011, 400).

To make sense of this simultaneous “knowing and not knowing” Cohen describes three interconnected types of denial. First, “literal denial” is a denial of the facts that happened. Holocaust deniers are often in literal denial where they argue that the death camps were really labor camps or that forced deportations were not part of a meticulously planned extermination. This type of denial is commonplace in legal forums where the defense argues that no genocide happened or they were not involved in it. The second type of denial is “interpretive denial” where the facts are generally accepted, but their interpretation is questioned. Often, those defending genocide like Aung San Suu Kyi will justify the actions as part of a military campaign. For instance, soon after the Rwandan genocide where Hutus massacred Tutsis in 1994 some argued that the atrocities were reversed. The argued that the vast majority of the deaths were of

Hutus who were fighting off an invasion by the Tutsi-led Rwandan Patriotic Front (Cf. Herman, 2010). Third, “implicatory denial” is to deny the consequences that arise from knowledge of the atrocities such as labeling something a genocide. The Clinton Administration in 1994 attempted implicatory denial by labeling the events in Rwanda as genocidal acts but not a genocide. In this way, they were not bound by international and US law to intervene. Implicatory denial is made up of “justifications, rationalizations, [and] evasions” (Cohen, 2001, 9). These are defense mechanisms that lead us to turn away from unpleasantness and avoid “doing the ‘right’ thing with this knowledge” (Cohen, 2001, 9).

We want to introduce a subtype of implicatory denial, what we will call “material genocide denial.” For Cohen, implicatory denial was often a psychological phenomenon where we ignore the “psychological, political or moral implications that conventionally follows” knowledge of atrocities (Cf. Seu, 2012). The failure to act can be quite banal and widespread despite the facts being extraordinary. “The facts of children starving to death in Somalia, mass rape of women in Bosnia, a massacre in East Timor, homeless people in our streets are recognized, but are not seen as psychologically disturbing or as carrying a moral imperative to act” (Cohen, 2001, 8). But material genocide denial, as a subtype of implicatory denial, is when the genocide is accepted and some action is taken, but the material response is inadequate. Material genocide denial often involves acting in ways as if a genocide did not happen.

We will argue below that the global community was well aware of the 2017 genocide but, in many ways, did not act as if a genocide happened. This failure was in two respects: first, precious little was done to address the precarity of the Rohingya remaining in Rakhine State and not enough was done to address the root causes of the genocide.

It may seem odd, in the Rohingya context, to say that the global community is in genocide denial or that they did not do enough. The Rohingya genocide of 2017 triggered an unprecedented response. Those that fled were welcomed by the vast majority of Bangladeshi people and the Bangladeshi government and in short order, the world’s largest refugee camps with housing, food, water, and sanitation were established in the Kutupalong-Balukhali area in the Cox’s Bazar district of southeast Bangladesh. This massive undertaking was coordinated and governed by a tapestry of Bangladeshi agencies along with dozens of NGOs and several United Nations organizations, such as UNHCR, IOM, UNHABITAT, and UN WFP. These interventions were mostly

emergency responses to provide immediate support to the thousands of displaced Rohingya from Myanmar. Providing these supports came with some major costs for the Government of Bangladesh, and particularly for the local citizens. Employment became scarce, living expenses skyrocketed, and people were struggling to maintain their basic livelihoods in the presence of this unprecedented population influx. Over time, this competition for available resources and opportunities grew and fueled animosity between Rohingya and neighboring Bengali communities. To address these growing societal tensions and associated challenges, the World Bank and others put in place development and reconciliation programs for both Rohingya and local host Bengali communities.

However, this material response to genocide was incomplete. The focus of the response has been almost solely on the refugee camps and not on the site of the genocide in Myanmar, which meant that the underlying precarity of the Rohingya remaining in Rakhine State was not addressed. This inattention led to the current genocide. Thus, the global community failed in its responsibility to prevent the current (post-2017) genocide; to make this argument, we will first connect it to the failure to prevent which is enshrined in the Genocide Convention and then refer to common practices in the aftermath of genocide.

9.3 STATE OBLIGATIONS IN THE EVENT OF A GENOCIDE

Article 1 of the Genocide Convention of 1948, ratified by 153 states including Myanmar in 1956, lays out three main responsibilities. It reads: “the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.” As a crime, states must refrain from committing genocide and they must work to prevent genocides from occurring and to punish those who commit genocide (Cf. UN Fact Sheet).²

In 2019, The Gambia along with the Organization of Islamic Cooperation (OIC) filed a case in the International Court of Justice against Myanmar for the crime of genocide perpetrated against the Rohingya under the Genocide Convention. Article 9 of the Convention allows

² The other obligations in the Convention fall under the provision to punish, these include providing “effective penalties” for those guilty of genocide, trying “persons charged with genocide” and granting extradition of genocidaires.

member states to refer a case to the ICJ including on areas of interpretation. The Gambia's submission called for an interpretation that Myanmar had committed genocide, and that provisional measures be granted because the Rohingya in Myanmar were facing "ongoing, severe and irreparable harm" (para. 113). The merits of the case deals with past events while the request for provisional measures deals with present and future events.

The merits of the case have still not been decided. However, in 2020 the ICJ unanimously ordered provisional measures against Myanmar. The Court took note of the report of the Fact Finding Mission on Myanmar which "conclude[d] on reasonable grounds that the Rohingya people remain at serious risk of genocide under the terms of the Genocide Convention" (Para. 72). The Court ordered Myanmar to refrain from committing acts against the Rohingya as outlined in the Genocide Convention and to ensure that its military and other armed groups "do not commit acts of genocide, or of conspiracy to commit genocide, of direct and public incitement to commit genocide, of attempt to commit genocide, or of complicity in genocide" (para. 80).

From 12 January to 29 January 2026, the ICJ held its landmark hearings on the merits of the Rohingya genocide case against Myanmar at The Hague. The Gambian team presented detailed evidence of how the military committed violence with genocidal intent. The ICJ is most likely expected to rule Myanmar guilty of genocide. However, the mere victory of The Gambia against Myanmar will not ensure justice for the Rohingya. The crisis will end only when the Rohingya can go back through a voluntary repatriation with the assurances of their citizenship rights.

A pronouncement of genocide usually triggers a series of customary responses from the international community, such as an emergency humanitarian response to help the victims, centralized and decentralized memorialization, truth and reconciliation commissions, legal redress, and peacebuilding activities to build trust between the victims and the perpetrators. These are not explicitly stated or even alluded to in the Genocide Convention, nor are they legally binding, but they are standard practices.

To understand the incompleteness of the genocide response consider the various types of justice that are discussed under the rubric of transitional justice. These include *inter alia* retributive justice, reparative justice, restorative justice, and social justice (see Procter-Legg et al., 2024). Retributive justice, the prosecution of those responsible, which has been the focus of many global responses to genocide has been shown

to not be enough to create justice. Former Rwandan Prosecutor General Gerald Gahima (2024) in his reflections on the aftermath of the Rwandan genocide of 1994 wrote “my work with survivors left me with an acute sense of the inadequacy of legal responses to mass atrocity” (116). Legal responses do little to prevent genocide (Diamond & Packer, 2024) and do not provide reparative, restorative, or social justice. “The law often appears to be limited when viewed from the perspective of the expansive social-political expectations of what is needed in societies emerging from mass atrocity” (Morrow & Inglis, 2024, 5).

The Gambia’s request for reparations in the merits part of their application to the ICJ begins to address restorative and social justice. The Gambia asked that Myanmar be required to provide reparations and other measures that would include, among other things, “allowing the safe and dignified return of forcibly displaced Rohingya and respect for their full citizenship and human rights and protection against discrimination, persecution, and other related acts, consistent with the obligation to prevent genocide.”

This request goes beyond retributive justice to address reparative, restorative, and social justice. The conditions in Rakhine must be made safe for the Rohingya including those seeking a “safe and dignified return” from Bangladesh. After all, “what communities threatened by mass atrocity really need most is protection, not justice after the harm is done” (Gahima, 2024, 118). In addition, their civil and human rights must be protected, and they must be protected from discrimination and persecution. The conditions must be established so that another genocide does not happen. To do this, the root causes of the genocide must be addressed. These obviously overlap. For instance, the elimination of citizenship for the Rohingya under the 1982 Citizenship Law not only was a denial of their human rights, but it was also one of the factors leading to the genocide.

In this context, it becomes clear how little the international community’s response addressed justice for the Rohingya. Legal redress has been stalled in international forums. Very little has been done in the way of protection in Rakhine, and almost nothing has been done to address the “expansive social-political expectations” of the Rohingya. For instance, there is almost no talk about reparations for people who lost their loved ones, their property, and their livelihoods. And there is little hope to restore the human rights of the Rohingya in Rakhine.

Most significantly, there was almost no intervention in the communities where the genocide took place including no discussion of peace-building forces of any kind.³ There have been no social cohesion activities enacted in Rakhine State between the perpetrators (made up of local militias, who are mostly Buddhist “Arakanese” and government troops, known as the “Tatmadaw”) and the Rohingya. Military personnel and militia members have received no training on human rights or humanitarian law. Few efforts were made to memorialize what happened in 2017, especially in Myanmar.

The fundamental groundwork for a safe and dignified return has not been established as there is precious little knowledge of the condition of the Rohingya in Rakhine, few authoritative reports, including no census of IDP camps or firsthand accounts. The global community knows little about the situation on the ground in Rakhine State and thus has not had serious discussion of what a return would look like.

The Secretary General of the United Nations, António Guterres, and former Chief Advisor of the Interim Government of Bangladesh, Dr Muhammad Yunus visited Cox’s Bazar Rohingya Refugee Camp on March 14, 2025, during the month of Ramadan. While addressing a rally of about 100,000 Rohingya refugees, Yunus expressed his hope for the Rohingya that they would pray next Eid in Arakan. That Eid has already passed with the Rohingya still languishing in the makeshift camps in Bangladesh. This is an example of how global leaders give hope to the Rohingya or knowingly give a false hope. It is senseless to talk about return to Rakhine at a time when another genocide is ongoing across the border in Myanmar. That violence against the Rohingya in Rakhine State must stop before providing hope of a safe and dignified return of the Rohingya currently in Bangladesh.

The global community never seriously considered extensive responses in Rakhine state. This is in large part due to Rakhine being a relatively closed state in the relatively closed nation of Myanmar. In addition, the State has been a site of conflict for a significant part of the past ten years. However, the international community never pushed vigorously to have access to Rakhine. The 2017 genocide happened during the democratization movement between 2012 and 2021 when the Burmese government

³ Although recently discussion has increased about a humanitarian corridor from Bangladesh into Rakhine which would presumably include multinational peacekeeping forces.

was open to international engagement. Aung San Suu Kyi in her address to the ICJ, if she was to be believed, seemed open to social justice measures in Rakhine as she outlined several steps supposedly being taken by her government. These included “citizenship verification” for everyone in Rakhine, access to classes at universities for “Muslim youth”, pursuing funds for scholarships, and “a social cohesion model project in Maungdaw township, to promote social harmony among all communities.” At that point the international community could have been more creative in liaising with the Burmese government, to gain access to Rakhine especially as the conflict in Rakhine was at an ebb.

In addition, the humanitarian response in Bangladesh has been incomplete. Since the Rohingya have been sheltered in Cox’s Bazar, the world’s focus has just been fixed on Cox’s Bazar and they have been trapped in the very system of humanitarianism. The lead author of this chapter who lives in the Bangladeshi camps poignantly writes:

With those who fled during earlier influxes, there are now one million-plus Rohingya sheltered in Cox’s Bazar and as well as on Bhasan Char, a remote island located in the Bay of Bengal. They are entirely dependent on humanitarian aid, and provided with \$12 of food individually per month. For this very 12\$, they are systematically, strategically and indirectly encouraged to compromise their freedom of expression, their future and everything they are rightfully entitled to. They have been stranded in a geopolitical limbo, forsaken and forgotten by the world, trapped in a political dilemma in exile. They are fed up with the aftermath of war and genocide. They remain resilient while their lives are on a knife edge and holding onto vague hope. The perpetrators enjoy full impunity with zero accountability. They are metaphorically burned alive entangled by the certainty of uncertainty. They hold on to an uncertain hope while grieving the past and a bleak future.”

The root causes of the Rohingya genocide have not been addressed and the conditions in both Myanmar and Bangladesh perpetuate many of the conditions that led to genocide. The Rohingya in both countries remain stateless. Those in Bangladesh are not even officially refugees as the Bangladeshi government labels them as “Forcibly Displaced Myanmar Nationals” (FDMN). In both countries, they remain without most civil and political rights. In Bangladesh, their movement is limited as the camps are now surrounded by barbed wire. Similarly, in Myanmar they are prevented from traveling because of checkpoints and lack of papers

due to their lack of citizenship cards. In most cases, they cannot hold a job, and access to education is limited. Thus, the Rohingya continue to have very low literacy rates and live in abject poverty.

In Rakhine, the dehumanization of the Rohingya continues through rampant propaganda. The Myanmar government continues to avoid using the term Rohingya and instead labels the people as Bengali, as in “from Bangladesh.” The Rohingya in Myanmar mostly live in IDP camps or ghettos within Sittwe or large townships. They have little access to education and no access to higher education.

The geopolitical causes of the genocide remain as China and India continue to see Rakhine as a critical link in their economic and strategic plans. Therefore, the Security Council has been relatively silent on the Rohingya issue save a December 2022 resolution on Myanmar that passed unanimously but with abstentions by India, China, and Russia.

While the global community has done so much, though not enough (Rohingya Humanitarian Crisis, 2024), to help the Rohingya refugees, in many other ways they have not acted as if a genocide occurred in 2017 and after. This is a prime example of material genocide denial. Without an adequate response especially in Rakhine, it was not a matter of whether another genocide would happen, but when.

9.4 THE ONGOING GENOCIDE IN RAKHINE AGAINST THE ROHINGYA

It is heartbreaking to learn that the Rohingya who stayed in Arakan undergo continuous human rights violations. The genocide has never ended because it has never been prevented. The Rohingya are merely provided with food and the perpetrators are simply let to enjoy impunity.

– Sirajul Islam

The genocide in August 2017 was not abruptly committed against the Rohingya by the Myanmar military. It was a long, strategic process. As Sirajul Islam writes, “we must understand that genocide doesn’t happen within a short period of time, or without notice and it doesn’t end after happening once. No genocide erupts as a hurricane and it offers enough time to the world for prevention.”

The violence against the Rohingya dates back to their mostly siding with the British during World War II while most Arakan Buddhists sided

with Japan. Brutal fighting and massacres between the two groups especially in 1942 led to lasting animosity. After the War, the Rohingya expected that their loyalty to the British would be rewarded with greater autonomy, but this was blunted by the majority Arakanese who labeled them as British sympathizers and claimed they were not indigenous to the region. Many Rohingya were denied citizenship with a 1948 law and many more lost their citizenship status after the 1962 military coup led by General Ne Win. Without citizenship cards their rights eroded as they lost access to education and jobs. The 1982 Citizenship Law took citizenship away from all Rohingya thus they became a stateless population in their own country. Since then, the Rohingya have faced waves of violence and forced deportation. In 1978, the military attacked Rohingya in Rakhine State forcing 200,000 to flee to Bangladesh. After that, many Rohingya were forced to give up their land and became internally displaced. Attacks and mass expulsions increased in 1991 and 1992 as well as in 2012. Already in 2015, two years before the 2017 genocide, an authoritative report argued that Myanmar's treatment of the Rohingya amounted to violations of the Genocide Convention (Allard K. Lowenstein International Human Rights Clinic, 2015).

Despite warnings that a genocide was happening, the global community, particularly the United Nations, failed to take significant action. In October 2016, the Tatmadaw commenced clearance operations against the Rohingya that ended in Spring 2017. And then in August 2017 what is generally known as the Rohingya genocide began. The genocide did not end in 2017 or 2018. The UN Fact Finding Mission in its 2019 report found "there is a serious risk that genocidal actions may occur or recur, and that Myanmar is failing in its obligation to prevent genocide, to investigate genocide and to enact effective legislation criminalizing and punishing genocide" (UN Human Rights Council, 2019, para. 58).

In their request for provisional measures from the ICJ The Gambia asked that the government be ordered to not undertake a litany of actions against the Rohingya. Unfortunately, the Rohingya have been subject to all of them since 2017 especially during 2024 and 2025. These included, "extrajudicial killing or physical abuse; rape or other forms of sexual violence; burning of homes or villages; destruction of lands and livestock, deprivation of food and other necessities of life, or any other deliberate infliction of conditions of life calculated to bring about the physical destruction of the Rohingya group in whole or in part" (para. 132b). The horrific attacks on Rohingya in the past couple of years

have included being used as human shields, forced conscriptions, sexual assaults, massacres, destruction of villages, torture, beheadings and other extrajudicial executions, and more. The killings and other atrocities have happened throughout northern and central Rakhine state, in IDP camps, detention centers, townships and villages, and urban areas.

The difference now is that the perpetrators have shifted in large part from the Burmese military with the assistance of local militias to the Arakan Army (AA) possibly supported by local militias. The AA is a large-scale rebel force that was founded in Laiza, Kachin State in 2009 and has troops stationed throughout northern Myanmar. It is part of the Three Brotherhood Alliance⁴ which in 2023 launched successful attacks against the Tatmadaw in several parts of the country. The AA is also more or less loosely connected to the National Unity Government, the shadow government formed from Aung San Suu Kyi's political party. The NUG has expressed support for Rohingya citizenship, but the AA has been blamed for most of the atrocities committed against the Rohingya in the past two years. The Tatmadaw has also continued to target the Rohingya so that the two most powerful forces in Myanmar are both attacking the same civilian population.

The AA initially joined the fighting against the Tatmadaw in Rakhine with sporadic fighting continuing for several years. In spring 2024, the AA launched a systematic offensive in Rakhine taking control of military bases and townships. By the end of 2024 they controlled most of northern Rakhine and by Spring 2025 they controlled 14 of 17 townships in the state. Shockingly, the AA has turned out to be no less oppressive than the military regime, applying the same tools the military used to carry out the 2017 genocide. It should be noted that Rakhine Buddhists have also been caught up in the crossfire and have suffered large numbers of casualties, but they have not been targeted the way the Rohingya have.

The atrocities against the Rohingya have been punctuated by two major massacres. In early May 2024, the fighting between the AA and the Tatmadaw centered in northwestern Rakhine in Buthidaung Township, not more than 30 miles from the Bangladesh border and the Rohingya refugee camps. Thousands of Rohingya living nearby relocated to the village of Htan Shauk Khan ("Hoyya Siri" in Rohingya) hoping to receive some protection from a local military base. But the AA quickly occupied

⁴ The Three Brotherhood Alliance originally welcomed the legal cases on genocide against the military for the actions in 2017 (Kyaw 2019).

the village and rounded up the Rohingya. Details of what follows were not well known for months, but in September 2025 the Kaladan Press Network released a gruesome detailed report based upon the testimonies of 19 survivors. The report shows that on May 2, 2024, “hundreds of Rohingya civilians were massacred by AA troops with direct orders from their superiors. Evidence also shows that AA troops have carried out systematic sexual violence against Rohingya women and girls” (Kaladan Press Network, 2025, 11). The AA also captured at least 12 young women who were kept in a nearby base as sex slaves. The AA claimed that the dozens of bodies in the village were Tatmadaw troops killed in battle, but the eyewitness testimonies provide great detail about the AA’s role in the massacre.

Then on August 5 and 6, 2024, another massacre happened along the Naf River near Maungdaw. Thousands of Rohingya gathered to flee nearby fighting and to try to cross into Bangladesh. The Arakan Army shelled the Rohingya and then shot those that tried to escape. One survivor reports, “there were 10,000 to 12,000 people on the riverbank at that time. Many died there. From the place where we were hiding, we could see dead bodies everywhere” (UNHCHR, 2025, 8). The AA even hit the crowded boats on the Naf River with artillery shells and drone attacks. “One survivor stated that the boat in which they had been travelling towards Bangladesh had come under drone attack. Forty-six civilians, including three children, had been killed” (UNHCHR, 2025, 8). In two days, hundreds were killed. The AA denied involvement, but another survivor reported that the AA “have been attacking us for weeks. They don’t want to leave any Muslim alive” (Limaye, 2024, Cf. Fortify Rights, 2024).

The systematic attacks on the Rohingya as well as further deterioration of civil, political, and economic rights have led to the displacement of 350,000 people in Rakhine State with over 150,000 Rohingya fleeing to Bangladesh since early 2024.

The military and the AA have violated the provisional measures ordered by the ICJ. They have engaged in acts prohibited by the Genocide Convention with the intent to destroy the Rohingya in whole or in part.

9.5 GENOCIDE DENIAL II: 2024 TO PRESENT

So far, most international actors have refrained from labeling the actions of the past couple of years as genocide. NGOs such as Amnesty International, and Human Rights Watch, that quickly labeled the 2017 actions as a genocide have so far not labeled the recent acts as such. They have all issued reports that call attention to different parts of the atrocities. Fortify Rights (2024) labeled the actions of the AA as war crimes and urged the ICC's Chief Prosecutor to expand its ongoing investigation into the broader Rohingya crisis to include crimes committed by the AA. "If the Arakan Army wants to be seen as a legitimate revolutionary force, it must abide by international law ... Torture, beheadings, and mass displacement are war crimes—not acts of liberation." Human Rights Watch in its August 2024 report detailed atrocities by both the AA and the junta forces, which they said could amount to "ethnic cleansing." "Both sides are using hate speech, attacks on civilians, and massive arson to drive people from their homes and villages, raising the specter of ethnic cleansing" (Human Rights Watch, 2024⁵). Their report showed that "more than 40 villages and hamlets in Buthidaung township were partially or completely destroyed by fire from April 24 to May 21." The recent OHCHR reports of August and September 2025 detail many of the attacks including the massacres described above, but fail to use the term genocide. The IIMM in its 2025 annual report discussed the fighting between the AA and the Tatmadaw and noted they were "investigating reports of killings, torture, rape and the burning of villages" especially since "the remaining Rohingya population finds itself in an especially vulnerable position, caught between the Myanmar military and the Arakan Army," but it did not mention genocide. Similarly the The UN Office on Genocide Prevention and the Responsibility to Protect (OGGRP) in a statement in July 2024 detailed massive atrocities as well as hate speech against the Rohingya but did not mention genocide.

It is telling that so many news accounts since 2017 have covered the Rohingya crisis, but almost always they are referring to the humanitarian crisis in the Bangladeshi camps and not the situation in Rakhine State. For instance, a 2019 news article by the BBC which ends with

⁵ However, a Fortify Rights (2021) report argued that increased restrictions on movement of Rohingya in Rakhine were violations of the ICJ provisional measures and met one of the prongs of the definition of genocide.

a subheaded section “What is the current situation for the Rohingya?” does not mention the almost one million Rohingya still living in Rakhine (BBC, 2019). Often if the situation in Myanmar is mentioned it is in the context that it would be ill-advised to repatriate the refugees in Bangladesh because they would continue to be oppressed.

Only a handful of outside organizations have used the term genocide to describe the recent attacks in Rakhine. Surprisingly, the Washington Post on September 13, 2024, ran an editorial titled “Never again’ is not enough to stop the genocide of Myanmar’s Rohingya”. They described atrocities by both the military and the AA and wrote, “today, the Rohingya are again suffering violent ethnic cleansing, and their situation might even be more perilous than it was seven years ago.” The editorial board called on the US and global community to take more effective action than they did in 2017, including more aid to the refugees in Bangladesh and working with allies to put pressure on the government to open aid corridors into Myanmar as well as providing satellite evidence to the ICC.

In December 2024 Genocide Watch issued an urgent report for Maungdaw Township that detailed the massacres during 2024 and compared the AA’s actions in 2024 to those of the military in 2017. “By forcibly evacuating the remaining Rohingya enclaves in Maungdaw, the AA has continued the systematic erasure of the Rohingya presence in Rakhine State.” They ominously warned that “The Rohingya community in Maungdaw stands at the brink of annihilation. Without immediate and decisive intervention, attacks by the Myanmar Army and the Arakan Army will lead to the destruction of the remaining Rohingyas in Myanmar” (Genocide Watch, 2024).

From their perspective, Rohingya NGOs, journalists, and human rights activists have had little trouble seeing this as a genocide, one that has been ongoing at least since 2017 (see Ullah, 2025 calling this a “Second Genocide”). The UK-based Rohingya NGO Burmese Rohingya Organisation UK (BROUK) which initiated the universal jurisdiction case on the Rohingya in Argentina, has recently asked the court to include crimes committed by the AA. Their 2025 report “The Genocide Never Stopped: Five Years on from the World Court’s Order to Protect the Rohingya” shows the many ways that the Myanmar military and the AA have violated the terms of the ICJ provisional measures. And in Summer 2025 they issued a report showing how the blocking of humanitarian aid and travel restrictions are contributing to mass starvation in the townships and IDP

camps in Rakhine. The Director of BROUK asked, “Will the international community, which refused to act to prevent genocide, now let starvation finish the genocide the Burmese military started (BROUK, 2025c):”

9.6 WHY GENOCIDE DENIAL?

Denial of atrocities, especially implicatory denial, is all too common. With the proliferation of social media, we are made aware of dozens of atrocities and emergencies but for most we do not act. We cannot respond to them all. We live in a web of implicatory denial. For Cohen (and Freud) denial is a common response to uncomfortable facts, and acts like a shield to protect us from overwhelming thoughts and emotions (Seu, 2015). It does not take much to get us to turn away from something uncomfortable. These defense mechanisms have been described as “simple techniques to avoid psychological or moral demands related to the events in question” (Parent, 2016).⁶

The world has turned away from the Rohingya crisis for decades and as we discussed above, the denial continues, even among those working on Rohingya issues. We will outline three main factors that lead to implicatory denial, which includes material denial, in the Rohingya situation. We introduce the term righteous ignorance to describe how humanitarians who are doing good work can turn away. Also, Myanmar is seen as a black hole where the global community often feels helpless to act, thus it is easier to focus on easier places to work. Finally, we describe the othering of the Rohingya both in the refugee camps and in Rakhine.

First, the authors have each observed righteous ignorance in Cox’s Bazar, Bangladesh. The thousands of humanitarian actors working with the Rohingya in the massive Kutupalong-Balukhali camps know very little about the internal affairs in Myanmar just a few miles away. They rarely if ever ask the refugees about their home communities, some of which are within view of high points in the camps. The proximity to their home locations and the continued fighting is a key part of the lived experience of Rohingya in the camps, but it is a “black hole” for most humanitarian workers. Why would those immersed in “the Rohingya crisis” turn away

⁶ Norgaard (2011) in discussing climate change denial argues the opposite “that ignoring a serious problem is not easy to do. Ignoring the obvious can be a lot of work” (405). Of course, a host of variables will determine whether denial is easy or not.

from nearby events profoundly affecting the very people they are working with?

We argue that this ignorance is fueled by the righteousness of working hard to respond to the plight of the Rohingya in the refugee camps.⁷ With so much to do, and so many obstacles to overcome, humanitarian organizations and workers are focused on what is right in front of them, the immediate needs of so many refugees. The Bangladeshi camps are constantly in emergency mode with food rations being cut, numerous fires, landslides, and the threat of cyclones and monsoons. We argue that denial is an easy stance to take, that one can feel justification in turning away, because they are already taking righteous action. This also applies to the larger global community. Responding to the needs of the Rohingya in Bangladesh as well as bringing cases in the ICJ and ICC provide a good conscience so that they did not need to take action to concretely respond to the Rohingya in Myanmar.

Second, there is a sense that addressing the Rohingya crisis in Myanmar is extremely difficult work. Among the “justifications, rationalizations, [and] evasions” that spur implicative denial is that this is a long-term crisis that is almost intractable. It resembles the global response to human rights violations in North Korea. There is general knowledge of what is going on and it is horrifying, but the specifics are difficult to come by, and solutions would be difficult to implement. In the face of such helplessness it is easy to turn away, especially if we are responding elsewhere. Indeed, turning away and ignoring that problem may be necessary to not be burdened with guilt. A recent study (Seu, 2012) found that when exposed to human rights abuses in remote places, people justify their turning away with the trope “in countries like that.” This essentializes the situation and the victims, and numbs us to their victimization. “The other’s suffering is not ‘their business’” (1173) ... [and] beyond the boundary of moral responsibility” (1171) (Seu). Such essentialization of Rakhine and Myanmar as intractable makes the situation seem more remote than it is and further fuels material genocide denial.

⁷ Righteous ignorance is related to but distinct from what psychologist Robert J. Lifton calls “claims to virtue”. In his landmark study of Nazi doctors (1986) he found that doctors in Auschwitz and other places justified, at least to themselves, euthanasia and medical experiments by arguing that by killing those prisoners it was saving the rest of the camp from disease. These both rely on having a good conscience, but claims to virtue are justifying a horrible overt act, while in the Rohingya example, it is a justification for turning away.

If we want to help with the Rohingya situation, there are a lot easier places than Rakhine. With the global community's focus on Gaza, Ukraine, Iran, and elsewhere, the situation in Myanmar becomes even less of a burning issue. For those aid organizations that continue to help with the civil war in Myanmar, it is easier to operate from Thailand and focus on eastern Myanmar where there is much more infrastructure and ethnic groups have been working with aid groups for decades. We also wonder how much Islamophobia is playing a part in the global response as the response to ethnic groups, mostly Christian, in eastern Myanmar has been much more robust.

There is also likely some cognitive dissonance. Once the AA was to blame, it meant that the NUG, the shadow government set up against the Junta, was implicated. And with western countries, openly or covertly, supporting the NUG against the Junta, it becomes difficult to speak out against the AA especially as the AA has been the most successful opposition military force against the Junta. Again, we do not need much of a justification to turn away, and this cognitive dissonance can be enough for us to keep silent and not act. There might also be some shame from global actors because they did little to prevent the 2017 genocide and have not yet held the perpetrators to account and another genocide has already broken out.

Finally, the Rohingya are othered by the global community. Because the Rohingya crisis has been framed as a humanitarian crisis and not a political crisis, the Rohingya are seen as humanitarian recipients and not as political actors. They are seen as helpless and not seen as someone to learn from, but someone to give to (Simmons, 2019, Chapter 7). If we are helpless to do anything, why learn about something or someone. As Seu explains, this “dehumanises the other into being faceless, distant, different and, crucially, morally beyond the pale. This process of dehumanisation militates against human rights campaigners’ attempts to re-humanise and individualise the suffering other which underpins, for example, the use of specific victims’ personal stories in order to generate the readers’ empathy towards the victim.”

All of these factors taken together

Even though Rohingya journalists and activists have been trying to call attention to the current genocide in Rakhine, they have not been listened to. Even the September 2025 UN meetings on the situation of the

Rohingya did not include any Rohingya from the refugee camps or Myanmar, though they did include some from the diaspora.

Othering (by Sirajul Islam)

I'm the agenda
of the conference
in which I'm othered
where my opinions
have no space
this doesn't anger me
but I'm right to say
anything without me
is nothing about me
absolutely nothing
but a photo session.

9.7 CONCLUSION: ROHINGYA FOR ROHINGYA RIGHTS

The Rohingya in both Myanmar and Bangladesh continue to be treated as subhuman life. As one survivor of the 2017 genocide who lost almost all of her family said, “Rohingya life is *mainshor jibon noo* (not a human life)!!” (Uddin, 2020, 177). The global genocide denial is a result of, and furthers this dehumanization. When the global community can in good conscience turn away from a genocide, who will be left to prevent the next one? Survivors must play the most vital role in advocating to hold perpetrators to account, fighting against injustices and preventing further genocide. The Rohingya cannot deny the genocide. The Rohingya in Bangladesh could never turn away from the Rohingya in Rakhine.

Sirajul Islam reminds us, If and when you call someone or a community voiceless and vulnerable, it doesn't always mean they are actually voiceless and vulnerable. It is most likely that you deliberately ignore their voices. The Rohingya are called voiceless. But are they really voiceless? No, they are called voiceless because their voices are ignored. They are called vulnerable. But are they really vulnerable? No, they are made vulnerable.

The world needs to read the writers, poets and journalists among the Rohingya community—not because they are the best at writing but because they write what is the most important and truly matters to them. They write what cannot be browsed on Google and what is ignored by

international presses. Every writer, poet, and journalist, whether veteran or amateur, deserves spaces to feature their work, the right to freedom of expression, and to platform their voices without the fear of censorship.

Why What I Write Matters (by Sirajul Islam)

because when and if
i don't write,
it's consenting
to impunity,
compliance
to dehumanization,
complacency
to the erasure
of my history,
contribution
to the annihilation
of my existence.

Anything about Rohingya without Rohingya is nothing about Rohingya. While steadfast international solidarity is required to sort out a solution to the Rohingya crisis, it is paramount to appreciate that the Rohingya play the most vital role in bringing a solution to their crisis and they must be at the forefront to lead any changes. The international community should understand that change for the Rohingya is impossible unless there is a role of the Rohingya in every attempt toward justice.

A brighter future for the Rohingya is unforeseeable unless there are concrete initiatives that empower the Rohingya, particularly young individuals. By not involving the Rohingya in political dialogues and the decision-making processes, it is hard to see a brighter future for the Rohingya.

Many international news outlets and literary presses proclaim that they work to amplify the voices of the marginalized, but do they really? The writers, poets and journalists among the Rohingya are always under surveillance and they barely have space to share their stories. The international media already have plans for what they will tell and they highlight what fit their narrative. They don't necessarily write about what matters to the Rohingya but to them. They write what they think is right in their opinions and this way the Rohingya lose their stories and risk the

erasure of their history and even existence. They paraphrase and paralyze the Rohingya's story.

The Rohingya usually appear on the news when they die but not when they struggle to survive. The international media centralize their convenience in everything they do and decentralize what truly matters to the Rohingya. Professionals should be mindful of labeling the Rohingya community voiceless. By deliberately ignoring their voices, they professionally make excuses by calling them voiceless.

While undergoing the aftermath of genocide, the Rohingya have demonstrated remarkable hope and resilience. However, it is disheartening to note that there has not been any results of their hope and resilience so far and dashed hopes "reconfirms the impression of being abandoned by the state" (Ottendörfer, 2019, 650). The Rohingya have hope for a brighter future, but it is essential that there are some results that justify belief that change is possible. But there has not been any proven initiatives taken on to develop the Rohingya providing the skills especially the education necessary to fight for changes.

Denying education to young individuals means denying their brighter future. In the quest of bringing a solution to a community, the community members must play vital roles, particularly the youth (for denial of Rohingya education see for example Carroll, 2021). So when their education is denied, their growth is denied and ultimately their role in the community is denied and hence their ideas for a solution are systematically denied. The denial of access to higher education for the Rohingya youth at national or international universities is a pressing concern which makes them a lost generation and makes the Rohingya future bleaker.⁸ Educated Rohingya will fight against dehumanization and genocide denial. As one scholar wrote, "It is survivors and heirs of genocide, not we observers, who will be the judge of what they can and do hope for" (Walker, 2017).

The Rohingya genocides show that genocide ends only when it's prevented. Genocides can be foreseen, and steps can be taken to prevent one if there is the will.

Rigged System (by Sirajul Islam)

when i'm dependent

⁸ "Having well-functioning higher education institutions is a prerequisite for socio-economic recovery, development and progress after war" (Heleta & Cochrane, 2025, 1).

on limited rations,
i'm labelled
vulnerable, needy

but when i try
to earn a living
to feed myself enough,
it's against the law

I wonder if i am really
against the law
or the law is
against me.

when i am interned
behind
the barbed-wire fences,
it's the system

but when i go
beyond the fences,
it's dissent
sometimes even a crime.

I wonder if i am really
against the system
or the system is
against me.

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Claims of the Rohingya Genocide: View from Genocide Victims

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10.1 INTRODUCTION

The Rohingya crisis has long been at the forefront of scholarly discussion. It has been intensively and extensively studied as a prominent case of ethnic cleansing, crimes against humanity, genocide, and forced displacement. Amid decades of systematic discrimination, human rights violations, ethnoreligious hatred, and never-ending persecution since the 1970s, the

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Rohingyas—often described as the world’s most persecuted minorities—were ultimately forced to flee genocide perpetrated by the Myanmar security forces in August 2017. They sought refuge in neighbouring Bangladesh to save their lives. Notably, there is an apparent dissonance in the naming and claiming of the Rohingya crisis. The UN declared the crisis a ‘textbook example of ethnic cleansing’ (Safi, 2017), while the US recognised it as a genocide (Pamuk & Lewis, 2022). Scholarly discourses mostly lean towards the claim of genocide, though some label it as ethnic cleansing or crimes against humanity. The intent and acts of genocide were evident in the ways the Rohingyas were historically dealt with and treated by the Myanmar state, both under military and democratic rule (Uddin, 2022). The 2017 incident was just the final escalation, though preventable (Khin, 2017), of this longstanding saga. It is described as ‘slow-burning genocide’ (Zarni & Cowley, 2014) and ‘hidden genocide’ (Ibrahim, 2016).

While acknowledging the Gambia’s case at the International Court of Justice (ICJ) under trial, the claim of the Rohingya genocide rests on Rohingya diaspora activism, some scholarly productions, and human rights advocacy. In these arenas, victims’ voices are less heard. At the same time, the actual victims of genocide remain largely absent in international legal mechanisms, such as the ICJ and ICC. These mechanisms determine the dynamics of recognition and non-recognition of genocide. Additionally, geopolitical dynamics further exacerbate the situation. They prioritise political interests over humanitarian concerns, which contributes to the perpetrators’ politics of denial and impunity. While legal and geopolitical dynamics are crucial in determining genocide recognition, there is also an absence of scholarly work that argues for incorporating victims’ voices and their own conceptualisation of genocide in legal and academic arenas. The victims have experienced extreme suffering—including killing, rape, and torture—and should be intensively heard. They must be part of the legal processes that determine their fate. Their embodied testimonies have significant potential to reconfirm the clauses of the *1948 Genocide Convention*, which remain predominantly overlooked. This chapter aims to fill this academic and epistemic vacuum by showing why incorporating the voices of genocide victims into legal frameworks is necessary to strengthen the recognition of genocide and respond to geopolitical influences.

This chapter places genocide victims at the centre of the argument. It pays particular attention to how victims conceptualise genocide based

on their lived experience—a perspective not duly counted in the legal and geopolitical matrix. Moving beyond legal and definitional jargon, two central quests motivate this chapter: (1) understanding the Rohingya Genocide from genocide victims, by presenting intensive evidential narratives to substantiate their claim; and (2) examining the legal and geopolitical dynamics that do not prioritise victims’ voices in the determination and recognition of genocide.

This chapter is organised into several sections: methodology, literature review, and theoretical framework. Key findings from the fieldwork follow. The findings revolve around the core theme of the lived experience of genocide victims. These include invaluable victims’ narratives under the sub-themes of intentionality of genocide, mass murder, extreme bodily and mental harm, physical destruction of the group, and preventing births and transferring children. The next chapter discusses victims’ conceptualisation of genocide. It then presents an argument over international legal dynamics, geopolitics, and victims’ voices. A concluding remark follows.

10.2 METHODOLOGY

This chapter is part of a collaborative research project, titled “Politics of Denial and Non-recognition of Genocide”. It involves four collaborative national and international universities and a centre (University College London, UK; University of Chittagong, BD; University of Dhaka, BD; University of South Wales, UK; and Centre for Peace and Justice, BRAC University, BD), funded by the British Academy, UK. The chapter follows a qualitative approach, collecting 70 vivid, in-depth narratives from Rohingya genocide victims through one-to-one interviews. This method is particularly appropriate for capturing the nuanced, sensitive, and traumatic experiences of genocide victims. These would be nearly impossible to obtain using quantitative research methods. The chapter also relies on and analyses secondary sources to engage with the dynamics of genocide claims and denial. The genocide victims were interviewed in two phases. The first phase was conducted between February and May 2025 in the Kutupalong and Balukhali camps in Cox’s Bazar. The second phase took place at the Bhasanchar camps in Chittagong, Bangladesh, in October 2025.

A common checklist was developed for two-sided fieldwork. For the Cox’s Bazar fieldwork, four pairs of field assistants, each consisting of a local Chittagonian (a trained graduate in Anthropology at the University

of Chittagong) and a Rohingya assistant, were trained by the researchers beforehand. For the Bhasanchar fieldwork, the project's four research assistants paired with four Rohingya assistants from the island's inhabitants to carry out the fieldwork. The fieldwork was actively supervised by the project's experienced co-investigator. The rationale for employing Rohingya field assistants is to utilise their community acquaintances to find the genocide survivors, including directly injured, eyewitnesses, and rape survivors, using both purposive and snowball sampling methods. The respondents were formally approached and asked to participate at their will in a nearly two-hour-long interview. The local Chittagonian field assistants, with the support of Rohingya field assistants, interviewed the survivors using both the Chittagonian and Rohingya languages while maintaining the safety and security of the respondents, considering the sensitivity of the traumatic experience. Given their traumatic experiences, we did not record the interview to preserve the natural flow of the conversation. The interviews were conducted in the Rohingya language and later directly translated into English. Then, the data were sorted, cleaned, coded, and thematically analysed by the researchers themselves. The researchers ensured strict adherence to ethical guidelines, obtaining ethical approvals and permissions from the University of Chittagong and the Office of the Refugee Relief and Repatriation Commissioner (RRR,C), respectively. No violations occurred regarding the ethics, permissions, safety, and security of the respondents during this study.

All the authors are Bangladeshi nationals, currently working in academia in Bangladesh and the UK across various disciplines, and have been actively involved in Rohingya-related research for many years. Their background shapes the entire research, from topic selection to data interpretation, while ensuring that respondents' voices and emotions are not limited. The researchers also contributed significant insights gained through continued dialogues and debates during the fieldwork and post-fieldwork period. Their positionality and reflexivity have enriched the chapter, enabling a nuanced analysis of this current form. In this chapter, we have used pseudonyms, gender, and age in presenting the views of the Rohingyas.

10.3 LITERATURE REVIEW

A huge body of literature over a decade has identified that Myanmar's authoritarian policies of exclusion and marginalisation have ultimately rendered Rohingyas as "illegal migrants", "other", "outsiders", "Bengali", and "Bengali intruders" despite their historical roots in Rakhine State (Afework, 2023; Ahsan Ullah, 2016; Cockett, 2021; Ibrahim, 2021; Lee, 2021; Ullah & Chattoraj, 2018; Wade, 2019; Zahed, 2021b). Though Leider (2018), Lee (2021), and Uddin (2022) suggested the linkages of the Rohingya identity to precolonial Arakan, colonial encounters, and post-independence ethnic nationalism, the 1982 Citizenship Law finally institutionalised the Rohingyas' exclusion from the fundamental citizenship rights, rendering them as "subhuman life" (Uddin, 2020) and "the most unwanted people in the earth" (McParland, 2020). Contested belonging, the entangled genealogy of nationalism had turned Rohingyas into an enemy and an "un-imagined community". At the same time, oppressive rule and extreme violence supported by ultranationalism and structural and private islamophobia were carried out through what has been described as a "legacy of forgetting" as a political strategy (Bakali, 2020; Farzana, 2017; Renshaw, 2019; Roy Chowdhury, 2020).

The continued politics of denial of the Rohingya's existence and human rights, coupled with ethnoreligious hatred and ultranationalism in Myanmar, have contributed to their persecution and the mass annihilation of the Rohingya community. Many scholars, including Santoso et al. (2024); Anwary (2022); Parmar et al. (2022); Uddin (2022); Butt et al. (2021); Ibrahim (2016); Lee (2021); McParland (2020); Sarmin (2020); Siddique, (2020); Wade (2019); Cunningham (2018); Dussich (2018); Habib et al. (2018); Hoque et al. (2018); Mohajan (2018); Osmani et al. (2018); and Khin (2017), detailed the systematic nature of violence against the Rohingyas. Structural discrimination, denial of fundamental rights, mass killing, burning, looting, raping, and barring aid and journalists are the most common atrocities mentioned in this literature. The literature also noted that 10,000 unarmed Rohingyas were killed, 2000 women raped, 400 villages destroyed, and over 750,000 people displaced to Bangladesh. Sikri (2023), Uddin (2022), and Anwary (2022, 2023) suggested that widespread sexual violence is not a sudden turn of events but a weapon of genocide, aimed at undermining the morale of the community. Heritage destruction and domicile also acted as a tool of genocide (Lee & González Zarandona, 2020; Uddin, 2022).

At this stage, it would be useful to consider that an extensive body of literature argues over the naming of the atrocities, whether it qualifies as genocide, ethnic cleansing, or crimes against humanity. While Sabbir et al. (2022), Osmani et al. (2018), and Storai (2018) characterise the persecution as ethnic cleansing, the vast segment of the literature suggests that both the pre-2017 violence and the 2017 pogroms unquestionably fall under the genocide category (Anwary, 2022; Crossman, 2014; Hossain, 2021; Ibrahim, 2021; Karim, 2020; Karmakar, 2024; Lee, 2021; Macmanus et al., 2015; Szurlej, 2016; Uddin, 2022; Van Schaack, 2019; Zarni & Cowley, 2014). Southwick (2018) effectively criticised the “naming, blaming, and claiming” processes of international law, which complicate the politics of definition and often hinder decisive action. The failure to implement R2P and the relative ineffectiveness and limited response of the international community, including ASEAN, OIC, EU, and the security council vetoes by China and Russia, have protected the persecutors (Alam & Mulaj, 2021; Dussich, 2018; González Villa, 2019; Nartey, 2022; Zahed, 2021a).

Genocide denial is a well-planned political method of providing impunity by distorting historical truth, exculpating the criminals, and manipulating the collective memory that simultaneously impedes justice and retraumatises the victims (Charny, 2003; Dugo & Eisen, 2018; Parent, 2016). Not only are the legal mechanisms and prosecution heavily influenced, but also a relative global consensus on denying genocide can be attributed to the role of geopolitics. Fair (2019), Karim (2020), Uddin (2020), Anwary (2023), and Karmakar (2024) note that regional political dynamics and economic interests have worsened the Rohingya condition and impeded humanitarian action. Conversely, if we examine the Security Council's successful interventions in Sudan and Libya, the UNSC's capacity, when aligned with political will and national interests, clearly yields justice in addressing the crisis (ACCORD, 2017; Arbour, 2014; de Waal & Stanton, 2009).

10.4 THEORETICAL FRAMEWORK

Polish-Jewish lawyer Raphael Lemkin first coined the term genocide in his 1944 book *Axis Rule in Occupied Europe*, combining the Greek word ‘genos’ (race or tribe) and the Latin word ‘cide’ (to kill) to mean killing a race or tribe (Lemkin, 2014). While Lemkin's definition added political, social, and cultural groups as targets of genocide, Article 2 of the 1948

United Nations Genocide Convention excluded these groups from its definition of genocide as an international crime. A similar definition was also adopted in Article 6 of the *1998 Rome Statute* to prosecute the criminals.

The *Genocide Convention* defined genocide as:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (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;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group
(United Nations, 1951).

The direct intent to destroy a particular group can be challenging to prove (Anderson, 2019; Marcus, 2012), but by employing Johan Galtung's theory of structural violence (1969), we can trace back the conditions, i.e., discriminatory policies, various forms of inequalities and marginalisation, and dehumanisation campaigns, that ultimately lead to more obvious forms of violence, such as genocide. Together with the extent of structural violence and the state and its institutions' direct involvement in the actual atrocities, the intentionality of the genocide can be established. Besides Galtung, we used three models of genocide developed by James Waller (2002), Gregory H. Stanton (2013), and Daniel Feierstein (2014).

Stanton (2013) initially developed eight stages in 1998 and revised them to the non-linear ten stages of genocide five years later to better understand the experiences of genocide victims and the way it has generally been carried out. The ten stages include: classification, symbolisation, discrimination, dehumanisation, organisation, polarisation, preparation, persecution, extermination, and denial. On the other hand, Feierstein (2014) characterised genocide as "a social practice", "a specific technology of power for destroying and reorganising social relations" by building models of identity and otherness. He also developed a six-stage framework to understand the social practices of genocide. These include: stigmatisation, harassment, isolation, policies of systematic weakening, extermination, and symbolic enactment. In his four-dimensional model, James Waller (2002) focuses on the circumstances under which

an average, ordinary human can engage in unprecedented murder and genocide. Combining human dispositions, cultural belief systems, social context, and the institutional role that ultimately dehumanise and blame the victim as the other, Waller gives an all-inclusive explanation of how genocidal acts become feasible.

These models of genocide illustrate both the abstract, symbolic nature and the apparent, physical nature of how perpetrators generally carry out genocide. Together with *the Genocide Convention of 1948*, these models have the capacity to provide a practical framework for understanding genocide in general and how genocide has been carried out against the Rohingyas in particular. Apart from understanding genocide from a top-down approach or models, this chapter presents a bottom-up approach, the Rohingya genocide victims' perspective, to make sense of what genocide actually means for them and how it has been carried out.

10.5 LIVED EXPERIENCE OF GENOCIDE VICTIMS

The intensive evidential narratives collected from the field show the tragic experience of Rohingya genocide victims, which evidently satisfy the first four criteria of *the Genocide Convention of 1948* and call for more exploration and validation of the fifth clause. In any case, the acts of genocide against the Rohingyas are conspicuous, as Article 2 of the *Genocide Convention* mentions “any of the following acts”, suggesting that fulfilling just one clause with clear intent is sufficient. The findings here are presented under five sub-themes, namely intentionality of genocide, mass murder, extreme bodily and mental harm, physical destruction of the group, and preventing births and transferring children.

Intentionality of Genocide

The 1948 Genocide Convention stated clearly that genocide involves “acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group”. The Rohingya community is a protected group under *the Convention*, which is both an ethnic and a religious minority group in Myanmar (Uddin, 2020). Nevertheless, as we see historically, the planned and purposeful characterisation of Rohingya as “illegal migrants”, “outsiders”, and “Bengali intruders” by both the state and majority Buddhists (see Section 9.3) has served as a powerful narrative against the systematic denial of citizenship and human rights that eventually and

equally contributes to the rise and popularity of Buddhist ultranationalist discourse. The body of literature also suggests that the Myanmar government has not only deprived the Rohingya of their fundamental human rights but also exposed them systematically to ethnoreligious hatred and military attacks, going on for decades, that ultimately drove them out of the country. This systematic, planned, organised nature of discrimination and denial of citizenship and rights, both at the structural and community level, conspicuously proves the intent behind the genocidal actions.

During our fieldwork, many Rohingya firmly stated that the military was well-organised and killing indiscriminately to eliminate their existence. As Jane Alam (m, 64) explained:

In 2017, the Myanmar military launched a brutal campaign against the Rohingya, accusing them of attacking 35 military outposts. This accusation became the pretext for a systematic campaign of violence and destruction. The military began burning down Rohingya homes, moving from neighbourhood to neighbourhood, and killing anyone they found. As I walked through the neighbourhood, I was met with a horrifying sight: most of the people in my community had been killed or slaughtered, bodies lay scattered everywhere, and the air was thick with the stench of death. A few of us cautiously moved forward, only to discover mass graves where people had been buried. Seeing the mass graves, I returned home and told my family, "I do not think we can stay in this country anymore. We do not want to suffer like this day after day." The fear and despair were palpable. Around noon, when I saw the military approaching my house, I rushed inside, locked the door, and sat quietly, hoping they would pass by. But they did not. Inside the house were my younger brother, my children, and my mother. The soldiers kicked the door and threatened to set the house on fire if we did not open it. Terrified for our lives, I reluctantly opened the door. As soon as I did, the soldiers grabbed me by the collar of my shirt and dragged me outside. They also pulled out those who were hiding inside. Once outside, they beat us mercilessly with the rifle butts. The pain was excruciating, but the fear for my family's safety was even worse. After the beating, they separated the women and took them to a different room. I don't know what they did to them, but the screams and cries that followed were haunting. I was severely beaten and eventually lost consciousness. When I woke up around 4 PM, I had no idea where my mother, children, or siblings were. When the military left, my younger brother discovered that our mother had died. She couldn't withstand the torture and passed away. We couldn't even retrieve her body to give her a proper burial.

The reference to mass graves and indiscriminate killing was a recurrent theme while we conducted the interview. This does not mean the killing is an isolated event that unfolds suddenly. Precursor to this was the everyday human rights violations and a culture of terror. Amina Sultana's (f, 54) narrative is a powerful testament to that. She said:

The Myanmar military had been persecuting our village even before August 25, 2017. The Myanmar government interfered with all our freedoms. We could not move around freely like other citizens due to strict monitoring. Going to the market, going to work, or even stepping outside our homes had become dangerous for us. Members of the military often came to our village and oppressed the Rohingya. They would raid our homes, loot our belongings, and subject our family members to physical and mental abuse. Because of all this, we lived in constant fear, and our lives became extremely difficult. From August 10, 2017, we stopped going to our local market because the military would come and abduct Rohingya people. They would attack the Rohingya in the market and arrest them. Because of this, we stopped going to the market and tried to survive on whatever we had at home. We tried to make do with the food and other necessities we had stored, but these supplies were running out quickly. This left us deeply worried. After about 10 days of this, with no solution in sight, we became terrified. We realised that staying in our village was no longer safe.

Respondents who participated in our fieldwork described the severe level of atrocities that happened to them, and the brutality and oppression they experienced as human beings were unprecedented and inexplicable. The ways of inflicting pain while torturing and before murdering show beyond the nature of regular atrocities and killing as part of genocide. Instead, it was also used as an instrument of genocide to destroy the spirit and will to survive of the Rohingya population (Mahmood et al., 2017). This reinforces the larger pattern of intent, proving that the campaign against the Rohingya extended beyond physical destruction to psychological destruction to moral obligation to eradicate the Rohingya as a whole. Yasin Arafat (m) shared the tragic story of his father's death, which proves the extraordinary nature of brutality and torture. He said:

On the 25th, we were sent to Bangladesh, while my father stayed behind. The military took my father. I was told that he was not alone; there were eight others with him. Out of those eight, only two managed to escape, while the remaining seven, including my father, never returned. The

survivors recounted the horrifying events they had witnessed. According to them, the military first tied my father's hands and feet and brutally beat him with sticks. Then, they tied him to the back of an army vehicle and dragged him across the paved road. After that, they shot him in his arms and legs. To ensure his death, they used blades to cut and stab his entire body. I have read about this in newspapers and seen reports on various television channels. Many people say that my father was the first martyr of our village. One of our villagers, who managed to escape from the military base, saw everything with his own eyes and later told us about it.

Beating, dragging across the road, and shooting weren't enough; the military had to stab and cut the whole body with blades to ensure the death of a Rohingya. This is obviously not a regular pattern of killing for the sake of killing; this shows pure hatred, intolerance, and killing to satisfy the senses. These testimonies indicate that the state-controlled, state-sponsored violent campaign against the Rohingya is a gross human rights violation that was directed to eliminate the Rohingya community from Myanmar. Our findings resonate with the observations of the UN Fact-Finding Mission (2018) and Kyaw (2020). The state's blatant involvement, condoning and sponsoring narratives of Rohingya being "illegal migrants", "outsiders", and "Bengali intruders", the military's campaign of ultimate action, and their planned and organized pattern of atrocities evidently resemble both Stanton's stages of classification, symbolisation, discrimination, dehumanisation, preparation, and organisation and Feierstein's stages of stigmatisation, harassment, and policies of systematic weakening. The role and involvement of different institutions of the Myanmar state in discriminatory treatment and dehumanising campaigns prove the applicability of Waller's fourth dimension. The discriminatory policies and the state's false narratives against the Rohingyas, evident in respondents' statements, also strongly align with Galtung's theory of structural violence, proving that the genocidal intent and knowledge have long been there. These strong narratives prove to be sufficient to claim genocidal intent to destroy an ethnoreligious minority wholly that firmly holds ground in the *Genocide Convention*.

Mass Murder

Mass murder is one of the most violent aspects of genocide reported in the genocide literature and a significant criterion in the *Genocide*

Convention. In 2017 alone, thousands of Rohingya were extrajudicially and purposefully killed in what the Myanmar military declared a “clearance operation”. That was thoroughly planned and targeted at Rohingya villages, as there are also suggestions of indiscriminate shooting, massacre, elimination, and annihilation of the Rohingya community (Amnesty International, 2017; ICJ, 2020). The ground on which the final event unfolded was gradually prepared historically and systematically, with ultra-nationalistic narratives. The policies of systematic weakening, classification, stigmatisation, preparation, and organisation underlie the event of mass killing. As a result, there is no justification to consider the mass killing of Rohingyas as sporadic and isolated events, but rather a planned and intentional act to wipe out the entirety of the Rohingya community.

Fieldwork testimonies prove that large-scale brutality and killings took place among the Rohingya. Jakir Khan (m, 30) said:

In 2017, the persecution escalated to force us out of the country by burning homes and killing people. One of the most horrific and inhumane incidents in Myanmar occurred in Tula Toli. The level of brutality was beyond our imagination. The military reached the road in front of my house, firing continuously. They rained bullets like a storm. Suddenly, a bullet struck my left arm. I immediately collapsed from a standing position. Blood kept flowing from my wound, and I started feeling weak. I was unconscious for about 20 minutes. When I regained consciousness, I screamed, "Oh Allah, saving my life is now obligatory!" The military was still firing. My father, brother, niece, and other family members whom I had sent ahead were trapped at Tula Toli shore. Although I had managed to escape, I was extremely worried about my family members and the other people left behind. I climbed the Hwaikyang Jade Hill, and from there, I witnessed the genocide at Tula Toli. I saw smoke rising from the fires. People were running in all directions, but had nowhere to go. Tula Toli shore was surrounded by a mountain on one side and by water on the other three sides. In that enclosed space, all 11 of my family members were killed. I have no details about how they were murdered. That day, there were about 5,000 people in Tula Toli, and nearly half of them were killed. Most of my relatives were the victims of genocide. From my grandmother's family, 59 out of 61 members were killed, leaving only two survivors. From my grandfather's lineage, only five people survived. In total, I lost around 115-120 relatives. The military destroyed everything I had.

Another genocide survivor's narrative echoes the same indiscriminate killing of the Rohingya community as a whole. Mohammad Farid (m, 61) stated:

In 2017, the people of Tulatali Char suffered the most. When the military burned down houses across the entire Rakhine state, people fled in all directions. Many took refuge in Tulatali Char. Tulatali was surrounded by canals on three sides, and on the fourth, a hill. On September 17, 2017, the military attacked Tulatali, while my brother-in-law managed to escape from there alive. There was a red helicopter in Myanmar that was used to set entire neighbourhoods on fire. Whenever people saw this helicopter, they would run in fear. On September 17, this helicopter crashed into a paddy field in Tulatali Char. At that time, the military surrounded the residents of Tulatali and the Rohingya refugees from all four sides and started firing indiscriminately. In this reckless shooting, many people were killed. Those who weren't shot dead were hacked to death. Before opening fire, the military separated 15–20 girls. Some were raped, while others were forcibly married. Many were taken to military camps as captives for further sexual exploitation. That day, nearly 2,000 people were killed in Tulatali Char. Later, their bodies were dumped into mass graves. Then, the military poured petrol over the bodies and set them on fire before taking away the helicopter.

Another narrative by Sumon Mia (m,46) recounted the heartbreaking incident of his brother, sister, nephew, and daughter-in-law, who were mercilessly murdered in the 2017 killing spree. He narrated:

“... A week later, they [the military] returned and set fire to the neighbouring villages. Many people died in that fire. People from those villages fled to our villages. The military then came to our village and threatened to burn our village if we gave shelter to the people who fled. Those who took money from the village a few days ago came back and set our villages on fire.” He cried and kept telling, “At first, we thought they wouldn't set our house on fire because I had once paid a lot of money. The fire started in the back of our house. My uncle, a brother, brother's son, brother's son's wife, kept running from the house. My daughter-in-law was 7/8 months pregnant; she couldn't run very fast. They shot her first. And then they killed my brother and sister. My brother's son also sacrificed his life to save his wife.

Aligning with Stanton's stages of preparation, organisation, and extermination and Feierstein's stages of extermination, these statements clearly document mass executions and disposal of bodies that prove the killing was indiscriminate, calculated, coordinated, large in scale, and directed at collective extermination and eradication from the land rather than isolated killings. Satisfying the criterion of "killing members of a group" under the *Genocide Convention*, these narratives are a clear testament to the large-scale violation of the Universal Declaration of Human Rights that rendered the Rohingya community stateless and futureless.

Extreme Bodily and Mental Harm

In addition to mass targeted killing to wipe out a particular group, the Rohingya, our findings show that the military caused extreme bodily and mental damage through acts of rape and an extreme form of physical and mental torture. Sexual violence, especially rape, is considered one of the weapons of genocide, especially the Rohingya genocide (Anwary, 2022, 2023; Rosenberg, 2022; Sikri, 2023). Nearly 1900 rapes in two months during the 2017 operations confirmed by UN reports (Uddin, 2022) suggest more than just sporadic SGBV; instead, they suggest that these crimes, committed by the Tatmadaw (The Myanmar Military) to inflict death, serious harm, and specific conditions of life, can be prosecuted as genocide, crimes against humanity, and war crimes (Van Thillo, 2022). The intensive narratives we have collected show that women and girls have been gang-raped by the military, sometimes in public places and even in front of their own family members. This shows that the gang rape was not a scattered event, but a deliberate and organised sexual crime to inflict certain conditions on society. The rapes that have occurred in the Rohingya community are intended to create a terrorising atmosphere, instil fear among the members, and destroy social cohesion and community spirit. This brutal sexual abuse has further deepened the Rohingya crisis (Davis, 2020; HRC, 2018; MSF, 2017).

During our interviews, many Rohingya women described the brutality that befell them, a reality, a social stigma, they will have to live with for the rest of their lives. One of the rape victims, Momina Begum (f, 39), stated:

It was late August 2017, on a Wednesday at around 4 am, when someone attacked a military base. Enraged, the military started shooting indiscriminately. The military then encircled the canal (Char), separating the women and placing them in one area. In front of my eyes, they forced my husband to bow his head and shot him dead. My three sons were brutally beaten on their heads with iron rods, killing them instantly. I watched in horror as my husband and three sons were murdered in front of me. My only remaining child, my daughter Ayesha, was still with me. Then, the military took my daughter and me into a house. In front of my 10 daughters, one of the soldiers raped me. There were many other women like me in that house. After the first soldier finished, another soldier tried to assault me, but when my daughter started screaming and crying, they struck her head twice with a machete. As I tried to resist the second soldier, they tied my hands and feet and hit me with a gun barrel on my mouth, legs, and even my private parts. While snatching my earrings, they pulled so hard that both of my ears were torn. My little daughter, after being struck on the head, managed to run out of the room. I did not know where she (My daughter) had gone at that moment. After that, the military closed the doors and windows and set the house on fire. As the flames engulfed me, I regained consciousness, realising that half of my body had been burned. Somehow, in that burn state, I managed to cut through the walls of the house and escape. Unable to bear the pain, I jumped into a filthy drainage canal. By Allah's mercy, I found my daughter inside that same canal.

Lutfun Nessa (f, 45) recounted the tragic story of her two daughters, who were raped right in front of her eyes. The horrors, humiliation, and helplessness engulfed them as they had to witness everything. She said:

"They [the Moghs] started to tear the thighs of my daughters in front of my eyes. My daughters were screaming and trying to fight the monsters with whatever strength they had....Then the Moghs started raping my daughters in front of the eyes of my husband and me. Each of them raped both of my daughters. They went on a round with my daughters. Rounds after rounds. Initially, my husband and I were crying. After a while, we went dead silent and numb. I could no more comprehend what I was watching. The rape went on for hours. They didn't touch me. Eventually, they left. While leaving, they said they were very satisfied as my daughters were young and beautiful".

Another narrative shows that rape is an organised weapon, with many soldiers taking turns, inflicting injuries to the genitals and the body. Mohammad Yusuf (m, 27) shared the unfortunate story of his unmarried cousin:

When trouble started, if they found a beautiful or young woman, they would abduct and rape her. Additionally, if they liked a woman at any time, they would take her away and rape her. Many times, they tied up entire families and raped the women in front of them, sometimes with 10-15 soldiers taking turns. Most of the time, they were under the influence of drugs while committing these crimes. They inflicted as much pain as possible. Even pregnant women were raped. In our village alone, 50-60 women were raped in this way. One of my unmarried cousins was raped around Asr prayer time on August 25, three to four months before we fled. Her home was in Hati Para, under 5 No. Nymer (Thana). The military entered her house, tied up her father, brother, and other family members, and raped her in turns. They split her lip open. Blood was coming from her nose, and she had injuries to her genital area.

The brutality and pattern of these rapes show they were not just sexual crimes but a pure tactic of war and genocide, intended to terrorise communities, disrupt family structures and reproduction, and psychologically humiliate victims and their kin to a lower possible standard. Momina Begum's testimony is a brutal, first-hand account of gang rape, made even more terrifying by the forced witnessing of her child. It clearly establishes rape as a common tactic, as there was a mention of "many other women like me" in Momina's narrative. The "house" where women were taken is repeatedly mentioned across testimonies, which undoubtedly signifies a systematic pattern of using rape as a weapon of genocide. Stanton's stage of extermination involves rape as an act of genocide to wipe out the community, while, needless to say, these testimonies firmly prove the criterion "Causing serious bodily or mental harm to members of the group" of the *Genocide Convention*.

The 2017 genocide, which was unleashed on the Rohingya community to the fullest, was just beyond the level of human perception of brutality. The Rohingya had been going through various forms of torture and discrimination long before 2017, including murder and rape, as well as structural violence and extreme torture. Various inhumane tortures were inflicted, including beatings, mutilation, starvation, and mental torture, on the Rohingya based on minor accusations (UN Fact-Finding Mission, 2018), which were largely under the pretext of others' fault and state-sponsored propaganda. The Myanmar military systematically used extreme torture to instil a culture of terror and fear, inhibit resistance, and create feelings of guilt and despair. During the torture, the Rohingya men and women were not given any mercy as human beings, as their only

identity was that they were Rohingya, lesser than human, as in subhuman (Uddin, 2020), to the state, to the state-controlled forces, to the Buddhist majority. Being Rohingya in Myanmar was their biggest crime!

The following case illustrates the cold-hearted and imperturbable nature of torturing and killing the Rohingya. Syed Nurul Huda (m, 56) stated:

From 2 PM on Saturday until half an hour before Maghrib (evening prayer), the military relentlessly continued their firing, creating an atmosphere of fear and devastation. During this time, I witnessed two horrifying incidents that remain etched in my memory. The first was the shooting of Dil Mohammad, and the second was Nurul Bashar. The Myanmar military shot at them from behind, bullets striking them in the head. The brutality of the acts was shocking, and the sight of their lifeless bodies left me in a state of disbelief and grief. After killing them, the military took their bodies to the south side of Nur Mohammad's house, dug a hole, and buried them there. The callousness with which they disposed of the bodies was a stark reminder of the dehumanisation and violence we were enduring. Later, I saw a young girl running toward the border, likely trying to escape the chaos and gunfire. Tragically, the Myanmar military caught her, dragged her away, and I never saw her again. Her fate remains unknown, but the image of her desperate attempt to flee still haunts me. These were not isolated incidents; I witnessed many other horrifying acts of violence during that time, each one adding to the collective trauma of our community.

Most of the Rohingya who participated in our fieldwork have experienced and witnessed the extreme form of torture to a varying degree. Many Rohingya were forced to witness the brutal torture or killing of their loved ones, which created feelings of helplessness and guilt in them. The unprecedented torture, horror, and helplessness still haunt them to the core of their inner self. While the torture itself could be placed within the broader criterion causing bodily and mental harm under the *Genocide Convention*, the levels and degrees, the sheer will and motivation, and the hatred and satisfying the senses behind those severe tortures go beyond the scope of the *Convention*, which cannot be fully explained by those genocide models either. In short, the extreme persecution of the Rohingya reflects more than physical and psychological violence, indicating their total eradication from the territory.

Physical Destruction of the Group

Scholars have termed domicide as the deliberate destruction of homes, villages, places of residence, and entire groups. This has been a dominant parlance of cruelties and barbarities perpetrated by the Myanmar military against the Rohingya population. Analysis of satellite images in 2016 and 2017 showed that more than 300–400 villages inhabited by Rohingya were burned down (HRW, 2017). This destruction was not random at all, but rather a well-planned destruction of the Rohingya's habitat so that the Rohingya could not return to live there. On the 25th of August 2017, the Myanmar military set fire to the neighbouring villages occupied by the Rohingya. They shot and killed Rohingya people on sight. If they entered a house and found no one inside, they would set the house on fire.

One such case shows the effort and heart that went into building a house, which became a place of attachment and belonging. Nurun Nahar (f, 39) shared: *"We have five acres of agricultural land, which was used for farming. Every year, I used to cultivate rice and corn. I built a beautiful two-storied mud house only six months ago. Overall, I was happy with what I had. I had a very nice family in Myanmar. I could not stay long in the house that was built with difficulty. There were many kinds of fruit trees around the house. The military forces destroyed my house and everything. My chest clenches at the thought of military torture."* The very house that was supposed to offer safety and security, staying there increased the risk of getting killed and burned alive along with the house. Aminur Rahman (m, 38) remembered likewise, *"Many houses in our village were burned down, and women suffered horrific abuses. Some women were so terrified that they could no longer stay at home. Many fled to other villages, while others sought refuge in the jungle or near the river. In a neighbouring village, an entire family was locked inside their house and burned alive. Even the children in that house were reduced to ashes in the raging flames. We could not cultivate our own land freely. The military and the Rakhine militia would come and seize our fields"*.

Looting and burning property have also been mentioned repeatedly by the respondents. Fazle Elahi (m, 35) narrated:

The military had blocked the roads by cutting down trees, and the Kerry Palang market was ordered to be burned. The military was killing anyone they could find. I was in my neighbourhood at the time. Overnight, they

burned down the market and all the houses. After that, they set fire to the neighbourhoods on the west side of the market, affecting around 1500 families. Three days later, in another neighbourhood near the market, some people hid in a house from noon until Maghrib (evening prayer). The military entered that house and shot and slaughtered five members of my friend Elias's family. After learning about this, I took my entire family across to the Ruidang area by boat. That day, the military looted my shop and house.

Homes are an inseparable part of human life; memories, meaning, and belonging revolve around them, creating a sense of attachment and identity akin to that with loved ones. By burning down the houses and their members inside, the Myanmar military was simultaneously committing the double murder of the Rohingya and their homes. Naima Khatun (f, 55) mentioned:

In August 2017, the military attacked our village, setting houses on fire using Launcha, a type of incendiary weapon. Our village had about 300 houses at the time. As they burned down our homes, we fled towards a canal, where we spent the night under the open sky. One of my sisters-in-law, Anwara, couldn't escape and was trapped inside our house when the military set it on fire. She was burned to death inside. Next to our house, my husband's aunt was also trapped when the soldiers set her house on fire. She, too, was burned alive. Another of my husband's uncles lived in a nearby house. He helped others escape, but couldn't save himself when the military arrived. His house was also set on fire, and he perished inside.

The destruction of Rohingya homes and their properties, while damaging their habitat and destroying their material culture, also symbolises psychological warfare. The military perpetrators sought to drive the Rohingya out by burning villages and desecrating religious sites, as well as erasing Rohingya culture. For many victims, watching their villages turn to ashes was an indescribable pain as hard-earned generations of property were erased. This domiciliation was intended to ensure that even if families tried to return, they would face insecurity, starvation, and poverty. In this sense, domicide was not just about burning homes down that facilitate displacement and internal camp residence but also about causing mental harm and creating living conditions calculated to bring about the destruction of the group, echoing the broader definition of genocide. While there is no direct reference to domicide in genocide models

proposed by Stanton and Feierstein, the burning of houses and property can be linked to broader stages of genocide. In Stanton's model, these acts align with persecution and extermination, while in Feierstein's model, they correspond to isolation and extermination. The destruction of homes not only eliminated the Rohingya's physical habitat but also deprived them of identity, culture, and ownership. Domicide has ensured their permanent landlessness on top of statelessness, accelerating a genocidal process that has pushed individuals, social systems, and the Rohingya people towards the brink of total extinction. So, domicide needs to be considered as an independent and significant factor for genocide studies and its trial.

Preventing Births and Transferring Children

Direct policy intervention in the birth control system is one of the most brutal measures taken by perpetrators to limit and eradicate a group in a gradual manner. The Myanmar state had introduced a two-child policy in 1994 under the military rule (Voice of America, 2013). Later, it got unenforced. However, the genocidal state masked its intent to prevent births within the group, as it altered and complicated the process of getting married and having children only for the Rohingyas, making family building and procreating subjects of bureaucratic control. Rohingyas, then, had to take permission from the local authority to get married, which required excessive time, a large number of bribes, and endless harassment. In addition, in 2013, the Myanmar government introduced a 'two-child' policy in two townships, Buthidaung and Maungdaw, of the northern Rakhine region, only for the Rohingya community (Al Jazeera, 2013; Human RightsWatch, 2013; and Voice of America, 2013). Together with the bureaucratic permission for marriage and the two-child restriction, the Myanmar state directly intervened through policy implementation in controlling and preventing births within the Rohingya population, violating their fundamental human rights to reproduce.

Most respondents reported that obtaining permission from the authority was highly burdensome and required a significant amount of money. Yakub Ali (m, 44) noted: *"Rohingya men and women needed government permission to get married, which required paying bribes. Both the bride and groom had to appear at the police station for approval, where women were forced to remove their veils before entering. For my own wedding, I had to pay around 20 lakh kyat, which is a slightly lower amount*

as I was a government employee.” Every family had to pay a bribe in order to marry off their daughters and sons. Jahir Hossain (m, 48) also shared similar stories of paying a bribe to get married, saying: *“At that time, permission letters were required to marry off daughters or for sons to get married. To obtain the permission letter, people had to pay a bribe ranging from 50,000 to 100,000 kyats, depending on financial ability”.*

However, paying bribes did not always guarantee permission for everyone. Moktar Alam (m, 28) claimed that very few of them were granted permission. He said, *“Even after spending such a large sum, we had to go through multiple government protocols and paperwork, yet not all Rohingya were granted permission”.*

Furthermore, respondents shared that permissions were also required to have a child. The newborn would be killed without any mercy if someone weren’t granted permission to have a child. Aminur Rahman (m, 38) observed: *“Even worse, strict restrictions were placed on marriage. A man had to pay an enormous bribe to get married, and even after marriage, permission was required to have children. If the authorities disapproved, newborns were killed”.*

Getting permissions was not enough to have a child. A strict birth registration system was designed for the Rohingyas, so that they could not have more than two children. Birth registration of a newborn had to be done within a week. Failure to do so would result in their immediate statelessness. This reflects the strict state control and body politics over the infants, who have just entered the world. Shahin Ullah (m, 56) mentioned: *“Whenever a Rohingya child was born, registration had to be completed within seven days. If the deadlines were missed, the child would be excluded from all official records and identified as a Bangladeshi. More than 20 children were left unregistered in our neighbourhood due to this policy”.*

In addition to the state’s direct policies of controlling the Rohingya births and population, the atrocities in 2017 involved the deliberate killing and raping of pregnant Rohingya women. This adds another dimension to preventing births among the Rohingya, who were facing genocidal acts. A narrative from Mohammad Yusuf (m, 27) proved the point that pregnant women were also raped, facing serious injuries. He stated: *“Many times, they tied up entire families and raped the women in front of them, sometimes with 10-15 soldiers taking turns. Most of the time, they were under the influence of drugs while committing these crimes. They*

inflicted as much pain as possible. Even pregnant women were raped. In our village alone, 50-60 women were raped in this way”.

These statements from the Rohingya genocide victims demonstrate that the state policies and measures were not an isolated effort, but rather a well-planned effort to further weaken and control the Rohingya population and gradually wipe them out. These cases of the Rohingyas are a direct indication that the state-run birth control system, through a very planned and structured process of granting permission for marriage, has created a ground ready for committing genocide. Thus, the fourth clause of the *Genocide Convention* is strongly applicable to substantiating the genocide claim.

Forcibly transferring children from one group to another is the last criterion under the *Genocide Convention*. There is little direct evidence regarding the forced handover of children to other parties in Myanmar. However, there are more than 60,000 Rohingya children within state-run camps, who were displaced following the violence in 2012 and 2017 and were almost forgotten (The Daily Star, 2018). The children from different ethnic groups in Myanmar, including Rohingya children, are on the move for education and work, making them vulnerable to trafficking, smuggling, and forced recruitment in different armed groups (Norwegian Refugee Council, 2016). This suggests that there is a possibility of recruiting displaced Rohingya children into the armed groups active within the Myanmar territory. Even today, there are conflicts between the Myanmar military and the Arakan Army. Most of the Rohingya habitats are now under the control of the Arakan Army.

While direct references to the forced handover of Rohingya children to other groups are limited, respondents repeatedly suggest the total disappearance of the children of their families. Nurun Nahar (f, 39) recalled the disappearance of her brother-in-law's children and grandchildren, who have never returned to this day. She narrated: *“The first day we left for fear of the military, on that day, 16 members of my elder brother-in-law, including his wife, children, and grandchildren, left the house. I don’t know where they all went. None of them could come to Bangladesh. The Myanmar military destroyed the lives of 16 members of the same family. My heart cries for them. What did the Myanmar military do to us? What a beautiful joint family they had. I always remember them”.*

Rozina Begum (f, 60) shared a similar tragic story of losing her family's children and grandchildren, who never came back. She mentioned, *“I have lost many loved ones who could not return from Myanmar. My elder*

brother, his wife, their three sons, their sons' wives, and their grandchildren—altogether 11 people—I last saw them stranded on canal banks. After that, they were never seen again. Since it was late at night while we were fleeing, we could not bring them along”.

These narratives suggest that the total disappearance could mean anything, from being killed to being taken to camps. But if they remain alive, the possibility of their forced recruitment into armed groups cannot be ruled out, thereby confirming the eligibility of further exploration and validation of the fifth clause of the *Genocide Convention*.

10.6 VICTIMS' CONCEPTUALISATION OF GENOCIDE

For Rohingya victims, the genocide is not a myth, but a brutal reality witnessed with their naked eyes, the pain of losing loved ones, and the pain of losing identity and roots. When the Rohingya are asked about the genocide, it is a painful memory for them, the pinnacle of the highest oppression and anti-humanitarian activities. Myanmar's genocidal actions sought to erase the Rohingya identity as a whole. Genocide is not just about killing large numbers of people; it involves destroying all hope, all opportunities for a future, and creating a situation where the Rohingya can never return. In our study, we were constantly reminded by the victims that is reminiscent of the definition of genocide through the killings, rapes, and torture that they witnessed first-hand. They recalled soldiers firing on unarmed villagers, burning the homes of trapped families, throwing children into the fire, and gang-raping women in front of their families. To them, this was planned destruction of the Rohingya men, women, children, and the elderly so that the community could not re-establish and rebuild itself. We contend that these closely match how genocide is most frequently defined.

The Rohingya say that as a result of this genocide, they have lost their state and their own land forever, which has forced them to live helplessly in this stateless state. Even those who survived this genocide are living in greater pain and suffering. The Rohingya have been subjected to the utmost humiliation, leaving them in a state of physical and mental trauma. In this dark reality, the wounded Rohingya are suffering physical pain on the one hand and unbearable mental anguish on the other. The loss of loved ones, the keeping of these cruel memories, and the moving towards an uncertain future are all rooted in a brutal state-sponsored genocide. Mohammad Farhad (M,25) asked, “*As I was severely tortured*

in a Myanmar prison, I sustained injuries in various parts of my body, and even now, I occasionally feel pain. I have to get medical treatment for it. I have received treatment at the Handicap Hospital in the camp”.

Beyond the physical and psychological harm, victims insist that the genocide means the destruction of their place attachment. Their villages were razed, houses burned to ashes, property looted, mosques and heritage demolished, and crops destroyed so that no trace of Rohingya settlements remains in sight. Victims see it not just as losing shelter and property, but as the intentional destruction of space, otherwise called habitat killing, the loss of generational and collective memory they belong to, and the loss of hopes and meanings of life they hold onto and survive by. To them, the genocide is the moment when they were reduced to stateless exiles, stripped of their land, and condemned to live in refugee camps with no hopes of return to their motherland. Naima Khatun (f, 55) mentioned, *“We cannot even imagine going back to a land where we faced such brutal oppression. I have witnessed an entire village being burned to the ground and people being burned alive inside their homes”.*

For many, genocide is also defined as a punishment inflicted on their children and grandchildren. In Rohingya camps, victims explain how their children grew up stateless, with no school, no passport, and no certainty, thereby creating a profound “anxiety about the future” (Uddin & Belal, 2025). Jahir Hossain (m, 48) said, *“We are deeply worried about the future of our community and our children. Right now, we are citizens of no country. The Myanmar government had taken away our citizenship”.* They fear that their grandchildren will suffer the same fate, condemned as refugees forever. To them, genocide is not just about the dead, but also about the newborn and unborn—it is the systematic disruption of generational continuity. Taken together, the definition of genocide as experienced by the Rohingya extends beyond the legal wording of the UN Convention. For them, genocide is not simply the “intent to destroy” in part or in whole; it is the destruction of bodies, homes, souls, and even the future. It is the burning of villages, the rape of women, the silence of prayer, the loss of homeland, the humiliation of statelessness, and the mental anguish of memory. It is an ongoing event and a permanent state, both physical and existential. The victims made it abundantly clear that the genocide is an attempt to make the Rohingya disappear from history, a complete erasure of their foothold, culture, and identity to the point that their memory will fade, and they will eventually forget one day what happened to them.

10.7 INTERNATIONAL LEGAL DYNAMICS, GEO-POLITICS, AND VICTIMS' VOICES

Following the brutal offensives by the Myanmar military, locally called Tatmadaw, against the unarmed Rohingya civilians in 2017, the Gambia, a small West African nation of around 2.5 million people, lodged a case at the International Court of Justice (ICJ) in 2019. The case was brought under the *1948 Genocide Convention*, on behalf of the Organisation of Islamic Cooperation (OIC), of which Gambia is an active member state (Lawal, 2026). Gambia heavily and solely relied on the report of the UN Fact-Finding Mission (FFM). As a third-party rights defender, Gambia, in reality, lacked any connection to the Rohingyas or to the events that happened in Rakhine state in Myanmar. Myanmar brought this issue on standing grounds, arguing the missing connection. In contrast, Myanmar cited and denied Gambia's claims as "incomplete and misleading". The ICJ has done two significant things. The court discarded Myanmar's claim and ultimately affirmed its January 2020 decision in 2022 that 'any State party to the Genocide Convention may invoke the responsibility of another State party' and ordered Myanmar to take preventive measures to stop the genocide in Myanmar (Simpson & McIntyre, 2026). As the merits hearing concluded at the ICJ on 29 January 2026, Gambia's case is currently awaiting its final verdict, likely to be issued later this year (Al Jazeera, 2026). Further details on this can be found in Hossain (this volume, 2026), Khan (this volume, 2026), and Choudhwry (this volume, 2026).

As we have seen, the victims' testimonies presented in this chapter have attempted to establish a powerful, grassroots record of widespread violence against the Rohingya that could be logically translated and defined as genocide. Collecting and analysing the most profound, vivid, and intensive narratives from the Rohingya camps in Bangladesh shows a solid body of evidence that identifies systematic and wilful patterns of killing, sexual violence, arson, and forced displacement consistent with the intent and acts of genocide as envisioned in the *1948 Genocide Convention*. But unfortunately, the victims' voices are less heard in the international legal proceedings, as the legal mechanism rarely ensures the participation and voice of the genocide victims in the process. Quite similarly, the intensive testimonies of the victims are still largely overlooked in scholarly productions arguing for the Rohingya genocide claim. The literature review (see the introduction of this volume for more) suggests

that scholarly publications either focus on the failure to implement R2P or propose different legal mechanisms to address and bring justice to the crisis. In most cases, this literature has failed to mention the need to bring victims' voices to the table, which could serve as a powerful tool to bolster the claim of the Rohingya genocide. It is a reality that the victims are not in a position to file and run a case against the powerful perpetrators without support. The case would be stronger if the actual victims were considered and prioritised to share their stories of suffering before the court. And it would be better still if the academic world paid due attention to the victims they write about. The victim-centred approach should be adopted within the judicial matrix and genocide studies to eliminate the gap among victims' lived experience, scholarly production, and legal representation.

Although Gambia has filed a case out of moral obligation to prevent and punish genocide as a member state of the Convention, it is not a direct victim. As millions of Rohingyas, including the new arrivals, have sought shelter in Bangladesh to this day, following the 2017 genocide by the Myanmar military, putting immense pressure on the country's limited resources and making it a direct victim of Myanmar's atrocities. No country has suffered the consequences of the Rohingya genocide as Bangladesh has. However, to date, as a direct victim, Bangladesh has not taken any action within the international legal framework, even though this would strengthen the case. Bangladesh cannot act independently or engage in the international legal system without reconsidering the wider regional geopolitical dynamics and their potential impact on the country. This reflects further suppression of victims' voices, where they could not participate in the legal processes.

What we have seen so far is that the Myanmar authorities have sought to legitimise all the military's actions internally and deny all allegations, aligning with the stage of denial by the perpetrator, as explained by Stanton (2013). By conflating legal categories such as "specific intent", Myanmar reframes atrocities as 'security operations' rather than genocide, thereby avoiding accountability (Fortify Rights, 2018; UN Fact-Finding Mission, 2018). The geopolitical goals and interests of powerful states remain crucial for understanding the genocidal crisis and its denial (Karim, 2021; Samya, 2025). The political and economic interests of the United States, Russia, China, Japan, and India in Rakhine include arms sales, access to natural resources, and control over the Bay of Bengal. These significantly influence how atrocities are classified, investigated, responded

to, and punished (Muntané Giménez, 2023). China, India, the USA, and Russia, as Myanmar's security and politico-economic partners, have repeatedly resisted or mitigated attempts to isolate Myanmar on the international stage (Debnath et al., 2022; Saimum & Talukder, 2022).

This concerns the recognition of genocide not simply as a legal or evidentiary matter but also as a geopolitical decision shaped by state interests, alliances, and strategic priorities (Hossain, 2024). Even the very *Genocide Convention* became highly politicised as national interests in the form of ideology, economy, and geopolitics have taken precedence over the Convention's legal requirements and state responses to the question of genocide, as argued by Muntané Giménez (2023). Along with the limited voices of the victims, gaps, and ambiguity in the legal mechanisms, the geopolitical will and interests further strengthened the impunity and exacerbated the Rohingya condition and their lives, influencing the non-recognition of the genocide. In this context, the incorporation of a victim-centred approach in the judicial framework would equally offer a strong response to unjust geopolitical influence over the judicial processes and (non)recognition of the genocide. If the Rohingya do not get the acknowledgement of the profound harm and brutal persecution they have suffered, a further global humanitarian crisis will continue to arise in the future.

10.8 CONCLUSION

The Rohingya genocide finds its most compelling and harrowing evidence not in legal briefs, but in the intensive evidential ground narratives. The tragic and traumatic experience of the Rohingya genocide victims presented in this chapter shows the unprecedented brutality and torture, which is clearly not random; rather, it is systematic, state-sponsored, and well-coordinated by various actors in Myanmar. Through 70 intensive testimonies of genocide victims collected from the Rohingya camps in Cox's Bazar and Bhasanchar, this chapter substantiates the genocidal claim, as findings evidently and rightfully satisfy the criteria of the *United Nations Genocide Convention of 1948*. Besides, Galtung's theory of 'structural violence' and models of genocide provided by Stanton, Feierstein, and Waller clearly explain the intentionality and knowledge of perpetrators and the nature, techniques, and tools of carrying out such massacres, recognising it as a clear case of Genocide. Apart from the apparent atrocities of killing and raping, the victims' narratives suggest the extreme

ways of inflicting bodily and mental pain and torture by the military and the Moghs, reflecting the Myanmar state's widespread and deep-seated hate campaign against the Rohingyas that rendered them expendable. Not just the loss of lives, but also the destruction of homes, heritage, and properties (domicide) emerged as a crucial aspect of genocide from the victims' testimonies. This suggests that killing and raping were not deemed enough for the perpetrators. Now, any dream of future repatriation and reintegration by Rohingyas is not linear and comprehensible, as their place attachment and belonging are also destroyed. For victims, genocide is not merely a legal definition; it is a brutal lived reality involving the destruction of their homes and heritage (domicide), the erasure of collective memory, and a permanent condition of statelessness, along with murder and rape, orchestrated to make them disappear from the world's history.

However, the genocidal reality is often obscured by a legal-political dynamics that prioritises state interests over human lives and their sufferings. Though victims' narratives in this chapter evidently suggest genocide, the international legal frameworks do not emphasise and substantially lack victims' voices and representation in their processes. The situation is further worsened by geopolitics, weakening the Rohingya genocide claim while bolstering the politics of denial tactics by providing perpetrators impunity against the legal mechanisms and ultimately favouring geopolitical interests over humanitarian concerns. As a result, Myanmar continues to facilitate a politics of denial, reframing the cruel atrocities as "security operations" to maintain impunity. India, China, Russia, and Japan have political, strategic, and economic interests and stakes in Myanmar that safeguard Myanmar's side and confound the question of classifying, investigating, responding, punishing, and ultimately (non) recognising the Rohingya genocide. The USA is also playing a double-standard game, which further complicates the case. In this context, the *1948 Genocide Convention* becomes highly politicised, as national interests and regional alliances take precedence over the legal processes and moral obligation to avert genocide.

Ultimately, this chapter argues for a fundamental shift towards a victim-centred approach to recognise the Rohingya genocide. By prioritising the victims' voices and experiences, the international legal mechanisms and academic community can bridge the gap between "legal jargon" and "lived experience". Incorporating a victim-centred approach into the legal matrix is fundamental not just to acknowledge victims' voices, but also

to counter the geopolitical dynamics that favour non-recognition. If the voices of those who witnessed and suffered a horrendous fate at the hands of the perpetrators continue to be sidelined and marginalised, the cycle of denial and impunity will persist, leaving the Rohingyas in a permanent existential crisis. True justice demands that the legal and political world duly listen to the voices of victims to ensure their identity and history are not permanently erased. Upholding and positioning victims' powerful narratives at the centre of the argument definitely serves as a powerful instrument to deal with the claim of the Rohingya genocide in particular, as well as further genocidal crises in general.

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Gendering “Rohingya Genocide”: Through Survivors’ Micronarratives

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and Tasnim Nowshin Fariha 

11.1 INTRODUCTION

The Rohingyas—an ethnic-religious-linguistic minority community from the Rakhine State in Myanmar—represent one of the most persecuted groups of the 21st century (UNHCR, 2026). The first massive violence against them occurred in 1978, when 200,000 Rohingyas moved to neighboring Bangladesh to escape a military operation launched to exterminate the non-Buddhist foreigners (Akins, 2018). The following influx took place in 1992, when another 250,000 Rohingyas ran away to Bangladesh, in fear of political turmoil arising from national elections (McCarthy & Menager, 2017). Across the 1990s and 2000s, the magnitude of oppression against Rohingyas gradually escalated and reached to

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the point of communal violence by the end of 2010s. Consequently, sporadic attacks erupted against Muslims in Rakhine and other states (Salehin, 2024). In the face of extreme repression, the Arakan Rohingya Salvation Army (ARSA) surfaced in 2016 with the mission to prevent Rohingya persecution (Slodkowski, 2016). They carried out a series of synchronized attacks on military and police personnel, giving Tatmadaw (Myanmar's military) the perfect subterfuge to launch clearance operations against the Rohingyas. In 2017, about 700,000 Rohingyas fled to Bangladesh (including half of them being women and children) to escape mass execution, rape, and arson among other forms of genocidal violence (Haar et al., 2019). Today, Bangladesh houses the world's biggest settlements for Rohingya refugees.

Although the Rohingya genocide has attracted massive academic and media attention over the past decade, existing works largely emphasize the macronarratives, including historical marginalization of the community and failure of national and international laws to protect them (O'Brien & Hoffstaedter, 2020; Williams et al., 2020). This genocide remains relatively underexamined from a gender perspective, compared to Bosnian, Rwandan, Darfur, and other genocides (Adam 2004; John et al., 2009; Scott, 2006; von Joeden-Forgey, 2013). The existing scholarship predominantly underpins the ethnic, legal, and political dimensions of the conflict (Dussich, 2018; Hossain et al., 2014). Various human rights agencies have recorded the widespread occurrence of arson, carnage, executions, rape, and displacements (Anwary, 2021; Salehin, 2024). These documents, although valuable for mapping the frequency and magnitude of the genocidal attacks, primarily draw insights from macro-scale data, satellite images, expert opinion, or institutional perspectives (Perez, 2017). These investigations illustrate Rohingya genocidal experiences in a homogenized and uniform manner, lacking a particular focus on the meanings that Rohingyas themselves attach to their gendered sufferings.

In a similar vein, the classical genocidal studies spanning from Lemkin's (1944) groundbreaking notion of group destruction, Chalk and Jonassohn's (1990) typology of genocidal intent, and Straus's (2006) conception of how power functions in a genocidal context, undermine the gendered dimensions of a genocide. The classical literature is fraught with implicit universalism; delineating the victims and perpetrators as a homogenous group, and overlooking how social hierarchies influence the integral logic and outcomes of genocide (Fein, 1999; Hinton, 2016; Jones, 2006; Sharlach, 2000). These foundational studies, although vital

for comprehending the basics of genocide, remain inadequate due to the absence of gender as an analytical lens (Card, 1996; Enloe, 2000; von Joeden-Forgey, 2012). The growth of gender-sensitive genocide research, which began during the mid-1990s, has enriched our understanding of the crime, especially by challenging its androcentric definition. The early feminist inquiries in this field, which expanded after the widespread reporting of mass rape of women and girls in the former Yugoslavia and in Rwanda, primarily considered sexual violence against women and girls as the only form of genocidal act. They ignored men’s gendered experiences, just as male genocide scholars were blamed for ignoring women’s gendered experiences.

The women centric research, although helpful for inspecting how rape functions as a systematic genocidal tool (Askin, 1997; Brown-miller, 1975; Copelon, 2000; MacKinnon, 1994), somewhat reduced the scope of utilizing gender as an analytical variable. They compressed women’s diverse experiences to their sexual victimhood, while men’s experiences remained either overlooked or limited to execution or killing. This obscuration also neglected other dimensions of genocide, including displacement, disruption of kinship systems, social reproduction, and everyday life (Baines, 2003; Bergoffen, 2012; Buss, 2009; O’Byrne, 2012). In this aspect, Jones’s (2010) work was significant in constructing men as gendered subjects (i.e. battle age civilian men’s victimization) of genocide. Eventually, other scholars (Butler, 2004; Carpenter, 2006; Connell, 1995; Enloe, 2000; Theidon, 2009) called for a broader and relational framing of gender, including masculinities, femininities, and the social construction of gendered identities. The recent genocide scholarship (Card, 1996; Fein, 1999; Joeden-Forgey, 2012; Jones, 2008; Jones & von Joeden-Forgey, 2012; MacKinnon, 1994; Randall, 2015) further raises questions about the biological and cultural reproduction of groups, the formulation of strategies for group destruction; the formation of perpetrator’s intents and victim or witnesses’ experiences, and the nature of genocide responses and denial strategies. The crime of “genocide” appears highly gendered in nature when all these queries are taken into consideration. Moving along this lens, this chapter reiterates that gender is an integral element of genocide, which should not be sidelined as a secondary or discrete category of analysis (Randall, 2015, p. 1), considering how it acts as a central mechanism through which mass violence is planned, enacted, and executed.

This chapter embraces the views of feminist scholars who argue how gender operates as a structuring logic across all the dimensions of violence, including victimization, destruction, and mass killing of certain groups, which define genocidal projects (Hinton, 2016; Jones, 2006; von Joeden-Forgey, 2012). This study intercedes in the ongoing debate on gender and genocide by presenting a critical case of how the social construction of gender permeated all the layers of the Rohingya genocide. A narrative approach has been adapted owing to its aptitude for capturing nuanced dynamics of genocide and violence (Gutiérrez, 2024; Herrmann-Rafferty, 2025; Iyer, 2017; Mwaba et al. 2021). Narrative ethnographers (Das, 2008; van Hulst, 2019) similarly highlight the epistemic value of this approach. A few studies have already employed the narrative approach to study the Rohingya genocide (Farzana, 2021; Rahman, 2021; Uddin, 2020). Of particular importance is Martuscelli et al. (2022), who uncovered how everyday genocide was experienced and resisted by Rohingyas in gender-differentiated ways. In this study, Rohingyas were also allowed to ascribe unique meanings to their experiences of genocide, victimhood, and displacement through storytelling.

By drawing on 85 intensive evidence-based micronarratives from three different Rohingya camps of Cox's Bazar district and Bhasanchar Island of Bangladesh, this chapter aims to understand how the social construction of gender shaped the genocidal experiences of Rohingyas in Myanmar, with a specific focus on how the notions of masculinity and femininity exposed Rohingya men and women to different forms of violence. In doing so, the chapter explores how the distinct yet interrelated experiences of men and women unfolded a systematic project of group destruction, which lies at the heart of genocidal intent. Galtung's (1996) theory of "violence triangle" has been utilized to analyze the narratives of Rohingya survivors, which unveiled how the genocide was not confined to mere physical acts of mass rape or murder. Rather, it was executed through a gender-focused control of different cultural and structural aspects of their lives.

11.2 THEORETICAL FRAMEWORK

To produce an insightful analysis of the complex nature of gender violence in a genocidal context, this theoretical framework has adapted a revised version of Galtung's violence triangle from feminist point of view. Galtung (1969) signifies violence as the gap between the actual and potential

somatic and mental realizations leading to bodily, mental, or spiritual harms. Galtung (1990, 1996) weaved a triangle taxonomy of violence, where direct, structural, and cultural violence lie at three corners of a triangle. This three-dimensional heuristic of violence offers a powerful framework for securitizing the multidimensional and correlated nature of violence in a genocidal context. Although Galtung’s work identifies gender as a variable in the complex terrain of violence, feminists (Alexander, 2019; Brock-Utne, 2009; Confortini, 2006; Finley, 2018; Hewitt & True, 2021; McInerney-Lankford & Archer, 2023; McLeod & O’Reilly, 2019; Reardon, 1985) argue his work requires fully engaging gender as a social variable to analyze violence as a dynamic process. While Galtung sheds light on the systems and structures of inequality, feminist re-examination integrates a critical perspective on gender, power, identities and differences, which are inevitable for deciphering how violence is produced, legitimized, and reproduced through complex social relations. His three-dimensional paradigm needs to be re-imagined as an interconnected and dynamic system of exploitation embedded in gendered power relations. In this regard, Peterson and Runyan (2015) stated how gender inequality is sustained through various means, spanning from direct violence to structural and cultural systems. Galtung’s theory, through incorporating gender as a social category of analysis, is able to comprehend how each category of violence can be influenced by the social construction of gender; hence, the concept “violence” itself becomes gendered.

Galtung (1969) first came up with the concept of “direct or personal violence”, the one most visibly manifested and widely recognized in our everyday lives. It can take in physical, material, or a psychological form, perpetrated by either an individual or a group of individuals. Murder, rape, torture, physical assault, and killings are usually categorized as direct violence, where the immediate perpetrator or perpetrators can be visibly identified. Galtung’s conception of direct violence somewhat confuses gender as synonymous to biological sex and argues violence mainly springs from male sexuality and aggression. Feminist re-conceptions counter such biological justifications and explains how gender violence involves not only an individual act of aggression but also is ingrained in social systems underpinning gendered hierarchies (Confortini, 2006). Feminists define gender as a social construct, including the socially learned behavior and expectations that distinguish between masculinity and femininity (Peterson & Runyan, 1999). In this regard, the physical, material

or psychological acts of violence need to be viewed as methods through which gender identities and relations are produced and validated. For instance, in the Rohingya genocidal context, sexual violence did not take place as individual or isolated acts of men's aggression over women's body (Anwary, 2021). Rather, mass rape was considered necessary to reinforce Tatmadaw's hegemonic masculinity, in relation to sexually oppressing enemy women and emasculating enemy men (Salehin, 2024).

Direct violence constitutes only the tip of an iceberg, as the vast majority of exploitation (e.g. structural and cultural violence) remained invisible. Galtung's most remarkable contribution was his articulation of "structural violence". This kind of violence is formed and exercised through systems, practices, policies, or norms endorsed by the prevailing institutions, structures, organizations, or groups of a society. It is deeply embedded within the structure regardless of the existence of any clear victim or perpetrator, often making it difficult for people to be noticed, unlike direct violence. Structural violence is built on unequal political and social structures and institutions (e.g. laws, economic systems, bureaucracy), giving rise to unequal wealth, power, and access to resources, opportunities and life chances for different social groups (Galtung, 1969). Feminist scholars assert that gender itself is a structural variable that shapes an individual or group's access to and control over material (income, clothing, food, land, housing, transportation) and non-material resources (education, information, health, human relations) (Mohanty et al., 1991). Galtung (1996) identifies patriarchy as a hierarchical structure of domination, legitimized by the culture, where men occupy the top positions and women reside at the bottom. Feminists however reveal how Galtung failed to address the many forms patriarchy can take; and how patriarchy in different ways regulate the varying relationships between men and women (Confortini, 2006). They argue, these systematic deprivations are produced and sustained through historically rooted and deeply intersecting structures of patriarchy with gender, class, race, religion, and global hierarchies (Bartolucci, 2024), also noted in the Rohingya context (Salehin, 2024). Rohingya men and women's experiences, under the oppressive regime of Myanmar government illustrate how systems of exploitation were produced through gendered and racial control to restrict legal rights, right of movement, marriage, childbirth, religious, and economic freedom.

Galtung (1990) developed the concept of "cultural violence", which also involves no identifiable victim or perpetrator akin to structural

violence. Cultural violence is an essential component of genocide or state violence, produced by a plethora of non-material and symbolic forces (i.e. ideology, language, and religion), which motivate direct violence, legitimize structural violence, and distort reality so that the consequences of violence appear more natural. Long before experiencing direct violence, people can be subjected to structural or cultural violence. In case of Rohingyas, the cultural systems of nationalism, racism, or sexism rendered validation and meaning to genocidal violence (Anwary, 2025). The political or religious leaders and media outlets of Myanmar protected their economic and political interests by defending direct and structural violence against Rohingyas, through applying creative methods like spreading misinformation, stereotypes and distorted images (Salehin, 2024). Moreover, Galtung’s explanation of cultural violence opens up opportunities for understanding violence from a more gender-conscious approach (Zahed, 2021). Gender itself can be defined as a symbolic process or system, through which other processes or systems can be made possible. Feminists outline how cultural violence functions through gendered cultural systems, norms, and discourses normalizing inequalities and making violence appear acceptable. Language and symbolic structures also play key roles in breeding violence culture (Galtung, 1990). The use of sexualized language, gendered metaphors and propaganda against the Rohingyas by the Myanmar’s military and statesmen can be an example on point; which produced political narratives to justify rape, murder, and systematic oppressions against the Rohingyas (Applin et al., 2023).

Central to the feminist revision of Galtung’s (1969, 1996) theory lies the recognition of how gender and violence mutually constitute and reinforce each other. Hence, instead of denoting gender as a backdrop against which violence takes place, feminist scholars contend how violence plays a key role in producing and validating gender power relations, whereas, gender power relations also legitimize the sustained reproduction of violence. These mutual connections invoke a vicious cycle of violence; where cultural forces validate structural violence, structural inequalities sustain an environment conducive for direct violence, and direct violence consecutively reinforces violence in its cultural and structural forms. Though a wide body of academic and non-academic work has examined direct violence against the Rohingyas, there has been a lack of attempt in exploring the structural and cultural dimensions that perpetuate and validate such violence (Salehin, 2024). Against this backdrop and dwelling upon the theoretical underpinnings discussed above, this chapter

explores the gendered experiences of Rohingya genocide survivors from the Rakhine State of Myanmar, with an emphasis on the different forms of violence experienced by men and women.

11.3 METHODOLOGY

The fieldwork was conducted in two stages. In the first stage, 55 intensive evidence-based micronarratives were recorded (during early 2025) as part of a project titled “Politics of Denial and Non-Recognition of Genocide”, funded by the British Academy. A diverse team, comprising Bangladeshi and Rohingya researchers, recorded the experiences of 40 male and 15 female genocide survivors in the Balukhali and Kutupalong refugee camps of Cox’s Bazar, Bangladesh. In the second stage of fieldwork, 30 more intensive, evidence-based micronarratives were recorded through participation in a six-day fieldwork (during October 2025) in Bhasanchar, Bangladesh. The second stage also took place under the same project. We were privileged to be part of a research team with extensive experience working with the Rohingya community. Also, local Rohingya men were teamed up with the research team as field assistants. Their familiarity with the research sites, the researched community, and the local language, as well as our feminine identities, helped us to get situated within the fieldwork context. Besides, we were aware that our identities as Bengali women and educators at a top university in Bangladesh could create power imbalances with the informants, thereby affecting the research outcomes. We carefully addressed our positionality and reflexivity throughout the research in order to minimize our biases.

Primary Data Collection

The principles of feminist standpoint epistemology were carefully applied to capture the gendered experiences of Rohingya genocide survivors, whose voices had been historically muted through epistemic violence. This epistemology recognizes that, in societies stratified by gender and other categories (such as age, ethnicity, citizenship status), one’s social positions shape what one can know (Collins, 1990). Hence, it is important to produce a grounded analysis of the lived experiences of historically marginalized groups (the Rohingya community considered here), who were left out of the traditional knowledge production system (Harding, 2004). Accordingly, with the intent to explore the unique standpoint

of the Rohingya community, we adopted a qualitative research design to record the micronarratives, which facilitated the sharing of subjective knowledge and more equal relationships between the researchers and researched (Oakley, 1974). This research embraced the views of feminist scholar (e.g. Olesen, 1994) who argues that qualitative methods can effectively transmit the less heard voices of marginalized communities.

By carrying out unstructured (in-depth) interviews with 35 women and 50 men, as well as conducting one FGD exclusively with 10 women, we explored the gendered dimensions of the genocidal violence experienced by the Rohingya community from the Rakhine State of Myanmar. Unstructured interview is a qualitative research method, which involve asking open-ended questions to the informants in order to discover their perceptions on the topic of interest (Brinkmann, 2014). This method allowed the informants to explain their complex understanding of gender violence in their own words. We initiated unstructured conversations by asking some open-ended questions related to the research topic, and followed them up with probing questions to explore subjective experiences and perspectives of the informants. The probing questions were asked based on both informant's comments and the existing literature on genocide. The informants were broadly asked about their own, family member's and genocidal others' experiences, about the identity of the perpetrators, the details on the processes and mechanisms of gender violence in genocidal context, and the diverse consequences of such violence on survivor's lives and the refugee community.

By applying a combination of purposive (Sarantakos, 2005) and snowball sampling (Dragan & Isaic-Maniu, 2022), we reached out to both victims and witnesses of the 2017 genocide—(i) those who were subjected to rape/assault, (ii) those who lost their dear ones to murder/arson, and (iii) others who simply witnessed the violence from hiding. Snowball sampling is a non-probability technique, that—drawing on social connections—helps to access hard-to-reach populations, who otherwise would be extremely difficult to be contacted or located, i.e. genocide survivors (Parker, 2019). The field assistant leveraged his personal networks to recruit the first few informants. From there, each informant served as the “seed” to help identify the following ones by referring individuals whom they knew could meet the selection criteria (Ting et al., 2025). We contacted every recommended individual, and those who consented to give interviews became their next informants. Snowball sampling, due to its heavy reliance on social networks, contains the risk of identifying

a homogenous group of individuals (Parker, 2019). Hence, purposive sampling was employed as well to ensure that diverse voices get captured. Purposive sampling, is another non-probability technique, which involves intentional selection of informants who possess particular knowledge and experience related to the study phenomenon (Campbell et al., 2020). This technique, through the selection of information-rich cases, helped to obtain deeper insights into the topic of interest (Stratton, 2024).

The FGD allowed to triangulate interview data and provided an opportunity to collectively explore their gendered experiences. FGD involves collecting data from a purposely selected group of individuals with similar backgrounds or experiences, who enable capturing diverse perspectives on a given topic (Bachtar et al., 2024). The field assistant led the process of forming the focused group. We started the FGD with a couple of open-ended questions; later the informants influenced each other and encouraged more active interaction among themselves. Unstructured interviews were conducted at preferred places by individual informants (home or workplace), while FGDs were conducted at mutually agreed spaces. Each interview/discussion was recorded with the full consent of informants, while hand notes enabled us to identify data gaps and new lines of inquiry. Interviews spanned for around 45 to 60 minutes, while the FGD continued for 90 minutes. Since we analyzed the findings alongside conducting the fieldwork, it was possible to identify commonalities and differences in gendered genocidal experiences. Hence, after reaching the saturation point (Glaser & Strauss, 1967), data collection was concluded.

The female informants aged between 24 and 72 years. None of them had any formal schooling, while four of them were working with NGOs as community outreach staff. The majority of them were married with children, while two were widowed. Male informants were generally aged between 25 and 68 years and had also been deprived of formal schooling, but they demonstrated proficiency in the Arabic language. They were working as imams, NGO workers, fishermen, agricultural laborers, and cleaners. Each of them was married with children, while a few had more than one wife and five children.

As gender studies academics, we were fully aware of the challenges of working on a sensitive topic like gendered genocidal violence. We embarked upon the fieldwork with a firm understanding of the delicate and complex nature of ethical issues in violence research. We also prepared by participating in several workshops organized by the

project’s principal and co-principal investigators to learn how to handle the ethical challenges that might arise during fieldwork on such a sensitive topic. Throughout the research process, we adhered to the principles of anonymity, confidentiality, informed consent, privacy, and other crucial ethical regulations (Miller, 2012; Orb et al., 2001). We started the interviews or discussions by briefly introducing ourselves, explaining the research objectives and significance, the rationale for reaching out to selected informants, as well as, obtained their verbal consent, which eventually helped in ice-breaking and establishing preliminary trust, respect, and rapport with the informants—the prerequisites for making qualitative interviews effective. The informants felt comfortable telling their stories in their native language. The field assistant carefully translated every sentence to us, bridging the language gap between researchers and the researched community. Although, informed consent was acquired directly from both male and female informants, we also had to obtain consent from the husbands of a few women considering the patriarchal nature of the Rohingya society. Enough time and space were offered to each informant, helping them to open up about the sensitive issues of gender violence. Many of those interviews continued for hours, each unfolding like an unimaginable tale of survival. We found ourselves navigating a delicate line, as we were constantly trying to archive the unheard stories of survivors without re-instigating trauma. The situation was exceptionally challenging when we spoke to parents who had to bear the pain of witnessing their daughters getting gang raped in front of their eyes, or children who had to watch the execution of their parents. During these difficult conversations, a few informants broke down into tears or wept silently, some paused to take long, heavy breaths, or whispered prayers to the almighty.

To strengthen rapport and offer some comfort, we carefully moderated their verbal behaviors, through actively listening to the informants, showing personal interest, offering personal disclosures, giving empathetic responses, and keeping a smooth tone of voice. We were also careful about their non-verbal behaviors, such as smiling and nodding frequently, and keeping an open body language. By following Oakley’s (1981) “participatory model”, we also shared their own experiences of personal struggles and victimization where relevant, which helped to vitalize rapport, increase reciprocity, neutralize power relations, and obtain more authentic information. We were careful about not asking any questions that could re-instigate any traumatic memories for the victims.

The informants were allowed to take small breaks during interviews when they got emotional discussing about violence related experiences. We assured the informants that all their personal information (i.e. address, contact number, and name that could lead to identification) was to be kept strictly anonymous. Their privacy and anonymity were also protected by identifying personal information and interview transcripts through a unique case number. The informants were assured this research would not cause any harm and that they were free to withdraw from the conversation at any point or refuse answering any question if they felt uncomfortable. Maintaining privacy during conversations was a big challenge, as the interviews were often interrupted by family members and neighbors. In fact, the husbands were present in a number of cases during their wives' interviews. In the presence of men, it was difficult for women to discuss sensitive issues of genocide and sexual violence. In such cases, the interview location or time was changed with the informant's consent. In this way, we ensured the informants could share confidential information without fear or risk of harm. However, after the interviews, almost every informant expressed how relieved they felt—and expressed their gratitude for someone finally listening to their untold stories after long years of silence. Some informants even prayed for our well-being as we offered comfort to the survivors.

Data Analysis

This chapter adopted Braun and Clarke's (2006) thematic analysis approach to analyze primary data. To gain familiarity with the data, the first step was to get involved with transcribing the interviews and translating them into English. Next, we manually coded the data by organizing each informants' responses under each question. All relevant data were coded meaningfully and comprehensively. The codes were carefully read and re-read to identify broader themes, and later, related codes were grouped into potential themes. The themes were further refined and adjusted to ensure coherence and relevance throughout the data set. We ensured that the themes provide meaningful insights into the research objective. They simultaneously tried to provide clear explanations of each theme. Their chief concern was to sketch an in-depth and insightful analysis, instead of just describing the field data.

Secondary sources of knowledge were also reviewed to gain a deeper understanding of the research context and to strengthen the analysis. It

involved reviewing all types of publications reporting information related to gender and the Rohingya genocide (e.g. original articles, opinion papers, articles from both national and international newspapers, relevant reports from government and non-governmental organizations, periodic situation reports, working papers, policy briefs, and webpages) to enhance research credibility by triangulating and cross-verifying findings.

11.4 FINDINGS

In this section, the field findings have been analyzed in light of the theoretical framework, to underscore how Rohingya men and women were targeted for gender-differentiated yet interrelated ways of violence—as an integral part of the broader genocidal project. The first subsection unveils how men and women were subjected to direct violence; the second part discusses how they were exposed to gendered forms of structural exclusions for decades; and the final subsection highlights how the acts of direct or structural violence were legitimized based on the cultural notions of gendered nationhood.

Direct Violence

Direct violence was a commonly deployed tactic to persecute the Rohingya in the Rakhine state of Myanmar. Survivors’ testimonies affirmed that the widespread forms of atrocities experienced by them during the 2017 genocide included physical and psychological harms caused by detectable enemies like the Tatmadaw and Buddhist monks.

During the raids of the Tatmadaw, men were physically assaulted, tortured, or killed indiscriminately due to their socially ascribed roles of community protectors. Women, on the contrary, were singled out for abduction, sexual assault, rape, and reproductive harms to revoke their capacity to procreate. Survivors themselves interpreted these interlocking harms as evidence of genocidal intent, as stated below:

Whenever the military arrived in our area, all the men would flee to nearby fields or riversides. The elderly men stayed back at home. If the military found a young man, they would either abduct and torture him or kill him outright. Since the houses were often left empty, the military and Rakhine extremists took advantage of the situation to rape and subject women to unspeakable atrocities (case 51, man, age 28, Kutupalong).

Moreover, sexual violence emerged as the most harrowing experience faced by women. Sexual violation was perpetuated through brutal acts of rape, genital torture, and verbal abuse. Mass rape was inflicted irrespective of their age, to spread shame, terror, and trauma to dismantle the community's moral strength to fight back. Many victims were killed immediately after being raped, while a number of them died as a result of profound bleeding. Those who survived often hesitated to speak about their painful experiences due to the fear of social stigma and degradation. Hence, this chapter predominantly drew its understanding of how rape was used as a genocidal weapon by relying on the testimonies of survivors who witnessed rape.

Before or after rape, women were inhumanely battered with bayonets, sticks, wires, and fists by Tatmadaw members and monks. Some of the victims were strung naked to trees and gang raped in front of the whole village. Bite marks and scars were left on the genital parts of Rohingya women to physically brand their bodies as a possession of the Buddhists. Two of the survivors remembered:

A group of 100-150 soldiers entered our village, and identified households with beautiful women and entered their homes to rape them. Many women were raped openly. They spared no one—pregnant women, elderly women, or underage girls.... Husbands witnessed their wives being raped, brothers saw their sisters being assaulted, and children saw their mothers being subjected to horrific experiences. The military raped women wherever they found them—on the roads, in the villages, and even inside homes (male survivor, age 28, Kutupalong)

The monks used very dirty slang. They raped old women in front of their young sons while bragging that their mothers deserved to be penetrated from both front and back, as they were filthy Muslims. While raping mothers, the monks asked their sons how they felt watching their mother being banged by Buddhists, who belonged to a superior race. They didn't care whether the woman was young, old, pregnant, a widow, or disabled. They just penetrated whoever they found (female survivor, age 50, Bhasanchar)

A few survivors argued that women and girls of reproductive age, as well as pregnant women, were targeted more precisely for rape and torture to destroy the procreative capacity of the community. They articulated why they felt the perpetrator's choices were made in a very calculated way. For instance, young women were subjected to breast or genital mutilation,

as well as other reproductive harms, which made it difficult for them to become sexually intimate with their husbands or to conceive offspring after coming to Bangladesh. Survivors also recounted the traumatizing experiences of watching pregnant women being hit or kicked on their abdomen, as well as their bellies being cut open with sharp weapons, leading to the instant death of both the mother and the unborn child. Many of the rape victims died on their way to Bangladesh due to excessive bleeding, severe injuries, and lack of health care.

Rohingya testimonies also revealed that women suffered from unwanted pregnancies, risky abortions, infertility, and other reproductive health problems (i.e. vaginal tears, bleeding, or infections) resulting from sexual violence. Some female survivors suffered from permanent injuries, impairment, or chronic pain after suffering from brutal rape, which led to the restriction of their natural capacities to lead a normal life or perform daily tasks. The survivors also reportedly faced psychological disabilities, including anxiety, anger, aggression, depression, loss of appetite, PTSD, self-harm, sleep disorder, and suicidal ideation. Many of the survivors, who witnessed violence, were also struggling to manage emotional trauma and distress—hence rendering them as both witnesses and victims.

The survivors further demonstrated how, during the Tatmadaw's raids, soldiers and monks perpetrated extreme forms of physical torture (i.e. beating with heavy weapons, kicking, punching) against Rohingya men alongside verbal abuse. Men were humiliated with forced public nudity, rounded up in big groups, and shot mercilessly in front of others, as recounted by multiple survivors below:

The military raided neighborhoods around midnight, surrounding entire communities and gathering everyone in one place. They selected the strong and healthy men by grabbing their arms or chests and accused them of having received training from Rohingya militant groups. On mere suspicion, they beat, tortured, and eventually killed them (male survivor, age 31, Kutupalong)

Young men were killed most indiscriminately. Monks wanted to wipe out our men so that no one would be left to protect the nation. It happened right in front of our eyes. The men were stripped naked and shot. One after another. Some were shot in the chest, some in the skull, some in the penis. They were groaning in pain. Eventually, they bled to death. We saw everything from hiding (female survivor, age 60, Bhasanchar)

Two of the male survivors narrated their frightening experiences of watching mutilated male corpses lying on bare fields without penises. Moreover, Rohingya men were forced to witness their wives, mothers, and daughters suffering from the pain of rape or abuse. A few male survivors shared how helpless they felt as they failed to protect their loved ones, as stated below:

My brothers and I requested the monks to kill us, instead of destroying the honor of my mother. In less than an hour, my mother was raped by 7-8 moghs in front of our eyes. I tried to close my eyes. How can a son watch her mother being raped? But, one of the monks threatened me to shoot my mother and brothers if I dared to close my eyes (male survivor, age 30, Bhasanchar)

We had escaped the immediate violence, but the trauma of what we had endured would stay with us forever. The rape and disappearance of our mother and sister left us broken. We had lost everything—our home, our community, and our sense of security. Arriving at the border, I was struck by the sight of thousands of people gathered in desperation. Among them were men who had lost their fathers, mothers, or even the honor of their sisters. The air was heavy with grief, and I saw everyone in tears, their faces etched with pain and despair (male survivor, age 75, Balukhali).

Male survivors who encountered physical torture, shooting, or eye-witnessed rape or murder of friends or family also continued to suffer from severe physical and psychological damages, including impairments, loss of emotional control or cognitive function, as well as, loss of ability to work. Similarly, parents described how their surviving children were struggling to cope with what they witnessed in Myanmar, be it their father/brother's execution or mother/sister's sexual assault. They inherited the psychological weight of atrocities in the form of recurring trauma, anxiety and distress, which outlines how genocidal violence was conducted to ensure that destruction reached beyond a single generation.

Structural Violence

Field data indicated that structural violence against the Rohingyas started long before the direct genocidal attacks (rape and murder) took place in 2017. Central to the design of structural violence is their citizenship denial through oppressive legal provisions. Survivors opined that the state

not only denied their historical roots but also termed them as illegal immigrants on the very land where they were born. After Myanmar achieved its independence in 1947, the country adopted a restrictive citizenship regime, allowing people to be recognized as native races only based on their birth and lineage (Kyaw, 2019). First, as a result of the Union Citizenship Act of 1948, Rohingyas were eliminated from the category of native races. This discrimination was further intensified after the introduction of the 1982 Citizenship Law, which even repudiated the existence of Rohingyas in Rakhine state before 1824 (Buchanan, 1799). Statelessness expunged their capacity to secure basic rights (access to food, accommodation, education, health care, and many other essential resources) as well as exposed them to a stringent control regime.

These structural barriers abated their capacity to reproduce their lives socially, culturally, and economically, while also reconstituting gender relations at the same time. The survivors described Rohingyas as a deeply patriarchal community, which was organized based on rigid patriarchal norms, values, and gender roles. Men before the exodus were predominantly expected to be bread-earners or providers whereas women were disproportionately responsible for caregiving. Within this context of statelessness and strict state control, Rohingya men's livelihood destructions emerged as a calculated genocidal strategy, which not only escalated their economic deprivation, but also eroded their masculine identity, authority, and other social functions, as narrated below:

While living in Myanmar, I was a fisherman. I had my boat and used to sustain my livelihood by fishing in the sea. However, fishing in the sea became gradually difficult for us. We always had to pay excessive taxes to the government—around 200,000 kyats per month. If the payment was delayed by even four to five days, we were not allowed to take our boats into the sea. Once, when I couldn't pay on time, the military confiscated my boat engine. Due to such oppression, I was eventually forced to give up fishing (male survivor, age 44, Balukhali)

Throughout all the interviews, livelihood disruption was mentioned as a core tactic through which the genocide was enacted, illustrating how genocide acts extended beyond physical destruction, while also demolishing the material and symbolic conditions which are crucial for a group's survival. Such enforced economic deprivation pushed Rohingya men to

suffer from detrimental psychological effects, such as a profound sense of shame, mental distress, helplessness, and powerlessness.

Mobility restrictions further played a key role in amplifying livelihood disruptions. The survivors described that, since 1992, Rohingyas were banned from traveling outside Rakhine state, while since 1999, they needed official passes to even travel beyond their own villages, that too only for emergency purposes. Such acute mobility restrictions curbed Rohingya men's access to labor market and other economic opportunities and networks. Concurrently, since 1990s, the legal absence of citizenship subjected Rohingya men to arbitrary detention and forced labor in the hands of local authorities and Tatmadaw, as recalled by survivors:

The Rohingya students were forced to do various tasks for them, such as bringing water, doing their market shopping, and performing different chores at their offices. They did not provide any compensation for these tasks. Moreover, if any task was not done correctly, the students were beaten continuously. In my opinion, forcing school children to do such things was also a form of genocide against us (male survivor, age 28, Kutupalong)

These discriminatory practices escalated after the 2012 riots, when the national media repeatedly portrayed Muslim men as the main perpetrators in a gang rape case against a Buddhist Rakhine woman. In the face of what, the Rohingya men and young boys became susceptible to regular surveillance, detention, and interrogation. While traveling on the road, they were frequently rounded up and interrogated by Tatmadaw soldiers based on the suspicion of their potential involvement with ARSA. The survivors shed light on the patterns of violent interrogation, inhumane treatment, forced nudity, and other degrading practices against Rohingya men, which were either heard or witnessed by them in Myanmar, as explained below:

My father was taken by the military while he was attending a meeting. I was told that he was not alone, there were eight others with him. Out of those eight, only two managed to escape, while the remaining seven, including my father, never returned. According to survivors, the military first tied my father's hands and feet and brutally beat him with sticks. Then, they tied him to the back of a military vehicle and dragged him across the paved road. After that, they shot him in his arms and legs. To ensure his death, they used blades to cut and stab his entire body. I have read about this in

newspapers and seen reports on various television channels. Many people say that my father was the first martyr of our village (female survivor, age 40, Balukhali)

Parallely, structural violence created a distinctive crisis for women as well, by inflicting intersectional forms of control and regulation on them. The community's internal gender hierarchies heightened under the state-imposed structural deprivations. Since men's traditional gender roles and identities were challenged in the wake of state-imposed exclusions, they tried to recover their traditional masculine authority by reasserting stricter control over the body, sexuality and mobility of their community's women. The survivors stated that Rohingya women were not allowed by their male family members to leave the premises of their homes, to prevent their humiliation in the public by the state's non-Muslim men and security forces. Only in emergency cases when women traveled, they were heavily escorted by male counterparts, as well as, had to observe strict code of purdah or burqa. Despite it, they could not escape exploitation at public sphere, as they encountered frequent public harassment by police and other security forces. Many female survivors recalled how they were forced to remove their purdah or burqa on public streets. In this context, the strict control over women's body and mobility by family or community's men were rationalized as means of protection. Gendered access to education further operated through these structural inequalities. Boys were allowed limited access to formal education through Madrasas (religious educational institutions), while girls were completely excluded from any type of formal schooling, mainly due to the community's concerns over maintaining the purity and chastity of Muslim women.

State regulation of Rohingya marriages reflected another pervasive aspect of structural violence. Survivors recounted that before the 1990s, they did not require state authorization for marriage and the ceremonies took place according to customary religious practices. Following 2005, the state mandated to impose restrictive marriage governance, warranting Rohingya couples to obtain official permission to get married. The mandatory permission process was characterized by high fees, informal bribe payments, prolonged waiting periods, and arbitrary denials. Being helpless, a few couples got married based on their customary practices, without seeking formal permission, leading their offsprings to be

termed as illegitimate due to the absence of official papers. This repressive system exposed Rohingya families, especially women, to deep-rooted uncertainties and stigma, as narrated by a female survivor in her late 50 s:

We applied for the marriage registration of our daughter and paid a hefty bribe of 100,000 kyats in the hope of obtaining it sooner. Both the bride and groom had to appear at the police station for approval, where my daughter was forced to remove her veil before entering. However, no progress took place in even one year. We grew impatient and decided to complete the ceremony in accordance with Islamic law. We arranged the ceremony and paid a heavy dowry to the potential groom. The police sabotaged the ceremony out of nowhere and started battering my husband. They confiscated all the money and jewelry we prepared for the dowry. They declared the marriage of my daughter illegal. We couldn't find another suitor for her. My innocent daughter is bearing the consequences of an unfair marriage law (female survivor, age 62, Bhasanchar)

A regressive reproductive regime, also was enforced against the Rohingyas through a series of state policies. They were exposed to various population control interventions, such as, the two-child policy, three-year birth spacing, and, forced sterilization. The community's access to reproductive health care was severely constrained. Adequate health care services were not available at Rohingya villages, needing them to travel outside their villages to access maternal health and other reproductive health services, which required them to obtain official travel passes as well. Their requests for permits, however, were arbitrarily denied without any valid justification, contributing to high maternal deaths and morbidities. Mobility restrictions also often averted men from accompanying their female counterparts to health care centers, which intensified women's isolation and health-related vulnerabilities. In extreme medical cases, a few women tried to secure travel permits by paying hefty bribes, although this process exposed them to further harassment, as recounted by an elderly survivor:

My daughter-in-law was pregnant before the widespread violence broke out in 2017. Due to some complications, she was in need of a cesarean delivery. Back then, my son was detained by the military for some crimes he did not commit. So, my husband and I took our daughter-in-law to the nearby police station to obtain permission to visit a clinic in town. Right in front of our eyes, the police officers called my daughter-in-law names and called her unborn child a bastard. One of the officers kicked her so hard

in the stomach that she immediately miscarried and bled to death (female survivor, age 65, Bhasanchar)

Even when permits were granted, women encountered sexual violence by the local authorities, military, and police, while traveling for medical purposes. Moreover, state policies required couples to submit written documents declaring they would not give birth to more than two children, while violations created dangerous risks of torture, detention, or assault. Such conditions yielded a widespread culture of fear, leaving Rohingya women with no other resort but to using unsafe means of terminating pregnancy, often resulting in maternal mortality and complex morbidities.

Cultural Violence

In the context of the Rohingya genocide, cultural violence emerged as the core underlying condition that enabled and legitimized both direct and structural violence. The survivors, throughout the interviews, revealed that the phenomenon of cultural violence was curated within the moral fabric of the society, through a range of institutional bodies, religious networks, and everyday social interactions. As discussed before, a key aspect of the Rohingya genocide constituted the systematic denial of their cultural identity. The survivors expressed how their ethnonym “Rohingya”, which was historically rooted in the region of Arakan, was purposefully dismissed by the state and the mass Burmese Buddhist population. Rohingyas were recast as “illegal Bengalis”, which wiped out their historical roots and identified them with foreign intruders. The survivors elaborated on how such linguistic exclusion had profound consequences, not only by denying recognition but also by stripping them of their moral worth and political legitimacy.

Within this discursive environment, the state inherently considered Islam as an enemy and threat to Buddhism. As a result of what, anti-Muslim narratives were disseminated through public discourses, as mentioned by all the survivors. These narratives were used to moralize violence, citing political aggression as a sacred act of spiritual and national duty. Gender played a key role within this ideological framework, as it shaped the narratives to justify the enactment of both direct and structural violence. The survivors revealed, state portrayed Rohingya men as hypersexualized, dangerous, aggressive, violent, and predatory who

posed severe threats to Buddhist women's chastity. They were stereotypically depicted as kidnappers and rapists, who contrived threats of forced marriage and religious conversion for Buddhist women. In this regard, one of the survivors recounted the deadly experiences of his friend:

Interfaith marriages were banned in Myanmar. The Burmese government had a constant fear that the only objective of our lives was to convert their women into Islam. One of my Rohingya friends married a Buddhist girl, not out of any kind of force, but pure love. Still, he was thrown into prison and later tortured to death. Although I have no clear idea about what happened to the girl (male survivor, age 50, Bhasanchar)

The portrayal of Rohingya men as inherent threats to national security coincided with their dehumanization, which authorized violence against the whole community without any moral accountability. Buddhist women, on the other hand, were defined as symbolic bearers of national integrity, pride, and honor. Their bodies were considered closely linked with the purity of the nation, which required strict protection from Muslim men. Survivors repeatedly mentioned how religious leaders and military personnel during their public speeches, urged the necessity to exterminate Rohingya community, in order to save Buddhist women from the perceived threats of promiscuous Muslim men.

Rohingya women were simultaneously represented based on different but equally problematic narratives related to nationalism and religion. They were defined as "over-fertile" whose reproductive capacity was denoted as a strategic danger, as the rapidly growing Muslim population could surpass the size of the Buddhist population. Such narratives gave legitimization to the regressive regimes of demographic control, which created fatal consequences for Muslim women, as they were exposed to reproductive and sexual health-related violence, as narrated below:

Women were raped publicly, and their justification for such heinous acts was that they were Buddhists, and we were Muslims. They called our women filthy whores, unworthy of breeding future generations. Using religious hatred as a weapon, they unleashed unspeakable atrocities on our women (female survivor, age 38, Bhasanchar)

The survivors further underscored how such gendered narratives were magnified through traditional and digital communication means. The anti-Rohingya propaganda was widespread for a really long time, but they

accelerated after the rapid expansion of social media, which facilitated uncontrolled circulation of rumors and fabricated news. Rapid dissemination of fabricated news normalized a culture of violence, by promoting fear-based narratives. One of the survivors stated:

In 2012, 12 Rohingya were brutally killed near the Rakhine-Sittwe border, igniting widespread violence. The Maghs accused the Rohingya of attacks, dismissing their denials. In response, 50 to 100 Rohingya men formed the Rohingya Solidarity Organization (RSA) to protect their community, particularly women. When the Maghs discovered this, they falsely informed the Myanmar government that groups like Al-Qaeda and Hamas had allied with the Rohingya. This misinformation exacerbated persecution, deepening the humanitarian crisis (male survivor, age 64, Balukhali)

The micronarratives invoked how the widespread claims of both social and mainstream media about the gang rape of a Buddhist woman by a number of Muslim men, exacerbated communal violence between the Muslim Rohingyas and the Buddhist Burmese between 2012 and 2014. This kind of news, although largely unverified, not only spread communal hatred, but also reinforced the preexisting gendered stereotypes about Rohingya men being sexually aggressive, thus, amplifying violence and public hostility towards them.

Within the heightening communal tension, the survivors saw the emergence of ARSA as a respite to their long-term experiences of violence and exploitation. However, the depiction of ARSA as an Islamic terrorist group, was yet again a strategic move to promote anti-Islam sentiments by the state. In fact, in response to the ARSA led attacks on Myanmar's military and police personal, the state launched genocidal attacks on civilian Rohingya population instead of militant actors, which was interpreted by the survivors as a political attempt to conflate the community with inherent threats of national security. A number of other ethnic-based armed groups were also actively operating within the state boundaries of Myanmar, ARSA however was the only group uniquely represented as terrorists. The survivors noted the state legitimized its violence against Rohingyas reproducing both local and global discourses of islamophobia.

Through everyday practices also, the state painted Rohingya men as “monstrous other” in the public discourses. Especially, derogatory language was used to reinforce gendered threat narratives, as narrated below:

At the police station, they tied our hands and feet, threw us face-down on the ground, and beat us with sticks. I suffered immense pain. I cried out, "Oh Allah! Oh Allah!" Hearing this, one of the soldiers ran toward me and kicked me in the back of my head. After a while, they took us one by one for questioning to the second floor of Min Kyein Chaung (Magistrate Court). The judge asked to name some notable people from your area. I said I didn't know them. Then they asked, "Do you know Okkata Ederis? Do you know so-and-so?" I told them I didn't know them. At that moment, they insulted me, saying, "Shalarpuh, you don't know them?" and started beating. Their main purpose was to prove that I was involved in terrorism (male survivor, age 75, Balukhali)

In 2016, military oppression increased. At that time, the Okkata (Chairman) declared that each household had to pay 70,000 Kyat, and failure to pay meant a red flag would be placed in the yard. I was a representative of the chairman responsible for collecting these payments door-to-door. If, for any reason, someone could not pay, we were told, "Go where your father is," meaning, "You are citizens of Bangladesh, go to Bangladesh. You cannot stay here (male survivor, age 44, Balukhali)

A few survivors remembered how Rohingya men were treated as "violent Muslims" or "violent extremists" by the Buddhist statesmen, police, or army men, which pushed them to internalize stigma, influencing how they imagined their positions within the society.

11.5 DISCUSSION AND CONCLUSION

Dwelling upon 85 intensive evidence-based micronarratives from Rohingya camps of Bangladesh and by analyzing them in light of Galtung's "violence triangle" (1996), this chapter has underscored how a gendered allegory of nationhood rooted in the patriarchal notions of masculinity and femininity was implicated in the genocidal violence against Rohingyas. The analysis informs that patriarchal gender norms and beliefs intersect with national and religious differences to shape the survivor's experiences, as well as to influence the perpetrators' motives for constituting genocidal violence. The micronarratives provide a rich account of how gender-selected patterns of direct and structural harms were used as integral strategies of the Rohingya genocide—foregrounding how a gender analysis can enhance the understanding of a genocide, its internal process, root causes, and consequences. This chapter also enriches

the academic scholarship on the gendered nature of genocide by questioning perpetrators' ideologies and justifications behind conducting such heinous crimes. It highlights the necessity of examining not only the physical, but also the psychological, social, and cultural aspects of atrocities from a gender focal point to comprehend the full scale and magnitude of a genocide. The survival of Rohingyas, however, points to the fact that they were not only victims of gendered violence but also agents who managed to survive the genocidal attacks. Their responses and resistance, however, were outside the scope of this chapter and require further exploration through future research.

This chapter has acknowledged both men and women as gendered subjects to unearth how the process, acts, and strategies of the genocide were informed by the social construction of gender. It complicates the views on gender relations by moving beyond the conventional framing of gendered harms as an unilinear act committed against women and girls. This research attempts to present a relational analysis between the gender-specific experiences of men and women. In this chapter, both male and female survivors narrate their sufferings in relational perspectives. Drawing on their memory, women recount the pain of losing male members, while men underline the tormenting experiences of witnessing the sexual violence of female members, unfolding the intertwined effects of coordinated destruction strategies. Such relational exploration enriches the feminist scholarship on how overlapping forms of direct violence reinforce each other in genocidal contexts. This chapter also pays attention to men's violence and victimhood, an important line of inquiry largely ignored in the existing terrain of feminist research, policy praxis, and genocide diplomacy (Chynoweth et al., 2020; Helms, 2015). The strength of this chapter, however, does not lie in prioritizing one group of victims over another; rather, it places emphasis on how the whole genocide unfolded through complex events and practices that devastatingly affected men as men and women as women—as part of patriarchally organized social groups. The lives of both men and women were found to be deeply intertwined through kinship and communal ties under a rigid patriarchal gender regime. In fact, the victims were targeted for genocidal violence based on the gender roles and status assigned to them as members of patriarchal social units. The genocide against the Rohingyas operated through manifold yet interrelated gendered logics, for men and women.

For instance, a gendered reading of direct violence disclosed a systematic pattern of how male and female bodies were weaponized across gender lines. Civilian men of battle age were inflicted to brutal killings and outright slaughters, while women from the same families were subjected to an alternative fate of rape (Anwary, 2021; Di Lellio & Kraja, 2021; Messner, 2019; Rosenberg, 2022; Stoken, 2020). They were targeted, terrorized, and violated based on the gender-differentiated logics of masculinity and femininity. While male bodies were massacred to terminate any potential resistance or retaliation (Di Caro, 2019; Ferrales et al., 2016), female bodies were assaulted to disrupt caregiving and generational continuity (Jahan, 2024; Stoken, 2020; Yousuf et al., 2020). Such gender-selected targeting of bodies unraveled Myanmar's notorious intent to totally destroy one of its minority groups, corroborating what Lemkin (1944) originally defined as genocide: the destruction of the foundations of group life, not only physical extermination. These strategies, engineered in a mutually constitutive and reinforcing manner, were implemented to prevent the Rohingya community from regenerating or expanding itself.

These micronarratives on violence also complicate our understanding of sexual violence through unveiling different crimes and functions of rape (e.g. systematic mass rape, gang rape, forced maternity, rape as a means of murder, sexual torture, mutilation, rape in front of family members) during the genocidal processes. Similar to many existing cases (Peterson, 1999; Yuval-Davis, 1997; Žarkov, 2007), the body and sexuality of women were considered to be tied with the honor of the nation's men, more precisely, to the (male-defined) nation itself. Hence, rape on the female body constituted not only physical harm, but also damage to the whole nation's purity and virtue. The public staging of women's rape was strategized as a dual weapon of the genocidal campaign, constituting both physical and social harms (Peltola, 2018). In a deeply patriarchal society like the Rohingyas (Rosenberg, 2022), womanhood was considered to be closely linked to honor. The perpetrators capitalized on these patriarchal norms to extend harm through the community itself. Rohingya women's bodies were deliberately transformed into sites of carnage to pollute the community's honor (Fein, 1999; Joeden-Forgery, 2012; Jones, 2008; Randall, 2015). The forced witnessing of women's sexual violence also made the community's men feel weak and vulnerable, eventually breaking their spirit to resist oppression (Doja, 2019; Banwell, 2020; Ferrales et al., 2016; MacKenzie, 2010). On the other hand, sexual violence against

men and boys which have emerged as a common problem in many other genocidal contexts (Chynoweth et al., 2020; Hossain et al., 2014; Nagai et al., 2008), with a few studies on the Rohingya genocide also hinting at similar patterns (Salehin, 2024; Women’s Refugee Commission, 2018), remained almost absent in this chapter’s micronarratives. It reveals the stigmas attached to men for sharing their experiences of “manly failures”, which aim to protect not only their women but also themselves.

In the context of the Rohingyas, structural violence functioned through institutionalized and state-sponsored measures, policies, and bureaucratic practices, and worked as a constitutive element of the genocide. Although less explicit in nature, the effects of structural violence were equally detrimental, as they systematically undermined the ability of the Rohingya community, as a whole, to sustain a dignified and meaningful life. Structural deprivations were implanted within the social, economic, and political systems which the Rohingyas inhabited. These deprivations not only operated through gendered roles and relations, but also destabilized them (Anwary, 2021). The enforced statelessness for example reinforced power relations between the state and the Rohingya community, as well as, within the community too. It expunged capacity of Rohingyas to secure basic rights (access to food, accommodation, education, health care, and many other essential resources) as well as, exposed them to a stringent control regime; disrupting their everyday lives vis-a-vis creating gender-differentiated outcomes for men and women. The absence of citizenship coupled with acute regulation impacted all domains of their social reproduction spanning from mobility, marriage, employment, to family life, also found in existing literature (Mushtaq & Amin, 2019; Zahed, 2021). In this context, men’s livelihood and mobility restrictions bolstered a gendered crisis of provision and authority among them (Connell, 1995; Nagengast, 1994). Moreover, regular surveillance, detention, and interrogation of men illustrated how the discourses of gendered securitization formulated the images of Rohingya men as grave threats to national security (Chynoweth et al., 2020; Hospodaryk, 2023), while also rendering them as disposable subjects of state violence.

Women’s marginalization conversely was defined by state-sanctioned interventions and mechanisms at one hand, and the regressive patriarchal norms of the Rohingya society on the another (Salehin, 2024). Rohingya women were considered as symbolic bearers of the community’s purity and honor; hence, their bodies emerged as key sites where Rohingya men endeavored to protect and negotiate communal identity,

through strict mobility control, subordination, and restrained access to formal schooling. Women's lives were marked by a dual process of structural violence, at one hand, Rohingya community imposed strict gendered restrictions to protect women through seclusion, despite the fact how they severely exacerbated women's subordination through erasing their autonomy (Martuscelli et al., 2022). On the other hand, state bodies weaponized the markers of women's modesty as sites of humiliation and repression. Marriage restriction also negatively affected the social and cultural lives of women, whose social significance or legitimacy, protection, and economic security were intricately linked with their marital status. The reproductive health policies also operated through gendered and genocidal logics; where bodies of Rohingyas became primary sites of state interventions due to the perceptions attached with the community being demographically threatening (Anwary, 2021). An analysis of the health governance illustrated how the provision of health care was constrained by gendered insecurities. These structural deprivations surfaced as a cumulatively organized process that worked to destabilize the social, material, and economic bases of the Rohingya community, through generating deeply gendered form of harms, deprivation, and insecurities in everyday lives (Davies & True, 2017).

Cultural violence worked to legitimize direct and structural violence. The main source of cultural violence was Buddhist ultra-nationalism (Kipgen, 2013), endorsed by the state, its political actors, and other institutional bodies which waved a discursive environment depicting Rohingyas as essentially an ethnoreligious threat (Albert & Maizland, 2020). The Buddhist nationalism became deeply entangled with the military interests, devising a powerful ideological alliance, that equated the protection of Buddhism as synonymous to the protection of the nation (Alison, 2007, Sjoberg, 2013). In doing so, the discursive framings of Rohingyas as national threats functioned as the foundation of the genocidal project, rendering Rohingyas as outsiders who supposedly posed graves threats to the integrity of the Buddhist nationalism and religious identity (Das, 2008). Within such an environment, genocidal violence against them was not only legally authorized, but also, morally validated and valorized. In this research, religion emerged as a prime axis through which such exclusionary practices were produced, dispersed, and normalized. The findings highlighted religious differences did not spring from any organic communal tensions, but rather they were deliberately mobilized as a tool of exploitation. Cultural violence moreover

functioned not only through ethnic or religious differences, but also, through deeply entrenched gender norms, which preceded the genocidal violence of 2017. For instance, the gendered representations of Rohingya men as sexually aggressive, rapists, and kidnappers justified the brutal acts of violence against them. Such gendered representations created a moral economy; where violence against Rohingyas could be justified as sacred duty (Salehin, 2024). These negative labels were used to justify brutal surveillance, detention, and violence against Rohingya men, enforcing cultural violence through daily communications. These narratives were used to give moral justification to protect the “female body” of the Buddhist nation from perceived threats of promiscuous Muslim men. Within this discursive environment, the bodies of Muslim women also emerged as sites of demographic threats/tension, vis-a-vis national security (De Lellio & Kraja, 2021; McCarthy & Menager, 2017; Seifert, 1996). Such gendered narratives were used to justify the over-regulation of the Rohingya women’s reproductive lives. Their bodies were regulated as a symbolic site of regeneration, to prevent the community from reproducing its future generation. In this regard, sexual and reproduction harm was inflicted on women not only with the aim to inflict immediate harm, but as a long-term strategy to diminish the targeted community’s social and biological continuity (Diken & Laustsen, 2005; MacKenzie, 2010; Tjørnhøj-Thomsen, 2004). In sum, cultural violence operated through the construction and circulation of gendered religious and nationalist narratives. These gendered notions justified violence, as well as configured its patterns, meanings, and subjects. Cultural violence extended beyond the destruction of targeted population, and reconstituted the bodies, identities, and social relations of the entire Rohingya community. By constructing different notions of masculinity and femininity related to the representation of victims, threats, symbols and sites of control, it nurtured a deeply gendered project of mass destruction that spanned across different domains (i.e. physical, social, and reproductive) of human life.

The micronarratives reveal the key patterns of gender-selected yet relational targeting of men and women, based on their relations of affinity to fully exterminate a minority group. Such relational framing offers powerful tools to formulate cultural inquiry on genocidal crimes from a bottom-up approach, which in turn can help to design better protocols for genocide recognition and prevention. The Serbian genocide can be an example in point. The legal judgment through which

their killings were designated as genocidal violence focused not only on the facts and numbers related to mass execution and rape. Rather, they highlighted the “patriarchal society”—the gender-specific and ethnicized practices used against the victimized community (Helms, 2012, 2013). The discussions presented throughout this chapter lead us to conclude that a gendered inquiry of genocidal atrocities can contribute to developing tools for designing better research methodologies and reporting systems of different human rights organizations, government and non-government agencies, international courts, and intelligence services. Their reporting styles predominantly cater to large-scale and number-oriented approaches—heavily overlooking the micro experiences of individuals. As a result, the victims who occupy the space in which genocide occurs and the gendered bodies on whom the crime is committed become lost in abstraction, while the discussions surrounding genocide get labeled as mere legal and political rhetoric. By situating survivors’ narratives within the broader terrain of feminist genocide scholarship, this chapter forwards a comprehensive and human-centric depiction of the Rohingya genocide. It foregrounds the importance of incorporating gender as a key category of analysis to illuminate a deeply human, layered, and nuanced inspection of the genocidal violence. It ultimately advances both human rights and genocide studies by empowering survivors as important knowledge producers, whose voices have been historically marginalized within the state apparatus and the global knowledge creation system. We conclude with the hope that the micronarratives presented in this chapter will help human rights activists and policymakers establish links between victims’ lived experiences and statistical reporting strategies.

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PART III

The Rohingya Genocide in Global
Perspective



Recognising the Rohingya Genocide in the Global Media

Kajalie Shehreen Islam  and *Farah Zahan Shuchy* 

12.1 INTRODUCTION

The most common image evoked by the word “Rohingya” is that of hundreds of people crossing land and sea. All their belongings on their backs or in their arms—bundles of clothing, pots and pans, children, and the elderly. A humanitarian disaster on the move. Once they reach their supposedly temporary destination, the image is that of clamouring crowds, arms outstretched, reaching for relief, struggling to belong in a place they cannot call home, and longing for a home which will not have them. All this “crisis” overshadows the reason that the primary identity of the Rohingya has become that of “refugee”. Images of torched homes and burning villages forcing men, women, and children to flee mass

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murder, rape, ethnic cleansing, and genocide fade into a not-so-distant past.

This chapter traces the coverage of the Rohingya conflict in the global media between 2017 and 2024. Drawing upon theories of agenda-setting and framing, it provides an analysis of the gradual shift in frames over time, from that of a genocide/war/conflict with clear victims and perpetrators calling for justice and accountability to a humanitarian disaster/refugee crisis that seemingly has no solution and no end.

12.2 ROHINGYA GENOCIDE, REFUGEEHOOD, AND MEDIA

The role of media in supporting, justifying, or resisting genocidal violence has long been important and complex. Myanmar's state media, especially the *Global New Light of Myanmar* (GNLM), became a tool of extreme speech. GNLM helped legitimise persecution by describing the Rohingya as “terrorists” or “illegal Bengalis” and by presenting military violence as a necessary response (Lee, 2019). Both local and international media describing the crisis as an “ethnic conflict” or a “Buddhist-Muslim divide” also turned attention away from the state's responsibility, which, in turn, turned mass violence into a simple conflict between communities (Uddin, 2024).

Myanmar's *The Irrawaddy* often discussed the crisis through the lenses of violence and repatriation. The outlet propagated nationalist discourses that associated the Rohingya with terrorism and simultaneously downplayed atrocities committed against them (Vu & Lynn, 2020). Through the dehumanisation of language and selective coverage, media frequently represented the Rohingya people as threats and liabilities (Ahmed & Hassan, 2024; Kamruzzaman et al., 2024; Khatun, 2024). Furthermore, the depiction of the Rohingya as “illegal Bengalis” helped normalise their exclusion (Khatun, 2024). Similarly, GNLM covered the crisis using terms like “terror” and reframed counter-narratives and opposing information in a way that portrayed the Rohingya persecution as a national defence (Kironska & Peng, 2021; Lee, 2019). Genocide denial does not always manifest in outright denialist discourse. It may also occur indirectly by invoking naming, euphemism, and prioritising the narratives of counterterrorism over those of state violence.

A second strand of studies examines how media in host and neighbouring countries depict the Rohingya. Bangladeshi newspapers mostly used a victim frame, while Indian newspapers often used an intruder frame that presented the Rohingya as security threats and “terrorists” (Awny, 2019; Mohanty, 2020). In Bangladeshi outlets, Rohingya suffering was often made visible through camps and aid, linking compassion to repatriation rather than to ongoing state responsibility (Vu & Lynn, 2020). Islam and Hasan (2022) note the shift in framing of the Rohingya in a Bangladeshi newspaper along government policy lines, from being welcoming to antagonistic (victims to “snakes”), while the coverage in a more independent paper was more consistent, focusing on the development of the crisis. Awny (2019) identifies five main frames across South Asian media—*victim*, *intruder*, *responsibility*, *administrative*, and *return-home*—showing how coverage positioned the Rohingya in relation to national fears and concerns. Bangladeshi and Indian newspapers gave importance to human-interest stories, while Chinese newspapers focused more on conflict and security, often relying on Myanmar government sources (Islam, 2018). Humanitarian visibility does not necessarily lead to genocide recognition.

Sourcing practices played a major role. Bangladeshi coverage often cited refugees and aid agencies; Indian newspapers, *The Times of India* and *Hindustan Times*, relied more on domestic officials; and Chinese newspapers, *People’s Daily* and *China Daily*, heavily used Myanmar government voices, and these differences produced very different moral-political understandings of the crisis (Awny, 2019; Islam, 2018). After 2017, Bangladeshi media became more securitised, with many outlets mixing humanitarian concern with criminalising and burden-based narratives (Mojid, 2024); using “Forcibly Displaced Myanmar Nationals” instead of “refugees” shows the Bangladeshi government’s hesitance to recognise asylum rights (see also Bhuiyan et al., 2024; Kamruzaman et al., 2024; Uddin, 2020). Malaysian media also criminalised the Rohingya as illegal outsiders, even though the government publicly took a humanitarian stance (Ehmer & Kothari, 2021). A comparative study of Bangladesh, Pakistan, and Malaysia similarly shows portrayals ranging from Islamic solidarity to securitised paternalism, highlighting the connection between humanitarianism and realpolitik (Irom et al., 2024).

Comparative studies also provide more cross-national evidence which corroborates these differences. The Rohingya are mostly negatively represented in the news, although a significant part of the negativity is the

coverage of killings, displacement, and suffering (Al-Zaman & Rashid, 2024). Al-Zaman and Rashid (2025) also delineate eleven key frames and show that media in host countries are more concerned with repatriation and relief, whereas media in non-host countries pay more attention to politics and refuge, implying that the concepts of humanitarian visibility and political framing do not always go hand in hand.

The third line of research focuses on Western media. The media tends to preempt atrocity and legal responsibility but not necessarily in a uniform or profound manner. Western reporting has been influenced by UN reports and by diaspora activism, shifting to wider thematic frames, which incorporate terms such as ethnic cleansing and genocide, since 2017 (Ahmed & Hassan, 2024). Lee (2021), in her study on the effects of media coverage on the crisis, found that while attempts at international pressure to stop the crisis increased through media coverage and political pressure, the violence and human rights violations worsened, suggesting that, in a country where authoritarian military culture is pervasive, the international press can only have limited influence.

A frame employed by Western legacy media was surviving horror, which used personal experience to convey violence (Vu & Lynn, 2020). Yet, Kanaker et al. (2020) observe that even broadcasters like Al Jazeera and BBC paid more attention to particular incidents rather than structural elaboration. This tendency put the helplessness above the long-term responsibilities. Therefore, genocide cannot be the main interpretive frame just because of humanitarian concern.

The broader context of the social media platforms also played a significant role. Specifically, the military in Myanmar used fake Facebook pages to spread disinformation against the Rohingya Muslims (Mozur, 2018). Additionally, the use of algorithms in curation and confirmation bias reinforced the position of anti-Rohingya bias in information feeds (Pour, 2023; Whitten-Woodring et al., 2020). The smartphone-based witnessing was also confronted by state-aligned legacy media which propagated circulating images and videos as unreliable, manipulative, or misleading (Kironka & Peng, 2021). Thus, the legacy media coverage should be interpreted vis-à-vis larger geopolitical and digital processes, instead of being considered a direct, corresponding reaction to suffering, all on its own.

12.3 UNEQUAL COVERAGE AND GENOCIDE DENIAL

Denial of genocide does not exist in a vacuum; it is built into how representation itself can work (Huttenbach, 1999). In Myanmar, interpretive denial worked through legal uncertainty and moral deflection, which distorted public memory and deepened epistemic injustice (Putra et al., 2021; Xia, 2023). The unwillingness of neighbouring states to centre responsibility is also part of this structure of denial (Awny, 2019). The widely negative tone in media reporting does not suffice to inform us about whether the Rohingya are being criminalised or the reporting is acknowledging atrocity and suffering (Al-Zaman & Rashid, 2024). This is a crucial difference. When the crisis is construed as primarily a border issue or a repatriation problem, the suffering is not denied, but the actual political fact of genocidal violence is sidelined.

Wider scholarship is a valuable comparator. Research shows that media marginalisation usually operates by silence and distorted visibility. For example, Rwanda was reduced to a “tribal war” (Schimmel, 2010), whereas Darfur was given minimal coverage by the U.S. media, which shows that the politics and strategic concerns tend to dictate whose suffering is treated as urgent (Sidahmed et al., 2010; Thompson, 2007).

This unequal visibility is also subject to postcolonial patterns. The sympathetic frame of “surviving horror” can still continue to generate a postcolonial moral opposition in Western media: the non-Western suffering is made visible, but not necessarily in a way that does not focus on Western witnessing and judgement (Vu & Lynn, 2020). Global coverage tends to depict the Rohingya as vulnerable victims or dangerous outsiders, so it is not difficult to envision the Rohingya as refugees rather than as political subjects with rights and agency (Awny, 2019). It also relates to the broader studies of colonial hierarchies of suffering and cultures of denial (see Crook et al., 2018; Purdeková & Mwambari, 2021; Vernon, 2021). Simultaneously, these hierarchies can be confronted by a diasporic communication that hosts counter-narratives, which was observed in both Darfur and the Rohingya crisis (Ahammad et al., 2024; Ansar & Maitra, 2024; Ashley, 2017).

Despite long-term coverage, the Rohingya crisis is frequently framed not as genocidal violence but as a refugee crisis or a humanitarian crisis. Bangladeshi and Indian newspapers are more inclined to stories that feature human interest, whereas Chinese newspapers emphasise more conflict and security (Islam, 2018). The victim and intruder frames

humanise or securitise the Rohingya alternately by regional host-country media (Awny, 2019). International broadcasters might be interested in genocide or mass killings, yet frequently they concentrate on individual instances of distress instead of structural explanations (Kanakaner et al., 2020). So, marginalisation also operates via partial visibility, in which violence is presented yet deprived of its political content. Such changes in framing tend to be more inclined to national interests than to the real history of the crisis (Al-Zaman & Rashid, 2025).

The media may not only promote violence but also foster reconciliation (Paluck, 2012). Both dehumanisation and denial are communicative *and* political processes, whereas linear models of genocide as a process can (over)simplify these dynamics (Stanton, 1996), particularly in digital space where dynamics are more recursive and volatile. Accelerated foreign-news economy and access control commonly contribute to the saturation of simplistic us vs them narratives, making structurally based accounts more difficult to sustain (Brooten & Verbruggen, 2017). On the other hand, Facebook pages run by diaspora networks actively aim to influence people's understanding by prioritising genocide recognition, citizenship and international justice (Ansar & Maitra, 2024). So, online discourse remains diverse, converging around humanitarian aid, geopolitics, and refugee assistance (Ahammad et al., 2024).

Extant literature reveals that media portrayal of the Rohingya fluctuates between securitisation, humanitarianism and inconsistent acknowledgment of atrocity. These trends overlap: Burmese media tends to justify the exclusion, Bangladeshi media focuses on the humanitarian burden, and the Western media is more inclined to resort to using the language of genocide. Nevertheless, a crucial question still remains: in what circumstances do the media consider the Rohingya victims of genocide, humanitarian objects, refugees, or security liabilities? Although researchers have examined cross-national differences in framing, less emphasis has been given to the political and legal implications of these differences. Crucially, state responsibility may be depoliticised when the frame changes to a refugee-crisis frame, rather than a genocide frame. Languages of aid, camps, repatriation, and regional management then take the place of atrocities, denial of citizenship, and accountability.

12.4 FRAMING THE ROHINGYA

This chapter analyses Rohingya coverage primarily through framing (see also Al-Zaman & Rashid, 2025; Irom et al., 2022), while using agenda-setting more selectively to think about salience. Framing is the central lens because the key question is not simply whether the Rohingya crisis received attention but how it was made meaningful across outlets. Following Entman (1993), frames select aspects of reality in ways that shape problem definitions, causal interpretations, moral evaluations, and treatment recommendations. We also draw on Entman's (1991) observation that news frames are "embodied in the keywords, metaphors, concepts, symbols, and visual images emphasised in a news narrative" (p. 7) to examine how Rohingya suffering is structured through competing interpretive logics, including humanitarian, genocidal, securitised, legal, and geopolitical ones.

We use agenda-setting in a narrower and secondary sense. First-level agenda-setting helps understand how the Rohingya crisis rose to prominence at particular moments, and second-level or attribute agenda-setting helps explain how some dimensions of the crisis were prioritised more consistently than others (McCombs & Guo, 2014; McCombs & Shaw, 1972). However, because our focus is mainly on meaning rather than salience alone, agenda-setting remains supplementary to framing. To understand cross-national variation in coverage, we also draw on press-state relation perspectives, especially Bennett's indexing model (1990) and Entman's cascading activation model (2003). They help explain how news is structured both by national interests and by the distribution of authoritative sources, the breadth of elite disagreement, and the geopolitical priorities through which crises are made legible.

We use framing analysis to examine the legacy media coverage from 2017 to 2024 to understand whether the Rohingya were framed as *genocide survivors* or *humanitarian refugees*. The analysis of suffering, political subjecthood, and culpability helps us compare how outlets covered the crisis. We created a longitudinal corpus of 1071 English-language reports from nine purposively selected outlets, i.e., *The Guardian* (180), Al Jazeera English (157), *The New York Times* (136), *The Daily Star* (162), *The Irrawaddy* (142), *The Hindu* (111), *Myanmar Now* (95), CGTN (57), and *Russia Today* (31). Our sample includes a representation of Western; host/neighbouring-country; Myanmar-based; and

state-international media. The August 2017 to December 2024 time-frame outlines the first major military crackdown, subsequent changes to repatriation, camp conditions, geopolitical management, and legal focus. *Myanmar Now* entered the corpus in meaningful volume from 2020 onwards, especially in the post-coup period. Using official archives (only *NYT*, *Hindu*, and *Myanmar Now* had paywalls), we retained reports mentioning “Rohingya” in the headline or lead. We manually coded individual reports for descriptive and analytical variables: outlet, headline, date, link, caption, visuals, section, author, theme, dominant/sub-frames, framed English words/sentences, and framed person/authority type. This tracked main topics, frames, lexical constructions, and actors given interpretive standing (e.g., refugees, state/military officials, diplomats, aid agencies, courts, and journalists).

Through theoretically informed, iterative coding, we identified narrative emphases, problem definitions, causal attributions, moral evaluations, and treatment orientations. We observed the depiction of Rohingya as genocide survivors, humanitarian subjects, refugees, policy burdens, security threats, or political actors. We structured data using recurring frames and sub-frames, enhancing categories through iterative reading and existing literature instead of imposing them initially. Our longitudinal comparative analysis examined framing across various outlets and four distinct phases: acute violence/displacement (2017); accountability/repatriation politics (2018–2019); coup-pandemic/camp precarity (2020–2021); and protracted displacement/conflict spillover/regional instability (2022–2024). This showed us which frames were most common in certain outlets and how humanitarian visibility and genocide recognition changed over time.

Limitations include a purposive English-language sample, privileging elite international discourse over local vernacular coverage. Not aiming for statistical generalisation, our qualitative study contributes interpretive depth, cross-outlet comparison, and clarity on an unresolved distinction in framing scholarship: the conditions making Rohingya suffering legible.

12.5 FROM “ATROCITY” TO “CRISIS”

Across our corpus, Rohingya coverage usually follows three overlapping regimes: atrocity-accountability, humanitarian-managerial, and denialist-securitised. These appear in outlet trajectories, dominant frames, and the recurrent language through which Rohingya suffering, state violence,

diplomatic processes, and public threats are made legible. Across outlets, the clearest overall pattern is that humanitarian recognition was far more common than explicit genocide-centred framing. Suffering is repeatedly made visible but not always narrated in ways that keep perpetrator accountability or genocidal intent at the centre. Many outlets relied on vivid humanitarian language—people described as “exhausted, hungry and desperate for shelter“, camps “bursting at the seams“, children “orphaned or separated“, and families living in “flimsy tents made of tattered tarpaulin“. Contrastingly, explicit atrocity recognition appeared more episodically, especially at moments of acute violence, UN intervention, or international legal action, through formulations such as “a textbook example of ethnic cleansing“, “a policy of apartheid“, “genocide“, or “crimes against humanity“.

The Guardian

The Guardian most consistently integrated recognition with atrocity and accountability. Early coverage, as in “They drowned before our eyes—dozens die as Rohingya refugee boat capsizes“, framed displacement as a humanitarian emergency. However, it did not separate suffering from the actions of perpetrators. Witness testimony like “The army just came and started killing” and the statement that “all indications point to the Myanmar security forces deliberately targeting locations that Rohingya refugees use as crossing points” combined their flight directly to state violence rather than to a neutral crisis.

Even where humanitarian suffering was foregrounded, responsibility was the focus. Phrases such as “Sending them home right now would be a death sentence” and “What are the crimes of the women, children, and innocent people?” fused the humanitarian register to accusation rather than to relief logistics alone. It deepened in 2018–2019, when coverage shifted toward institutional critique. “Myanmar: images show Rohingya villages still being burnt, says Amnesty” used the formulation “This damning evidence... flies in the face of Aung San Suu Kyi’s assertions to the world,” while “UN report on Rohingya hunger is shelved at Myanmar’s request” emphasised suppression and obstruction. Of particular interest is the phrase “the implementation of a policy of apartheid“, which interprets suffering through structure and intent. Later coverage on Bhasanchar, campfires, and the International Court of Justice (ICJ)

still paired humanitarian concern with accountability, invoking “the genocidal acts committed during these operations were intended to destroy the Rohingya as a group” alongside the need for “safe, dignified shelter”.

Al Jazeera English

In our corpus, *Al Jazeera English* (AJE) was among the most consistent outlets that prioritised humanitarian lenses. Its humanitarianism, however, usually focused more on bodily suffering, camp conditions, and emergency situations than on genocide. In 2017, it featured headlines such as “UN: 270,000 Rohingya fled to Bangladesh in two weeks” and “What’s happening in Myanmar is genocide.” Yet AJE stressed more durability on displacement and vulnerability. Phrases such as “Conditions here are inhumane”, “Rohingya on Bangladesh island feel trapped and fear monsoons”, “They arrive in poor condition, exhausted, hungry and desperate for shelter”, and “The stench of human faeces grows stronger every day” visualised suffering with environmental threat framing.

Simultaneously, AJE did not erase the atrocity. It used formulations such as “the killing and disposal of the bodies bear the hallmarks of a genocide”, “the Myanmar government has engaged in at least four of the five genocidal acts outlined in the Genocide Convention”, and “open-air prison of apartheid”. Still, the more recurrent wording centres on people being “trapped”, “on the run”, and unable to return safely. A distinctive feature of this outlet is its visibility for Rohingya agency. Stories such as “The woman leading the way for Rohingya at a Bangladesh camp”, which reports on a refugee who “helps reunite Rohingya children with their families”, and even the description of the Arakan Rohingya Salvation Army (ARSA) as “a group of hopeless men who decided to form some kind of self-defence group” gave more space than most outlets to agency and resistance alongside humanitarian vulnerability.

The New York Times

The phrase “a textbook example of ethnic cleansing” succinctly shows the adherence of *The New York Times* (NYT) to using atrocity-related terms from the outset. It was attributed to the UN’s top human rights official, characteristic of the NYT to integrate institutional sources. Another headline, “Satellite images show more than 200 Rohingya villages burnt

in Myanmar“, reinforced an evidentiary frame that makes it harder to dismiss events as rumour or simply as communal disturbance.

NYT's priority towards accountability became even clearer in 2018–2019. Headlines such as “Have you no shame? Myanmar is flogged for violence against Rohingya” and “I saw a genocide in slow motion” moved beyond recognition to direct moral-political indictment. “Genocide” was no longer peripheral. It was a central organising term. NYT also relied on highly charged testimony and interpretation. Examples include a woman recounting that “soldiers snatched her baby boy from her arms and threw him into a fire”, Rohingya described as “scapegoated like the Jews in Nazi Germany”, and Myanmar portrayed as “trying to make the Rohingya's lives unlivable”.

A distinctive feature of NYT is its sustained attention to digital and information warfare. For example, “A war of words puts Facebook at the centre of Myanmar's Rohingya crisis” widened responsibility beyond military operations alone. Here, the Rohingya appear not merely as refugees or humanitarian victims but as survivors of genocidal violence whose persecution was amplified by infrastructures of hatred, denial, and digital circulation.

The Daily Star

The Daily Star (TDS) shows very clear examples of humanitarian-managerial framing. Early coverage included vivid suffering and occasional atrocity recognition. “Orphaned, in extreme shock” focused on children separated from their families and fleeing violence. Reports also acknowledged that the military crackdown “may have amounted to ethnic cleansing of the Rohingya“. At moments, the language was stark, as in “We are now at the final stage before full-fledged genocide, so we have to defend our civilian population.” The atrocity dimension was therefore present, but it never became dominant.

Even in the early period, suffering was frequently laced into Bangladesh's own predicament rather than centred primarily as an accountability narrative. It is especially visible in the language of burden and management: “Rohingya issue and concerns for Bangladesh“, “Socio-economic impacts of the Rohingya influx”, and “Impact of the Rohingya

crisis” translated the issue into administration, resources, labour competition, and social pressure. Reports stressed that “Bangladesh is facing new challenges that [have] humanitarian, diplomatic and security dimensions”, that the crisis is “a concern for the region”, and that international actors should pressure Myanmar to “take back Rohingya people” and ensure “safe accommodation”.

Rohingya voices surfaced—“We demanded justice for the persecution. We can’t return to an unsafe place.” But they were often incorporated within repatriation or policy discourse. Across the longer period, the dominant tendency is to construct the Rohingya as a population to be assisted, negotiated over, repatriated, or managed within Bangladesh’s bilateral and domestic constraints.

The Irrawaddy

The outlet often aligns with a denialist-securitised lens through insurgency—and conflict-centred narration. Headlines like “Muslim militants stage major attack in Rakhine” and “Maungdaw declared military ‘operational area’” and phrases such as “The extremist Bengali insurgents attacked a police station” foreground militancy, territorial control, and military response. More than simply describing violence, this language discusses the Rohingya issue along the lines of threat and conflict management.

Yet, *the Irrawaddy* cannot be reduced to a simplistic pattern. It is one of the most internally conflicted outlets in our corpus, because accountability remains one of its persistent secondary and sometimes primary schemata. Coverage such as “Myanmar Junta Chief among key suspects identified in Rohingya genocide case” and “Experts sound alarm on new Rohingya crackdown in Myanmar” clearly names state and military responsibility. Even within mixed or conflict-centred stories, countervailing language appears. One article quotes Muslim leaders saying that “there are innocent people on both sides who need help urgently” and that “the perpetrators must be held to account”, while elsewhere the outlet refers to “atrocities against its Rohingya community” and notes that Rohingya are “denied citizenship”.

It therefore emerges as a hybrid, “both-sides” case. The Rohingya are often discursively constructed through insurgency, violence, and territorial disorder, yet a genuine accountability current remains visible

throughout the text. With that tension, the outlet shows that securitisation and critique can coexist within the same outlet.

The Hindu

Phrases such as “Rohingya a threat to security, says BJP”, “Seven Rohingyas arrested from Kanpur for illegally entering India“, and “BSF doubles down on Rohingya” from *The Hindu* frame the issue less as genocide in Myanmar than as India’s management of an allegedly risky and illegal population. The language of threat, arrest, illegality, and border enforcement repeatedly repositions the story away from origin and toward domestic governance. The outlet frequently discussed the Rohingya along with India’s own border regime, security debates, and legal-administrative field.

Simultaneously, the outlet retained a meaningful humanitarian and legal thread. In “Tamil Nadu, where anxiety grows at a Rohingya camp“, refugees are described as families who “live in fear“, while men work and children attend school, making daily precarity visible. Elsewhere, “Invisible suffering of Rohingya refugees” “List facilities at refugee camps: Supreme Court”, “Rohingya shall not be deported until procedure is followed”, and “India needs a refugee and asylum law” situate the crisis within constitutional process, legal protection, and humanitarian concern. Legal language is at times especially strong: “the fundamental right to basic amenities and a dignified life” must be extended, deportation would violate non-refoulement, and statelessness “often paves the way for genocidal violence”. It does not simply result in exclusion but produces a braided legal-security-humanitarian frame in which domestic threat, procedure, and state response often overshadow the genocidal structure of displacement.

Myanmar Now

A Myanmar-based opposition voice with meaningful Rohingya coverage, especially since the 2021 coup, *Myanmar Now*’s reporting repeatedly connects Rohingya persecution and suffering to the wider context of military rule, impunity, and the continuity of authoritarian violence. For example, phrases like “Six years after Rohingya genocide, human rights activists call for action” and “ICJ hearing is a chance to show

Myanmar's failed coup leaders that their days are numbered" are unlike more managerial or host-country coverage.

For example, "Myanmar junta strips Rohingya of ownership of land they were forced to flee in 2017" and "Captain who 'took part' in campaign against Rohingya among latest defectors" reconnect dispossession and violence to named actors, policy, and military practice. Likewise, "profits from Y-Complex will provide material support for genocide, war crimes and crimes against humanity" narrates seemingly unrelated military-linked stories through broader structures of atrocity and impunity. Justice language is also central: "The people of Myanmar are being denied justice and accountability", and the ICJ is urged to move "beyond procedural wranglings to the substantive hearing of genocide against the Rohingya."

Myanmar Now is also one of the clearest examples in the corpus that reconnects refugee suffering to genocide, perpetrator specificity, and information warfare at once, as in "Rohingya refugees sue Facebook for \$150 bn."

Chinese Global Television Network

Chinese Global Television Network's (CGTN) coverage is strongly state-centred and geopolitical. Its somewhat broader early coverage included humanitarian and gendered themes. Reporting noted that "these kids are alone, and that is very risky as they could be taken advantage of", that camps were "bursting at the seams", that "an alarming number" of Rohingya had crossed into Bangladesh, and that women had been "victimised by sexual violence". While such phrasing makes vulnerability visible, officials, diplomats, and international agencies still dominate the coverage rather than the Rohingya witnesses or their testimonies.

By the later period, CGTN focused more decisively and exclusively on bilateral, diplomatic, and geopolitical frames. The language is consistently procedural and discreet: "China has a balanced three-point plan" and "Beijing is committed to and sincerely working to find a peaceful solution." This coverage does not deny suffering outright. Instead, it narrates the crisis through sovereignty, bilateralism, stewardship, mediation, and negotiated processes. Even references to "ethnic cleansing" or the claim that security forces "purposely destroyed Rohingya property... to prevent

them from returning home“do not establish genocide as the dominant frame.

Russia Today

Headlines such as “400 k+ sign pro-Rohingya petition to strip Suu Kyi of Nobel Prize” and “Dying in Myanmar—When genocide becomes normative rather than aberrational” and solidarity-orientated coverage from Moscow and other Russian cities show that *Russia Today* (RT) repeatedly mentions genocide, humanitarian concern, and moral outrage. For example, the statement “In Myanmar, the army and bandits rape, torture and kill thousands but public figures see nothing” is morally forceful and explicitly uses condemnation.

However, RT often starts with terminologies related to securitisation and conflict. One early report, for instance, “The militants mounted 24 coordinated assaults on police posts” mixes insurgent action and also notes that violence against the Rohingya “could amount to crimes against humanity”. Through this juxtaposition, it focuses on atrocity, but that is frequently embedded in a broader narrative of conflict, controversy, or geopolitical contest. RT also repeatedly discusses Western hypocrisy, media silence, and information politics: “Few cases of double standards have been as grotesque as the Western adulation” for Aung San Suu Kyi; “perhaps the deadliest propaganda of today is the propaganda of omission”; and accuses Facebook of trading “the lives of the Rohingya people for better market penetration”. Unlike any other outlet from our corpus, *RT* does not consistently attend to the systematicity of the persecution against the Rohingya. Accountability does not become the organising frame.

Together, we find that media do not simply choose between recognition and denial. Rather, the outlets we have chosen negotiate the balance among accountability, humanitarianism, and securitisation. They discuss the same Rohingya crisis with competing schemata that share out the sympathy, responsibility, and political meaning in different ways. Some talk about the crisis in terms of atrocity, witnessing, legal coercion, and the responsibility of the perpetrator; others prioritise emergency rescue, camp governance, liabilities, and repatriation. Others frame militancy, threat, illegality, or geopolitics as the most important issues. Across outlets, national context, and historical period, coverage thus varies significantly.

12.6 WHEN HUMANITARIAN NARRATIVES DISPLACE GENOCIDAL VIOLENCE AND ACCOUNTABILITY

We set out to examine how the Rohingya are represented primarily: as genocide survivors or as refugees. We find that, across the outlets, genocide framing appears at critical moments, especially during the mass violence of 2017, after major UN interventions, and around the ICJ proceedings. Yet, recognition rarely is the dominant interpretive lens. Instead, humanitarian, security, and diplomatic narratives appear more frequently across time and outlets. Some outlets sustain the connection between suffering and responsibility to protect. Others recognise suffering but emphasise more on help, diplomacy, burden, or danger. The differences lead us to the understanding that the Rohingya are represented as either displaced individuals to be managed or persecuted individuals to be given justice and attention.

With our longitudinal analysis, we observe the shift from genocide to refugee-crisis management. It is not a one-off event but an ongoing process of reframing. In 2017, many outlets incorporated humanitarian emergencies and atrocities, with witness testimony and documentation of visible destruction. By 2018–2019, coverage had a greater shift towards evidence, legal analysis, responsibility, and repatriation. Humanitarian and managerial framing once again came under the spotlight through camp administration and conditions, Bhasanchar, the pandemic, and the military coup in 2020–2021. By 2022–2024, a few outlets revived the framing of genocide, justice, and state responsibility. Others, however, increasingly constructed the Rohingya experience through new developments of maritime movement, camp insecurity, border control, donor fatigue, platform failure, and regional instability. This trajectory gives outlet-level texture to Al-Zaman and Rashid's (2025) argument that host and non-host media develop different framing habits over time and that those habits often mirror national interests more than any linear chronological progression of the crisis.

Our findings support, but also refine, press-state relations scholarship by showing that framing patterns are shaped by national and geopolitical location without reducing coverage to simple state control. Humanitarian-burden and sovereignty/security frames are most pronounced in host and neighbouring states; legal-forensic accountability

is more sustained in elite-liberal US-UK outlets; bilateral and developmental management are especially visible in Chinese coverage; and *RT* more often reprocesses the crisis through meta-geopolitical critique, media bias, and platform blame. These differences suggest that news is structured through uneven alignments among source hierarchies, foreign-policy priorities, and nationally salient problem definitions. Thus, when applied to transnational events like the Rohingya crisis, our findings fit Bennett's (1990) argument that news tends to index the range of legitimate debate to authoritative political discourse, while also resonating with Entman's (2003) emphasis on how preferred interpretations cascade unevenly through elite and media networks.

In *The Guardian*, humanitarian recognition was closely connected to perpetrator violence and accountability, extending work on Western legacy media's atrocity-orientated framing beyond the initial 2017 phase (Ahmed & Hassan, 2024). It also helps qualify broader sentiment-based findings, since the outlet's negativity reflects atrocity, legal indictment, and institutional failure (Al-Zaman & Rashid, 2024).

In *Al Jazeera English*, our findings strongly support the argument that humanitarian visibility does not automatically produce genocide-centred interpretation (Kanakaner et al., 2020; Vu & Lynn, 2020): suffering, camp precarity, environmental exposure, and displacement remain central, yet *AJE* also complicates any simple reading of humanitarianism as depoliticising by giving unusual space to Rohingya protest, remembrance, leadership, and agency.

The New York Times likewise supports Vu and Lynn's (2020) account of Western "Surviving Horror" framing, but our corpus shows a broader evidentiary and infrastructural logic: survivor testimony is repeatedly tied to verification, institutional language, and platform accountability, especially around Facebook and digital hate, extending concerns raised by Mozur (2018) and Pour (2023).

The Daily Star, on the other hand, gives strong evidence that humanitarian framing can exist alongside the shift of genocide recognition into managerial and securitised discourse, which supports Ubayasiri (2019), Kamruzzaman et al. (2024), Mojid's (2024) account of securitisation, and Vu and Lynn's (2020) broader distinction between humanitarian sympathy and atrocity framing. It also fits with what we know from other countries' media that focuses on repatriation, relief, and human rights. Our study adds that less negative Bangladeshi coverage does not

always mean stronger recognition of genocide (Al-Zaman & Rashid, 2024, 2025).

The Irrawaddy is more internally tensioned than prior literature usually suggests: although its security-centred orientation supports Vu and Lynn's (2020) characterisation, accountability remains a persistent secondary and sometimes major register, showing that securitisation and critique can coexist within the same outlet.

The Hindu likewise supports Awmy's (2019) argument about Indian intruder/security framing and Islam's (2018) observation that Indian sourcing pulls coverage toward domestic officials and national policy, while our findings refine that literature by showing how humanitarian, legal, and exclusionary security logics are braided together without resolution; our close reading shows that these frames often relocate the Rohingya into India's domestic legal-security field and thereby background genocidal violence in Myanmar.

Myanmar Now broadens the literature by foregrounding a Myanmar-based opposition outlet rarely centred in prior framing studies: especially after the coup, its Rohingya coverage repeatedly links persecution to military rule, impunity, and authoritarian violence, while its attention to platform responsibility again intersects with the infrastructure concerns raised by Mozur (2018) and Pour (2023), showing that accountability-centred Rohingya coverage is not only a Western phenomenon.

China Global Television Network, in turn, strongly supports Islam's (2018) argument about the geopolitical and state-centred orientation of Chinese coverage, but our longitudinal reading sharpens that point: genocide language recedes not because suffering disappears but because the crisis is absorbed into a statecraft vocabulary of dialogue, process, repatriation, and negotiated return. Although China's Rohingya coverage has been examined elsewhere through outlets like *China Daily* and *Global Times* (Abbas, 2024; Al-Zaman & Rashid, 2025), CGTN has been comparatively overlooked, and our findings show that sovereignty and bilateralism do not merely contextualise the crisis but help defer recognition.

Although often omitted because of its irregular Rohingya coverage and widely understood as a state-aligned international broadcaster within propaganda-orientated ecosystems (Wright et al., 2020), our corpus shows that *RT* allows atrocity language to circulate without making accountability durable: unlike *CGTN*'s procedural diplomacy, *RT* more often reframes the crisis through Western hypocrisy, media bias, and

platform failure, invoking genocide rhetorically but without consistently building survivor-centred or institutional accountability. Both *CGTN* and *RT* underplay genocidal intent but through different state-aligned pathways: *CGTN* via procedural statecraft and *RT* via meta-geopolitical deflection.

The cross-outlet differences in our corpus were structured by the distinct political, geopolitical, and material stakes through which the Rohingya crisis entered different national media systems. Coverage did not simply reproduce state policy in any direct or mechanical sense. Rather, consistent with indexing and cascading activation perspectives—making media-state alignment more useful than traditional agenda-setting for explaining these cross-outlet differences—national interests helped shape which sources were treated as authoritative, which problem definitions became repeatedly available, and which interpretive logics became durable over time (Bennett, 1990; Entman, 2003).

Our selected outlets framed the same crisis and its violence differently. Each followed a specific national lens. Bangladesh's *The Daily Star*, reporting from the position of the principal host country, considered the crisis a domestic question of long-term accommodation, governance, diplomacy, and local strain. India's *The Hindu*, representing the neighbouring state that hosted a much smaller population, consequently portrayed the Rohingya less as a persecuted collectivity and more as a population to be classified, monitored, and controlled (at the border).

The stakes were much sharper for Myanmar. Outlets show that national interests alone did not determine Burmese coverage. *The Irrawaddy* remained partly influenced by the historical conflict-security concerns, which is not surprising considering the historical portrayal of the Rohingya inside the country. Nevertheless, *Myanmar Now* brought forward a unique brand of political stakes of the anti-junta opposition.

Outside the immediate region, *Al Jazeera English's* reporting, based in Qatar, made the crisis visible by emphasising transnational Muslim victimisation and moral witnessing alongside its humanitarian focus.

China's state-international position, represented by *CGTN*, showed a preference for statecraft, strategic relationship management, restoration, and non-interference. It naturally limited how central genocide recognition could become. Russia's counter-Western-hegemonic position with *RT* used moral outrage primarily as evidence against liberal moral authority, rather than to build durable justice.

On the contrary, *The New York Times* and *The Guardian*, from the US and the UK, respectively, did not lose sight of their main focus: institutions and investigations. It is also partly because they were not limited by the practicalities of hosting and border control or the need to legitimise Myanmar. This relative distance was, however, not unchecked. The outlets were more inclined to highlight the Western evidentiary style and place it in the centre of the recognition rather than the Rohingya political agency itself.

Collectively, these tendencies suggest that tone or sympathy was not the sole varying factor among the corpus. Even the political application to which the crisis was subjected in various national and transnational contexts varied. The Rohingya were positioned, differently, as a burden to manage, a border-security issue, a conundrum of responsibility, a geopolitical subject matter, a diplomatic problem, a tool for geopolitical critique, or rarely but significantly, as survivors of atrocity entitled to legal-forensic accountability.

However, it would be imprudent to see these dynamics without considering the hybrid information environment. The dissemination of genocide recognition, denial, and responsibility was also critically important due to the use of platforms, especially Facebook, that both hosted hate and facilitated counter-discourse(s) by the Rohingya diasporas (Ahammad et al., 2024; Ansar & Maitra, 2024; Mozur, 2018). The Rohingya case therefore shows how framing within a platform-saturated media ecology helps determine whether suffering becomes durable as atrocity, administrable as crisis, or deferrable through diplomacy and security.

One potential reason these outlet-specific patterns persist is that humanitarianisation operates as the most durable mechanism of displacement. Across the corpus, reporting repeatedly foregrounds camps, food insecurity, monsoon exposure, aid delivery, repatriation logistics, and the everyday administration of refugee life. These frames make suffering highly visible, but they often locate the crisis in relief and management rather than in the attribution of atrocity. Thus, genocide becomes contextual background rather than the central problem definition. Humanitarian recognition should not be considered equivalent to genocide recognition: a story can be morally sympathetic, visually affecting, and politically urgent while still leaving perpetrator intent and state responsibility structurally less emphasised.

12.7 CONCLUSION

This chapter broadens the literature by showing that the humanitarian-genocide gap is cross-national rather than outlet-specific; that familiar patterns identified in prior work often contain unresolved internal tensions; that protracted crisis coverage tends to move from atrocity recognition toward management, security, diplomacy, and platform-mediated spillover; and that computational patterns identified comparatively become more politically legible when read qualitatively, since frames like politics, repatriation, relief, refuge, and crisis do not mean the same thing when tethered to genocide recognition as when detached from it (Al-Zaman & Rashid, 2024, 2025).

Our findings are best understood primarily through a framing lens, though agenda-setting helps clarify why genocide recognition appears episodically rather than durably. Throughout the corpus, the Rohingya crisis comes into the limelight, particularly at times of acute violence, when the UN intervenes significantly, and when there is international legal scrutiny. Nevertheless, its coverage is more focused on diplomatic talks, humanitarian matters, and security concerns. Agenda-setting helps us understand the unequal distribution of attention: genocide framing bursts in at particular critical times, whereas humanitarian need, refugee management, repatriation, and regional instability are better forecast through outlets and time. Framing, however, is more central to our analysis because the key issue is not only what receives attention but also how the crisis is organised into meaning. Across the corpus, outlets recurrently structure the Rohingya through three overlapping interpretive regimes—*atrocity-accountability*, *humanitarian-managerial*, and *denialist-securitised*—thereby shaping whether they appear as persecuted subjects entitled to justice and historical recognition or as displaced populations to be managed, contained, or negotiated over.

The findings support prior work showing that sympathy does not automatically produce atrocity recognition (Kanaker et al., 2020; Vu & Lynn, 2020). They also help qualify the predominantly negative sentiment patterns identified by Al-Zaman and Rashid (2024): negative or tragic language often arises from reporting on massacre, displacement, deprivation, and legal persecution, but whether that suffering is narrated as genocide, refugee management, or security threat varies sharply by outlet. Our corpus shows this humanitarian-genocide gap across a wider comparative field than most existing studies, including overlapping outlets

and national contexts already discussed in prior computational work (Al-Zaman & Rashid, 2024, 2025).

Overall, we suggest that genocide framing does not disappear, but it is contained. It surfaces at moments of acute violence, legal intervention, and international scrutiny, yet it rarely establishes itself as the durable frame through which the Rohingya are understood. Humanitarianisation and securitisation make the crisis administrable. Sovereignty, bilateralism, and geopolitical reframing make it negotiable or deferrable.

The distinction between genocide-survivor and refugee-crisis framing is not only semantic. It shapes whether state violence is named, whether stripped citizenship is contextualised, whether responsibility is assigned, and whether the Rohingya are recognised as historical subjects of persecution rather than merely displaced populations in need of aid and sympathy. We find that the Rohingya—through their most common and striking global media depictions as helpless, homeless, and stateless—are represented most often as refugees to be managed, sometimes as risks to be contained, and less often as genocide survivors entitled to recognition, accountability, and justice.

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Intersection of Genocide and Forced Displacement: A Case of the Rohingya

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13.1 INTRODUCTION

The Rohingya people are considered one of the world's most persecuted ethnic communities, who have experienced structural violence,¹ discrimination, ethnic cleansing, and forced displacement in Myanmar (Uddin, 2020). Despite having roots in Arakan State for the past eight centuries, the Rohingya people have been enduring systematic violence, denial of citizenship, serious human rights violations, and widespread displacement from their land (Nandi & Hossain, 2025). According to Human Rights Watch (2022), the Rohingya community has endured forced displacement and atrocities in Myanmar since its independence from British rule. The

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degree of persecution took a high peak in 2017, when the Myanmar military launched a genocidal campaign, forcing hundreds of thousands of Rohingya to flee to Bangladesh. The massive influx of Rohingya people to neighbouring Bangladesh to flee genocide from Myanmar's Rakhine State resulted in the largest humanitarian crisis in Bangladesh (Sajib et al., 2022), which creates extensive consequences for regional and global stability due to forced displacement, exacerbating cross-border unrest, human trafficking, and the deterioration of diplomatic relationships in South and Southeast Asia.

Combining the old and new arrivals, Bangladesh is hosting the world's largest refugee population (approximately 1.3 million) living in overcrowded conditions at 34 camps in Cox's Bazar (Rahman & Mitani, 2025). Though the idea of forced displacement has not been thoroughly examined in studies concerning the Rohingya crisis, it is often used to justify the atrocities perpetrated by the Myanmar military for implementing land policies and the extraction of resources (Anwary, 2023). In this context, we examine forced displacement as a dynamic issue related to the Rohingya, which contributes to the broader understanding of atrocities and the reformulation of genocidal crime. Though the effects of genocide on the Rohingya community and their survivors have been widely researched, little attention has been given to the forced displacement of the Rohingya people due to genocidal conditions (Elliot, 2022). The chapter proposed an analytic argument on the relationship between genocide and forced displacement, whereas forced displacement and genocide are intricately linked, frequently operating as a continuum of violence in which displacement acts as a strategy, a prelude, or a direct outcome of genocidal intent (Uddin, 2024). The Rohingya people have been displaced not by their choice and willingness, but by force and a deadly campaign. To displace their land, the Rohingya people have been systematically denied fundamental human rights and basic civil rights, including freedom of movement, job seeking, marriage, family planning, education, and even religious practice (Human Rights Watch, 2000).

Bangladesh has played a critical role in the broader geopolitical landscape of South and Southeast Asia, sharing borders with India and Myanmar. Having experienced decades of volatile ethnic and religious conflict, these regions have become a critical juncture for socio-economic, geopolitical and strategic partners of global powerhouses (Uddin, 2025b). The prolonged state of conflict and violence has resulted in a serious

humanitarian crisis in this region. In particular, the Rohingya crisis constitutes a severe humanitarian and geopolitical dilemma that has developed over decades, involving systematic persecution, forced displacement, and persistent difficulties in host nations. According to Rahman and Mitani (2025), around 1.3 million Rohingya have been displaced worldwide, seeking refuge in other countries, including Bangladesh, India, Pakistan, Malaysia, Saudi Arabia, Thailand, Indonesia, and the UAE. The region has seen significant tension owing to shifting demography, and the local community has been further marginalised by the absence of involvement from host communities in the selection and allocation of beneficiaries (Abrar, 2017), which has led to increased social friction and resentment among both the Rohingya and local populations. For the past few decades, Bangladesh has been combating the crisis with support from the international community, despite the country's distinct social and economic disparities (Ahmad & Yaseen, 2021). Over one million vulnerable individuals, including recent arrivals due to renewed violence by the Arakan Army (AA), may have sought temporary refuge in Ukhiya and Teknaf, two areas within the 34 camps of the Cox's Bazar district; nevertheless, the consequences of this sudden influx have been disastrous, as Bangladesh is already an overpopulated country. The Rohingya refugees exert influence across the country's social, economic, and political dimensions. The chapter takes such end-line consequences as the production of forced displacement, but the central beginning point is genocide, because genocide produces forced displacement. Using ethnographic details, the chapter focuses on three arguments: forced displacement can be utilized to destroy a group by creating living conditions calculated to bring about its physical destruction, which is a key component of genocide (Article II[c] of the Genocide Convention); it creates not only regional tension between states (Bangladesh and Myanmar) but also far-reaching consequences for global stability; and in most cases, forced displacement is not an unintended consequence of conflict but rather a crucial component of genocide efforts that aim to eradicate a people's cultural, social, and physical identity.

13.2 LITERATURE REVIEW

This review blends a considerable number of well-read articles, books, and reports, questioning the denial of the Rohingya genocide through three critical lenses: first, the legal framing of genocide recognition; second,

the (biased) responses of global authorities and the ground reality of displacement and forced migration; and third, global and regional mechanisms of security concerns and regional instability. The literature reviewed portrays that the most persecuted Rohingya community has experienced a cold-blooded killing mission of the Myanmar security forces, along with ethnic extremists and Buddhist fundamentalists (Uddin, 2025a), and it has ended with an ultimate forced displacement to neighbouring Bangladesh, which produced a growing tension within Bangladesh for internal security and regional border instability. Many scholars (see Bari, 2020; Karmakar, 2024) have opined that the massive Rohingya displacement has sparked a deep concern for the wider regional stability in South and Southeast Asia because the influx of large numbers of Rohingya refugees causes a considerable threat to Bangladesh and creates an insecure and militancy-supportive environment within Bangladesh and along its borders. Bangladesh faces a double challenge to local and national security, which jeopardises the government's ability to protect its foreign policy interests (Bari, 2020; Karmakar, 2024). Despite limited resources and its vulnerability to annual major disasters, Bangladesh has received "roughly one million refugees over the past two decades" (Dussich, 2018, p. 18). Southwick (2018, p. 124) also observes that the Rohingya influx "caused the largest and fastest exodus of people since the 1994 Rwandan genocide". However, while we do not subscribe to the idea that the displaced Rohingya have created really any security threat to the national and regional context, we concur that the massive Rohingya presence has created tremendous pressure on local resources, faculties, services and the entire ecosystem. Among the volume of scholarly works, the section briefly presents the leading literature on forced displacement and genocide, the two main variables of the chapter.

Understanding Forced Displacement

The United Nations High Commissioner for Refugees (UNHCR) defines "forced displacement as the involuntary, coerced movement of people from their homes due to persecution, conflict, generalised violence, human rights violations, or environmental disasters" (UNHCR, 2026), where genocide is missing as a fundamental reason for forced displacement, as we find in the Rohingya case. Anwary (2023) identifies displacement as a significant economic factor and points to the Myanmar government's land acquisition system, which has accelerated the state's

seizure of Rohingya land. She also shows that the 2012 *Land Law* has empowered the government to establish control over Rohingya areas and private leasing companies to evict smallholder farmers from the Rohingya community (See Anwary, 2023). Furthermore, Chinese investment policies related to petroleum oil and gas connections across the Rakhine region are a significant factor in implementing eviction policies against the Rohingya. In order to establish their economic desire, the Myanmar state and its Burmese citizens categorise the Rohingya people as a potential threat to their regional security since the Rohingya-possessed political organisation (such as ARSA) was engaged in militant activities (Fair, 2019). The actions initiated by the Burmese military and the local Buddhist agencies about allegations against the counter-insurgency operation materialise to bring about the purpose of displacement. Furthermore, family split-up, sexual harassment, and restrictions on birth control of vulnerable Rohingya were deliberately targeted as indicators of extreme exclusion and displacement (Cronin-Furman, 2018), aiming to destabilise an ethnic regeneration process. These actions are fully consistent with the description of genocide under the 1948 UN Convention (Rashid, 2018). The denial of rights of being a citizen by Myanmar's state law has categorically accelerated the well-planned forced displacement and resulting genocidal acts of the stateless Rohingya community in the south-southeast, mainly in Bangladesh (Karmakar, 2024; Rahman & Sakib, 2021). In addition, forcible dislocation of population from one place to another, vulnerable places, such as camps, slums, or temporary houses, intends to derecognise their ethnic identity and facilitate their statelessness everywhere (Tatz, 1999), which Sen (2014, quoted in Habiburrahman & Alamgir, 2024) defines as a "slow genocide". However, while the literature on the Rohingya community is mushrooming, we find very little about the nexus between genocide and forced displacement, where the Rohingya genocide in 2017 has been highlighted as the fundamental reason for their forced displacement.

Genocide

A significant body of writings identifies the consequences and nature of wrongdoings against Rohingyas, such as massive killing, rapes, bodily injury, dehumanisation, and burning and looting of belongings, as a solid indication of genocide (Brinham, 2025; Lee, 2021; Uddin, 2022). Dussich (2018, p. 5) claims that "there is strong evidence that genocide

is being committed against the Rohingya people”, and in this context, he cites the definition of the *Genocide Convention*, which includes planned and concerted actions intended to destroy an ethnic, religious, or cultural group. Field-based data from Habib et al. (2018) provides quantitative evidence to support these legal ends. In a survey of 3221 Rohingya families in refugee camps in Bangladesh, they found that 89.6% of informants stated being tortured, 89.7% described having their homes burned, and 29.2% informed having family members killed or disappeared after government action (Habib et al., 2018, p. 79). The question of genocidal intent is at the heart of legal decisions. Rahimian (2018, p. 1) argues that the Tatmadaw’s campaign in Myanmar, marked by widespread killings, torture, rape, and destruction of property, bears “clear signs of genocide”, and the UN has described it as “a textbook example of ethnic cleansing”. However, Anderson (2019) critically observes judicial settings for the presumption of genocidal purpose and argues that courts often create an unrealistic image of the perpetrator, portraying him as autonomous and hostile. They fail to take into account the complex and hierarchical nature of actual perpetrators, who “often commit crimes within institutional hierarchies” (Anderson, 2019, p. 3). The legal obstacles are further complicated by the continued denial of the Myanmar state mechanism. Siddiqui (2019, pp. 5–7) categorises this rebuttal as a deliberate political strategy tapping “post-truth politics” and shows how state-regulated (social) media have methodically dehumanised the Rohingya by rejecting their ethnic recognition and portraying Burmese armed actions as counter-insurrection. Samya (2025, pp. 11–12) further contends that regional politics (south-southeast regions) stimulate this denial, as the interests of this regional politics of the permanent members of the UN Security Council defend Myanmar’s agents from its liability for being committed genocide. Green et al. (2015) provide evidence for four stages of genocide that have already been committed by the Myanmar government against the Rohingya community: stigmatisation and dehumanisation, persecution and terror, dislocation and displacement, and organised destabilisation through restricted access to treatment, education, and living (Green et al., 2015, pp. 52–98). Uddin (2020, pp. 17–19) introduces a novel concept of “subhuman life”, which is defined by dreadful living, legal fantasy, and being deemed “worthy of extinction”. The borderline of the majority of the literature on the Rohingya published in the post-2017 period, what happened to the Rohingya community in

Rakhine state was a clear genocide. While echoing this majority literature, we further argue that the massive Rohingya displacement took place fundamentally due to the genocide. So, there is a strong intersection between forced displacement and genocide.

13.3 METHODOLOGY

The idea of the nexus between genocide and forced displacement came to mind when we worked together on a research project under Professor Nasir Uddin on digital literacy among Rohingya refugees, supported by Bournemouth University, UK, in 2022–2022. We were collecting micronarratives of the displaced Rohingyas, where the majority of the stories pinpointed genocide as the main reason for their displacement. We collected huge data on digital literacy among the Rohingya youth, while side by side, we tried to understand the Rohingya views of their massive displacement. Later, our intensive observation was followed by independent research, particularly on the intersection of genocide and forced displacement in 2024–2025. Our empirical research mainly adopts the in-depth interviews, key informant interviews (KII) and Focus Group Discussion (FGD) as ethnographic techniques, in which we “study with subjects, not on subjects” (Tucker, 1999) to echo their perceptions, and we were also redirected by them to focus on the research question. The field research was conducted with informants and key informants through snowball and purposive sampling, comprising 13 Rohingya males, 8 Rohingya females, and 4 national and international officials. We conducted our field visits in the Kutupalong Rohingya refugee camp in Ukhiya, Cox’s Bazar, in 2024–2025. We chose the Kutupalong refugee camp because of its convenient communication system. Secondly, the camp is larger than any other camps situated in Cox’s Bazar and Noakhali, where old and newcomers of Rohingyas were enlisted in the government record before and after 2017. On top of that, the chapter’s methodology has been significantly enriched by one of our co-authors, Nasir Uddin, who has been researching the Rohingya people for more than 2.5 decades.

13.4 A PROLONGED HISTORY OF ROHINGYA FORCED DISPLACEMENT

The term “Rohingya” is politically charged and historically contested (Alam, 2019). The Rohingya are an ethnic Muslim minority group originally from Myanmar’s Rakhine, a combination of varied racial groups encompassing Bengalis, Arabs, Persians, Moghuls, and Turks, but the government denied them citizenship (Ibrahim, 2016). The history of the Rohingya dates back to eight centuries, demonstrating their presence in the region. The government of Myanmar first recognised the Rohingya as a valid ethnic group after the country gained independence in 1948 (Alam, 2019). Several Rohingya were elected to Parliament after the *Union Citizenship Act of 1948* gave the group the right to vote. However, subsequent governments since 1962 have consistently rejected the recognition of the Rohingya as an ethnic group, instead categorising them as “Bengalis” and viewing them as recent migrants (Alam, 2019). In 1974, a new constitution was adopted, and the *Emergency Immigration Act* established a framework that further marginalised immigrants. The government initiated the removal of National Registration Cards (NRC) from Rohingya residents, substituting them with “Foreign Registration Cards” that declared them as non-citizens. In 1977–78, the military junta, led by General Ne Win, initiated *Operation Nagamin* (Dragon King), aiming to identify the Rohingya as “illegal immigrants” before a national census. The situation entailed extensive arrests, torture, sexual violence, and the incineration of Rohingya villages throughout northern Arakan (Ibrahim, 2016). Myanmar soldiers seized their documents and burned their home, forcing them to flee across the Naf River into Bangladesh. By May 1978, Myanmar had forcibly removed an estimated 200,000 to 250,000 Rohingya from their land, subjecting them to extreme persecution and forcing them to flee into Bangladesh as refugees (Uddin, 2020). From 1978 to 2017, the Rohingya people faced severe human rights violations, encountering massive atrocities by the Myanmar government forces as a process of dehumanisation and displacement. Since August 2017, the world has experienced the plight of the Rohingya, who were forcibly displaced and seek shelter in Bangladesh as refugees. The United Nations High Commission for Refugees (UNHCR) estimated that approximately 923,000 Rohingya were displaced from their land and fled to Bangladesh between 1978 and 2017 (Sattar, 2017). On August

25, 2017, the Myanmar military commenced “clearance operations” characterised by mass killings and the burning of approximately 400 villages. Within the first 30 days, at least 6700 Rohingya were killed, including at least 730 children. Though the UN Human Rights Commissioner described it as a “textbook example of ethnic cleansing”, many academics and investigators have since provided evidence of genocide (Alam, 2019). The fundamentals of this history of oppression are that despite persistent persecution by the Myanmar state, the Rohingya people did not leave their “land of birth” in massive numbers, but only genocide triggered the large-scale displacement of the Rohingya community.

13.5 FRAMING ‘OTHERING’ AS A TOOL FOR DISPLACEMENT AND THEN GENOCIDE

The chapter provides a detailed account of how the dispute concerning an ethnic minority’s identity is collaboratively exploited by Buddhist extremists and the oppressive military regime in Myanmar. The historical trajectories show that by threatening the identity and beliefs of various groups, the government engaged in exclusion and persecution, including expelling, burning, murdering, and exploiting them (Sultana, 2019). This section elucidates two principal concepts: first, the representation and preservation of ethnic identity over centuries, which transform minority groups into the “other” within their own nation; second, the Myanmar government’s conduct of political violence aimed at eradicating cultural, religious, and ethnic diversity (Karmakar, 2024). Burmese see “Bengalis” as illegal outsiders and reject “Rohingya” to deny their ethnicity (Rosenthal, 2022). *The 1982 Citizenship Law* aimed to derecognise the Rohingya identity that rendered them formally stateless people (MacLean, 2018). This indicates the Myanmar government’s policy not to include the Rohingya community, which has thus become a politics of “slippery citizen” (Walton-Roberts, 2015). The government banned the term “Rohingya” and used instead “those who follow Islam in Rakhine State”, excluding more than one million people from the census (Ferguson, 2015, p. 14). Local Burmese call them with a disdainful name, ‘kala’, as a representation of dark-skinned ethnic “others” in the name of Burmese national integrity and Buddhist religious purity (Habiburahman & Alamgir, 2024). Habiburahman & Alamgir also show how “sanctions and suspension of entitlements have led to framing the

Rohingya as a ‘surplus’ population, highlighting their everyday struggles” (2024, pp. 1281–1297). This categorisation explains how creating decontextualised historical narratives influences the misrecognition of the Rohingya as stateless. The misconception that it is a strategy helps us understand how it can lead to the accumulation of resources by creating deprivation and highlighting disparities in fundamental abilities across different groups of people (Sanyal, 2007). As “surplus” inhabitants, their camp, slum, or squatter living conditions thus create social consent and reproduce the evolution of post-colonial capitalism through its genocidal social structure (Habiburahman & Alamgir, 2024, p. 1285). So, framing “otherness”, representing the Rohingya as “surplus” and legal exclusion from the state-structure rendering them “non-citizens” formed a basis for the execution of genocide. Therefore, the intersection of genocide and forced displacement is mutually exclusive because genocide is not only the reason for displacement, but also displacement is one of the core objectives of genocidal execution. The Rohingya ethno-historical background and the Rohingya genocide are the textbook case of this matrix.

13.6 PRE-CONDITIONALITY OF GENOCIDE FOR DISPLACEMENT

From the previous section, it is evident that forced displacement often serves as a mechanism for perpetrating genocide as well as a direct outcome of it. In that case, the relevance of forced displacement as a “weapon of war” (Simeon, 2023). Feldman & Geisler (2012) define displacement as “a catastrophic dispossession that comes with land seizure, foreclosure, or violent removal”. According to *the Rome Statute* (2013) (Article 8(2)(a)(vii)), forced displacement, in its various forms, is a war crime and a crime against humanity, but not genocide (2013, Article 7 (1)(d)). In accordance with the example of Serbia and Gaza, *the International Court of Justice* (ICJ) (2015) concluded that forced displacement was a consequence of other actions capable of being viewed as acts of genocide (para. 376), it nevertheless affirmed that it could, when taking place in circumstances calculated to bring about the physical destruction of the group, also constitute genocide (para. 163). Raphael Lemkin (1944) proposed a border concept of genocide using the term “cultural genocide”² and campaigned for the establishment of an international convention criminalising genocide, considering that genocide had two phases: the destruction of the national pattern of the group and then

imposition of the national pattern of the oppressor. According to *the Convention on the Prevention and Punishment of the Crime of Genocide* (1948),

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group.

By the end of 2025, approximately 122.3 million people worldwide had been forcibly displaced due to persecution, conflict, violence, human rights abuses and events that severely disrupted public order (UNHCR, 2024). According to the United Nations High Commissioner for Refugees (UNHCR): “Forced displacement occurs when individuals and communities have been forced or obliged to flee or to leave their homes of places of habitual residence as a result of or to avoid the effects of events or situations such as armed conflict, generalized violence, human rights abuse, natural or man-made disasters, and/or development projects” (UNHCR, 2024). In the present world, the Rohingya issue is an instance of the current convergence of genocide and forced displacement. In this situation, mass deportation is utilised not just as a by-product of conflict, but also as a planned instrument to eliminate a protected population in whole or in part. Because of the cruel *Clearance Operations* carried out by the Myanmar security forces since August 2017, more than 740,000 Rohingya have been forced to enter Bangladesh. They have joined the hundreds of thousands of people who have already been displaced, resulting in the creation of the biggest refugee camp in the world at Cox’s Bazar. One of our Rohingya respondents, Ali Hossain, said that “We were forcibly displaced several times — first in 1978, second in 1992, and most recently in 2017. We have spent our lives in a cycle of displacement”.³

The military regime in Myanmar has systematically violated the human rights of the Rohingya, forcing many of them to flee the country. As a result, the displacement of thousands of people, most of whom sought

sanctuary in neighbouring Bangladesh, and others sought safety in neighbouring Malaysia, Singapore, or the Middle East. One of the Rohingya respondents, named Ataullah (pseudonym), shares his experience:

We had to report all our possessions to the Burmese government, including cattle, buffalo, goats, chickens, mango trees, and coconut trees. We had to provide detailed accounts of the quantity of each possession, like how many cows or buffalo we had and how many mangoes or coconuts were on the trees. There were days when I went out for breakfast, and the military would chase me. Luckily, they could not catch me. The government used various tactics to force us to flee to Bangladesh. In fact, they built a system of fear that forced us to leave Rakhine.⁴

The statement clearly indicated that displacement was instrumental to the genocidal project, not merely incidental (Cheesman, 2017). Ataullah informed us that the Rohingya people were living in Rakhine in a state of fear, which consistently compelled them to leave the country. In 1982, the Rohingya lost their citizenship according to the *Citizenship Act*, which denied their basic human rights. The Buddhist majority and the government authorities introduced a new type of abuse (O'Brien and Hoffstadter, 2020) as the Rohingya community lost everything in terms of freedom of movement, nutritious diet, safe drinking water, social support, work opportunities, and basic education (Kanak and Khatun, 2025). In this context, one of our respondents, Osman Goni (pseudonym), said:

They also seized the wealth of those who had property, using threats and intimidation. If someone had money, they would extort it under various pretexts. There was no one to provide justice. If anyone refused to pay, they were threatened with execution or imprisonment. Those who raised their voices or protested these injustices were jailed, and the number of such prisoners was countless. Many of my relatives and co-villagers from my neighbourhood were sentenced to prison in this manner, and they remain incarcerated to this day. This, too, was a form of atrocious conditions close to genocide against us.⁵

Another respondent, Abul Kasham (pseudonym), added that.

The soldiers destroyed the mosque, then sent their forces into our homes to loot whatever they could find—rice, grains, chickens, cattle,

and anything of value. Not only the military soldiers, but also some local Buddhists frequently came to our house for extortion under the threat of eviction and taking away of girls and women at home. They also looted our valuable time and again. We didn't have any safety; our property and valuables were literally under persistent threat, and the "ijjat-shorom" (honour and dignity) of our girls and women were under constant fear. The situation compelled us to leave our motherland.⁶

Two consecutive narratives inform us that even before a tangible genocidal mission, which broke out in 2017, the Myanmar state and the local social system created "atrocious living conditions" (Uddin, 2020) in Rakhine that compelled the Rohingya community to leave the country. So, forced displacement is not only the by-product of genocide, but also the precondition of genocide, which forces people to be displaced.

13.7 DISCUSSION: GENOCIDE, DISPLACEMENT, AND SECURITY PARADIGM

When we talk about the Rohingya genocide in Myanmar and their forced displacement in Bangladesh, it does not essentially delimit the Rohingya crisis within Myanmar and Bangladesh. It has a larger regional and global geopolitical spectrum. Several factors are contributing to the severity of the Rohingya people's situation in both Myanmar and Bangladesh. However, these factors are not responsible in isolation for the crisis; rather, they have collectively contributed to the Rohingya sufferings. Besides, some hidden forces continue to influence the Rohingya situation, making it more complicated. The Rohingya crisis, which Bangladesh is presently dealing with, is being shaped by several factors, including their ethnoreligious origin, regional and worldwide geopolitics, the roles of the international community, global political rivalries (America vs Russia) and two regional big-fishes (India and China). It otherwise confirms that the Rohingya crisis is not created by the Rohingya themselves but by others, who are taking an interest in regional and global geopolitics (Uddin, 2025b). Many hidden forces are blurred in world media portrayals that only focus on humanitarian issues and their safety without addressing the root causes and avoiding Myanmar's long-desired and complex geopolitical game and big fish in this region, where Bangladesh has become a playground due to its steady economic growth and expansion of its national interests (Hossain Zakir, 2022). On the other hand,

the factors include commerce routes, national security, gas pipelines, and their geostrategic reflections in this region (Habib et al., 2018).

Throughout the century, the Rohingya people have endured horrific acts of brutality and intermittent military tyranny. The villages were levelled by the military, who also burned down their homes and belongings, took over the land, which was subsequently designated government property (Sassen, 2017). Burned traces make it difficult to determine who was previously punished by the military, but this will give the military the confidence to manage. The government reached a pact allowing China to expand their economic zone and invest directly in certain areas, and this is what transpired. Both the future of the economy and the strength of China's occupation in Rakhine, Myanmar, will be profoundly affected by the billions of dollars invested there. Much beyond the port and industrial zone, such colossal constructions would cast a long shadow over a large portion of Rakhine (Sassen, 2017). The geopolitical aspect at play here is the shadow of economic solidarity, which has led to escalating tensions in these regions and pushed neighbouring countries to the brink of invasion, all in the name of national interest. Only ethnic and religious fanaticism have played a larger role in this relocation than in the many prior forced displacements of the Rohingya.

While we understand that genocide and forced displacement are intertwined, the entire paradigm of "Rohingya as a security threat" is problematic. It is undeniable that vulnerable people, such as the Rohingya refugees living in the borderlands of Bangladesh and Myanmar, are easily exploited and are a hub for militant recruitment. It is also true that the Rohingya refugees living in Bangladesh cannot return to Rakhine due to unsafe conditions. They cannot integrate into the local community, as the host society is unwelcoming. They also cannot resettle in a third country, as no country is offering them asylum. Therefore, they can be easily used by third forces involved in 'militant' activities, illegal armed trading, human trafficking, illicit border trading, and so on, as represented by the media. However, what is presented is not always the full truth. Our research finds that genocide not only produces displacement, but displaced people also create many other problems in the country of migration. In the case of Rohingya displacement, their massive presence has created many social, economic, ecological and political problems, but the claim that the Rohingya people have become a national, regional, and global security threat is fairly exaggerated.

13.8 CONCLUSION

The chapter presents five key points: firstly, apart from massive killing, random rapes, burning houses and properties, and doing bodily harm, genocide triggers forced displacement. Secondly, forced displacement is not only the by-product of genocide, but also displacing the targeted people is one of the central motivations of executing genocide. Thirdly, forced displacement doesn't take place just in the aftermath of the execution of genocide, but also in the state, the social system intentionally creates atrocious living conditions, and a culture of fear that forces people to be displaced on the eve of genocide. Fourth, ethno-historical continuity and the state's policy of "framing otherness", making people "surplus" and legal exclusion by making "stateless" in the state structure render people "worthy of genocide". Fifthly, displaced people becoming a security threat to the national and regional stability is an oversimplification and sweeping generalisation. The chapter, with the case of the Rohingya genocide and their forced displacement, has analytically, empirically, and evidentially proved these five key points.

Before ending, we would say that the Rohingya people are often represented as a "security threat" to national (Bangladesh), regional (South and Southeast Asia) and global scale because of their extreme form of vulnerability as they might be an easy punching bag for militant recruitments, human trafficking (particularly women and child trafficking), and illicit border trades. The genocide survivors and victims who lead their lives with an atrocious past, a critical present, and an uncertain future, how could they become a "security threat"? This is called "blaming the victims", since the Rohingya people are not the cause, but the victims of genocide, which was executed by the Myanmar security forces as part of the game of regional and global corporate dynamics and geopolitical interests.

Notes

1. Structural violence, as articulated by Johan Galtung (1969), is a form of harm in which social structures—economic, political, legal, and cultural systems—constrain individuals and groups from meeting basic needs and realising their full potential.
2. The term "cultural genocide" can also be used to describe the systematic destruction of an entire people's way of life, including its language, customs, and social institutions. Raphael Lemkin first

- used the term in 1944 to describe the process of eradicating cultural markers such as languages, artefacts, and families.
3. The interview was taken in Kutupalong in December 2025. Ali Hossain came to Bangladesh in 2017 to escape genocide in Rakhine State.
 4. The interview was conducted in Kutupalong in December 2025. Ataullah has been living in Kutupalong since he crossed the border in 2017.
 5. The interview was taken in Kutupalong in December 2025. Osman Gani came to Bangladesh in 2017 to escape genocide in Rakhine State.
 6. The interview was conducted in Kutupalong in December 2025. Abul Kashem has been living in Kutupalong since he crossed the border in 2017.

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CHAPTER 14

How the United Nations Denied and Enabled Myanmar's Genocide of the Rohingya

Penny Green  and *Thomas MacManus* 

14.1 INTRODUCTION

It is well over ten years since we first entered the Rohingya detention camps in Myanmar's Rakhine state and confronted an unfolding genocide (Green et al., 2015). The horrors of those camps left us deeply marked but determined to use our academic privilege to both understand and expose the genocide that the Myanmar state was conducting against the Burmese Rohingya. This was a genocide enabled and denied not only by Aung San Suu Kyi's civilian Government but by also the United Nations

This chapter draws on ideas developed in our book *Chronicle of a Genocide Foretold* (2026) Rutgers University Press.

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and states with economic and political interests in Myanmar. In this chapter we lay out our argument that the UN's role in the genocide of the Rohingya amounted to "state-humanitarian crime" by which we mean *human rights violations that result from mutually reinforcing interactions between criminal states and humanitarian or supra-state organisations in the advancement of their organisational goals* (Green & MacManus, 2026).

For over 45 years successive Myanmar regimes conducted a state-sponsored campaign of erasure against the Rohingya Muslim minority, culminating in the mass terror of 2016/17 in which an estimated 22,000 people were killed, 800,000 forcibly expelled and over 350 villages destroyed. For half a century of evolving genocide, or what Zarni & Cowley (2014) have called 'slow burning' genocide, Myanmar's apartheid violence operated under cover of its self-imposed political, social, and economic isolation. When Myanmar finally re-opened its door to international markets in 2011, initiating a faltering and ultimately unsuccessful process of democratisation, the enforced isolation and powerlessness of the Rohingya continued to largely conceal their process of erasure from global actors outside the country. Keen to exploit the geo-political advantage and lucrative new markets that Myanmar offered, commercial and political actors chose not to look too closely at the human rights abuses that persisted in characterising the regime's treatment of its minorities. Aligning with what was widely perceived as a more progressive regime, in which Aung San Suu Kyi was an increasingly prominent figure, international forces were thus unwilling to confront the reality of the genocidal practice of their new friends and chose instead to deny the genocide. Shamefully, some were also actively complicit.

During our fieldwork¹ in Myanmar it quickly became apparent that agencies of the United Nations (UN) were enabling Myanmar's genocide of the Rohingya. The United Nations requires our particular attention in the unfolding of Myanmar's genocide of the Muslim Rohingya not least because of its widely attributed 'moral leadership' in the field of protecting civilians and promoting human rights.

Like the assemblage of states which compose it, the UN has a sorry and shameful history when it comes to genocide identification, prevention, and protection (Lebor, 2006; Kapila, 2013; Green & MacManus, 2026).

¹ Fieldwork conducted between 2012–2015 by Thomas MacManus, Alicia de la Cour Venning and Penny Green from the International State Crime Initiative (ISCI).

In this paper we explore whether the UN's role in Myanmar's genocide might amount to 'complicity' in genocide.

Despite its mandate of peace, security, and human rights, the UN (as a supra-state with historic humanitarian underpinnings) has approached genocide with timidity and complicity in equal measure.² For many in the business of humanitarian and development aid, the UN sets a particular standard in terms of framing both human rights and their violations. That the UN continues to be so unwilling to call out genocide; that it did not identify Myanmar's crime of genocide and that it actively worked to suppress a declaration of genocide when it might have made a difference (between 2012 and 2015) had incalculable consequences for the Rohingya. The UN ensured that the vast majority of international actors within the human rights, humanitarian and development communities continued their work as if the Rohingya were solely victims of inter-ethnic, communal violence in need of humanitarian support and not in need of saving from a genocidal state. Worse, as we shall argue, the UN both supported and contributed to the genocide process with reckless disregard for the consequences of their actions by a) failing to challenge and expose the regime's abuses, b) supporting the Myanmar state's denial of Rohingya identity, and c) sustaining the structural conditions of apartheid (primarily the Rohingya detention camps in Rakhine State).

This chapter will first establish the UN's systemic failures at the inter-governmental level before examining its operational complicity on the ground, focusing on three key sites: the maintenance of apartheid structures, the institutionalisation of denial, and the prioritisation of stable state relations over the protection of genocide victims.

We concentrate on the role of UN operations inside Myanmar during the critical years between 2012 and 2018 and our argument is based on data secured from UN officers, fieldworkers, humanitarians, and Rohingya in Yangon and Rakhine State. We begin, however, with an overview of UN agency failings with respect to the Rohingya.

² See, for example, Mukesh Kapila's 2013 account of his own experience in Sudan as the Resident Coordinator between 2003 and 04 and the UN institutional opposition he faced when exposing the Sudanese state's crimes as genocide. See also, Alice Wairimu Nderitu (lack of) advocacy on Palestine.

14.2 THE ARCHITECTURE OF SILENCE: THE UN SYSTEM'S FAILURE TO NAME GENOCIDE

The United Nations Security Council (UNSC) ensured, through its structural composition, political ideology and organisational practice, that the genocide of the Rohingya would never be named as such. In 2018 (28 April to 2 May) when, from the perspective of the UNSC, the unrecognised 'genocide' was over, it conducted a formal mission to Myanmar and the Rohingya camps in Cox's Bazar. Two of the UNSC's most powerful permanent, veto-holding member states, and allies of Myanmar, China, and the Russian Federation, were included among the 14 delegates. In the mission's briefing to the UNSC, delegates reported witnessing the aftermath of appalling atrocities, directed at a group that had been designated for annihilation (IIMM, 2018; Green et al., 2015) yet the word genocide does not appear in any of the 14 delegate reports. Unsurprisingly reports from Myanmar, the Russian Federation and China defended and even praised Myanmar's attempts to contain 'inter-communal' conflict and facilitate the return of Rohingya refugees from Bangladesh.³

There have been only two instances of note in which UN bodies have seriously addressed the great harms of genocide against the Rohingya. First, in March 2017, the United Nations Human Rights Council established the Independent International Fact-Finding Mission on Myanmar (IIFMM) to 'establish the facts and circumstances of the alleged human rights violations by military and security forces, and abuses, in Myanmar'. In what is a self-referential, delaying and deeply limiting approach the UNHC insists that its own investigative mechanisms carry the credibility and veracity required for its imprimatur, yet its research capabilities are limited and it relies heavily on briefings by scholars and human rights organisations who for a number of years had warned of genocide or impending genocide.⁴

³ Briefing by UNSC mission to Bangladesh and Myanmar, 28 April to 2 May 2018.

⁴ ISCI played a central role in briefing the UN fact-finding mission not only in providing extensive data from our own research in Myanmar and Bangladesh but also assistance with methodology and contacts. Christopher Sidoti, a member of UN FFM, wrote to ISCI on 7 November 2018: "Your team's academic research and your briefing [to] the Fact Finding Mission, in which you provided a clear theoretical framing of genocide, contributed greatly to our deliberations and enabled us to recommend that the individuals heading the Myanmar military should be investigated and prosecuted for genocide against the Rohingya minority".

Following the genocidal mass killings and expulsions of 2016 and 2017 UN High commissioner for Human Rights, Zeid Ra'ad al-Hussein told the UN Human Rights Council in Geneva that the situation appeared to be a 'textbook example of ethnic cleansing', a description (without the same gravitas or call to action of genocide) which was comfortably adopted by many states around the world safe that such a designation would place no obligations to act to 'prevent or punish' upon them. In keeping with UN protocol, that only their own work has veracity, the Commissioner went on to clarify, disingenuously, that the 'situation cannot yet be fully assessed since Myanmar has refused access to human rights investigators' (UN News 11 September, 2017).

Given the wealth of detailed data amassed by credible Human Rights organisations such as HRW, Amnesty International and academic researchers including our own research centre, the International State Crime Initiative, this repeated mantra of lack of data was both hollow and a means by which action was ultimately evaded.

By the time the UN Human Rights Council felt conditions for the Rohingya were such that an investigation was warranted, the genocide had reached its final stages and UN researchers were denied access to Rakhine State and therefore reliant on the extant work of scholars and human rights NGOs for information relating to state crimes against the Rohingya inside Myanmar.

The IIFFMM report⁵ was nonetheless a powerful indictment of the UN's failings. The Fact-Finding Commission concluded that 'there was sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw,⁶ chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State'. 12 September 2018: 16). Here was a clear suggestion of genocide and a call to punish perpetrators, six of whom were named in a non-exhaustive list to be held in the mission's archives.

Notably missing from the list of genocidaires were Aung San Suu Kyi and senior members of her government who were not targeted for prosecution—a regrettable but unsurprising outcome given the veneration

⁵ Report of the independent international fact-finding mission on Myanmar... Human Rights Council Thirty-ninth session 10–28 September 2018 Agenda item 4 Human rights situations that require the Council's attention https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf.

⁶ The Tatmadaw is the state's preferred name for the Myanmar military.

(albeit tarnished) Aung San Suu Kyi continued to be afforded by senior state and UN officials, even at this stage. This pattern of selective recognition on the part of the UN reflects what Das Gupta (2026, this volume) identifies in Chapter 10 as the highly political and erratic nature of genocide recognition in international law. Over five years later, the ICC had yet to impose any punitive measures against Myanmar despite ruling in 2018 that it held jurisdiction to prosecute Myanmar for alleged crimes against humanity, that is, the deportation or ‘forcible transfer’, of the Rohingya people from Myanmar to Bangladesh.⁷

While Aung San Suu Kyi did not command military operations, her actions meet the threshold of complicity as her government provided the political and diplomatic cover that allowed the military to operate with impunity. Her personal defence of the state at the International Court of Justice in December 2019, where she actively denied the genocide and characterised the military’s actions as a legitimate response to ‘inter-communal’ conflict, constituted a form of political legitimisation that both endorsed and enabled the continuation of genocidal policies.

The IIFFMM also recommended that the Security Council refer the situation to the International Criminal Court or create an ad hoc international criminal tribunal, impose targeted individual sanctions travel bans and asset freezes, ‘against those who appear most responsible for serious crimes under international law’ and also impose an arms embargo on Myanmar. The IIFFMM handed over its evidence to the Independent Investigative Mechanism for Myanmar (IIMM), also mandated by the Human Rights Council and operational since September 2019, to collect further evidence and to prepare files for criminal prosecution at the ICC or in other International Criminal Law fora.

At a briefing on the findings of the IIFFMM in Brussels, Radhika Coomaraswamy, one of the three commissioners, responded curtly to our suggestion that State counsellor Aung San Suu Kyi should also be prosecuted for her role in fomenting the genocide, declaring that ASSK had no authority or responsibility given the overriding power of the Tatmadaw.⁸

⁷ Safi, M. 2018 (September 7th) ICC says it can prosecute Myanmar for alleged Rohingya crimes, <https://www.theguardian.com/world/2018/sep/06/icc-says-it-can-prosecute-myanmar-for-alleged-rohingya-crimes>.

⁸ Personal encounter 29 August 2018 Briefing Seminar on the topic of “The Human Rights Situation in Myanmar: Conclusions of the United Nations Fact-Finding Mission”, European Institute for Asian Studies, Brussels.

The second development of potential, at least symbolic, significance was the November 2019 hearing in the International Court of Justice (ICJ) in which The Gambia, supported by the Organisation of Islamic Countries (OIC) filed a case alleging that Myanmar had committed the crime of genocide against the minority Myanmar Rohingya thereby violating the Convention on the Prevention and Punishment of the Crime of Genocide (examined in detail by Choudhry, 2026 in Chapter 13). The following month, Gambia requested provisional measures, which were unanimously approved by the Court, to protect those Rohingya remaining in Myanmar from further acts of genocide. Effectively, however, this was simply demanding that the Myanmar regime abide by the provisions of the Genocide Convention which it had always been under an obligation to do, as a signatory to the Convention. The response from Myanmar following the ICJ order that it must take emergency measures to prevent the continuing genocide of the Rohingya in Rakhine state was defiant. Aung San Suu Kyi's government responded to the binding but ultimately unenforceable ruling by declaring that there had been "no genocide" while the Tatmadaw Ministry of Defence condemned the "distorted picture" of the situation in Rakhine state that had been presented to the Court by The Gambia's legal team.

The ICJ's 2019 provisional measures order proved insufficient to alter Myanmar's conduct. In July 2022, the Court delivered a ruling, which rejected Myanmar's jurisdictional objections and affirmed that The Gambia had standing to bring the case. This cleared the path for the merits phase, which began in 2026, and the proceedings remain ongoing. In the interim, the military junta that seized power in the 2021 coup has intensified its defiance, refusing all cooperation with the Court and continuing to deny the genocide.

Despite the mass forced expulsion of some 800,000 Rohingya from Rakhine state, the slaying of some 22,000 and the destruction of at least 350 Rohingya villages, genocidal persecution, targeted violence, apartheid segregation, cultural erasure and mass detention in Rohingya prison camps continue as of writing.

The ICJ hearings some 10 years after the 2016/17 clearance operations belie the Court's structural inability to enforce any potential rulings or compel compliance. The reality is that the court is incapable of delivering real justice to the Rohingya within a meaningful timeframe.

There is a lesson for victims and allies of genocide survivors and that is to be careful placing singular faith in institutions which have already failed

the Palestinians, the Sudanese, the Bosnians and the Rohingya. Institutions like the UN, which have refused to acknowledge genocides when the evidence was clear, and refused to act when there was a chance that the course of history might be turned cannot be relied upon to deliver meaningful outcomes for victims and survivors. The UN continues to tread cautiously for fear of upsetting regional geo-political and US interests. International courts will not deliver any real form of timely justice—the kind of justice that results in freedom and prosperity for victims and meaningful sanctions against perpetrators. An expectation that the law will adequately address the genocide also has the effect of disempowering victims and activists; placing all decision-making authority in the hands of judges, lawyers and the courts.

But there is no question that these legal processes can form a powerful discursive weapon in the wider struggle for justice. Rohingya groups welcomed the ICJ's preliminary findings despite the ICJ's lack of any enforcement powers. Because of the status of the court and the global publicity the hearing elicited Rohingya felt recognised and their genocidal suffering validated. Palestinians, by contrast, were far less encouraged when in early 2024, the ICJ ruled that there was a plausible case that Israel had committed genocide but failed to call for a 'ceasefire' as requested by South Africa.⁹

Humanitarianism, in its general expression, focuses on those suffering, not on those responsible for that suffering. The suffering is generally and visibly abstracted from its cause. This dissociation and the related and corroborating media framing of the genocide as an apolitical 'global humanitarian crisis', afforded the Myanmar state effective impunity to continue its genocidal campaign while the world's attention was focused on hapless victims of 'communal violence' suffering internal displacement, hunger, and fear.

In a revealing observation the IFFMM noted that 'during a period of significant international engagement in Myanmar', and while the United Nations was supposed to be implementing its 'Human Rights Up Front action plan' systematic, grave crimes against the Rohingya were committed. The UN, while identifying Myanmar as a 'crisis situation' had nonetheless failed, across all its agencies, to provide a 'human rights

⁹ <https://www.aljazeera.com/features/2024/1/26/this-court-is-a-failure-palestinians-in-gaza-decry-icjs-interim-ruling>.

driven' response, prioritising instead development goals, humanitarian access, and quiet diplomacy.

The report of the Fact-Finding Mission concluded that the direction taken by the UN 'has demonstrably failed' (12 September 2018: 16). This conclusion came as little surprise to those of us working on the Rohingya genocide. Zarni and Brinham caution heavily against reliance on the practical moral leadership of the UN, writing of the organisation's 'Janus face', with one aspect (a script modestly concerned with human rights and Rohingya identity) facing the international community, and the other far more authentic script colluding with the practice of Rohingya erasure (Zarni and Brinham, 2014: 295).

While the Security Council and international justice mechanisms failed to deliver accountability, the UN's most direct and consequential complicity occurred on the ground in Myanmar, where its country team, endorsed by Geneva, made a series of operational choices that actively enabled the genocide.

14.3 OPERATIONAL COMPLICITY: THE UN COUNTRY TEAM IN MYANMAR

Inside Myanmar's genocide it was the UN's authentic face which dominated. Under the leadership of its Resident and Humanitarian Coordinator and UNDP Resident Representative in Myanmar, Renata Lok-Dessallien (2014–17), the UN adopted a disarmingly comfortable relationship with the Myanmar government. Influenced by the demands of the regime and a flawed (UN-wide) analysis of the nature of Rohingya persecution, the organisation's country office adopted a strategy that involved, a) the prioritisation of development over human rights concerns; b) Rakhine nationalist appeasement (matching its humanitarian aid to Rohingya communities with development assistance to the ethnic Rakhine), c) the suppression of those field officers who warned of real and potential mass violence against the Rohingya, d) the support of Rohingya detention/concentration camps, and e) in clear deference to Aung San Suu Kyi, the prohibition of the use of the term 'Rohingya' in internal UN documents.

But the UN scene was set well before the arrival of Lok-Desallien in Yangon. Following the devastating and stage-setting violence of 2012 the Myanmar government's attempts to reassure the international community that the massacres were isolated, inter-communal events and that

communities would be rebuilt for people to return to Sittwe from the camps to which they had fled, were simply and readily accepted by the UN. Upon arriving in-country, Lok-Desallien was simply following a well-paved tradition.

Her appointment in 2014 coincided with the massacre of Rohingya people in the village of Du Chee Yar Tan in Northern Rakhine State. Du Chee Yar Tan was to become a watershed moment for the suppression of human rights advocacy from the UN and humanitarians in Myanmar following the expulsion of Medecin Sans Frontieres for reporting on its treatment of the massacre's victims, and the subsequent chilling effect that expulsion had on those working in the sector.

Reporting on this massacre was to bring her immediately into conflict with the UN Office of the High Commissioner for Human Rights (OHCHR) and OHCHR field officer Michael Shaikh (see below). After presenting his report on the 2014 Du Chee Yar Tan massacre replete with eye witness accounts (which resulted in the murder of at least 20 Rohingya and the expulsion of MSF), Shaikh's evidence was dismissed in favour of fierce but baseless Myanmar government denials. Lok-Desallien made it an immediate priority to restore relations with the regime. Interviews with humanitarians in Sittwe revealed a strong sense that the UN and Lok-Desallien in particular were 'weak on human rights'. In a 2016 VICE documentary, *Left for Dead: Myanmar's Muslim Minority* (Vice 2016: 32 minutes), Justin Lynch reporting for Foreign Policy, corroborated Shaikh's account that the UN actively suppressed internal communications which were concerned with potential UN complicity in the persecution of the Rohingya and reported that in September 2014 Lok-Desallien attended a dinner with senior UN officials and claimed that "the Du Chi Yar Tan massacre never actually happened" (Lynch, 2018). This suppression of language mirrors what Beauchemin (2026, this volume) identifies in Chapter 1 as the political role of language in genocide denial.

Michael Shaikh's experience of attempting to report on human rights abuse against the Rohingya revealed a UN effectively 'shackling' its own staff to secure political favour from the Myanmar regime. Field staff, including Shaikh and Caroline Vandenabeele, were prevented from further visiting and reporting on human rights abuses in Rakhine state and were deliberately excluded from important strategic meetings.

According to Vandenabeele (cited in Green & MacManus, 2026), those who spoke out against the UN's relationship with the regime and

the persecution of the Rohingya found themselves humiliated in meetings, their travel authorisations denied, and an atmosphere in which all discussion on the Rohingya was silenced. And it was not only staff who were suppressed, Lok-Desallien reportedly attempted to dissuade UN Special Rapporteur Tomás Ojea Quintana from visiting Rakhine state in 2014 during his final official visit to Myanmar.

The UN was repeatedly warned by its own officers and by those it tasked to investigate its operations about the dangers of its approach in Myanmar for the Rohingya. It ignored those warnings with spectacular consequences.

And the UN Secretary General, Antonio Guterres, had more than a part to play in protecting the Myanmar state against genocide charges. The Canadian Broadcasting Commission reported in 2017 that a UN diplomat claimed Guterres had instructed UN staff “to lay low” on Myanmar while Guterres’ spokesperson Stephane Dujarric vigorously defended Lok-Desallien declaring that she “has advocated for human rights and development in a very strong way” (CBC, 2017). And on the anniversary of the August 2017 mass killings, mass rapes, and mass expulsions, Guterres continued to minimise the genocide by describing it in a tweet as a ‘massive influx of Rohingya people and other communities from Myanmar to Bangladesh’ and called on their ‘plight’ not to become a ‘forgotten crisis’¹⁰ when he himself was contributing to that collective amnesia by refusing to acknowledge the genocide in favour of a humanitarian crisis narrative.

But the UN was little concerned with human rights abuse and the apartheid structures which enabled the institutionalisation of those abuses. Instead, it focused on *sustaining* those structures of segregation (the detention/concentration camps) and funding development initiatives which, from its perspective, could be seen to benefit both the Rohingya and Rakhine communities, and in so doing appease Rakhine hostility toward the UN and INGOs.

The UN, the 2014 Census

It is worth noting the role of the UN, through its UN Population Fund, in facilitating Myanmar’s notoriously racist USD\$74 m 2014 census,

¹⁰ ‘Nearly One Million Rohingya Continue to Live in Dire Conditions, Secretary-General Says’ <https://press.un.org/en/2021/sgsm20865.doc.htm>.

(the first held in the country since 1983) as much of our fieldwork was conducted during its preparation. Funded in large part by the UN and international donors, it was clear from the outset that the census carried with it an insidious portent. The Rohingya classification was to be excluded and Rohingya participants would not be enumerated.

Exclusion from the census would also mean exclusion from political representation and recognition. In many ways the 2014 census could be seen as an integral part of the genocidal process (see Brinham, 2025¹¹)—an official means by which to further deny the identity of the country’s Rohingya minority and exclude its political, social, and economic participation. Controversial questions relating to ethnicity and race were approved by the UN Population Fund (UNFPA) despite human rights criticisms over the potential dangers of including them. Remember that this census was conducted in the midst of a state sponsored Rohingya—dehumanisation campaign.

The UN expressed considerable satisfaction with the census, describing its results as the first ‘accurate’ population data in the country since 1983. Ignoring the apartheid structures underpinning the census and the ‘social fictions’ that the misleading data would entrench as ‘social facts’,¹² Janet Jackson, the UNFPA’s representative in Myanmar, reported on 30 August “For the first time in decades, the country will have data it needs to put roads, schools, health facilities and other essential infrastructure where people need them most” (2014). What the UNPF wilfully ignored was that those excluded from the racist census would also be excluded from those roads, schools, and health facilities the data would apparently service.

Genocidal Cartography

The complicity of the UN in Myanmar’s genocide extends beyond its failure to challenge years of Rohingya persecution; complicity in sustaining the concentration camp system, collusion in the denial of

¹¹ Brinham, N. *IDs, Genocide and Rohingya Resistance in Myanmar* (2025) Abingdon: Routledge.

¹² Transnational Institute ‘Ethnicity without Meaning, Data without Context The 2014 Census, Identity and Citizenship in Burma/Myanmar’, Burma Policy Briefing Nr 13 February 2014. https://www.tni.org/files/download/bpb_13.pdf.

Rohingya identity and general obsequience toward Aung San Suu Kyi and her government.

The erasure of place names is a standard technique adopted by genocidal regimes, following the mass killings, rapes, destruction, and expulsions. It is a form of state denial and falls into the final stage of genocide, symbolic enactment. It is a strategy normally accompanied by demographic engineering, the building of the regime's religious and cultural monuments, the planting of forests or, as in the case of Inn Dinn, the building of security establishments in the areas of erasure, often over destroyed villages. With the former inhabitants annihilated or forcibly evicted the regime symbolically and brutally asserts its absolute dominance and creates conditions hostile to any possible return or. Dramatic changes to the natural and built environment of the kind that took place in Rakhine state after 2016 render a once familiar homeland alien and wilfully inhospitable. These changes are designed to actively prevent return. The Myanmar regime's strategy has been to do precisely this, and in many respects they have succeeded. Evidence of this success is exhibited in the international community's uncritical endorsement of these changes.

When the UN's cartographers produced three maps of Rakhine state in 2020, with Rohingya village names 'disappeared', the UN was in effect endorsing Myanmar's strategy of identity-erasure. Kan Kya is one of the hundreds of Rohingya villages destroyed by the Myanmar military in 2017 but it is a village (alongside others) now erased from official history, not only by the Myanmar military's brutal strategy of village destruction but also by UN map-makers.

When questioned by journalists as to why the UN had endorsed the elimination of Rohingya villages through its own cartography of the region, the office of UN Secretary General Antonio Guterres¹³ claimed the use of official Myanmar nomenclature as "routine administrative procedure" while Ola Almgren, The UN Resident and Humanitarian Coordinator for Myanmar (that is, the UN Head of Mission in Myanmar and Renata Lok-Desallion's replacement) acknowledged that it was not a concern he had levelled at the Myanmar government (McPherson, 2020). Here, again the imperative of maintaining 'business as usual' relations

¹³ Poppy McPherson 2020 'Three Years After Exodus, Myanmar Erases Names of Rohingya Villages, UN Map-makers Follow Suit Reuters', <https://www.reuters.com/world/asia-pacific/correcte>.

with a genocidal regime, thereby facilitating denial, trumped any UN commitment to challenging human rights violations.

14.4 REPATRIATION

In the same vein, the issue of repatriation reveals a structural inclination on the part of the UN to relate and collaborate more closely with the goals of states (even the most criminal states) than with the goals of genocide victims.

All Rohingya we interviewed in the Bangladesh camps expressed a singular desire to return to their Myanmar homeland but *only* on condition that their safety, security, and citizenship were guaranteed.

‘If they accept us a Rohingya, and everyone is going back, I will go back. But if not, I will not, as they will oppress us even more than before (Zura Begum, Balukali camp 2nd November 2017).

For the UNHCR the *willingness* of those to be repatriated and nonre-foulement are claimed to be the unassailable principles underpinning repatriation. According to Barnett (2000), however, in the mid 1990’s those principles were effectively abandoned in favour of a ‘repatriation culture’ which actively encouraged the repatriation of Rohingya despite overwhelming evidence that the repressive and dangerous conditions in Burma/Myanmar, which had caused the Rohingya to flee, remained. Crisp, drawing on UNHCR archive data, reveals details demonstrating that large numbers of Rohingya refugees were returned to Myanmar in a manner that was ‘premature, involuntary and unsafe’ (Crisp, 2018) and tantamount to re-foulement. A brutal Myanmar military assault against the Rohingya between 1978 and 1979 had led to some 200,000 refugees crossing the border into Bangladesh. Forced repatriations followed quickly driven by a coordinated effort between the Bangladesh government and the UNHCR. Crisp provides compelling evidence to suggest that UNHCR, in the face of an explicit strategy of forced repatriation by the Bangladeshi government (which included forced starvation and targeted state violence against Rohingya camp residents) abandoned its principles of protection in favour of an approach which claimed Myanmar was a safer alternative than the camps. Critically the repatriated were neither consulted nor informed of the conditions that would face them in Myanmar.

In 1991, history repeated itself with another wave of genocidal attacks leading to a mass exodus of 250,000 Rohingya. Again the UNHCR

abandoned its principles of protection and voluntariness in favour of cooperation with criminal states. Concerned to avoid conflict with the Bangladesh government UNHCR signed a Memorandum of Understanding which committed them to assisting in the repatriation of refugees ‘apparently’ willing to return. Key to this memorandum and evidence of the duplicitous role the UNHCR had embedded in its operations was an agreement to ‘undertake promotional activities to motivate refugees to return home’. A subsequent MOU was signed between the Myanmar regime and UNHCR outlining conditions for return.

According to an internal review by UNHCR’s Evaluation Service ‘refugees believed they had no choice and accepted a repatriation that they feared and did not wish to undertake because they were told to do so by UNHCR and the authorities and believed they had no other choice’.

The Evaluation Service condemned UNHCR’s actions as embodying a ‘reckless regard for the voluntary nature of the repatriation exercise’ (cited in Crisp, 1918).

The means by which ‘voluntariness’ and nonrefoulment were overridden are outlined well by Barnett (2000) but may be reduced to a signal structural shift within the UNHCR which came to elide repatriation with ‘protection’. Repatriation became the preferred option and was justified by a discourse in which life at home was considered by the UN as almost always better than life in the camps (2000: 2).

By 1997, 230,000 Rohingya had been forcibly repatriated to Myanmar to await the next phase in the genocide against them. Decades later, despite the clear lessons of the 1990s, the UNHCR again found itself facilitating a process that prioritised Myanmar state’s political goals. The lived experiences of Rohingya in Myanmar, documented through the micro-narratives of Ahmed and Biswas (2026, this volume, Chapter 5), reveal how decades of structural violence solidified cycles of physical violence. In the years following the 2017 genocidal clearances the UN again demonstrated its commitment to ensure cordial relations with the brutal Myanmar military regime over and above the welfare, safety and security of the regime’s victims. Repatriation was one such site for cooperation. In March 2023 Ramanathan Balakrishnan, UN Resident Coordinator in Myanmar, revealed that UNHCR and WFP clandestinely took part in a pilot scheme to repatriate Rohingya refugees from Cox’s

Bazar to Myanmar. In a leaked¹⁴ UN memo the Resident Coordinator informed staff that, despite the UNHCR's assessment that conditions in Rakhine State remain hostile to the safe and sustainable return of Rohingya refugees, UN agencies should provide boats to transport Myanmar's military junta officials from Maungdaw in Northern Rakhine State to Teknaf in Bangladesh in order for the regime to meet with the few Rohingya selected as acceptable for repatriation. Interestingly, throughout the leaked memo, the military junta is carefully referred to by the UN resident coordinator as the 'de facto authority'. Balakrishnan's final entreaty to UN staffers returns us to the primacy of the of the organisation's goal of remaining 'in country' a goal which inevitably sabotage's any possibility of regime critique. "Allow me to reiterate" he demanded, "the collective accountability of all agencies towards maintaining UN's reputation in Myanmar". And so it is that the centrality of retaining good relations with both Myanmar and Bangladesh (determined by cooperation with and obsequiousness toward both regimes) prohibits any possibility of the UN challenging genocide.

14.5 CONCLUSION

The UN's engagement with Myanmar's genocide reveals the disturbing contours of what we have termed *state-humanitarian crime*: a relationship in which a criminal state and a supra-state-humanitarian actor become mutually reinforcing in the advancement of their respective goals. The Myanmar state achieved the removal of Rohingya society from Rakhine State. The UN achieved country access, its development programmes and comfortable relations with power. In the space between those mutually compatible goals, Rohingya life was removed from the landscape.

Denial is an endemic feature of Genocide and the UN's role reveals that genocidal denial defined its engagement with the regime. This denial, when viewed through the lens of Stanley Cohen's (2001) typology of denial, operated across multiple sites. Literal denial was institutionalised through the 2014 census, where the UN Population Fund facilitated a count that legally erased Rohingya identity. Interpretive denial was codified in the UN's own cartography, which officially adopted the state's erasure of Rohingya village names—a practice the Office of the

¹⁴ United Nations. 2023. "Memorandum from Ramanathan Balakrishnan, UN Resident Coordinator in Myanmar Leaked to the Myanmar Accountability Project in March 2023."

Secretary General defended as mere ‘routine administrative procedure’ (in and of itself a denial of responsibility). Neutralisation structured the organisation’s relationship with the state, as Resident Coordinators like Lok-Dessallien actively suppressed internal reports using the term ‘Rohingya’ and discouraged Special Rapporteurs from visiting Rakhine state. In each case, denial served not as a passive oversight but as the precondition for maintaining business as usual with a genocidal regime. What unites these distinct forms of denial is their systematic exclusion of the Rohingya voice. As Belal et al. (2026, this volume) argue in Chapter 8, survivor epistemologies remain “not duly counted in the geopolitical matrix Geopolitical matrix.

There have been at least four limited independent inquiries and a number of leaked and revealing internal UN memos prompted by the UN’s abject failure inside Myanmar (Mahony, 2018; Petrie, 2018; Rosenthal, 2019; Slim, 2014). Most have had very limited or no public circulation. All bar one point to a dysfunctional culture and a structural inability to prevent human rights violations and mass violence. All have been suppressed and ignored by the UN.

What we take from those inquiries is that the UN systematically failed to challenge the Myanmar government on the genocidal human rights abuses which were to lead to the effective annihilation of Myanmar’s Rohingya in Rakhine state in 2017.

Rather than demand the closure of the Rohingya detention camps, the UN, through its Resident coordinator and agencies the UNHCR and WPF, actively contributed to their sustainability through the provision of food and limited medical aid. In doing so it worked with the Myanmar regime to support a system of brutal apartheid in which the incarcerated Rohingya were reduced to a ‘bare life’. It suppressed its critics and silenced those who advocated against the regime on behalf of the Rohingya. By elevating development at the expense of human rights and by ensuring relations with the regime were conducive to UN access, the UN effectively enabled the regime’s genocidal project. This is not to suggest that the UN shared the genocidal intention of the Myanmar regime but that its actions and organisational goals served quite explicitly to facilitate rather than challenge the genocide.

With the departure of Lok-Desallien it has been business as usual for the UN in Myanmar. Under the successive country leadership of Knut Ostby, Ola Almgren and Ramanathan Balakrishnan the UN continues to service the detention camps inside Rakhine state and to prioritise

the development-led strategies for conflict resolution in over and above human rights concerns. Lebor noted with respect to Srebrenica and Rwanda that official UN failure to identify or challenge genocidal acts was neither a cause for shame nor was it to prove a 'career hindrance' (2006: 254). He specifically cites Kofi Anan's meteoric rise from head of the UN Department of Peace-Keeping Operations (DPKO) during both the Bosnian war and the Rwandan genocide to the heights of UN Secretary General. Interesting too that failure on such a monumental scale qualifies one as an international expert. But failure is in the eyes of the beholder. Precisely because Annan refused to ever call out genocidal states Aung San Suu Kyi in August 2016, perhaps cannily, appointed him as head of her Advisory Commission on Rakhine State, safe in the knowledge that he would not accuse her government of state crimes, thereby reinforcing their denial. And for the third time in his ignominious career the Former UN Secretary General refused to call out genocide. Instead, extraordinarily given the history, military operations, targeted violence and mass Rohingya flight of that year, he warned in an interview with the BBC that one should be 'very, very careful' in using the word 'genocide' and that the violence against Myanmar's Rohingya minority could not be described as 'genocide' (BBC, 2016).

And thus Renata Lok-Desallien's promotion to Resident Coordinator in India should come as little surprise to her critics (<https://in.one.un.org/page/un-team/>).

While the UN Secretariat and its agencies on the ground in Myanmar pursued a strategy of institutional appeasement, the organisation's inter-governmental bodies, particularly the UNSC, were paralysed by the geo-political interests of its permanent members. Our critique distinguishes between these two sites of failure: the operational complicity of UN agencies in sustaining the structural conditions of apartheid so elemental to genocide, and the political complicity of key member states, whose use of the UNSC veto power insulated Myanmar's military from timely international action.

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state's erasure of Rohingya village names—a practice the Office of the Secretary General defended as mere 'routine administrative procedure' (in and of itself a denial of responsibility). Neutralisation structured the organisation's relationship with the state, as Resident Coordinators like Lok-Dessallien actively suppressed internal reports using the term 'Rohingya' and discouraged Special Rapporteurs from visiting Rakhine State. In each case, denial served not as a passive oversight but as the precondition for maintaining business as usual with a genocidal regime. What unites these distinct forms of denial is their systematic exclusion of the Rohingya voice. As Belal et al. (2026, this volume) argue in Chapter 8, survivor epistemologies remain "not duly counted in the geopolitical matrix".

The UN's own suppressed inquiries, its silenced officers, its deafness with respect to Rohingya concerns, its commitment to repatriation, its maps of erasure and its consistent pattern of genocide denial made it partner to the Myanmar criminal regime. We have argued that for the UN human rights demands are consistently and routinely overshadowed by the pragmatics of building strong relationships with states, even when those states are run by genocidal regimes. Unresponsive to information and evidence from outside its own domain and committed to the organisational goal of comfortably working with governments, no matter how brutal or reprehensible they may be, the UN at almost every level of its operations has simply failed to identify, confront and challenge genocide. Inside Myanmar it has—as an institution—both denied and enabled genocide.

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Rohingya Crisis and International Law: The Gambia v. Myanmar Before the International Court of Justice

Sudipta Roy Choudhwry 

15.1 INTRODUCTION

To the international legal community at large, the Rohingya crisis represents a serious and complex problem. The scale of the violence that has been going on during the crisis is one reason for this, but the main reason is that, just like its predecessor, the current Myanmar government still won't recognise the Rohingya as a separate ethnic group in Myanmar, which means they won't recognise the legal nature of the actions taken against them as a violation of international legal principles. Myanmar's involvement in The Gambia's accusations against it at the International Court of Justice (ICJ) in 2019 shifted the debate away from a diplomatic and political response and made it tangible by transforming it into discussions of state accountability under the Genocide Convention of 1948. This chapter argues that the ongoing ICJ case, *The*

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Gambia v. Myanmar, represents a significant point in the development of international accountability.

At its core, the case positions the prohibition against genocide, which is fundamentally recognised as a *jus cogens* norm, in direct conflict with a long-standing political climate of denial regarding the existence of the Rohingya people and their exclusion and abuse. This chapter explores the manner in which legal proceedings interact with patterns of exclusion, violence, and denial and whether legal proceedings can provide an avenue to hold perpetrators responsible for committing acts of genocide and thereby challenge the persistent patterns of impunity that exist. This chapter also provides an assessment of the manner in which the proceedings at the ICJ in The Gambia's allegations against Myanmar provide a meaningful challenge to entrenched and enduring patterns of denial regarding the genocide against the Rohingya.

The legal analysis for this chapter depends on a doctrinal method combined with a critical interaction with the legal documents that relate to genocide and the politics of denial of genocide. Therefore, instruments, such as the Genocide Convention, Statutes and Laws of the International Court of Justice, in addition to related institutional documentation, will form the basis of the discussion. Selected reports about the Rohingya detail the evidence that informs the content of the discussion and is examined for reasons other than providing evidence; the intention is to elucidate how legal reasoning employs such evidence as an essential factor in the determination of the law as related to the general substantive law of international law and of genocide. The discussion will be aware of the larger political context in which these legal processes occur, especially in those situations in which there are competing or conflicting narratives created by States regarding the nature of legal classifications as a method of resisting or undermining their legality.

15.2 FORCED DISPLACEMENT AND STATELESSNESS TODAY

Migration and displacement are not new phenomena. Across time, populations have been compelled to move due to conflict, persecution, and structural inequality. In legal terms, displacement may be internal, where individuals remain within national borders, or cross-border, where they are identified as refugees, asylum seekers, or stateless persons, depending on their legal status in the receiving state.

The Rohingya Crisis must be understood within this framework. The Rohingya are a religious minority group from Rakhine State in Myanmar. However, over the last several decades, they have suffered from systematic discrimination. The 1982 Citizenship Law in Myanmar effectively made 1,000,000 Rohingya people stateless, prohibiting them from having access to basic civil, political, and social rights (Cheesman, 2017). Furthermore, the lack of citizenship resulted in other forms of discrimination being imposed on the Rohingya through restrictions on their movement, education and ability to earn a livelihood, which effectively created an environment where Rohingya people experience the effects of structural marginalisation.

In August 2017, military action by the Myanmar armed forces across the country escalated into widespread killings, sexual violence, and the destruction of villages. As a result, more than 700,000 Rohingya refugees fled into Bangladesh, primarily throughout August (Human Rights Watch, 2017). These events are part of a larger historical pattern of Myanmar's state policy that aimed at the continued exclusion and erasure from Myanmar's law and society.

Currently, a large proportion of the Rohingya population continues to be housed in refugee camps in Cox's Bazar, Bangladesh, and therefore, one of the world's most densely populated refugee settlements (UNHCR, 2025). Many Rohingya in Myanmar remain internally displaced in Rakhine State, where they live in confined environments with severe limits to their freedom of movement and access to basic needs. After the military coup that took place in February 2021, violence and displacement have continued to increase across Myanmar. As a result of this violence and displacement, the humanitarian situation in Myanmar has become increasingly fragile (IOM, 2023).

It is clear, therefore, that the Rohingya population has continued to be consequently displaced from their homes as little more than a result of conflict. The displacement of the Rohingya is representative of a longer-term process of legal exclusion and state violence. Both of these issues will continue to play a significant part in understanding the Rohingya's continued displacement.

15.3 FROM LEGAL ERASURE TO INTERNATIONAL ACCOUNTABILITY

This chapter focuses on the case of *The Gambia v. Myanmar*, exploring how it has become a central legal route for addressing the Rohingya crisis. The International Court of Justice proceedings probe serious issues regarding nations' culpability for tremendous crimes and interrogate the international community's readiness to respond as it relates to allegations of genocide.

This was based on the fact that the United Nations Fact-Finding Mission had presented conclusive evidence in 2018 that Myanmar's military had acted with genocidal intent. It called for senior commanders to be prosecuted and investigated for genocide, crimes against humanity, and war crimes (UN Human Rights Council (UNHRC, 2018, para. 87). Legal action soon followed. In July 2022, the International Court of Justice (ICJ) confirmed that it had jurisdiction in the case brought by The Gambia under the Genocide Convention (ICJ, 2022). Written submissions were submitted fully by the mid-year of 2025, with the oral hearings being completed from January 12 to January 29, 2026. The Court then entered its deliberative phase.

Conversely, the International Criminal Court looks at individuals with criminal liability under the law. In this instance, concerning the Rohingya people, you see individual liability relates to Myanmar's deportation of the Rohingya people into Bangladesh, which is also a party to the Rome Statute (ICC, 2018). Therefore, since 2019, the Court has formally brought charges against Myanmar based on forced deportation (ICC, 2019), and on 27 November 2024, the ICC Prosecutor filed for an arrest warrant of Senior General Min Aung Hlaing for the crimes against humanity of deportation and transportation (ICC, 2024).

In addition, domestically, courts have begun using the principle of universal jurisdiction to address the situation. As such, in early 2025, Argentinean courts issued multiple arrest warrants for political and military leaders based on the premise that genocide and/or crimes against humanity can be prosecuted regardless of their location or nationality of the perpetrator (Human Rights Watch, 2025). Different mechanisms are available to hold people accountable for committing crimes like genocide or crimes against humanity. In addition to prosecutors in the International Criminal Court or the United Nations, domestic jurisdictions that have universal jurisdiction over crimes such as genocide and crimes

against humanity can also prosecute. In the case of some countries in Latin America that have prosecuted the same types of crimes, there is an argument that these crimes are of interest to the international community.

These cases must be considered along with claims filed in the International Court of Justice (ICJ), which is concerned with actions of States for their own breaches of a treaty rather than for individual crimes. Jurisdiction of ICJ over treaties, such as the Genocide Convention, derives from Article IX, allowing States Parties like The Gambia to file a claim against a State for breaches of the Convention.

All of the above methods have created a body of international law that provides Myanmar (as a state) and individuals who represent the state (as individuals) with two different but connected avenues for being subject to international investigation under international law.

The evidence-collecting process of the Independent Investigative Mechanism for Myanmar continues to provide evidence and share this with the International Criminal Court, or ICC, as well as other jurisdictions (IIMM, 2025). Therefore, these ongoing legal processes represent much more than the routine course of judicial business. The process represents for the Rohingya the potential, albeit delayed in nature, for accountability, recognition and, ultimately, some form of recompense for their horrendous suffering.

15.4 DEFINING GENOCIDE: LEGAL CRITERIA AND STATE RESPONSIBILITY

The legal parameters of genocide as defined in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide (United Nations, 1948) provide a standard for judging or assessing the actions of Myanmar under the international legal framework. Such actions can pertain to either (1) Killing of members of the group, (2) Causing serious bodily or mental harm, (3) Inflicting deliberate and/or systematic conditions of physical destruction, (4) Preventing members of a group from procreation, and/or (5) Forcibly removing children from their families and placing them elsewhere (creating a new group).

To determine whether genocide has occurred under international law, three fundamental questions must be considered:

1. Is the targeted group one that is protected under the Genocide Convention?
2. Do the acts committed meet the legal definition of genocide as established in the Convention?
3. Is there intent to destroy the group, in whole or in part?

These criteria are drawn from Article II of the Genocide Convention, which defines genocide as certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group (United Nations, 1948).

Questions arising from this earlier discussion concerned the creation of a foundation from which evidence could lead to the identification and prosecution of genocide acts. In discussing the legal framework in which courts would assess the liability of states and individuals regarding extensive acts of violence and systematic discrimination against particular populations, there are two forms of responsibility that need to be established: state liability and individual liability.

Myanmar is a contracting party to the Genocide Convention and, thus, as a ratifying state party to that convention, Myanmar has pledged to abide by its obligations to take all reasonable steps to prevent genocide from being committed and to investigate and punish those who commit genocide. Genocide is also recognised as a norm of *Jus Cogens*, which means it is universally recognised and applied regardless of whether a state is a party to any particular treaty (Cassese, 2008).

The Rohingya population is one of the populations identified within the Genocide Convention. They are defined as both a religious and an ethnic minority, and therefore qualify for protections under the definitions of genocide articulated within the Genocide Convention. The wide range of violent acts perpetrated by the government of Myanmar against the Rohingya, including, but not limited to, mass killings, forced displacements, and destruction of entire communities, all meet the legal definition of genocide. Additionally, because the government of Myanmar committed these acts in an organised and systematic manner and utilised dehumanising language to describe the Rohingya, there is clear intent on the part of the perpetrators to commit genocide against the Rohingya.

Despite a growing number of empirical studies, as well as findings from countries around the world, the government of Myanmar remains adamant that it is not guilty of genocide against the Rohingya. However, this denial of genocide is not simply attributed to the policies of the

current military-dominated ruling party (the Tatmadaw), but rather is part of a larger state culture of denial that has existed throughout history and which has continued to enable the long-term process of exclusion, marginalisation, and eventual disappearance of the Rohingya people. To understand how denial works, you first need to be able to identify the underlying trends that relate to violence inflicted upon the Rohingya and develop a legitimate means of achieving justice.

15.5 THE GAMBIA V. MYANMAR: A TURNING POINT IN LEGAL ACCOUNTABILITY

The Gambia submitted a case in 2019 at the International Court of Justice against Myanmar, alleging that it had breached its obligations under the Genocide Convention. The charge in the complaint stated that Myanmar had failed to protect against and punish genocide committed against the Rohingya people, including due to the extensive massacres committed against them, as well as through systematic rape, forced displacement, and destruction of their villages/towns. The claim was made by The Gambia based upon Article IX of the Genocide Convention, which allows any State Party the right to present a case irrespective of whether or not they were directly affected by the alleged violations (ICJ, 2019).

In January 2020, following the submission of The Gambia's case, the Court ordered Myanmar to take actions to stop the further harming of the Rohingya population, to preserve any evidence related to the ongoing situation, and to submit regular reports regarding its actions to the Court (ICJ, 2020). Although at this time there was no determination made regarding the culpability of Myanmar, they recognised the potential for ongoing harm and, at the very least, that the subject matter at issue was very serious.

The Court rejected all preliminary objections made by Myanmar in July 2022 and found that it had jurisdiction to hear the case. The Court also found that The Gambia had standing to pursue the case, which reinforces the legal obligation to prevent genocide under international law (ICJ statute). By the end of 2024, The Gambia and Myanmar had completed their written submissions, while the merit stage of the hearings took place in January 2026 (ICJ, 2025).

At the start of this proceeding, many countries in the world have filed declarations of intervention stating their interest in the operation of the

Genocide Convention as well as their views on the need for accountability for such crimes internationally (ICJ statute). Countries that have filed interventions include France, Germany, Canada, the Netherlands, the UK, and the Maldives.

This case is significant not only because of the legal standards it applies, but also because of what it represents. It challenges Myanmar's long-standing denial of the Rohingya people's identity and suffering. The Gambia's decision to take the case to the International Court of Justice has shifted the attention from diplomatic language to legal accountability. Although the International Court of Justice cannot enforce its rulings through direct means, its judgements help define international legal norms, shape global expectations and apply pressure on states that violate fundamental principles. For the Rohingya, this case is not only a pursuit of accountability but also a claim to truth, recognition, and dignity under international law.

15.6 GENOCIDE VS. ETHNIC CLEANSING: AN ANSWER TO THE MYTH

Under International Humanitarian Law, the terms ethnic cleansing and genocide are often used interchangeably in public and political discourse, but they are not the same in legal terms. Only genocide is recognised as a crime under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Ethnic cleansing, although morally and politically condemned, does not carry binding legal consequences. Describing Myanmar's treatment of the Rohingya as ethnic cleansing rather than genocide has created space for legal avoidance, diplomatic complacency, and prolonged impunity. This rhetorical choice is not accidental. It reflects a wider pattern of political evasion that has helped sustain the ongoing denial of genocide (UNHRC, 2018).

Framing the violence against the Rohingya through softer or ambiguous terms is itself part of the politics of denial. By refusing to name the crime for what it is, political actors, both domestic and international, undermine the legal clarity and moral urgency that genocide demands. This deliberate distancing from the legal framework allows impunity to flourish and gives cover to states unwilling to confront hard truths.

To determine whether genocide has occurred, the legal framework established by the Genocide Convention must be applied. This involves answering three threshold questions, which include:

1. Do the Rohingya constitute a protected group under the convention?

The answer is yes. The Rohingya are a distinct ethnic, religious, and linguistic minority with deep historical roots in Rakhine State. Despite the Myanmar government's persistent denial, historical and anthropological records confirm their long-standing presence in the region, predating Myanmar's independence (Cheesman, 2017). They fall within the Convention's protected categories.

2. Do the acts committed fall within the scope of the international crime of genocide?

The answer to this question is yes as well. Article II of the Genocide Convention enumerates genocide as encompassing the killing of members of a group, causing them serious bodily or psychological harm, subjecting them to conditions of life the purpose of which is to bring about physical destruction, subjecting them to measures intended to prevent births, and coercive transfer of children. Reports by the United Nations Fact-Finding Mission and other credible sources have documented targeted killings, widespread sexual violence, forced starvation, denial of medical access, and the systematic destruction of Rohingya villages (UNHRC, 2018). These acts were carried out by state forces, often with the knowledge or direction of senior officials.

3. Can intent to destroy the group be established?

This is where scholarly debate stumbles upon. Although intent is rarely proven through direct admission, it may be inferred from patterns of conduct. As the International Criminal Tribunal for Rwanda phrased it in *Prosecutor v Akayesu*:

As to proof of specific intent, it may, in the absence of direct explicit evidence, be inferred from a number of facts and circumstances, such as the general context, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership of a particular group, or the repetition of destructive and discriminatory acts. (ICTR, 1998, para. 523)

Indications of genocidal intent are not only obvious in the Rohingya instance, but they have been institutionalised. More than 140,000 Rohingya have been confined in internal displacement camps since 2012 under circumstances intended to cause their “slow-motion” physical annihilation (HRW, 2020). This number has increased to an estimated 150,000 people by 2025 who are imprisoned in what are legally recognised as “open-air detention camps”, where the denial of food and life-saving medical care violates Article II(c) of the Genocide Convention, which provides for deliberately inflicting conditions of life calculated to bring about physical destruction (HRW, 2024; UN, 2024).

This destruction has been carried out systematically and has been substantiated by the legal erasure of the Rohingya name from citizenship laws and other official records and the subsequent legal removal of that group before its physical removal, illustrated by the statement made by former President Thein Sein in 2012 that the Rohingya group has never existed. Additionally, the apartheid framework imposed upon the Rohingya group and the denial of marriage, birth and movement rights, as documented and reported by United to End Genocide (2015), serves as biological interference, which is a feature that characterises genocide. At the same time, the systematic destruction of more than 400 villages and the forced displacement of nearly 1 million individuals to Cox’s Bazar represent not only a “cleansing” of this group, but also a concerted effort to annihilate the fundamental building blocks of their communities.

These policies have been defended at the highest levels of the state. Former state counsellor Aung San Suu Kyi had appeared before the International Court of Justice in *The Gambia v. Myanmar* and had rejected claims of genocidal intent and repeated the state’s narrative verbatim. Her government’s defence revealed more than just institutional complicity. It exposed a deliberate strategy of denial that shaped Myanmar’s official response (ICJ, 2020). Since the military seized power in February 2021, the junta has entrenched this cycle of violence and impunity, continuing the same patterns of repression and erasure that had long been in place.

The international community has also failed to satisfy its legal and moral obligations by refusing to call these crimes what they are, based on its use of vague language rather than explicitly labelling them as genocide. By failing to call these crimes what they are, the state is being allowed to avoid accountability for its actions and maintain an illusion of plausible deniability. What is happening in this case is much more than just ethnic cleansing; it legally and factually constitutes genocide. These

actions constitute a serious violation of *jus cogens norms*, a fundamental principle of international law that is compulsory for all states and has no exceptions or justifications.

On January 12 to 29, 2026, the International Court of Justice held public hearings on the merits of the case *The Gambia v. Myanmar*. This is a significant historic event because the World Court heard direct, in-person testimony of Rohingya genocide survivors during the public hearings. In total, 11 countries, including Canada, the Netherlands, France, Germany, Ireland, Belgium, and the Democratic Republic of the Congo, have joined the case as third-party interveners. The courageous actions of these survivors, sharing their lived experience with the Peace Palace first-hand, illustrate an essential understanding that the international legal system has of its victims: namely, that the Court's findings must be translated into real-world justice for those affected by the Court's decision.

15.7 REMEDIAL POWERS OF THE INTERNATIONAL COURT OF JUSTICE

International law is founded on the principle “*ubi ius ibi remedium*”, which means that where there is a right, there must be a remedy. In the *Factory at Chorzów* case, the Permanent Court of International Justice stated:

It is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparation. (PCIJ, [1928](#))

This basic principle continues to guide the activities of the International Court of Justice. In its *Armed Activities on the Territory of the Congo* judgement of 2005, the Court reaffirmed that a responsible state for internationally wrongful acts should provide full reparation. Full reparation includes restitution, compensation, and satisfaction. The ICJ held that the recognition of responsibility is not enough (ICJ, [2005](#)).

The ICJ was established in 1945 under Article 92 of the Charter of the United Nations and is the central judicial organ of the United Nations. It settles international legal disputes between and among states and delivers advisory opinions to authorised UN organs. The Judges of the ICJ are elected based on legal qualifications, not nationality, and are required

under Article 20 to solemnly declare in open court that they will exercise their functions independently and impartially (UN, 1945).

The Court has jurisdiction in contentious and advisory cases. Binding judgements apply only when both parties consent to its jurisdiction. In certain cases, the ICJ may also issue provisional measures to prevent irreparable harm while proceedings are ongoing. In *The Gambia v. Myanmar* (2020), the Court ordered Myanmar to:

Take all measures within its power to prevent the commission of all acts within the scope of Article II of the Convention and to preserve evidence of alleged genocidal acts". (ICJ, 2020)

This order showed that the ICJ can act not only after a violation has occurred but also as a preventive mechanism in situations of urgent risk. The Court may create chambers under Articles 26 and 29 of its Statute to handle complex or specialised matters. While its rulings cannot be enforced through direct coercion, the authority of the ICJ lies in the normative power of its judgements and the legal clarity it provides in international disputes. Even its advisory opinions, although non-binding, have played a significant role in shaping legal norms in areas such as self-determination, statehood, and the use of force.

Still, the Court faces clear limitations. It has no independent enforcement mechanism, and its effectiveness often depends on the political will of states. Sovereignty concerns, geopolitical interests, and selective compliance frequently blunt its reach. However, even in the case of mass human rights abuses, like the persecution of the Rohingyas, the ICJ is still one of the few international forums at one's disposal to challenge impunity. This legal machinery stands in sharp contrast to the entrenched politics of denial that have shaped both Myanmar's internal conduct and the early international response. By framing its rulings in legal terms and exposing the pattern of state abuse, the Court forces the international community to reckon with the legal obligations it cannot afford to ignore.

The ICJ's work in such cases does more than articulate rules. It faces entrenched denial, emphasises the universal and non-derogable nature of *jus cogens* norms such as the prohibition on genocide, and restores a measure of accountability in cases where political systems have broken down. In the Rohingya case, the Court's actions operate not only as a remedy but also as a necessary form of legal defiance of acts of atrocity.

15.8 THE GAMBIA V. MYANMAR: A CASE STUDY

(a) Summary of the Case

On 11 November 2019, The Gambia filed a case against Myanmar before the International Court of Justice (ICJ) for alleged violations of the Genocide Convention of 1948. It filed the case under Article 41 of the ICJ Statute, and Rules 73, 74, and 75 of the Rules of Court procedure. In addition to its main application, The Gambia requested an urgent order for interim measures to prevent further harm to the Rohingya community.

The case was instituted by Abubacarr Marie Tambadou, then Minister of Justice and Attorney General of The Gambia. Having been a prosecutor for the International Criminal Tribunal for Rwanda, Tambadou said that the case was not just a legal pursuit, but a very personal quest for justice. The application was backed by the Organisation of Islamic Cooperation (OIC), a member organisation of which The Gambia is a member state. In accordance with Article 31 of the ICJ Statute, The Gambia appointed Navanethem Pillay as an ad hoc judge in the case.

The Gambia relied heavily on the factual underpinning of the case on the findings set out by the Independent UN International Fact-Finding Mission on Myanmar, and more specifically on the reports published in 2018 and 2019. These reports documented widespread and systematic violations of international law, including mass killings, rape, and the destruction of villages, and concluded that there were reasonable grounds to believe that Myanmar's military had acted with genocidal intent (UNHRC, 2018; UNHRC, 2019).

In response to the prosecution's case against the Myanmar government on 10 and 11 December 2019, former state counsellor Aung San Suu Kyi provided representations to the ICJ seeking a dismissal of this case. In her opening remarks, she stated that this was an incomplete and misleading factual picture of the situation (ICJ, 2019).

On 23 January 2020, the ICJ issued a unanimous decision in favour of the Gambia's application for provisional measures, finding that the Rohingya people were at real risk of further injury from acts of genocide and ordering that Myanmar "*take all measures within its power to prevent the commission of all acts within the scope of Article II of the Convention*", including the protection of available evidence (ICJ, 2020). Additionally, the ICJ will require that Myanmar provide periodic reports on its compliance with this ruling.

The rapid progression of the case is apparent by April 2026, with the Court having concluded the oral hearings on the case's merits between 12 and 29 January 2026. After Myanmar's last written rejoinder in December 2024, the Court allowed 11 other States, which include Canada, France, Germany, the UK, and the Democratic Republic of the Congo, among others, to formally intervene in support of the Application (ICJ, 2026). Now that the public hearings have ended, the Court has transitioned to its deliberative phase.

This increasing level of international support illustrates the seriousness of the case and its potential legal impacts. The Gambia is challenging Myanmar's long-standing policy of denying responsibility through the advancement of this case under the Genocide Convention of 1948, and its ultimate re-evaluation of the issue within the international legal system. The case is redirecting the global political discussion away from avoiding solutions and into determining legal accountability.

(b) Jurisdiction of the ICJ

The term "*jurisdiction*" etymologically refers to "*a body's or authority's ability to perform, order, or decide on certain matters*". Doing justice, or exercising jurisdiction, entails a comprehensive judicial procedure, including hearing arguments, examining facts and evidence, applying the law, and delivering a judgement.

The International Court of Justice has two areas of jurisdiction: it decides legal disputes submitted to it by states in accordance with international law (jurisdiction in contentious cases), and it provides advisory opinions on legal questions at the request of United Nations organs, specialised agencies, or related organisations authorised to make such a request (UN, 1945). Despite the fact that the term "*jurisdiction*" has several implications, the concept as it pertains to the ICJ is unified since the Court's jurisdiction is entirely consensual. The ICJ Statute cannot itself confer jurisdiction; this depends on the states. Only with states' consent does the Court have jurisdiction over contentious disputes between states.

The PCIJ, the predecessor to the ICJ, observed in the *Eastern Carelia* Advisory Opinion that it was well established in international law that "*no state can be compelled to submit its disputes with other states to mediation, arbitration or any other kind of pacific settlement without its consent*"

(PCIJ, 1923). The ICJ has not deviated from this principle. It sometimes requires the approval of a third country whose legal status is directly at issue before it hears certain cases.

Invoking the ICJ's jurisdiction is difficult since it can only be brought if both parties have conferred jurisdiction. According to Article 36(1) of the ICJ Statute, the Court's jurisdiction includes all issues referred to it by the parties and any matters specifically provided for in the UN Charter or in treaties (UN, 1945). The Gambia relied on this provision, on behalf of the OIC, to invoke the ICJ's jurisdiction in its case against Myanmar under the 1948 Genocide Convention. There has since been a rise in cases invoking specific treaties before the Court (ICJ, 2022).

The Gambia's case was premised on Article IX of the Genocide Convention. Both Myanmar and The Gambia are parties to the Convention and have not made any reservation to Article IX. The Court held that Article IX requires there to be a dispute regarding the interpretation, application, or implementation of the Convention. The dispute must be pending at the time of submitting the application (ICJ, 2020).

Myanmar argued that The Gambia was not in direct conflict with it since the application that had been filed by The Gambia was filed as a representative action on behalf of the Organisation of Islamic Cooperation, not for The Gambia itself. The Court did not agree with that argument, citing that The Gambia has a dispute over its own rights under the Convention and that assistance by other parties or entities does not preclude that dispute (ICJ, 2020).

On 8 August 2019, the UN Fact-Finding Mission released a report affirming "*that Myanmar bears state responsibility under the prohibition against genocide*" and encouraged member states to act (UNHRC, 2019). During the seventy-fourth session of the United Nations General Assembly, The Gambia indicated that it would refer the matter to the Court, whereas Myanmar made reference to the report of the Mission as "*biased and flawed, based not on facts but on narratives*" (UNGA, 2019). The Court held that this discussion was sufficient to *prima facie* prove the existence of a dispute.

The Court considered The Gambia's submissions that Myanmar had perpetrated genocide and breached the Genocide Convention. It ruled that it was not required to ascertain whether there were breaches at the provisional measures stage, but would be determined at the merits stage (ICJ, 2020).

The Court's finding that it possesses jurisdiction under Article IX of the Genocide Convention affirmed The Gambia's standing to pursue its claims against Myanmar. This established legal framework is a critical development, as it transitions what might have remained a stagnant international dispute into a formal judicial reckoning. This process directly confronts the politics of denial and reinforces the principle that allegations of genocide demand an official legal determination rather than remaining mired in political ambiguity.

15.9 THE GAMBIA'S STANDING IN THIS ISSUE

The Court held that The Gambia possessed *prima facie* standing to bring proceedings against Myanmar for alleged violations of the Genocide Convention. It reaffirmed the rule that any State party to the Convention, irrespective of whether it has a direct interest in the alleged conduct or not, has the right to seek redress against another State when it is violated regarding obligations that are owed to the international community as a whole. These are known in international law as obligations *erga omnes*.

To justify this stance, the Court referred to its 2012 ruling in *Belgium v. Senegal*, which pertained to the *Convention against Torture*. In that particular case, the Court had reaffirmed that all parties to certain treaties or conventions share a common interest in law to ensure compliance. It held that these treaties create obligations owed to all, and that any State party can invoke the responsibility of another for failing to meet them (ICJ, 2012, para. 69).

By applying this logic to the Genocide Convention, the Court dismissed Myanmar's argument that The Gambia lacked standing since it was not a directly concerned party. It ruled that The Gambia had brought the case as a State in its right and in its own interests and argued that the fact that it was being assisted by other States or organisations did not erode the fact that there was a real dispute between the concerned parties.

This affirmation of universal standing reinforces the idea that accountability for genocide is not just a matter for victims or neighbouring states. It is a shared responsibility of all signatories to the Convention. In recognising this, the Court challenged the logic that allows political distance to become a barrier to legal action. It also undercut the strategy of denial often used by states to shield themselves from scrutiny or delay justice.

This principle goes to the heart of what is at stake in the politics of denial. When the international community speaks with one voice to

defend the core norms of law and humanity, denial is exposed not only as morally bankrupt but as legally indefensible.

15.10 PROVISIONAL MEASURES OF THE ICJ: A PREVENTIVE TOOL IN INTERNATIONAL LAW

As provided in Article 41 of the Statute of the International Court of Justice, the Court can order provisional measures to protect the rights of both parties until the case is decided. The measures are not advisory in nature; upon issuance, they are binding in law. The Court is required to notify both parties and the United Nations Security Council.

The binding nature of these orders was clearly established in the *LaGrand* case, where the ICJ held that provisional measures create legal obligations that must be observed (ICJ, 2001). In *The Gambia v. Myanmar*, the Court directed Myanmar to take measures to prevent genocide, maintain evidence, and report to it at regular intervals on its compliance. This order was issued unanimously, underscoring the urgency and seriousness of the situation (ICJ, 2020).

In this case, the provisional measures were more than legal safeguards; they were an effort to halt atrocities before they escalated. Rather than simply preserving the legal status quo, the ICJ aimed to intervene in real time, addressing an unfolding crisis. By issuing the order, the Court acknowledged the scale of ongoing violence, the imminent threat to human life, and the importance of securing evidence that might soon disappear.

The Court, having received applications from the two parties, held that the threshold of legal basis under Article 41 had been attained. The case involved a genuine and imminent risk of irreparable harm to the Rohingya, and urgent action was warranted. The measures issued by the Court were not just symbolic gestures of concern; they represented a clear statement that the international legal system retains the capacity to act, even in the face of entrenched impunity.

The chapter now shifts to the question of what happens after such orders are issued, particularly when compliance is not guaranteed, and enforcement remains politically constrained.

15.11 COMPLIANCE, DEFIANCE, AND THE LIMITS OF ENFORCEMENT

The Court's provisional measures represent tangible progress in the legal realm; however, the true impact of the Court's actions will depend on how states respond to those measures. In the years since the Court's decision was issued, Myanmar has submitted periodic reports to the ICJ per its reporting requirement; however, human rights groups and independent observers have repeatedly raised questions regarding the validity and transparency of those reports (HRW, 2023; UNHRC, 2024).

Since the military coup in Myanmar in 2021, the junta has openly challenged the notion of international legal accountability. Reports indicate that abuses of human rights continue, with many of those responsible for those abuses, including individual action(s), being the same individuals who were previously identified as having committed crimes against the Rohingya. The continuing violations of human rights indicate that the Court's provisional measures have had limited success in changing state behaviour on the ground, as urged by the Court. While the Court's intervention cannot be discounted, its enforcement of the Genocide Convention shows that the membership of States parties is not meaningful. This case also highlights the underlying challenge: enforcement of international laws will need to occur within the context of a global reality where, broadly speaking, factual information is denied, multiple competing narratives are present, and many key international states will not permit investigation/scrutiny of their actions.

In this section of the chapter, the definition of genocide within the context of ongoing resistance has been thoroughly examined. Denial is not just about avoiding taking responsibility; it prevents effective legal remedy.

In January 2026, the hearings were a defining point in giving voice to the Rohingya people, who previously had little representation at the International Court of Justice. Since that time, the case *The Gambia v Myanmar* has transitioned into a stage of high-stakes deliberations following the conclusion of the merit hearings on January 29, 2026. The focus has shifted away from the legal theatre of The Hague to the humanitarian plight of the survivors as they await a determination expected late in 2026.

15.12 CONCLUSION

The legal proceedings in *The Gambia Vs. Myanmar* represent significant progress toward legally adjudicating alleged acts of genocide. Unfortunately, the continuing challenges of states denying genocide expose the inherent limitations of international law, and this case has effectively changed the political environment around the Rohingya to one of accountability in a legal framework that can hold states accountable for their actions as per the Genocide Convention.

However, as the case progresses, including the end of oral hearings, the gap between the legal process and actual material changes on the ground illustrates the difficulty of establishing genocidal intent from previous Court judgements, given the very high evidential standards and proof that must be established by the required standard of proof for materially detrimental actions (ICJ, 2007). Also, enforcing accountability against responsible states after establishing the requisite elements of genocide will continue to require political will, and political will often depends on competing geopolitical agendas. This chapter has argued that the biggest challenge is not only establishing genocide, but also dealing with the political landscape of denial that surrounds genocide. In the case of Myanmar, denial is not just a refusal to accept blame, but rather a larger legal strategy to resist identifying acts as “genocide”.

Delaying accountability and weakening the impact of legal standards result from this strategy. Despite the obstacles, the significance of the proceedings is great. The current ICJ proceedings are part of various initiatives designed to bring perpetrators of crimes before international tribunals and domestic courts with universal jurisdiction and address individual responsibility. The mechanisms cannot act alone, but together address both state and individual accountability.

In the end, *The Gambia v. Myanmar* represents that allegations of genocide must not rest solely on political authority. The ICJ has maintained that the prohibition against genocide continues to be a binding norm, despite the continued denials by Myanmar. The case does not provide a remedy for the Rohingya now, but it has captured the issue of accountability for genocide in a way that cannot be overlooked. The issue will need to be answered through legal processes in the future.

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“Our Heart is Always in Burma”: Rohingya Narratives of Return Amid Ongoing Genocide in Myanmar

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and *Peter Sammonds*

16.1 INTRODUCTION

Every person has a right to return to their own country according to the Universal Declaration of Human Rights (article 13.2, 1948) and the International Covenant on Civil and Political Rights (article 12.4, 1996). At the same time, states should not return people to a place where they may face torture and their lives may be threatened, according to

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the Convention Against Torture (1984). Rohingyas, an ethno-religious-linguistic minority (predominantly Muslim) from the Rakhine State (also known as North Arakan) in Myanmar (former Burma), are not recognised as citizens by the Myanmar government. Rohingyas have been facing persecution, discrimination, human rights violation, and genocide since the 1970s (Amnesty International, 2018; Human Rights Council, 2016–2019; Ibrahim, 2016; Martuscelli et al., 2024a; Uddin, 2020; Zarni & Cowley, 2014) when the Myanmar government started to deny their citizenship rights (Cheesman, 2017; Kyaw, 2017; Parashar & Alam, 2019). The United Nations (UN) has classified the Rohingyas as the most persecuted minority in the world (Human Rights Council, 2017). At the International Court of Justice (ICJ), The Gambia has brought the genocide case against Myanmar on 11 November 2019, which is still ongoing. The Court ordered provisional measures in January 2020 to protect the Rohingya and Myanmar continues to submit reports on compliance and monitoring (ICJ, 2026).

The root cause of the crisis has been identified as the statelessness of the Rohingya population, which was deliberately created by the Myanmar military/Tatmadaw in the 1960s (Rahman, 2024). The Rohingyas were accepted as citizens of Myanmar immediately after the country's independence in 1948; however, their citizenship was snatched away in 1974 by making them foreigners in their own motherland. In 1978, the Myanmar State expelled over 200,000 Rohingyas who took refuge in Bangladesh (Aall, 1979; Lindquist, 1979); however, majority of them (187,250) managed to return to Myanmar through a bilateral agreement between the two countries (Sabriet & Mohsin, 2024). In 1982, the Myanmar authority introduced a new citizenship law that made the entire Rohingya population stateless, which resulted in the second mass exodus of about 300,000 Rohingyas into Bangladesh in 1992 (ICJ, 2020, p. 128). Later with the support of UNHCR, approximately 230,000 Rohingyas were repatriated to Myanmar. However, the atrocities, gender-based violence (GBV), torture, extortion, and systematic discrimination culminating into genocide against them continued by the Myanmar State, and consequently, the Rohingyas fled to Bangladesh in 2012, 2015–2016, and the record breaking mass exodus of over 750,000 Rohingya people in 2017 (Sabriet & Mohsin, 2024).

Different moments of escalation of violence forced the Rohingyas to leave their country/Myanmar in 1978, 1991–1992, 2012, 2015, and most recently in 2017 and look for safety in Bangladesh, India, Malaysia,

Indonesia, Thailand, and other countries (Uddin, 2020). The main countries hosting Rohingyas (Bangladesh, India, and Malaysia) are not part of the United Nations Convention Relating to the Status of Refugees (1951) and its Protocol (1967). It means that Rohingyas' presence is tolerated. Still, they have no perspectives on integrating into the host countries and accessing rights like work, education, healthcare, and free movement. These three countries see the Rohingya's return to Myanmar as the only solution for their protracted situation. The governments of Bangladesh and Myanmar coordinated previous repatriation programmes for Rohingyas in 1978 and 1992 that have been criticised for forcing Rohingyas to return to an unsafe environment (Aall, 1979; Dock, 2020; Saha, 2001). Rohingyas were persecuted in Myanmar again and went to Bangladesh in higher numbers in 2017, which shows that their previous return experiences were not sustainable and safe. According to Bradley (2009, p. 379), “return is simply not a real option if it is not sustainable”, reinforcing the need to involve refugees in return discussions and consider their aspirations. With the recent military coup in February 2021 and ongoing civil war and genocide in Myanmar (Vrieze, 2024), Rohingyas' perspectives of return are even more precarious, which demands an analysis of how these refugees consider their return possibilities.

Rohingyas living in makeshift camps in Cox's Bazar, Bangladesh, and informal settlements and cities in India and Malaysia “find themselves in a long-lasting and intractable state of limbo” (Executive Committee of the High Commissioner's Programme, 2004, p. 1), resulting in a protracted refugee situation as defined by the United Nations High Commissioner for Refugees (UNHCR). Overall, the Rohingya situation can also be classified as a political emergency, that is, “a humanitarian crisis in a country, region or society [...] which requires an international response that goes beyond the mandate or capacity of any single agency and the ongoing United Nations (UN) country programs” (OCHA, 1999, p. 6). While return is the preferred solution to address the Rohingya crisis, their return should be voluntary, safe, informed, dignified, and sustainable (Black & Gent, 2006; Bradley, 2008, 2009; Chimni, 2004; Crisp & Long, 2016; Gerver, 2018; UNHCR, 1996). Most studies on refugees' return discuss the politics of return (Bradley, 2009; Chimni, 2004; Crisp & Long, 2016; Macdonald & Porter, 2020); host countries narratives on the return of refugees (İçduygu & Nimer, 2020; Şahin-Mencütek, 2021), the voluntariness of return (Gerver, 2015, 2018), and the sustainability of refugees' return (Black & Gent, 2006). However, few studies consider

the return aspirations of refugees living in protracted situations (Kayaoglu et al., 2021; Khan, 2020; Omata, 2013; Zimmermann, 2012).

The goal of this article is to understand how Rohingyas living in Bangladesh, India, and Malaysia perceive their return aspirations to Myanmar. We also want to investigate whether the ongoing genocidal act and violence, systematically perpetuated by the Myanmar authority, especially the Tatmadaw, is obstructing the process of sustainable Rohingya return. We understand that the only way to recognise return as a viable and sustainable solution to this humanitarian crisis is to understand what elements would be necessary for their voluntary return according to their perspectives. We recognise that Rohingyas are experts in their experiences that should be considered in discussions involving their return (Bradley, 2009). In this article, we employ the term return, not repatriation, because repatriation presupposes the active participation of different actors, including the host countries and international organisations (Şahin-Mencütek, 2021). Rohingyas living in Bangladesh, Malaysia, and India used the term “return” and not repatriation in their 259 micronarratives collected between March 2019 and April 2020.

16.2 THEORETICAL FRAMEWORK AND LITERATURE REVIEW

What Are the Determinants of Refugees’ Decision to Return?

Initial studies on refugees’ decision to return to their home countries discussed the ‘myth of return’. They criticised how refugees and host countries conceptualise ‘home’ may not translate the reality (Black, 2002; Zetter, 1999). Time, nostalgia, and memory may influence refugees’ desire to return to a ‘home’ that no longer exists (Warner, 1994). Chimni (2004) criticises this idealised view of voluntary repatriation as the primary durable solution for refugees. Refugees may miss their homes but still decide not to return. Refugees who faced violence in Myanmar, lost loved ones, or lost property may not want to return (Camarena & Hägerdal, 2020). Besides that, the economic situation in the home country may also adversely affect refugees’ aspirations to return. For example, Camarena and Hägerdal (2020) concluded that economic perspectives and emotions (having suffered violence) are the two factors that better explain why many Lebanese Christians displaced in the 1980s never returned to Lebanon.

Using this logic, Kayaoglu et al. (2021) problematise refugees' return. In their study on Syrian refugees residing in Turkey and their aspirations to return, the authors concluded that refugees' decision to return is complex and may depend on conditions and time. Refugees may decide not to return at the moment but return in the future with conditions; refugees may choose to return at the moment with no conditions, and refugees may decide to never return depending on what they faced in their home countries and what they suffered in their host countries. Overall, return is a complex decision for both refugees and other migrants. Koser and Kuschminder (2015) explain that the return decision depends on political, social, and economic factors both in the host and home country, individual characteristics and social relations (like family decisions). Policy interventions (including official repatriation programmes) may also affect the decision level. Omata (2013) explained that Liberian refugees' decision to leave Ghana and return to their country depends on their family and personal lives in Ghana, future objectives (like access to education), chances to survive in both countries (e.g., return to properties in the home country), possibility to access other durable solutions (e.g., local integration or resettlement in a third country), and safety and support networks in Liberia.

Integration possibilities in the host countries may affect refugees' aspirations to return. For example, Di Saint Pierre et al. (2015) studied how integrating refugees from Afghanistan, Iran, Iraq, and Somalia in the Netherlands impacted their wishes to return to their home countries. Using a survey of these refugees, the authors concluded that refugees that perceived discrimination (higher educated and proficient in Dutch) and those that identified less with the Netherlands were more likely to return.

Return decisions may also depend on individual and family circumstances and plans. Khan (2020), analysing the refugees' return motivations with the support of UNHCR from South Africa to their home countries, concluded that their decisions are based on personal factors, including their situation in the host countries and their home countries. Most refugees explain that they perceived their countries were safe. Women alone in the host countries mentioned loneliness and family reunification to justify their decision to return. Emanuelsson (2008) also reflected that family life is the main factor that affected the decision of Kurdish families to leave Sweden. Access of children to education and women's empowerment are core themes that appeared in their research.

Moreover, Emanuelsson (2008) reflected that return is a circular process and that many Kurdish families visit their home countries often and gather information from families and friends to decide about their return.

Different studies with refugees concluded that political factors in the host countries, including the end of the conflict, security and safety, peace and stability, change in the government and access to justice, are the main factors that affect refugees' decision to return (or not) to their countries of origin. In their research with refugees in more than 150 countries from 1991 to 2018, Zakirova and Buzurukov (2021) concluded that political factors like the end of wars and genocide and a decrease in human rights violations are the main factors to explain refugees' return and not economic incentives (access to jobs, lands, and services). Safety, freedom, peace, elimination of persecution, and the rule of law in the home countries also impact refugees' decision to return (Bradley, 2008; Zakirova & Buzurukov, 2021).

Syrians residing in Turkey, Jordan, Germany, and Lebanon also explained their conditional approach to return in different studies (Kaya & Orchard, 2020; Kayaoglu et al., 2021; Keith & Shawaf, 2018; Müller-Funk & Fransen, 2020; Yahya et al., 2018). In their survey of 889 Syrian refugees living in five cities in Germany in 2015, Kaya and Orchard (2020) found that the restoration of stability (for those who suffered direct safety threats) and the adoption of a democratic regime (for those with higher education) are the main factors affecting their decision to return to Syria. Keith and Shawaf (2018) reflected that most Syrians in Lebanon do not intend to return at the moment. Some conditions are necessary for their return, including the end of the conflict, safety and no reprisal, detention, or arrest for those who fled. In a survey with 757 and 41 in-depth interviews with Syrian refugees in Turkey and Lebanon, Müller-Funk and Fransen (2020) also found that the Syrians' return is complicated, depending on their life aspiration and are conditional to the end of the conflict, safety and political conditions in Syria. Youngsters, men, and highly educated people were also less likely to return than women and people living in larger households.

In their study with 21 focus group discussions with Syrian refugees in Jordan and 18 in Lebanon, Yahya et al. (2018, p. 1) concluded that "a majority are unwilling to go back unless a political transition can assure their safety and security, access to justice, and right of return to areas of origin". Overall, Syrians were pessimistic about their return possibilities and achieving a peace agreement. One in eight participants never wanted

to return because they suffered severe trauma and felt nothing left for them in Syria. They perceived resettlement in another country as their only option. Kayaoglu et al. (2021) conducted mixed-methods research involving 41 interviews and a survey with 1,197 Syrian refugees living in Turkey on their return aspirations. They concluded that 82% of the respondents would like to return to Syria conditional to the end of the conflict and establishment of a new government. However, 16.75% of the respondents would never want to return to Syria. A specific situation in Syria is that if a family had sons, they would be more concerned about return because their children could be forcibly conscripted (Yahya et al., 2018). Kayaoglu et al. (2021) did not find any differences in return wishes considering the gender and age of the participants. The authors conclude that "like in other protracted refugee situations, Syrian refugees' aspirations are shaped mainly by fear, uncertainty and lack of trust regarding Syria's situation" (Kayaoglu et al., 2021; UNHCR, 2019).

Refugees from other nationalities also do not trust their home countries and fear their safety and living conditions if they return home. Eidelson and Horn (2008), in their survey of 235 South Sudanese refugees living in the Kakuma Refugee Camp in Uganda, discovered that trust was the main issue preventing their return because many perceived that previous peace agreements were violated. Although most refugees wanted to leave Kakuma, they were worried about safety, mines, infrastructure and access to education, money, and water in South Sudan. In addition, refugees perceived as more vulnerable and wanted justice were less likely to return. Sullivan (2019) also reflected that both Rohingyas and South Sudanese refugees face the same barriers to return to their countries: the ongoing insecurity, impunity of perpetrators and the existence of root causes of their displacement, the destruction and confiscation of their homes, the lack of services and job opportunities in the countries of origin, the exclusion of refugees in discussions about their return and lack of information.

Bradley's (2009) reflections on return and return in dignity for refugees also presuppose a conditional return. The author explains that "the conditions of just return match the core duties a legitimate state must provide for its citizens: equal, effective protection for their security and basic human rights, including accountability for any violations of these rights" (p. 286). The author also highlights that when refugees do not have citizenship like the Rohingyas, a just return presupposes that

they will (re)gain active citizenship. Bradley (2009, p. 372) also reinforces “the principle of refugee choice, and [...] the need to redress the injustices that cause and characterise displacement” as necessary for a dignified return. Finally, the author recognises the need for the restitution of properties and houses as fundamental for a return to dignity.

Rohingyas' Situation in Bangladesh, Malaysia, and India

According to UNHCR (2026a), there were over 1.34 million Rohingya refugees residing in the camps in Cox's Bazar district (includes 146,989 biometrically identified new arrivals since 2024) and 34,000 in the Bhasan Char Island in Bangladesh (see Fig. 16.1), including about 39,500 who arrived in the 1990s. Among them, 52% were female and 48% male, that includes 45% children, 25% young adults, and 4% elderly persons (UNHCR, 2026a). Bangladesh is a least developed country facing severe structural setbacks to sustainable development (UN/DESA, 2024). In Bangladesh, Rohingyas live in camps and receive relief from international and national organisations. However, they are not allowed to leave the camps and have no right to work or permanent residency in Bangladesh. Their access to education and health is also limited to what is offered in the camps (UNHCR, 2021a). The Government of Bangladesh (GoB) recognises Rohingyas' as Forcibly Displaced Myanmar Nationals (FDMN), not refugees; considers their stay in Bangladesh as temporary, manages the crisis through administrative directives and letters, and defines voluntary repatriation as the only possible solution (UNHCR, 2026a). Between 2006 and 2010, 920 Rohingya were resettled from Bangladesh to Australia, Canada, and the USA (Paul & Das, 2020). However, the government ended the resettlement programme in 2010, fearing that having a chance to go to a developed country could motivate Rohingyas to come to Bangladesh. At present, not a single Rohingya repatriated to Myanmar, apart from a few thousand Rohingyas have been resettled in the USA and other developed countries (Martuscelli et al., 2024b; U.S. Mission in Geneva, 2024).

Bangladesh, India, and Malaysia are developing countries, who are also not signatories of the UN Convention relating to the Status of Refugees (1951) and its Protocol (1967). They do not have national legislation on asylum. It means, although UNHCR recognises Rohingyas' as refugees, but their presence is tolerated as temporary in these countries. Their situation is unstable because any government could return them to Myanmar

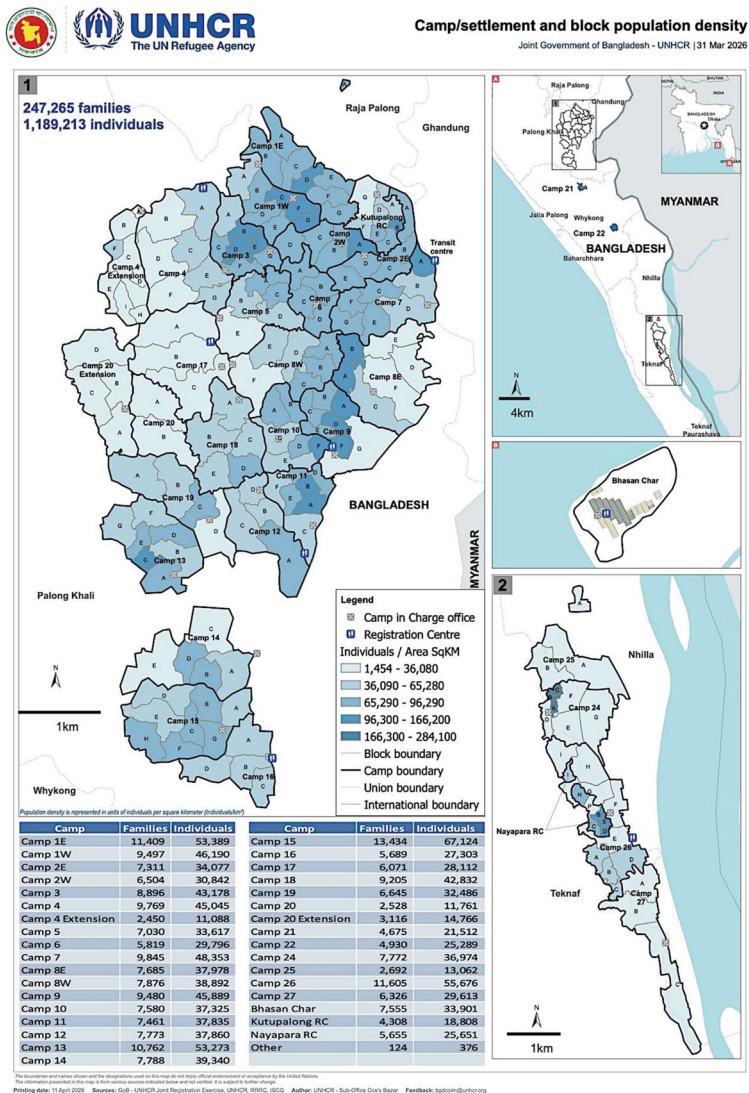


Fig. 16.1 Map showing the distribution of the Rohingya population in Bangladesh (Source UNHCR (2026a). <https://data.unhcr.org/en/documents/details/121946> (accessed on 19 April 2026))

against their will. Rohingyas do not have perspectives of integrating into the national societies, receiving permanent residency (documents) and accessing all rights like the nationals. Another problem is that Rohingyas are stateless; that is, they do not have documents (like passports and identity cards) which prevent them from accessing services (like buying a cell phone or renting a house) that other migrants could access in these countries (Milton et al., 2017). In this session, we briefly discuss why voluntary repatriation is the leading solution that these host countries advocate for this population.

At the end of February 2026, about 215,000 refugees and asylum-seekers, including over 126,000 Rohingyas, were in Malaysia (UNHCR, 2026b). Most refugees in Malaysia live in precarious situations in the country's cities or informal settlements (Equal Rights Trust, 2014; Wake & Cheung, 2016). Refugees are not legally allowed to work in Malaysia, which put them at risk of abuse and dangerous work. They can also be arrested if they work without a work permit. Rohingyas do not have documents, which prevents their children from accessing education. They also have difficulty accessing healthcare in Malaysia (Wake & Cheung, 2016). It is acknowledged that resettlement and voluntary repatriation as the leading solutions for refugees in Malaysia (Martuscelli et al., 2024b). Resettlement is a limited possibility for them because more refugees are needed than countries willing to receive this population. For example, between 2013 and 2014, only 625 Rohingyas left Malaysia for resettlement countries, among the thousands that applied for this (Equal Rights Trust, 2014).

In India, by the end of 2024, more than 240,000 individuals were listed as refugees (70%), refugee-like situation (25%), and asylum-seekers (5%); comprising 46% women and girls, and 36% children (UNHCR, 2024). The UN estimates that there are currently about 23,300 Rohingyas in India (UNHCR, 2026c). Most Rohingyas live in informal settlements or slums in cities in India, and many are not registered with UNHCR. In India, the UNHCR recognises resettlement and voluntary repatriation as the leading solutions for refugees (UNHCR, 2024). However, Rohingyas face the same challenges in achieving resettlement as Rohingyas in Malaysia. Refugees in India are not legally allowed to work and face challenges in accessing education and healthcare. They also face exploitation, economic insecurity and marginalisation, facing the risk of deportation (Field et al., 2020).

It should be noted that no Rohingya entered into India and Malaysia following the influx in 2017. These three countries, Bangladesh, India, and Malaysia, are struggling to integrate the Rohingyas due to challenges in cultural, social, legal, and economic aspects (Habib & Chowdhury, 2023). Resettlement is also not a feasible solution for this population (Martuscelli et al., 2024b; Taylor, 2020). Therefore, voluntary repatriation or safe return to Myanmar is the only option left (Taylor, 2020; Uddin, 2024). Previous return programmes were negotiated between Bangladesh and Myanmar in 1978 and 1991–1992. While thousands of Rohingyas returned to their country, studies discuss that their return was not safe (Aall, 1979; Dock, 2020; Saha, 2001). Dock (2020, p. 21) argues that:

Repatriation operations in the 1970s and the 1990s were profoundly flawed and violated principles of voluntary return. In the 1970s, coercive tactics, such as the denial of food aid and the use of physical abuse, violated international norms of refugee protection. UNHCR was not directly involved in the operation but was passive in the face of such violations. In the 1990s, coercive tactics by Bangladeshi officials persisted. Though officially involved in the process, UNHCR failed to be transparent with refugees about the level of protection they could offer, instead prioritising the agency’s relationships with the governments of Bangladesh and Myanmar.

The Rohingyas living in camps in Bangladesh demanded their citizenship and political and civil rights as conditions for their return to Myanmar (Ahmed et al., 2021). However, the unsafe conditions for Rohingyas persist in Myanmar, although the Bangladesh government continues to insist on their return (Dock, 2020). In 2017, the GoB signed a Memorandum of Understanding (MoU) with Myanmar concerning the return of Rohingyas (Taylor, 2020), which never saw the light of day. Although Rohingyas see Myanmar as their home, they do not want to return yet because they fear new persecution, violence, and genocide (Ahmed et al., 2021; Dock, 2020). Statelessness (not being recognised as citizens by Myanmar) is the main barrier to the repatriation of Rohingyas living in Indonesia (Susetyo & Chambers, 2020) and Bangladesh (Faulkner & Schiffer, 2019). Besides that, Rohingyas do not trust the Myanmar government that they will have peace and security if they return to the Rakhine state (Susetyo & Chambers, 2021). The Rohingya Repatriation Survey (Xchange, 2018) conducted between April and May 2018 with

1,700 Rohingya refugees residing in 12 refugee camps in Cox's Bazar, Bangladesh, concluded that:

Overall, 97.5% of the Rohingya population would consider returning to Myanmar. Most respondents (99%), however, mentioned that they would go back only if certain conditions were met, with the majority saying citizenship of Myanmar with the acknowledgement that they are Rohingya, freedom of movement and religion, and their rights and dignity restored. However, 40 individuals (36 women) refused to return to Myanmar.

The survey also concluded that 80% of the Rohingyas did not receive enough information about the repatriation process and that 98% feared returning to their origin country (Xchange, 2018). Rohingyas in camps presented 13 demands to the UN to be repatriated to Myanmar that included a guarantee of citizenship and equal rights; access to identity cards recognising them as Rohingyas before the repatriation; guarantee of law and order for Rohingyas, involvement of the UN and the International Criminal Court (ICC) in the repatriation access; return of their original land in Rakhine State; prosecution of perpetrators of killing, gang-rape, and destruction of their properties and access to the UN Fact-finding mission to investigate the incidents of August 2017 (Siddiqui, 2018). Although the Rohingya Repatriation Survey (Xchange, 2018) is vital to understand a general perspective of the return of Rohingyas, it considers only Rohingyas living in Bangladesh.

Gaps in Literature

The existing literature on Afghan, Syrian, Venezuelan, and South Sudanese refugee return is extensive (Alrababah et al., 2023; Naseh et al., 2018; Ochoa, 2020), yet certain areas remain underexplored. Significant gaps remain on the Rohingyas' return aspirations from the perspective of those living in non-signatory countries of the 1951 Refugee Convention. Additionally, while majority of the works prioritise the involvement of refugees in return discussions, there is limited research that deeply explores the stateless populations such as the Rohingyas in this case and their specific conditions for a sustainable and voluntary return, such as ongoing genocide and mass-scale atrocities in Myanmar. Furthermore, the gendered dimensions of return aspirations, particularly the impact of GBV on women's willingness to return, have not been

adequately addressed. To overcome the research gaps, our study analyses the micronarratives of Rohingyas living in Bangladesh, India, and Malaysia. Micronarratives also allow us to conduct an in-depth analysis of Rohingyas’ narratives on return, which is limited to a survey (Ahmed, 2019).

Research Aim and Objectives

This article aims to analyse Rohingya narratives of return from Bangladesh, Malaysia, and India, given the context of how ongoing genocide, statelessness, conflict, and insecurity in Myanmar continue to hinder the possibility of voluntary, safe, and sustainable return. We have two research objectives:

- i. To identify the specific conditions under which Rohingyas living in Bangladesh, India, and Malaysia would consider returning to Myanmar.
- ii. To examine how ongoing genocide and atrocities in Myanmar shape Rohingya return aspirations.

By highlighting the unique challenges and perspectives of one of the most persecuted and stateless populations in the world (IIFMM, 2019), this study ultimately aims to contribute to new knowledge creation for the broader disciplines of genocide and refugee studies, and to their return in a safe, voluntary, and dignified manner in the context of genocidal violence.

16.3 METHODOLOGY

This study was part of a research project composed of researchers from the UK, Bangladesh, Malaysia, and India, funded by the British Academy. The project received institutional high-risk ethical approval and all formal data protection, consent, local-level permissions, and risk assessment procedures were in place before data collection. The entire project employed different methodologies of data collection, including field visits, focus groups discussions, and key-expert interviews; this paper analysed selected micronarratives of 259 Rohingya adult refugees residing in Bangladesh (145 participants), India (58 participants), and Malaysia (56 participants)

collected between March 2019 and April 2020. Each research partner leader had previous experience conducting research with Rohingyas in their respective country, facilitating access to field organisations and community leaders that helped recruit participants. In addition, they employed purposive sampling and a snowballing sample to guarantee a diversity of narratives, including gender, age, social status, and occupation (Ahmed, 2019).

The research leaders in each country trained research assistants (both male and female) from the community (in India, including one Rohingya refugee) to collect the micronarratives. In micronarratives, it is crucial to construct a trusting relationship between the storyteller and the story collector (Ahmed, 2019), facilitated by the contribution of research assistants from the local community. Research leaders in each country supervised the entire data collection process to provide feedback and ensure the enumerators were collecting the narratives of the refugees in the best way. Female enumerators collected the narrative of female participants. However, many Rohingya women felt uncomfortable being part of this research due to cultural and religious barriers. Most participants were male (166 or 64% of all the participants, of which, 72% in Bangladesh, 55% in India, and 64% in Malaysia). Most Rohingyas fled Myanmar after 2012 (Malaysia, and India) and 2017 (Bangladesh). The micronarratives were collected in the local Chittagong dialect close to the Arakanese dialect and Bengali (Bangladesh), Rohingya dialect (Malaysia), and Hindi (India). When Rohingyas could not communicate in Hindi, family members voluntarily helped with translations in India. The micronarratives were collected in the camps in Bangladesh, and in the houses, places of work or settlements (according to the participant's preferences) in India and Malaysia. More information on the participant's profile can be found in Table 16.1.

After the data collection, the research team anonymised all the data following data protection guidelines and professionally translated the interviews into English. We collected the oral informed consent of all participants (after explaining the project, risks involved, and participants' rights) because many Rohingyas could not read and write. We also considered this as an extra protection to avoid confidentiality breaches following recommendations from the International Association for the Study of Forced Migration on research involving refugees (IASFM, 2019). We initially used descriptive and focused coding (coding return in general) to code the micronarratives using NVivo12 software. We also wrote coding

Table 16.1 Age range and civil status of the participants

<i>Age range (in years)</i>	<i>Number (%)</i>	<i>Civil status</i>	<i>Number (%)</i>
18–24	48 (18.53%)	Married	190 (73.36%)
25–34	85 (32.82%)	Single	26 (10.04%)
35–44	40 (15.44%)	Widow	16 (6.18%)
45–54	29 (11.20%)	Divorced	6 (2.32%)
55–64	21 (8.11%)	Unknown	21 (8.10%)
65+	11 (4.25%)	Total	259 (100%)
Unknown	25 (9.65%)		
Total	259 (100%)		

Source The authors

memos (Saldaña, 2013). After this first cycle of coding, we adopted values coding (to understand participants’ values, motifs, and beliefs about return) and pattern coding (to visualise the themes that emerged when refugees reflected on their return to Myanmar) (Saldaña, 2013).

16.4 RESULTS

Rohingyas’ aspirations of return to Myanmar were marked by previous experiences of forced displacement and return from Bangladesh to their home countries. Thirty-four participants (13%) mentioned that they previously returned from Bangladesh to Myanmar. However, we could not find any patterns that people who previously returned did not want to return to Myanmar: twelve would not return to Myanmar, eighteen would return to Myanmar, and others did not explicitly mention their preferences on return. A Rohingya man of 45 years old living in Bangladesh narrated his experience of fleeing to Bangladesh three times:

I have come to Bangladesh three times. It was in 1978 when I came here for the first time, then in 1991, and finally in 2017. I came here every time after being persecuted by the Mogs [extremist Buddhist nationals]. [...] I was a 5-year-old kid when I came here back in 1978. I stayed here for three years during that time. An agreement between the Bangladesh government and the Myanmar government took place, and we were repatriated back to Myanmar after staying for three years in Bangladesh. Ironically, we ended up facing persecution once we got back. For this reason, I came back to Bangladesh again in 1991. I was 18 years old then. I married a Rohingya

girl here at that time. [...] It was sorrowful that the Bangladesh government repatriated us again, and we started to face torture and abuse like the last time. But the torture became unbearable in 2017 when I left my country for the third time. (Interview, 06/12/2019)

The narratives indicate that previous forced return experiences impact the future return of Rohingyas to Myanmar. Just like reflected by Kayaoglu et al. (2021), Rohingyas' aspirations of return are complicated and conditional. In our narratives, 133 Rohingyas (51%) wanted to return to Myanmar, but they presented some conditions. 60 Rohingyas (23%) said they did not want to return to Myanmar (35 or 58% of them were female), and 66 (26%) did not mention their return preferences. Among those that did not want to return, 31 were in Bangladesh, 5 in India, and 24 in Malaysia. The following subsections explain the conditions Rohingyas mentioned to justify their aspirations to return to Myanmar.

What is Necessary for Rohingyas' Return to Myanmar?

Most Rohingyas mentioned political factors in Myanmar that condition their return to their country. They highlighted access to citizenship as the primary condition for their return, followed by security/safety/protection from the government, recovery of lands and properties, access to rights, justice, non-discrimination/equality of treatment, recognition of their ethnicity, access to identity papers (identity cards/passports), freedom of movement and peace (Ahmed et al., 2021). The following quotes illustrate the political factors that emerged in Rohingyas' narratives in Bangladesh, India, and Malaysia, from both women and men:

We seek justice for all the atrocities inflicted upon us. We want our citizenship, lands, house, and everything around us. Though the Government of Bangladesh provides us with all the facilities, I still do not want to live here for my entire lifetime. I want to return to my country as soon as possible and want sufficient security there (Rohingya man, Bangladesh, 45 years old, 13/12/2019)

We will only go back to Myanmar in only one condition. We must be allowed to move freely. We must have the opportunity to move like the Mogs/local Buddhists. They must not look down upon our religion. Our children must have the opportunity to be educated and get jobs. We must have our citizenship certified as Rohingyas. Only then will we go back (Rohingya woman, Bangladesh, unknown age, 24/11/2019)

In a word, I want my right, freedom and other fundamental human rights from the Burmese government as a citizen. If one day I see these changes, I will then voluntarily go back to Myanmar (Rohingya man, Malaysia, 28 years old, 15/05/2019)

If we get back our rights and properties, I will return there voluntarily. The government must accept us as citizens of Myanmar and must recognize us as Rohingya. Then, I will return home (Rohingya woman, Malaysia, 21 years old, 15/09/2019)

If the Burma government accepts us being Rohingya and gives us citizenship of Burma, I don't know when I will go there, but many people will go there before me (Rohingya man, India, 29 years old, 11/12/2019)

If they give us nationality, we will immediately return to our places. We also don't want to stay here (Rohingya woman, India, 38 years old, 09/12/2019)

In these six narratives (like others that mentioned a favourable preference for a return to Myanmar), we perceive citizenship and Rohingya identity as the main political factors shaping Rohingyas' return aspirations. Other factors such as access to jobs/economic activities: *“The government must give us rights to take jobs and freedom of movement, including educational opportunities in the country, I will surely return voluntarily”* (Rohingya man, Malaysia, 20 years old, 16/08/2019); education: *“We want the opportunity for girls to study and to do better jobs”* (Rohingya woman, India, unknown age, 26/11/2019); and compensation: *“I want us to be compensated for all those endless harms did to us”* (Rohingya woman, Bangladesh, 26 years old, 30/12/2019), were also mentioned.

The situation in the host countries was not a factor affecting Rohingyas' aspirations of return because none of the participants had concrete integration possibilities in the host countries (Islam et al., 2022). However, while participants focused on citizenship as the primary condition for their return, there were some geographical differences in the additional requirements. People in Bangladesh focused more on justice and punishment for perpetrators of atrocities. We perceive this position in the following two illustrative quotes: *“what I want most is justice. We want justice for the brutalities and atrocities perpetrated against us”* (Rohingya man, Bangladesh, 34 years old, 04/12/2019); *“As soon as the Burmese government will be punished, we will return to our country”* (Rohingya woman, Bangladesh, 30 years old, 26/12/2019). Rohingyas living in Malaysia spoke more about changes in legislation and policy as additional conditions for their return: *“So if the government of Burma accepts us*

as Burmese citizens and changes their Anti-Rohingya policy then we will certainly go. Otherwise, I wish to die in Malaysia instead of going back there" (Rohingya woman, Malaysia, 22 years old, 16/06/2019); and *"Burma needs to change many things. They need to stop discrimination. The government of Myanmar must give us full citizenship rights and security. They must change the 1982 citizenship law"* (Rohingya man, Malaysia, 32 years old, 17/08/2019).

Rohingyas in India employed different expressions to justify their return when referring to the situation in Myanmar that included "things get better", "improve", "normal", and "issues solved". We did not see these expressions in other participants' narratives on their return aspirations. This pattern is evident in the following two illustrative quotes: *"Government is saying that we will be deported to Burma, but there is no need to do so, if situations become normal, we will go on our own"* (Rohingya man, India, 33 years old, 07/12/2019); *"[the] political condition in our country is not good. If things get better there, we will immediately go back"* (Rohingya woman, India, 25 years old, 05/12/2019). Rohingyas in India also stressed the need to change the governance system. This was the case of this 25-year-old woman: *"Like there is democracy in this country, if we have such a government in Myanmar, if that happens today, I will go to my country today itself. I will not even wait for another day"* (India, 05/12/2019).

However, a return is not possible for Rohingyas due to the current situation in Myanmar. Even among those that said they wanted to return, they mentioned that they could not return at the moment because of fear: *"I also want to go back to my own country, to my village. But only due to the fear of repression, I cannot muster the courage to do so"* (Rohingya man, Bangladesh, unknown age, 06/11/2019); and the situation of violence in Myanmar: *"We are ready to go back to our country, but how can we go back when the violence is still ongoing? Our future now seems uncertain. It seems that they will kill us next time"* (Rohingya man, Malaysia, 52 years old, 01/07/2019). Furthermore, many Rohingyas feared persecution: *"I would not like to go back to Myanmar because Rohingyas in Myanmar are still being persecuted"* (Rohingya woman, Malaysia, 18 years old, 24/09/2019); torture: *"If I am send back to Myanmar, I would be brutally tortured and burnt alive"* (Rohingya woman, Bangladesh, 62 years old, 04/11/2019); and violation of rights in Myanmar: *"I want to go back, but we can't go back in the present condition"* (Rohingya man, India, 56 years old, 20/01/2020); and *"I want to go back right away, but Buddhists are*

killing people, how can we return?” (Rohingya woman, India, years old, 09/12/2019).

This fear of returning is connected to the fact that most Rohingyas do not trust the Myanmar government. This distrust may be explained by the previous Rohingya experiences of return that were not sustainable. Our results show this narrative of a lack of trust in the government of Rohingyas in all three countries, like previous studies on refugees’ return aspirations (Ahmed et al., 2019; Mallick, 2020). The following three quotes illustrate this theme: *“We don’t trust them anymore, the government, so we are very stressed because we see our hopes of returning fading”* (Rohingya man, India, 48 years old, 10/08/2019); *“If the government can build trust among us, it would be ok for us to return our homeland”* (Rohingya man, Malaysia, 35 years old, 14/07/2019); and *“I don’t trust the Myanmar government. I have seen that the Myanmar government doesn’t act according to its commitment. So now I expect that the big powers of the world will take a fruitful decision to ensure our safety [when returning]”* (Rohingya man, Bangladesh, 50 years old, 09/12/2019).

Finally, this fear of returning and distrust of the government creates much uncertainty considering if, when and how Rohingyas would be able to return to their country. This uncertainty is reflected in the following quotes of Rohingyas refugees: *“I wish to return to my own country. I do not know if that will ever be possible”* (Rohingya man, Bangladesh, 55 years old, 14/11/2019); and *“I am not able to go back home at this time, and I am not quite sure if it will ever happen in the future”* (Rohingya man, Malaysia, 32 years old, 20/07/201). Overall, Rohingyas felt pessimist about their return possibilities: *“Now I have no hope from my country. It’s been from our grandparents that this problem is there, so it’s not going to get resolved that soon. I don’t think if anything would change there”* (Rohingya woman, India, 19 years old, 01/12/2019); *“Negotiations for repatriation have been in the table for a long time, but I do not see any confidence or assurance for peace from the Myanmar government”* (Rohingya woman, Malaysia, 21 years old, 01/07/2019).

Why Do Some Rohingyas Not Want to Return to Myanmar?

Among the people that expressed that they did not want to return to Myanmar, we perceived three main narratives to justify their decision: (a) they did not trust the government; (b) they felt they had nothing left for them in Myanmar, and (c) they suffered unbearable tortures and

violations of human rights. Some people want to return to Myanmar, but this return is conditional, and they cannot return now because they need to trust the Myanmar government. However, some Rohingyas that want to avoid returning to Myanmar mentioned the unlikelihood of trusting the Myanmar government to justify their decision. This was the case for these two Rohingyas living in Bangladesh and India, respectively:

I will not return to Burma even if I die of starvation here in Bangladesh. This is because I no longer believe the Burmese authority, no matter how much assurance they give us about providing us with security. This is the third time I have fled to Bangladesh and returned to Burma twice, but we received inhumane torture every time (Rohingya man, Bangladesh, 55 years old, 23/12/2019)

Who will go back to Burma? Things are fine one day, and they again start killing people the next day. My brother died there; he was put in jail. No one is left there for me (Rohingya woman, India, 55 years old, 23/01/2020)

This last quote also shows that this woman does not want to return to Myanmar because she feels nothing is left there for her. This narrative of “nothing left behind” justified why some Rohingyas do not wish to return to Myanmar. Losing family members because they were killed, imprisoned, or disappeared and having their houses and properties destroyed and confiscated created a situation of hopelessness for Rohingyas that do not want to return. We can also notice this feeling in the following two quotes.

I have no one in Myanmar. The Mogs grabbed all my houses and lands. I have nothing to do there (Rohingya woman, Bangladesh, 22 years old, 01/12/2019)

I do not want to go back home. I feel upset if I think of my past again. We lost everything there. All of our properties had gone, and we are not happy. We lost our children’s future (Rohingya woman, Malaysia, 36 years-old, 31/08/2019)

This feeling of “nothing left behind” is also connected with human rights violations and tortures experienced by the Rohingyas in Myanmar. Since they suffered in Myanmar and they do not trust the government that they will not suffer again, they do not want to return to Myanmar. We observed this theme in the following three illustrative quotes: “*I do*

not want to go back to Burma ever because I have been subject to torture many times in my life” (Rohingya man, Bangladesh, 47 years old, 19/11/2019); *“They abuse us a lot and even beat, that’s why we don’t feel like going back”* (Rohingya woman, India, 25 years old, 04/08/2019); and *“I am interested in going anywhere in the world except Myanmar. Because I had a lot of terrible & painful stories over there”* (Rohingya woman, Malaysia, 22 years old, 16/06/2019).

Most Rohingyas that do not want to return were women. In our analysis of micronarratives, 29 out of 93 female participants (31%), explicitly described why they never wished to return to Myanmar. The fact that more women do not want to return at all may be connected with the GBV suffered in Myanmar. This was the case of these two women: *“I never want to remember my life in Burma. I am doing well with my family here in Bangladesh [...] whether they let us return in Burma or not, I do not want to return to Burma again”* (Rohingya woman, Bangladesh, 20 years old, 27/12/2019); and *“A lot of us wants to go back to Myanmar, but I do not. I want to die here. I do not want to lose my mind again. I want to live happily. I do not want to remember my past”* (Rohingya woman, Bangladesh, unknown age, 13/11/2019). Although this woman did not mention that she suffered sexual or gender-based violence in her micronarrative, she also felt insecure as a Rohingya woman in Myanmar. Therefore, she did not want to return there: *“I feel distraught when I think about my suffering and insecurity in the past. I do not want to return home”* (Rohingya woman, Malaysia, 27 years old, 28/07/2019).

Overall, our analysis reveals that while a significant number of Rohingyas express a desire to return to Myanmar, their perspectives are not uniform. For instance, Rohingyas in Bangladesh emphasised on the need for justice and punishment of the perpetrators who committed genocide and crimes against humanity towards them (Ibrahim, 2016; IIFFMM, 2019; ICJ, 2026; Martuscelli et al., 2024a). In contrast, Rohingyas in India focused on a democratic transformation of the governance system in Myanmar, while those in Malaysia demanded for the recognition of their rights and identity. Additionally, we found that women who suffered violence expressed a stronger reluctance to return to Myanmar.

16.5 DISCUSSION

This study's findings provide critical insights into the Rohingyas' aspirations to return amid ongoing genocide in Myanmar, which both align with and extend the existing literature on refugee return and ensuring justice.

Alignment with Existing Literature

Our findings echo the outcomes of numerous scholars who have emphasised that refugee return is linked to a range of personal, social, economic, cultural, and political factors (Omata, 2013; Ahmed, 2024). For instance, Alrababah et al. (2023) and Kayaoglu et al. (2021) found that Syrian refugees' return aspirations are shaped by improvements in security and trust in governance in Syria. Similarly, the importance of safety and the end of persecution as preconditions for return, as discussed by Bradley (2008) and Zakirova and Buzurukov (2021), is clearly evident in our Rohingya narratives. The emphasis on justice through the trial of the perpetrators, as found in our case of the Rohingyas in Bangladesh, aligns with the findings from Ahmed et al. (2021) and Bradley (2009).

Rohingyas currently living in the camps and on Bhasan Char Island in Bangladesh are protected and supported by various humanitarian stakeholders and provided with facilities like shelter, food, health, education, sanitation, and other logistics. However, despite getting numerous facilities in Bangladesh, sometimes even better than those available to their host communities in Cox's Bazar (Islam et al., 2022), most of the Rohingyas wish to return to Myanmar. Alrababah et al. (2023) found similar results where the majority of the Syrian refugees in Lebanon wanted to return to their homeland despite better job prospects and access to public services in their host country. However, in both cases, the refugees demanded economic, physical, and social well-being, as well as justice for the genocide and atrocities committed against them.

New Contributions to the Literature

This study contributes new insights to the literature on refugee return. Unlike many other contemporary refugee groups, the Rohingya case study portrays a unique perspective that is influenced by their statelessness and the historical failures of previous return attempts. The Rohingyas

developed a profound mistrust of the Myanmar government/authorities based on their experiences of past returns from Bangladesh, which were neither safe nor voluntary (Rahman, 2024). The UN Human Rights Council (2019, p. 18) concluded that the Tatmadaw used sexual and GBV against the Rohingya population as a weapon of war to intimidate, terrorise, and punish them. This distrust, coupled with the ongoing fear of persecution, particularly among Rohingya women who have suffered GBV, and the present political landscape in Myanmar, such as the military coup in 2021, continued armed conflict, and atrocities towards civilian populations, has created a significant barrier to the Rohingyas’ willingness to return. Moreover, while existing literature focuses more on economic factors as key determinants of return decision-making (Camarena & Hägerdal, 2020; Naseh et al., 2018; Ochoa, 2020), our study found that political conditions such as citizenship, legal rights, justice, cultural identity, and security are far more important for the Rohingyas.

The Uncertainty of Rohingya Return Under Ongoing Genocide

A major element contributing to the possibility of the Rohingyas’ return is the fear of returning and distrust in the Myanmar government. This creates much uncertainty even for people who want to return to Myanmar. The fact that previous forced return experiences from Bangladesh to Myanmar appeared spontaneously in many Rohingyas’ narratives may reinforce this fear and distrust. Rohingyas were returned, and they were persecuted again. The risk of a third major return (after 1978 and 1992) may be too high for Rohingya communities, without ensuring justice, safety, and a liveable environment in Myanmar. Additional guarantees of non-repetition of atrocities by the Myanmar authorities, the Myanmar military/Tatmadaw, and local Buddhists/Mogs should be put in place if the international community expects a durable and sustainable return of the Rohingyas to their home country. Some Rohingyas do not want to return to Myanmar at all. One in three women in our study did not want to return to Myanmar. This view is connected to a total disbelief in the Myanmar government, the feeling that a person has nothing left in their home country, and the repeated torture and human rights violations suffered in Myanmar.

(a) Recent Developments

According to UNHCR (2026a, 2026c), over 1.5 million Rohingyas are taking refuge in neighbouring countries, including 1.34 million in Bangladesh, 119,000 in Malaysia, 23,300 in India, 2,500 in Indonesia, and 500 in Thailand, while 519,000 are living as internally displaced stateless persons in Myanmar (UNHCR, 2026c). Such a prolonged protracted crisis has created immense physical and mental distress among the Rohingya population as a whole, while the majority of them are living in the camps in Cox's Bazar in Bangladesh, and others on the remote Bhasan Char Island, and many inside IDP camps in Myanmar. The Rohingya population is traumatised. The majority escaped genocidal violence and serious crimes against humanity perpetrated by the Tatmadaw, and the remaining population is still inside Myanmar, facing the continuation of the same genocide. In Bangladesh, although they have been ensured security, protection, and safely and have a much better life compared to that in Rakhine State, many are still isolated while living on the remote island, distant from their relatives, and some are disturbed due to lack of freedom of movement, no means of livelihood, no prospect of higher education for their children and a professional career, women facing GBV in the camps, and continual armed conflict, while other types of drug-related and illegal businesses are common in the camps of Bangladesh. The continuous refugee influx from Myanmar into Bangladesh creates immense pressure on the GoB, the local people, and the already vulnerable ecosystem. The UN is struggling to cope with the ever-growing need to manage more and more refugees from Myanmar. At the same time, the UN is facing significant funding cuts (UNHCR, 2026d).

As such, out of desperation and in search of a safer and better life, the Rohingyas are undertaking daring maritime movements towards some South and South-East Asian countries, primarily Malaysia and Thailand (see Fig. 16.2). Since 2012, nearly 200,000 Rohingya refugees have taken this dangerous sea journey, risking their lives to escape misery and persecution in Myanmar (UN, 2026), and over 5,000 of them have died during the journey. Only in 2025, more than 6,500 Rohingya attempted these precarious sea crossings, and nearly 900 of them were reported missing

or dead in the Andaman Sea and Bay of Bengal, making it the deadliest year on record (UNHCR, 2026d).

Such forced displacement and sufferings among the Rohingya population did not just start with the “clearance operations” by the Tatmadaw during 2016–2017. A similar pattern of atrocities has been recorded since 1978 and it is still continuing at varying levels. For example, between March and July 1978, approximately 200,000 Rohingya refugees entered Bangladesh for the first time to escape beatings, abductions, the killing of Muslim men, and the rape of Muslim women. Among them over 12,000 refugees died, including some 6,300 children, in the camps in Cox’s Bazar due to a serious lack of food supply, starvation, and widespread malnutrition. However, by the end of March, about 107,000 had been repatriated to Burma, and 82,000 Rohingya remained in the camps in Bangladesh (Lindquist, 1979). Another similar major influx of Rohingya

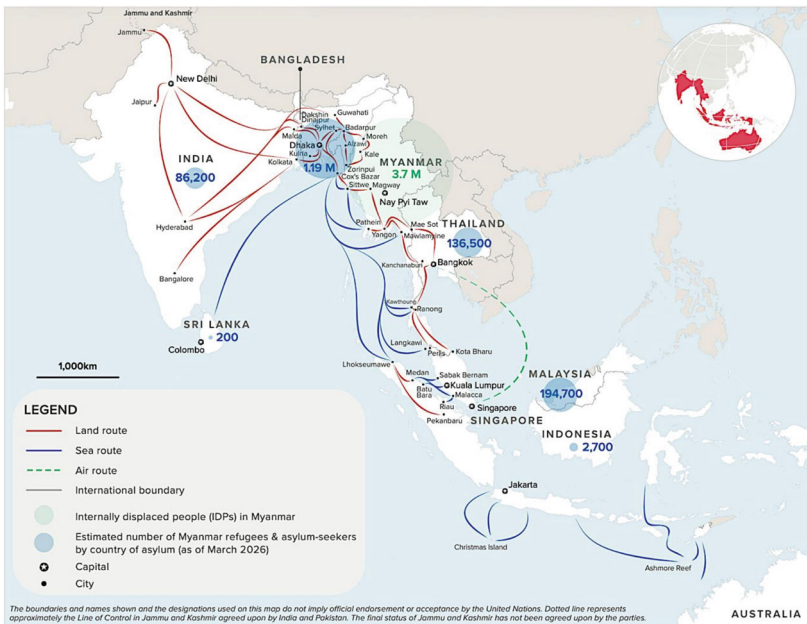


Fig. 16.2 Routes taken by refugees fleeing Myanmar, including Rohingya refugees (Source UNHCR (2026a, 2026b, 2026c, 2026d, 2026e). <https://data.unhcr.org/en/documents/details/122069> (accessed on 19 April 2026))

refugees happened in 1992, although the majority of them returned to Myanmar, many remained in Bangladesh permanently. Other major military crackdowns and displacement were recorded in 2012, 2016, 2017, 2019, and 2024. Unofficially, an estimated more than 250,000 undocumented Rohingyas were either integrated locally or living illegally in Bangladesh (Ahmed, 2010; Ahmed et al., 2019).

(b) Arguments Related to Repatriation at ICJ

The ICJ documents show two opposing narratives (ICJ, 2026). Myanmar emphasises repatriation through bilateral agreements, a continuous verification process, and administrative measures. As per the Court's order of 23 January 2020, Myanmar submits a compliance report every six months on progress made on provisional measures related to civilian accountability, military justice system, international humanitarian law training, hate speech, repatriation to Myanmar from Bangladesh, resettlement of IDPs, preservation of property, sexual violence, birth registration, citizenship and residence rights, education for Bengalis, healthcare services, maternal and child support, social cohesion, and humanitarian assistance. In its eleventh compliance report published on 23 May 2025, Myanmar acknowledged that no repatriation had commenced. Myanmar received a total of 829,192 individual Rohingya verification forms from Bangladesh; Myanmar scrutinised 259,834 individuals and of these, 184,046 persons (70.83%) were verified as former residents of Rakhine State (ICJ, 2025a, p. 14). Myanmar also reported that there was a total of 16 Bengali IDP camps in Rakhine State, accommodating 124,604 people (ICJ, 2025a, p. 16). However, Myanmar consistently says that the ongoing civil war and conflict, particularly the Arakan Army's seizure of the townships, are hindering for repatriation and bringing normalcy back to Rakhine State.

The Gambia argues that these repatriation-related claims, that have not even started yet, are procedural and do not actually ensure safety, dignity, and civic rights for the Rohingya in Myanmar. Myanmar's continual denial of Rohingya identity, lack of citizenship, restrictions on free movement, confinement in IDP camps, and discriminatory policies regarding healthcare, education, and livelihoods, as well as its unwillingness to hold accountable to military and other officials accountable for crimes they perpetuated, the burning of 178 villages, rape and mutilation of Rohingya

women and girls, and overall denial of genocide are the major barriers to a safe and sustainable return of the Rohingya (ICJ, 2024).

Overall, in terms of repatriation, Myanmar portrays itself as having constructive bilateral engagement with the GoB and a willingness to receive returnees, with no action in reality. The Gambia, on the other hand, views Myanmar’s strategy as unconvincing, because Myanmar’s genocidal state policies against the Rohingya continue to remain unchanged, which ultimately creates a barrier to a safe, voluntary, dignified, and sustainable return (ICJ, 2025b, pp. 7–8).

(c) **Genocide Continues in Myanmar**

Genocide denial is part of the wider process of continuing genocide. Genocide does not suddenly happen in a day, but rather it is a layered process that culminates over years or decades through systematic, interlinked, and multi-stage steps such as classification, symbolisation, discrimination, dehumanisation, organisation, polarisation, preparation, persecution, extermination, and denial (Stanton, 2023). Denial is also not the last stage, but rather it is embedded before, during, and after genocidal atrocities and processes (Theriault, 2021). From a long-term perspective, Myanmar’s atrocities, systematic torture, and crimes against the Rohingya should be understood as an ongoing genocidal process, rather than a closed episode of violence that ended in 2016–2017.

For example, the “Operation Clean and Beautiful Nation” launched by the Tatmadaw in 1991, resulted in several thousand deaths among the Rohingya and about 300,000 people being forcibly displaced into Bangladesh. At that time, Myanmar’s Permanent Mission to the UN stated (ICJ, 2020, pp. 126–128):

The so-called ‘Rohingyas’ never belonged to the national races or national racial groups of Myanmar. The Rohingyas do not exist in Myanmar either historically, politically or legally.

This is a clear example of discrimination and also of classifying the Rohingya as Bengalis, intruders, foreigners, terrorists, or illegal immigrants. For long, the Myanmar authorities and military officials imposed anti-Rohingya laws and policies to isolate them, deprive them of fundamental human and civil rights, dehumanise, and ultimately persecute

them (ICJ, 2020, p. 115). Myanmar's adoption of the 1982 Citizenship Law deprived the Rohingya of their citizenship and all rights, even if they were born in Myanmar or their families had lived there for generations. Although the Rohingya have continuously lived in Rakhine State since the eighteenth century (ICJ, 2020, p. 118), such discriminatory laws, designed to segregate the so-called pure-blood national races whose ancestors were settled in Myanmar before the British conquest in 1824, could be considered a form of dehumanisation (ICJ, 2020, p. 122). Afterwards, in October 2014, Myanmar introduced the National Verification Card (NVC) and registered them as "Bengali", thus imposing the stage of symbolisation in the genocidal process (ICJ, 2020, p. 130). Myanmar's decades of systematic exclusion through the denial of citizenship and suddenly making the Rohingya stateless, restrictions on movement, marriage, and childbirth; repeated episodes of mass killings, rape, village burning, and forced displacement; identity erasure, segregation, confinement in internal camps and ghettos, the deliberate weakening of Rohingya social and economic life, the spread of hate speech and propaganda, and the restrictions of their access to food, health, and educational facilities constitute genocide (ICJ, 2020).

The atrocities never stopped but rather continue. Rohingya refugees are entering Bangladesh continuously. For example, since 2024, over 150,000 new arrivals in Cox's Bazar were recorded (UNHCR, 2025) due to ongoing genocide, civil war, and communal violence in Myanmar. Overall, Myanmar's consistent and long-term discriminatory policies and actions against the Rohingya, its dehumanisation of them through a racial supremacist and purification system, the removal of their citizenship, humanitarian and civil rights, the orchestration of well-organised military crackdowns in conjunction with local Mogs or Buddhist extremists, and continuing persecution and extermination are the major barriers to the Rohingyas' safe return to Myanmar.

16.6 CONCLUSION

In UN policy, the future of displaced and refugee populations is often understood through three pathways to solutions: repatriation, local integration, or third-country resettlement (UNHCR, 2026c). For most Rohingyas, these are not meaningful or clear policy options. Rather, what makes sense to most of them is to return to Myanmar, because it is where

their identity is rooted, and where their homes, memory, land, and livelihoods belong. Currently, the majority of the Rohingya are spread out across a few countries, mostly in Bangladesh, and some remain inside IDP camps in Myanmar. However, they do not enjoy a normal civic life. In that sense, these policy discussions can become overly academic, when compared with the real life of the Rohingya, who still do not have a dignified and secure life ensured. A future ICJ judgement in their favour may bring hope, recognition, accountability, and justice, but the law alone cannot resolve the crisis as a whole. The ultimate issue is not simply that the Rohingya fled the mass atrocities of 2016 and 2017, but that the entire crisis should be framed within a long-term and complex interconnected system of genocide, racial supremacy, statelessness, violence, acknowledging the true history, and denial of identity. A safe, successful, and sustainable return remains impossible so long as the root causes of the crisis are not identified, and the conditions that drove them out of Myanmar are not resolved.

We found that most Rohingyas want to return to their country; however, their return is conditional on their access to citizenship and identity documents, rights, community services, recognition as Rohingya, justice and punishment of perpetrators and return of their lands and properties. At the same time, Rohingyas fear returning to Myanmar because they do not trust the current governance system ruled by the indirect military regime. Rohingyas who feel that nothing is left for them and those who experienced gross human rights violations (especially women survivors) do not want to return to Myanmar. Different elements make the Rohingyas return complex, as appears in our analysis, including the experiences of Rohingyas who were previously returned to Myanmar from Bangladesh. Finally, while we perceive the same elements of return in different narratives, Rohingyas in Bangladesh mentioned more often justice and punishment of perpetrators for conducting genocide as additional conditions for their return. Rohingyas in India focus on a change of the government and explain that they will return to Myanmar when things get back to “normal” or “get better”. Rohingyas in Malaysia explained the need to change the laws and policies that excluded their citizenship and created discrimination as an additional demand for their return.

We recognise that Rohingyas’ return to Myanmar is multifaceted. In this chapter, we contributed to the debate on refugees’ return aspirations by studying the case of Rohingyas living in Bangladesh, India, and Malaysia, and by analysing their collected micronarratives. Further

studies should consider how contemporary issues like the Court's judgement (ICJ, 2026), global geopolitical uncertainty or the ongoing civil war and conflict in Myanmar may have affected their return aspirations. Nevertheless, decision-makers and the global community should consider Rohingyas' views on their return possibilities as the only way to guarantee their voluntary, safe, and sustainable return to Myanmar.

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PART IV

Conclusion



Conclusion

Denial or (Non)recognition of Rohingya ‘Genocide’? A View Through the Lens of the ‘*Veil of Ignorance*’

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17.1 INTRODUCTION

Denial or (non)recognition of genocide is not only a legal and judicial issue, but it also holds moral and ethical concerns. From the victims’ perspective, the denial of genocide is a deterrent to justice and accountability. This volume has examined the Rohingya genocide through a multidisciplinary lens, probing how recognition and non-recognition are shaped not only by evidence and law, but also by geopolitics, institutional incentives, and contested narratives (see Uddin et al., this volume,

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2026). The overarching aim is to illuminate the *politics of genocide* and, more specifically, how genocide is labelled, or the processes of recognition are delayed, diluted, or denied. It is also clarified in this volume what (non)recognition of genocide could mean for survivors and victims, living with ongoing displacement, insecurity, and potential erasure. This final chapter builds directly on that agenda by synthesising the volume's legal, empirical, and socio-political contributions into a closing argument about denial as a political practice, and about recognition as an ethical and juridical threshold that shapes whether injustice is acknowledged or deliberately deferred.

Denial can appear in everyday life as a psychologically and emotionally motivated refusal to accept a factual claim despite strong counter-evidence for reasonably well-grounded factual events. Importantly, denial can take the form of rejecting something as true or asserting something as false, revealing how misrepresentation may operate through either negation or affirmation (Bardon, 2019). As such, denial can take individual or institutional forms, which, we argue, lay the foundation for the politics of denial/ism. In the discourses of genocide, the central focus of this volume, denial is widely understood as a constitutive feature in the perpetration of genocide. In his model of the 'Ten Stages of Genocide', Stanton (2016) identifies denial as the final stage, while also emphasising that denial operates alongside earlier stages during atrocity and that denial is not an issue that only happens in the aftermath. Further scholarship shows how denial can function as an ideological underpinning that motivates perpetrators and evolves as an ongoing process (Massey, 2021). At its most visible stage, denial includes concrete practices such as destroying evidence, concealing bodies, and obscuring mass graves (Paul, 2024).

With that in mind, in this chapter, we insist that this volume advances its contribution through three major themes around denial/(non)recognition of the Rohingya 'genocide', such as:

1. The legal process, focusing on *the International Court of Justice* (ICJ) case brought by The Gambia under the *1948 Genocide Convention*.
2. Empirical evidence, including rich testimonies from Rohingya survivors, particularly those sheltered in various camps in Bangladesh.

3. Socio-economic-political dimensions of genocide are crucial for understanding why some actors deny, downplay, or refuse to recognise genocide even amid extensive evidence.

This concluding chapter treats denial and non-recognition as more than disputes over facts or labels. It argues that denial operates across multiple levels: (i) as everyday misrecognition and motivated refusal (Bardon, 2019), (ii) as an organised repertoire of denialism embedded in political and institutional practice, and (iii) as a recurrent and often synchronised feature of genocide itself, operating during and after atrocity (Massey, 2021; Stanton, 2016). Building on the volume's three thematic foci, the chapter first shows how legal thresholds and institutional caution can delay or narrow acknowledgement; it then connects this to survivor-centred evidence that contests erasure; and finally, it situates both within the wider socio-political infrastructures through which denial is produced, normalised, and made consequential. We dovetail the thematic contributions with analytical discussions of political representation and the struggle for genocide recognition, as well as the infrastructures of denial and non-recognition. The chapter concludes by framing the Rohingya case through Rawls's 'veil of ignorance' (1999) as a moral yet useful lens for assessing the selectivity of genocide recognition, linking the book's conceptual commitments to an ethically driven endeavour.

17.2 KEY CONTRIBUTIONS OF THE BOOK

The Legal Process (ICJ/ICC) and the Architecture of (Non)recognition

Across the legal analyses and cognate developments, some chapters in this volume show how international law's elevation of genocide can paradoxically enable denial, especially when legal institutions hesitate to acknowledge and prosecute genocide. We think this may create space for strategic ambiguity that shields perpetrators and thereby delays accountability. Hossain (this volume) argues that the "legal exceptionalism" attached to genocide in international law produces a dual effect: it raises the moral-legal stakes of recognition while making states and institutions reticent to fully invoke the term given its consequences under the Genocide Convention (see also Brudholm & Lang, 2012). This reluctance interacts with the stringent criteria to prove specific intent, well known from Akayesu and subsequent jurisprudence (ICTR, 1998; Schabas,

2009), encouraging downgrading to less politically fraught categories (e.g., crimes against humanity, Rome Statute art. 7).

Within this legal terrain, the ICJ has accepted *The Gambia v. Myanmar*, ordered provisional measures (ICJ, 2020), and placed the case on a track that may eventually adjudicate on genocidal intent. Simultaneously, the International Criminal Court (ICC) has opened an investigation connected to the forced deportation of Rohingya, constrained to crimes against humanity by jurisdictional limits (ICC, 2019). In combination, as Hossain (this volume) synthesises, neither forum has yet addressed the full evidentiary and doctrinal scope of genocidal intent or individual criminal responsibility for genocide, illustrating how institutional caution and jurisdictional fragmentation can reproduce non-recognition even as proceedings advance. Islam and Ahmed (this volume) argue that political recognition—often secured through strong diaspora advocacy and strategic diplomatic engagement with influential states—alongside legal recognition through international courts or special tribunals, can offer significant validation and reassurance to victims and survivor communities. Nevertheless, such recognition does not automatically bring an end to genocide denial by the state or authority accused of responsibility, as these actors often remain driven by separate political interests at the domestic or local level.

In the case of the Rohingya, this tension is evident in the opposing positions advanced by *The Gambia* and Myanmar before the International Court of Justice regarding alleged violations of the Genocide Convention and the perpetration of genocide against the Rohingya population. Choudhwry (this volume) situates the Rohingya case within ICJ precedent, notably *Bosnia v. Serbia* and *Croatia v. Serbia*, in which the Court found widespread atrocity but did not deem intent to destroy sufficiently established (ICJ, 2007). The chapter shows how evidentiary burdens and state-level obstruction, including Myanmar's dismissal of UN FactFinding evidence as "biased and flawed", may again foreclose full recognition. Yet the author also underscores the law's residual promise by insisting 'Justice for the Rohingya is far from assured. But the law, through cases like *The Gambia v. Myanmar*, remains a site where that justice can still be pursued. It is where denial meets scrutiny'. That formulation crystallises the book's socio-legal contribution, suggesting international law could simultaneously act both as a theatre of denial and a forum where denial can be confronted, even if slowly and imperfectly.

Empirical Evidence and Survivor Testimony

A second major contribution of this volume is the centring of Rohingya survivor epistemologies as evidence of genocidal practice and as a counter to denial. Ahmed and Biswas (this volume) directly challenge the Myanmar Government-appointed Independent Commission of Enquiry (ICOE) finding of ‘no evidence’ of genocide by turning to micro-narratives that explicate how violence was perceived, lived, and remembered. Their analysis reveals the experiential grammar of structural and symbolic harm, showing that clusters of everyday violence are rooted in the state’s intent to exterminate. This has produced a sense of violence for the minority non-Taingyintha race, the Rohingyas, and a phenomenological explanation of violence also demonstrates how the Rohingya population depicts violence as a process of exclusion against a selected race or ethnic community. Such testimony reverses the polarity of denial by establishing intent in practice, not only in decree.

Belal et al. (this volume) deepens this evidentiary arc by reconnoitring the victims’ vantage point in recognition debates. They insist that ‘victims’ voices are less heard in determining genocide, while geopolitical forces steer the processes of recognition/non-recognition. Drawing on fresh interviews that corroborate other research and UN findings, they catalogue mass killing, rape, domicide, and extreme physical and mental torture and then tie those harms to the various aspects of the Genocide Convention. The authors conclude that survivors’ conceptualisations match the ‘central elements’ of the Genocide Convention, yet denial persists because “While survivors’ experiences evidently suggest genocide committed against the Rohingya community, the geopolitics in and around Myanmar simultaneously weakens the Rohingya genocide claim while bolstering the politics of denial by providing perpetrators impunity against the legal mechanisms and ultimately favouring geopolitical interests” over the depth of survivor testimony and convergent external evidence. Here, denial is not a lack of data; it is the disregard of survivor knowledge by power.

Sultana and Fariha (this volume) extend the evidential frame by gendering the analysis. They show “how a gendered allegory of nationhood rooted in the patriarchal notions of masculinity and femininity was implicated in the genocidal violence against Rohingyas” and that, under a militarised and patriarchal order, “civilian men of battle age were inflicted with direct killing and outright slaughter, while women from

the same families were subjected to an alternative fate of rape“. The chapter demonstrates that gendered targeting operated as a systematic project of group destruction, embedding genocidal intent within kinship rupture, reproductive coercion, and community disintegration. By situating survivors' narratives within the broader terrain of feminist genocide scholarship, the chapter forwards a comprehensive and human-centric depiction of the Rohingya 'genocide' and underscores that denial often persists where gendered harms are discounted or de-prioritised.

Socio-political Dynamics of Denial and Non-recognition

A third contribution is the book's layered analysis of how denial is produced, circulated, and normalised from the erasure of identity and reproductive atrocity to institutional complicity and response design that obscures ongoing risk.

Vasishtha and Kapoor (this volume) articulate a direct link between genocide denial and the legal invisibility of children born of reproductive violence. They argue: "Forced pregnancies frighten women, stigmatise survivors, and make childbirth a site of ethnic destruction. Babies born of such violence, made stateless, outcast, and legally invisible, represent an ongoing injury that today's human rights and legal mechanisms barely speak to". They show that "Myanmar's obstruction of forensic evidence, witness intimidation, and denial of these children's nationality demonstrate that genocide denial is not only hindsight; it actively erases the real-time effects of reproductive atrocity". Moreover, while "International criminal law has traditionally acknowledged genocidal intent in the systematic extermination of a group protected by international law, but only recently has it begun to treat reproductive violence on the same footing as constitutive of the crime", sidelining these harms facilitates non-recognition of genocidal practice. In their framing, ignoring reproductive atrocity is itself a technology of denial. As they emphasise, recognition must account for "forced pregnancy, denial of abortion, and obstruction of birth registration" as evidentiary pillars; otherwise, ongoing erasure persists in law and life.

Green and MacManus (this volume) examine the complicity of international actors, arguing that for decades a state-sponsored campaign of annihilation unfolded in Myanmar against the Rohingya while the world kept its eyes closed. They go on to explain, 'Keen to exploit the geopolitical advantage and lucrative new markets that Myanmar offered,

commercial and political actors chose not to look too closely at the human rights abuses that persisted in characterising the regime's treatment of its minorities during Myanmar's post-2011 opening. Turning to the United Nations (UN)'s role, they report from fieldwork that 'it quickly became apparent that agencies of the UN were enabling Myanmar's genocide of the Rohingya' and detail how UN responses publicly named 'ethnic cleansing' rather than genocide, with caveats like access limitations 'a description (without the same gravitas or call to action of genocide) which was comfortably adopted by many states... safe that such a designation would place no obligations to act... to 'prevent or punish' upon them'. The chapter contends that the UN's repeated invocation of insufficient data, despite extensive documentation by NGOs and scholars, served as a discursive shield against decisive action. In this reading, institutional language and protocol become instruments of denial.

Beauchemin (this volume) analyses identity erasure as a precursor and partner to genocide denial, drawing on Stanley Cohen's typology. By refusing the term "Rohingya" and framing the population as "illegal immigrants" or "Bengalis", the state pre-emptively negates belonging, converts repression into security policy, and recasts mass violence as counter-insurgency. This discursive logic secures internal consensus and external ambiguity, enabling national audiences to assent and international interlocutors to weave a blueprint for normalising non-recognition. Khan (this volume) complements this by showing how non-legal definitions can illuminate genocidal processes obscured by strict legal thresholds. While not replacing law, such frameworks surface patterns of intent classification, dehumanisation, reproductive coercion, and dispossession as they unfold, and thereby expose denial tactics that hinge on "not enough evidence yet" arguments. In short, legal minimalism plus political cost-avoidance sustain non-recognition, whereas context-sensitive analysis can clarify the continuity of genocidal practice even amid formal contestations.

Sohad, Sajib, and Uddin (this volume) have brought the idea of pro and pre genocide syndromes in connection with forced displacement. They present their five-point proposition to address the intersection of genocide and forced displacement: (1) genocide not only kills and bodily harms, but also triggers forced displacement; (2) forced displacement is not only the by-product, but plan of the execution of genocide; (3) forced displacement could be the result of atrocious social system that forces people to be displaced; (4) state's politics of "otherness", and constitutional exclusion render people "worthy of genocide"; and (5). Fifthly, the

idea that displaced people pose a security threat is an oversimplification and a sweeping generalisation. Their idea adds a new dimension to the genocide denial politics. Mahla and Chowdhary (this volume) argue that denial of access to clean water and sanitation is not merely a consequence of displacement but an active tool of oppression, exclusion, and systematic marginalisation. They explore the role of water security in the broader politics of genocide denial and non-recognition, specifically in the case of Rohingya settlements in Myanmar. This is completely a different dimension of the Rohingya genocide, where ecological aspects of the episode come with a strong argument.

Islam and Shuchy (this volume), drawing upon theories of agenda-setting and framing, examine legacy media coverage from 2017 to 2024 to understand whether the Rohingya were framed as genocide survivors or humanitarian refugees. They have identified narrative emphases, problem definitions, causal attributions, moral evaluations, and treatment orientations, observing the Rohingya depicted as genocide survivors, humanitarian subjects, refugees, policy burdens, security threats, or political actors. This chapter adds a new lens to understand the Rohingya genocide and the politics of genocide denial from the perspective of the media on a global scale. Choudhwry, in her chapter (this volume), critically analyses the ongoing case of *The Gambia v. Myanmar*, submitted before the International Court of Justice on November 11, 2019, invoking the *Genocide Convention of 1948* and facilitated by Article 41 of the ICJ Statute and Rules 73 to 75 of the Court. Choudhwry uses doctrinal methodology and primary-text analysis to argue that this ongoing case reinforces *jus cogens* obligations under the International Legal framework and enhances the mechanisms available for holding states accountable. It introduces the legal interpretation of genocide denial, enriching the book.

Finally, Islam, Simmons, and Ahmed (this volume) coin the term ‘material genocide denial’, arguing that after 2017, the world knew a genocide had occurred, yet did not act as if a genocide had happened. They observe that ‘the focus of the response has been almost solely on the refugee camps and not on the site of the genocide, which meant that the underlying precarity of the Rohingya remaining in Rakhine was not addressed’, a pattern consistent with the UN Fact-Finding Mission’s warning that genocidal actions may recur (UNHRC, 2019). By naming righteous ignorance the tendency of well-meaning actors to avert their gaze from the locus of ongoing risk, this chapter clarifies how response architectures themselves can perpetuate denial. Here, non-recognition is

expressed not only in words but in where the world chooses to look and where it chooses not to.

17.3 POLITICAL REPRESENTATION AND THE STRUGGLE FOR GENOCIDE RECOGNITION

The politics of genocide (non)recognition begins long before a court issues a judgement: it starts in the politics of representation, who gets to speak, what can be said, and which accounts are treated as credible. In any contested social field, actors occupy different positions and compete to shape how an issue is publicly represented. As Mehan (2001) notes, this can involve recruiting allies, persuading audiences, or silencing opponents by attacking their positions. The Rohingya case makes this struggle unusually visible, where the stakes are not only interpretive but also juridical, because naming violence as genocide may trigger duties to prevent and punish under international law. Against this background, we embrace the concept of ‘political representation’ where representing the Rohingya case through empirical, conceptual, and critical contexts is inevitably political yet also necessary because genocide denial and non-recognition thrive precisely where representation is constrained, displaced, or delegitimised.

In a complementary register, Pitkin (1967) frames representation as making present again, rendering citizens’ voices, opinions, and perspectives “present” in public decision-making. Political representation, in its simplest sense, concerns how political actors speak, advocate, symbolise, and act on behalf of others in the public arena. In contexts of entrenched discrimination where communities are rendered voiceless or “unrepresentable”, acting for others can become an ethically appropriate mode of representation, not as a substitute but as a responsiveness to the needs and will of marginalised groups. This aligns with the view that political representation can function as a form of political assistance grounded in rational persuasion and responsiveness (Dovi, 2018). In turn, political representation could become central to the politics of recognition, shaping how a historical event is narrated, framed, and validated, and influencing whether it is recognised and whether denial can be sustained. In genocide contexts, such “making present” is not merely procedural; it directly contests the mechanisms through which perpetrators and their enablers seek to erase victims as knowers, witnesses, and political subjects.

Yet recognition is neither automatic nor simply moral; it is often routed through legal verification, with profound consequences for what counts as evidence and which experiences become legible. Genocide, as Tyner (2012) suggests, can involve mass killing, expulsion, and destruction that carry a geographical imagination and an insistence on the impossibility of certain bodies within certain territories. This form of violence is tied to state projects that bind political authority to immutable identity, producing categories of people placed outside sovereign protection. Jeffrey (2023) adds a further layer where recognition of mass killing as *genocide* requires an act of naming anchored in legal verification, where violence becomes “contained within evidential traces” that travel through interpretive and authorising legal deliberation. The Rohingya case at the ICJ, therefore, illustrates how the possibility of conduct being identified as genocidal is linked not only to the nature of the violence and its targeting, but also to the broader infrastructure of legal expertise and performance that can connect the abstraction of violence to embodied experience in court space. Crucially, these deliberations are themselves entangled in geopolitical relationships and material setting conditions that can enable non-recognition even where suffering is undeniable.

Recognition also matters because it is bound up with human motivation and social status. Classic recognition theory suggests that individuals and groups seek recognition from peers rather than pre-eminence (Hegel, 1977, p. 111). At the international level, however, O’Mahoney (2018, p. 7) argues that non-recognition serves as a symbolic mechanism for maintaining shared rules when coercive enforcement is unlikely. When a rule is violated, and other actors do not impose costly sanctions, uncertainty arises over whether the rule still holds. Public declarations of non-recognition can therefore reaffirm the rule and help coordinate expectations about future violations. In this context, non-recognition is not simply an absence; it is a collective signalling practice that reproduces norms by making the community’s stance publicly knowable, particularly where coordination problems would otherwise undermine enforcement (O’Mahoney, 2018, p. 7).

However, struggles with recognition are not neutral. Being recognised as a victim carries material and symbolic consequences. Jacoby (2014) argues that recognition can bring benefits linked to justice, truth, compensation, autonomy, political representation, or martyrdom, benefits from which unrecognised victims are excluded. Jankowitz (2018, p. 218) further suggests that victimhood is socially powerful because *labelling*

an individual or group as ‘victim’ cues society to attribute to them the morality, innocence, and deservingness associated with the ‘ideal victim’. In genocide contexts, this moral compass intersects with law and geopolitics, where recognition can validate claims and mobilise solidarity, while non-recognition can prolong marginalisation and enable impunity.

The ‘genocide’ label intensifies these stakes because it operates not only as a legal category but also as a central device in victimhood discourse (Orjuela, 2022). Irvin-Erickson frames genocide discourse as a strategic narrative that can make events intelligible and legitimise action. He argues that being “victim of genocide” can be especially potent because it “confers upon [a] group a kind of innocence, helplessness, or defencelessness”, while the word genocide can “collapse[s] the social, political, economic, cultural, religious and historical contexts of any conflict into a simple binary of good guys and bad guys” (Irvin-Erickson, 2017, p. 131). This dual character helps explain why recognition of genocide is both demanded and resisted. As such, it can mobilise moral clarity, but it can also be strategically contested, diluted, or avoided because of the obligations and political- costs it may entail.

Furthermore, understanding genocide recognition requires attention not only to breakdowns of social order but also to the organisation of violence itself. Drawing on empirical evidence from Hagan and Raymond-Richmond (2009) argue that it is insufficient to examine social disorganisation alone; analysis must also track the organisation of crime as it unfolds through collective action. Extending this insight, recognition struggles must also confront the limitations of legal responses, the politics behind definitional boundaries, and the ways economically dominant states may shape international legal institutions so that parochial interests appear universal (Hagan & Raymond-Richmond, 2009; Matsueda, 2009). In other words, nonrecognition is not merely a failure of empathy or evidence; it is often produced through structured incentives, discursive, institutional, and geopolitical forces that govern what can be said, proven, and acted upon. What implications does this have towards genocide scholarship and the quest for recognition for the Rohingya ‘genocide-’?

Put differently, when the global community can in good conscience turn away from a genocide, who will be left to prevent the next one? We contend that the survivors can play a pivotal role in advocating to hold perpetrators to account, fighting against injustices and preventing further genocide. Since this volume primarily focuses on the Rohingya case, we perceive that the Rohingya victims could never turn away from

the Rohingya in Rakhine state, and they cannot deny the genocide. Their voices, as victims, should be accommodated and incorporated in all aspects of determining/rejecting the call for the ‘genocide’. Otherwise, the whole can become one form of whitewashing, as one contributor in this volume explains through a poem:

Othering (by Sirajul Islam)
 I’m on the agenda
 of the conference
 in which I’m othered
 where my opinions
 have no space
 this doesn’t anger me
 but I’m right to say
 anything without me
 is nothing about me
 absolutely nothing
 but a photo session.

17.4 INFRASTRUCTURES OF DENIAL AND (NON)RECOGNITION

While the last section clarifies why recognition is always politically mediated, the chapters in this volume show how denial is practically assembled through legal minimalism, institutional hesitation, discursive erasure, and the material organisation of response. Across the volume, denial and non-recognition do not appear to be simple disagreements over facts. Rather, they emerge as a patterned mode of governance—a way of managing atrocity through naming practices, evidentiary thresholds, jurisdictional limits, and selective attention, all of which can preserve room for geopolitical manoeuvre. For example, Hossain (this volume) identifies what he calls a paradox in legal treatment. He insists that there is “a paradoxical trend: the denial or downplaying of atrocities that may meet the legal definition of genocide, not through outright rejection of facts, but through the selective deployment of legal and political language”. This formulation is significant because it reframes denial as a practice embedded within law’s own vocabularies. Hossain also argues that genocide’s “legal exceptionalism” its elevated moral and legal status produces a dual effect: it underscores genocide as the gravest crime while simultaneously facilitating strategic denial, because states and institutions hesitate to

invoke or prosecute it given complex legal and political constraints. The result is a persistent tension between normative aspiration and practical enforcement. Even where field-based evidence and documented testimonies indicate calculated intent supporting the presence of both material and mental elements, legal acknowledgement can remain constrained by stringent intent standards and institutional caution. Hossain conceptualises this as legal minimalism: mass atrocities are channelled into the least politically contentious legal avenues, allowing recognition to be deferred or diluted despite robust evidence. In this way, non-recognition is not necessarily the absence of information; it can be the outcome of the strategic application of legal categories.

That legal minimalism is reinforced and, at times, normalised by international institutional practices. Green and MacManus (this volume) illuminate how delayed investigation and restricted access can become part of the infrastructure of non-recognition. They observe that “By the time the UN Human Rights Council felt conditions for the Rohingya were such that an investigation was warranted, the genocide had reached its final stages and UN researchers were denied access to Rakhine State and therefore reliant on the extant work of scholars and human rights NGOs for information relating to state crimes against the Rohingya inside Myanmar“. The quotation captures a structural problem: by the time formal institutional recognition mechanisms activate, the window for prevention may have closed, and evidentiary authority becomes contested. Their argument pushes further, asserting that “the UN systematically failed to challenge the Myanmar government on the genocidal human rights abuses which were to lead to the effective annihilation of Myanmar’s Rohingya in Rakhine state in 2017”. Yet their critique is analytically careful, distinguishing facilitation from intent: “This is not to suggest that the UN shared the genocidal intention of the Myanmar regime but that its actions and organisational goals served quite explicitly to facilitate rather than challenge the genocide“. Read alongside Hossain, this shows a layered denial dynamic: even without sharing perpetrators’ goals, institutions can reproduce non-recognition by prioritising organisational objectives, diplomatic access, or procedural caution over confronting genocidal practice as such.

The volume also demonstrates that denial operates through the management of attention and the psychology of organisational life. Islam, Simons, and Ahmed (this volume) propose “righteous ignorance” to explain how actors may turn away not because they do not know,

but because knowing fully would impose intolerable moral burdens. As they argue, there is general knowledge of what is happening, and it is horrifying, but details are hard to obtain and solutions difficult to implement; in the face of helplessness, turning away becomes easier, especially when actors are responding elsewhere. This dynamic matters because it helps explain how non-recognition can persist even amid extensive awareness: denial can be enacted through selective focus, in which the humanitarian field becomes oriented towards what is administratively actionable rather than what is politically necessary. In that sense, “righteous ignorance” complements legal minimalism: both describe forms of institutional behaviour that keep genocide present enough to manage but insufficiently recognised to transform the conditions that enable recurrence.

A further infrastructure of denial is built through the politics of naming and identity. Beauchemin (this volume) argues that denial of genocide is inseparable from the strategic denial of Rohingya identity. The rejection of the ‘Rohingya’ ethnonym and rhetorical construction of Rohingya foreignness are not merely discursive choices; they function as components of the genocidal process, preparing the ground for violence by dehumanising and isolating the group. Martuscelli, Ahmed and Sammonds (this volume) argue that though their hearts remained closely connected and deeply touched with Myanmar, the Rohingya people cannot return to their “land of birth” as a continued manifestation of genocide in Rakhine state blurred their belongingness. By framing Rohingya presence as a national security threat, the state can generate domestic consensus while deflecting international scrutiny, all while advancing genocidal persecution. This insight strengthens the book’s overarching argument: denial is not only post-atrocity spin; it is also pre-atrocity work, the production of categories, narratives, and “threat” frames that make later violence appear legitimate, necessary, or ambiguous.

Khan (this volume) reinforces this point by foregrounding the contested nature of genocide as both a legal and a political concept. He frames the definitional contest of genocide, ethnic cleansing, and crimes against humanity not as merely semantic, but as a field of consequences: different terms carry different thresholds, obligations, and political costs. In the Rohingya case, the question of terminology becomes a gateway through which recognition can be delayed, and denial normalised. Where legal definitions impose stringent evidentiary demands, especially specific

intent, non-legal frameworks can illuminate patterns that signal genocidal processes over time, even when formal determinations remain contested. Khan's intervention, therefore, complements Hossain's legal minimalism thesis: non-recognition is sustained not only by the difficulty of proof but also by the strategic incentives to remain below the genocide threshold in public and institutional discourse.

Taken together, these chapters show that denial and non-recognition are not reducible to misinformation or factual dispute. They are produced through interlocking infrastructures: (i) legal architectures that invite cautious categorisation and defer genocide naming; (ii) institutional practices that privilege access, protocol, or organisational goals; (iii) discursive strategies that erase identity and reframe persecution as security; and (iv) humanitarian and political psychologies that enable turning away in "good conscience". The volume's distinctive contribution is to keep these elements within a single analytic frame, demonstrating how genocide denial is sustained not only by perpetrators' narratives but also by the conditions under which recognition is permitted, delayed, diluted, or rendered administratively unreachable.

17.5 (NON)RECOGNITION OR DENIAL OF A GENOCIDE AND THE '*VEIL OF IGNORANCE*'

To close this chapter and, by extension, this edited volume is to return to the book's central insistence from the Introduction chapter: that genocide is not only a matter of violence and law, but also a matter of recognition, and that recognition is frequently governed by the politics of denial (see Uddin et al., this volume). It is not an exaggeration to say that states, institutions, leaders, and groups often choose to deny or withhold recognition of crimes, responsibilities, or even entire communities for reasons ranging from strategic geopolitical interests to reputational protection. In that sense, denial is not merely a rhetorical afterthought; it is a recurring political practice that shapes what becomes sayable, provable, and actionable. Importantly, non-recognition can be overt or silent. As Freeman (1991) makes clear, it can appear either as a direct refusal or as an absence of recognition when recognition is requested or expected. This is precisely where denial becomes so powerful, silence can circumvent the political-legal process of recognition by delaying accountability, suspending obligations, and preserving ambiguity. Furthermore, denial is often driven less by uncertainty than by desire: whoever denies a "fact"

typically does so because they want the world to be a certain way that it evidently is not. That impulse becomes more consequential when denial moves beyond individuals and takes the form of denialism, an orchestrated pattern rather than an incidental response. Denialism refers to “an agenda not necessarily outspoken, a world view, argumentative traditions and structures, as well as similar motives and motivations” (Karlsson, 2015, p. 38). Put this way, denialism is not simply ignorance; it is a structured cultural and political repertoire for resisting acknowledgement, and for keeping atrocity within a zone of contestability.

This volume repeatedly shows that genocide is best understood as a process and that denial is part of that process. In furthering Stanton’s argument about the stages of genocide, where denial is being portrayed as an integral component, Moshman (2007, p. 129) describes genocide as “a process consisting of four overlapping phases: dichotomisation, dehumanisation, destruction, and denial”. These perspectives of genocide denial are crucial for the book’s overall argument because they locate denial within the genocidal arc, not outside it. Denial does not simply come “after” destruction; it interacts with earlier phases by stabilising the meanings that made violence socially and politically possible in the first place. It also explains the role of the international community, where it is perceived that “*Denial is also important to bystanders as a basis for not intervening*” (ibid.: 129). In other words, denial not only protects perpetrators; it also grants moral shelter to onlookers, institutions, and states that prefer the comfort of uncertainty to the burdens and precarity of recognition. This helps clarify why Woolf and Hulsizer (2005) argued that denial routinely accompanies and follows genocide, so as to constitute its normative final phase. Denial, therefore, becomes the stage through which the effects of genocide are extended temporally into memory, law, and the everyday life of displacement, where the victims are likely living a sub-human life (Uddin, 2020) and struggling to live with dignity in the refugee camps (Kamruzzaman et al., 2022).

The Rohingya case exemplifies how denial rarely appears as a single blunt refusal. As Charny (2012) shows, denial frequently operates through templates that cloud and confuse where deaths are framed as inadvertent outcomes of conflict; leaders are said not to have authorised massacres; death tolls are minimised; responsibility is inverted through victim-blaming; and ‘something’ is acknowledged only to be immediately embedded in narratives that relativise and revise history (Paul, 2024). These strategies are not abstract in Myanmar. They resonate

with the discursive infrastructures that circulated through mediated channels, including Facebook posts to initiate and legitimise attacks on the Rohingyas, and later to absorb atrocity into competing stories of ethnic conflict and ‘terrorism related activities’. This leads us to claim, in this volume, that denial is not only discursive; it is also productive. It produces a ‘moral’ environment in which violence can be narrated as security, and in which recognition can be deferred as ‘complexity’. This helps explain why the legal and institutional chapters in the volume matter so deeply, as such denial is not simply about rejecting facts but about managing categories and thresholds. Across the book, denial is shown to be facilitated through euphemism, definitional hedging, and selective juridical engagement techniques that can suspend recognition and disperse accountability. Put differently, denial is a way of governing what genocide ‘is allowed to be’ in courts and multilateral forums, even when survivor testimony and empirical evidence, along with critical analysis from scholars from multidisciplinary backgrounds, are abundant. This is also why the volume insists on centring survivor epistemologies: denial works not only by contesting events but by displacing who counts as a knower. As Uddin et al. (this volume) remind us from a Rohingya perspective, meaningful resolution is inseparable from legal recognition, social safety, and human dignity, a framing that clarifies why recognition is not a symbolic luxury but an existential condition of justice and survival.

At this point, it is useful to make explicit what recognition does because the costs of non-recognition are often denied, trivialised and naturalised. We believe the metaphor of ‘statehood’ captures this sharply. Recognition of statehood is essential to gain international legal acceptance (Kochi, 2016, p. 95). Recognition by foreign states is thus a prerequisite for an entity to be recognised as sovereign (Hutchings, 2011; Ringmar, 1995). The analogy matters and is useful because recognition confers standing, legibility, and rights in an international order. Now, on the contrary, what could happen when this is not the case? Let us imagine that a country or a group is wholeheartedly seeking recognition, perhaps for their existence and/or for a crime committed against them. In that situation, no country is recognising them or the crime; the people in that country are waiting, hoping, praying. Whatever power/role/influence that country or group of people have in world politics, they are tirelessly working towards that recognition. Perhaps, hypothetically speaking, one country recognises the new state or that group, then a few more and many more. When that happens, the people of that country and the country itself first

get an identity; their existence is acknowledged, and they feel they are rightfully there, with many rights to travel, roam around the world for business, education, pleasure, and treatment. They are part of an international setting for sports, trade, cultural events, conferences, summits, and so on. It is a full life without being constantly asked to prove their identity, right to participate, right to exist. It makes a political entity (i.e. state) and the people within it “real” in the sense that their existence becomes institutionally actionable rather than perpetually disputable.

For a genocide, all these apply, and possibly many more, including the pivotal aspect of ‘acknowledgement’ of the injustice towards them, which could be the very first step towards justice, albeit it could be another long road/struggle ahead. The point of this metaphor is not to collapse genocide into statehood, but to highlight what non-recognition does: it produces a condition of permanent audition, where victims must endlessly reprove what happened, who they are, and why they deserve protection. Recognition is not the end of justice, but it is the first institutional refusal of denial. It is the moment when victims’ claims are treated as more than noise in a geopolitical room; it is when injustice- becomes publicly nameable, and therefore contestable on grounds other than convenience. We think this is where Rawls’s (1999) *veil of ignorance* provides a clarifying yet critically important lens. This is where, as Rawls (1999, pp. 118–119) explains,

...no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism....

... the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilisation and culture it has achieved. The persons in the original position have no information as to which generation they belong. These broader restrictions on knowledge are appropriate in part because questions of social justice arise between generations as well as within them

Rawls invites us to imagine choosing principles of justice without knowing where we would fall within the distribution of vulnerability and privilege. The conceptual power of not knowing the vulnerability and privilege (the ‘veil of ignorance’) lies in its moral symmetry as it denies decision-makers

the comfort of distance, and it forces justification to the worst-off, reassurance to the best-protected. This can be captured through a provocative/metaphorical question, such as: *Would someone choose to live in the United States today if they didn't know whether they would be a tech billionaire or an undocumented immigrant?* The 'veil' removes precisely the knowledge that usually makes selective judgement, decision and recognition socially and politically tolerable knowledge of one's nationality, race, class, power, and proximity to risk.

17.6 CONCLUSION

We argue that through this lens, the politics of (non)recognising genocide becomes both simpler and more compelling. To elaborate, if it is possible to ask the international community, Myanmar, and legal forums to consider: if you did not know whether you would be among the protected or the persecuted, would you accept the same definitional hedges, the same legal minimalism, the same rhetorical dilution, the same comfort with silence? Would "complexity" still feel like a principled position if you did not know whether complexity would be used to defer recognition of your own annihilation? The veil of ignorance does not replace legal verification; rather, it exposes the moral inconsistency that often governs when verification is treated as urgent, and when it is allowed to remain indefinitely unfinished.

This volume strongly claims that denial is merely an interpretive dispute. Denial, here, is shown as a patterned practice that can take the form of silence or statement (Freeman, 1991); it can be organised into ideological repertoires (Karlsson, 2015, p. 38); and woven into the genocidal process (Moshman, 2007). Furthermore, such aspects and mechanisms of denial and non-recognition offers bystanders '*a basis for not intervening*' (Moshman, 2007, p. 129); as it appears so routinely that it can function as genocide's normative final phase (Woolf & Hulsizer, 2005); and it is sustained through discursive templates that minimise, invert, relativise, and revise (Charny, 2012; Paul, 2024). Against this machinery, recognition becomes more than a label: it is the first institutional act that interrupts the normality of denial. Seen from behind Rawls's veil of ignorance, selective hesitation to name what is before us cannot be defended as neutrality; it becomes a form of moral partiality disguised as procedure. Put simply, if the answer is yes to the question 'whether these acts would be called genocide if committed against another

group by another state?’ then Myanmar’s actions against the Rohingya must also be recognised as genocide. For the sake of global shared humanity, this and any similar actions anywhere in the world must stop immediately. Recognising the complexities of genocide (non)recognition and the politics of denial, along with legal and geopolitical interests, the findings of this volume can serve as an important tool and precedent towards that end.

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