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THE FORM OF VIOLENCE AGAINST ROHINGNYA WOMEN AND IMPLEMENTATION OF RESPONSIBILITY TO PROTECT (RTOPT)

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ABSTRACT

Rohingya women and girls who were systematically targeted based on their ethnic nature and territory, particularly during the two main attack phases from October 2012 to August 2017, during operation of ethnic cleansing and genocide. Myanmar's government has failed massively in protecting them against extreme, widespread violence. The study examined the form of violence against Rohingya women and girls based on primary and secondary data from 2012 to 2019. The primary data were collected from structured interviews involving informants consist of Rohingya refugee and specialized in Rohingya crisis. Secondary data from books, theses, journal papers and online data were collected. This study has three objectives, namely 1) to identify the form of violence; 2) to classify the main perpetrators, and 3) to analyse the Implementation of Responsibility to Protect (RtoP). The findings revealed 1) Rohingya women and girl's experienced flagrant, horrific sexual violence and a widespread rape case that showed systemic structure and endorsement; 2) the main perpetrators are Myanmar armed forces, police, Buddhists and other ethnic groups, and 3) the second and third pillars still working even Myanmar failed to protect Rohingya women under pillar one.

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1.0 Introduction

In Rohingya crisis, Dali & Abdullah (2012) shared the authorities that prefer to see Rohingya as a refugee are systematically targeted. Those who stay in Myanmar will be detained and beaten without cause by the security forces. The military junta against Rohingya has carried out two forms of oppression. First, the form of physical violence, Rohingya will be arrested and tortured event minor offences. Second, the suppression of their culture and religion through cultural assimilation. Since the reign of UN under Burmanisation this concept has been applied. Muslim women are forced to get married to a Buddhist, prohibition to wear a Muslim scarf and to marry Muslims man.

Office of the United Nations High Commissioner for Human Rights (OHCHR) reported the three waves in 2012, 2016 and 2017 of extreme violence against the people of Rohingya in Rakhine State. The systemic and pervasive violence against Rohingya women and girls was followed by every wave of violence. Previously, U.S Embassy Dhaka (2018) revealed in October 2016 and August 2017, the first and second waves of violence preceded assaults by Arakan Rohingya Salvation Army (ARSA). From August to October

2017, the vast majority of incidents against Rohingya were reported. During June 2012 attacks, in more remote areas, such as Maungdaw village, there have been occasional outbursts of violence but then over 4000 Rohingya were killed, raped, arrested or taken to unidentified areas Ibrahim (2018).

These violations perpetrated mostly by state actors on a widespread and systematic basis, enlargement to the level of crimes against humanity, ethnic cleansing and war crimes which three of the four crimes states committed themselves to protect populations from in endorsing the RtoP at the 2005 World Summit. The RtoP doctrine is a concept of state and international community responsibility to citizens where the situation permitted intervention (United Nations, 2005). In the context of Myanmar, this international duty arises because gross human rights violations are committed daily, particularly against Rohingya women who may constitute crimes against humanity and war crimes.

2.0 The Form of Violence

Rohingya women and girls were treated cruelly. Some forms of sexual violence are told from survivors and witnesses such as mass rapes, gang-rape, killing, property destruction, robbery, forcing them to be naked in the audience and humiliated.

Rape

Mohsin *et al.*, (2018) revealed that around 18,000 girls and women of Rohingya have been raped by the military and police in Myanmar. According to Frontière (2018), many women reported being raped during the 2016 military campaign, which forced tens of thousands to flee from their hometown. Razia (2018) mentioned before the operation began, soldiers committed rape and "counter-terror" attacks in remote rural areas during security patrols, where many people had been hiding in fear of arrest and torture. However, the majority, involving hundreds of women, rape incidents occurred during actual attacks beginning on August 25, 2017, when large numbers of military personnel entered villages fired, tortured and killed civilians and burned houses indiscriminately. Women and girls were captured and raped while running away in the villages or large groups; some were mutilated.

Amin (2019) told pregnant women also being raped by the Myanmar military. In its nine-month pregnancy, the victim was found to be raped. After she was raped, her babies were taken away from the stomach has been cut off. The result of this action was death. The survivor at the refugee camp of Leda, Teknaf, Bangladesh was raped when eight months pregnant and tried to escape from Rakhine to a safe place in early November 2015. Two Myanmar soldiers raped her alternately and killed her husband. On the other hand, the survivor was raped near her birth, her nine months of pregnancy. In Kyar Gaung Taung village, during operation in 2016, it was raped with a group of Myanmar troops. The military did not care about her heavily pregnant. More terrifyingly, her husband blamed her for allowing it to happen and married another woman and lives in another village.

The rape occurred in several places (OHCHR, 2017). First, women or girls would be rounded up by perpetrators in the initial circumstances and some would be carried to nearby homes, mosques or the jungle for raping. Second, this crime occurred in a common room, in some instances each girl or woman was taken to the bathroom, separate room, houses or another place. In the third case, the perpetrators would harass their victims and assault them in their houses. Fourth, women were suddenly attacked by the perpetrators in their homes or houses where they took shelter. At some instances, soldiers openly committed rape in front of their children, family members, big groups of villagers, civilian, together with other women caught to be raped.

Gang-rape

Rohingya women and girls are often gang-raped by the Myanmar Army (Luqman, 2018). OHCHR (2019) defined between August 25 and mid-September 2017; and October to December 2016 in at least ten villages, mass gang rape involving multiple perpetrators and many survivors in the same incident constituting a remarkable trend. In open public spaces, in wooded areas near the village, in large houses in the village and when arrested in military and police compounds, mass gang rapes were commonly perpetrated. These have been committed gang rapes in front of the children victims, other family members and neighbours. Multiple perpetrators have often abused women and girls. After the separation of women

and girls from men and boys, mass gang-rape frequently occurred. Rapes and sexual violence were sometimes committed in homes where Tatmadaw soldiers waited.

Agence France-Presse (AFP) (2017) reported during a military campaign, Myanmar soldiers gang-rape innumerable Rohingya women and girls. Of the 29 survivors of the rape, women and girls reported in eight cases that five or more soldiers had raped them. Six mass rape cases in the course of which soldiers collected women in groups before they were beaten and gang-rape. Consequently, Revesz (2017) came out with a report titled *Doctors report horrifying gang rape attacks on Rohingya women*. The medical team found the injuries showed that the attacks against women were "more aggressive", including evidence of beatings, forced penetration and vaginal laceration attacked by troops of Myanmar security forces.

Killing

U.S. Holocaust Memorial Museum & Fortify Rights (2017) reported Myanmar Army slashed the breasts of women, hacked their bodies and killed them. The troops have fired at a near distance and a distance man, women and children from helicopter and land weapons, killing countless people. The brutal nature of the murders is disturbing as is the obvious coordination required in several northern Rakhine State and over several months to ensure that these crimes occur in similar ways. Respondents also described how soldiers surrounded themselves and segregated their prisoners by gender. Then soldiers selected women and girls from these groups, violated and in some cases raped and killed. Soldiers have questioned some women and girls before raping them about their husbands and brothers' whereabouts, usually with death threats.

Razia (2018) disclose rape victims, some after horrific mutilation, are notorious for being killed or died from their wounds. In other words, rape was part of a wider strategy to persecute women and girls savagely. It would seem that they identify themselves as Rohingya. This is also proven by OHCHR (2019) after being assaulted, several women have been killed. Several women were "raped to death" due to the rare blood in their genitals. The genital area or the breasts have been affected in some cases. Human Rights Watch (HRW) (2017) also documented after woman raped, Myanmar's troops set fire to their home and they couldn't save themselves from grave injuries, it also causes death.

Sexual violence other than rape

Wheeler (2017) documented the persecution of a large number of soldiers and villagers of Rakhine who are sexually harassed, grabbing or groaning Rohingya's female breasts, allegedly seeking money, before the incendiary attack on August 25, 2017. The soldier pulled women's dresses and felt breasts and took everything they wanted and all their money and golden earrings. The soldiers and the villagers of the Rakhine State also stolen gold jewellery and stole chickens, as well as other animals such as rice reserves. During the 2016 clearance operations, the Myanmar troops, the BGP and Rakhine villagers forced women to pull them naked and stolen valuables. In Maung Nu, Buthidung witnesses saw some 50 soldiers dragging down about 20 women while looking for clothing. Then they had to stand naked and they were kicked and forced to stand again once they had been able to cover their bodies with sitting down. Amnesty (2017) also documented several other sexual violence cases involving the digging and the theft of hidden money or valuables by soldiers in degrading bodies. The soldiers took gold and money, then searched under clothes for something else of value, if they had concealed it.

In addition, Aiman (2018) and Azim (2018) said most of the ethnic Rohingya interviewees have admitted that they are classified free of protection and that the military and extremists of Myanmar are looking on them as pets. Although there is no space to claim protection. They are knowingly used as a sex slave and killed when they try to protest. Only women are being abused and hurt, including cutting their ears and defacing their faces if they resist. Rather than that, Otham *et al.*, (2018) reveal body searches during home checks are a typical form of sexual violence. A young Tatmadaw member touched or exposed private bodies of all ages, including women and girls under five years of age. Most of the rape survivors were left unclothed or just sufficient to cover their privacy. In order, the victims of the Rohingya rape were treated differently; soldiers took pictures of the survivors when they were sub-conscious and unclothing after being raped in army camps. It was then released through social media. All survivors and members of their family have been traumatized.

3.0 The main perpetrators

The Myanmar Armed Forces (Tatmadaw), Myanmar police, Border Guard Police Force of Myanmar (BGP) and rebels are comprised of Buddhists and other ethnic groups in Rakhine State was identified as abusive perpetrators against Rohingya women and girls. Mohsin *et al.*, (2018) clarify overwhelmingly respondent's heads identified the Myanmar Army (97.42%) and police (82.56%) as the perpetrators of these crimes. This number was followed by other ethnic communities (13.51%). The figure based on interviewed 3,300 Rohingya refugees living in the makeshift camp, Cox's Bazar, Bangladesh. According to Husin (2018) told in the wake of a widespread assault on Rohingya people, their village was attacked by many perpetrators. Yusuf (2018) explain, during the attack to their village in Maungdaw, Myanmar military will arrive first, followed by BGP and then Buddhist, they come in groups around 300 to 400 they wear green or black, green camouflage uniforms complete with weapons, carrying rifles, knives and wooden sticks, even if rapes by police. Thousands of Rohingya women and girls have been assaulted, and 80% of the rapes reported by the Mission have been gangs where the perpetrators committed the atrocities together.

Since October 2016, U.S Embassy Dhaka (2018) designated Myanmar army has been consistent as the main actor against attacks and atrocities which have driven the Rohingya from their homes. The victims named the military as its perpetrators for the vast majority of murders (88%), most armed assaults (92%) and aerial assaults (88%). Only one-quarter of those who were killed by civilians or by any police force have killed the rest were done by the Myanmar army. Meanwhile, Rohingya women now in the refugee camps in Bangladesh say they were raped and tortured by the Myanmar army.

Systematic Attack

In 2017, for the first time, the Secretary-General of the United Nations has included Tatmadaw in his annual lists of parties who committed sexual violence in armed conflict together with 19 countries such as Afghanistan, Central African Republic, Iraq, Libya and Somalia. The report found that the "communal threat and use of sexual violence" of the Myanmar army was an integral part of its strategy, humiliating and terrorizing the Rohingya community collectively. Rohingya girls and women, "as custodians and propagators of ethnic identities" were targeted at both race and sex. The security forces used rape not only to humiliate and brutalize the victims but also to instil a deep fear of ever return (Bauchner, 2018).

Amnesty (2017) documented a systematic, coordinated and brutal campaign of violence is conducted by Myanmar's security forces against Rohingya community as a whole in the Northern Rakhine State. Dozens of witnesses to the worst attacks have always been active in certain units along with the Myanmar Army's Western Command, the 33rd Light Infantry Division, and the BGP. Witnesses consistently portrayed a patch in the uniforms of the soldiers which matched with that used by the Western Command, which looked like a star and flowers. The Western Command has long been a leader of northern Rakhine State military operations, led by Major General Maung Soe.

This is supported by Fortify Rights (2018) stated the assault against the Rohingya population was also "systematic." A crime against humanity requires the perpetrator to perform prohibited acts with knowledge of the widespread or systemic attack, meaning the relation between prohibited acts and the attack has to be identified. Considering the widespread of the Rohingya attacks and international attention, "information is supposed to be taken on." Attacks starting in August 2017, as many as 11,000 military personnel are likely to participate. The large number of soldiers together with the military structure of command and control means that soldiers know about clearance operations. In the attacks on Rohingya Muslim people in the northern State of Rakhine were at least 22 Myanmar Army Light Infantry Battalions and five Infantry Battalions.

Reasons of Rape

Rohingya was killed massively and their security force use rape is an act and a weapon of genocide because they were Muslims (Rayas, Husin, & Hanif, 2018). This statement is also supported by Nichols (2019) the military's genocidal goal of crushing the predominantly Rohingya Muslims minority was demonstrated by sexual violence perpetrated by Myanmar troops against women and girls in 2017. Beech and Meikhtila (2013) explained Buddhist nationalists spread hate and Islamophobia in Myanmar. The violence is linked to the formative narrative that high rates of fertility in the Rohingya group present an existential threat to most people. Affandi (2019) augmented Buddhist extremist accused Rohingya

Muslims has connotations with the type of terrorism such as Al-Qaeda or ISIS even there is no evidence to prove they have led to jihadist violence in Myanmar.

In the other hand, rape is a weapon to penalize the Rohingya minority. Rape is deliberately taken as a strategic rape by a military organization in pursuit of military objectives (Wood, 2018). According to Zarina (2018) and Affandi (2019) assert rape and gang-rape is an act and a weapon of genocide and ethnic cleansing against Rohingya. It was disgraceful, the tragedy of this, the survivors would not go back to their village or carry a baby who did not know who his father had been and the consequences of the perpetrators. Indirectly, the victims leave their home town, many more leave their village when raped due to shame. As a result, pregnancies are seen as an embarrassment to families. It's one of Myanmar's weapons to drive them away so they don't belong to Myanmar.

Impact of sexual violence

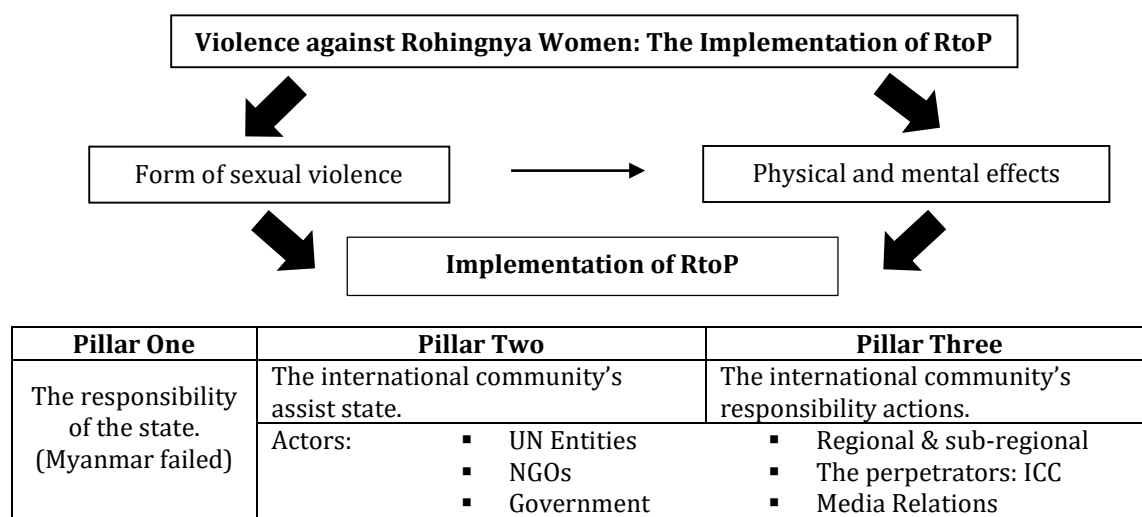
According to Arshil (2018), Rohingya survivors of rape left substantial suffering as a consequence of a widespread campaign against murders, abduction, and arson as a result of physical and psychological consequences. Critical physical injured during and after rape. They suffered injuries to reproductive organs, wounds on limbs and burnt skin. Intense physical pain while feeling after being rape, they also suffered a bad injury on genitals such as bleeding, urine mixed with blood. In the meantime, the traumatic experiences which compelled them to leave Rakhine State, Myanmar, in unsafe and risky travel, the daily pressures on camp lives, and potential uncertainty all negatively affect Rohingya refugees, including severe depression. Trauma is mostly persistent and they still struggle throughout their pregnancy cause of rape. Every time survivors recalled the horrific events and the culprit, the baby was born and remembered the tragedy. Every time survivors recalled the horrific events and the culprit, the baby was born and remembered the tragedy.

Moreover, the pregnancy stigma due to rape makes it very difficult for women to reveal their pregnancy. And indeed there are many local Rohingya reports that many women, especially young teenagers, hide their pregnancy and will never seek medical care. In addition, Beech (2018) reported they also often refuse to admit that they have been raped because of fearing stigma, depressed or shamed. Rape is a disgrace for households in the traditional Rohingya Muslim society. Particularly for those unmarried and now regarded as tarnished items. Women who still have a husband are also difficult to inform them of having been raped and pregnant. Any resulting pregnancies in families are considered to be even more disgraceful. This leads to the double suffering of many survivors. First, the trauma of sexual violence. Second, the ostracism in a conservative society.

The Implementation of Responsibility to Protect (RtoP)

In the 2005 World Summit Outcome Document, Secretary-General Ban Ki-moon established the three-pillar framework for RtoP and provisions of paragraphs 138 and 139 primaries on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. According to United Nations (2005) in paragraphs 138, stated each State has the responsibility to protect its populations and entails the prevention of four crimes, including their incitement, through suitable and necessary means. Meanwhile, in paragraphs 139 clarify through the United Nations, the international community also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.

Three of the four crimes listed in the RtoP principle, genocide, war and a crime against humanity, could be an act for Rohingya women on systemic sexual or gender violence. In Resolution 63/308 (United Nations, 2014), the RtoP on pillar two reagents by considering how a diversity of partner actors can enhance the Member States ' primary responsibility to protect; help build capacity to make them more resistant to risk factors related to atrocity crimes, and enhance their protection in emerging and ongoing crises. The RtoP was designed to promote collaboration between many actors equally committed to protecting societies from atrocities. Protection and treatment of Rohingya women with responsibilities and roles of different players are implemented by RtoP. Protection and rehabilitation for Rohingya women by RtoP involving different actors ' obligations and roles. Furthermore, The Daily Star (2019) reported the permanent representative of Bangladesh Ambassador, Masud Momen urged the international community to focus on and support the RtoP pillars two and three, especially the United Nations Security Council, which clearly stated that these barbarous actions are accountable and the UN is responsible for protecting.

Table 1: The Implementation of RtoP in The Case of Rohingya Women

The Government of Myanmar failed its responsibility to protect the rights of Rohingya (United Nations, 2016). This resulted, large numbers of Rohingya have fled to neighbouring countries like Bangladesh and Malaysia. As consequences, Myanmar can no longer claim that this is an internal issue and instead must work with Bangladesh and members of Association of Southeast Asian Nations (ASEAN) to address the crisis which related with the implementation of pillar two and three under RtoP principles. The ASEAN Charter is that of non-interference in the internal affairs of ASEAN Member States which Myanmar also one of the ASEAN members. Apart from considering this charter the various approaches and collaborations by ASEAN are applicable. This can be achieved through collaborations between Myanmar, ASEAN, UN and Organisation of Islamic Cooperation (OIC) without compromising the interests of any party. At the same time, improve bilateral and multilateral relations among regional countries.

The RtoP frameworks offer three pillars as guidelines for addressing looming and already occurring atrocity crimes against Rohingya women which covered the responsibility to prevent, to respond, and to rebuild. Although not specifically referencing RtoP in statements and reports, various type of actors has implemented aspects of the doctrine as it responds to the crisis in Rakhine State and host country (Bangladesh) through different kinds of help such as medical care, fund, shelter, and media advocacy. The actors also continue to create various pressures to the Myanmar government through joint report/letter, memorandum and attempt to bring the perpetrator to justice. Mostly many actors did not stand alone, they collaborate between a few entities and support each other.

Meanwhile, based on legal action under pillar three of RtoP, Chapter VIII applies to territorial agreements that require the exercise of jurisdiction by the International Criminal Court (ICC) (Edmund, 2018). Murder, genocide, expulsion, forced the relocation of the population, rape and the persecution of a group for which registration is based on racial, ethnic or religious grounds is the responsibility of the ICC in crimes against humanity. These situations were committed in the context of a widespread or systemic attack on civilians knowing about the attack. Any report and military order to execute these preparations and attacks is a shred of significant evidence to confirm that Myanmar Military has done rape as a systematic arm in the ICC. According to Southwick (2019) in late 2017, the ICC prosecutor commenced preliminary examination into Rohingya situations. On April 9, 2018, ICC prosecutor Fatou Bensouda requested the Pre-Track Chamber clarifies whether it was competent for criminal offences in the Member State (Bangladesh), deportations and forcible transfers (Article 7 of the Rome Statute, as well as the rape and other forms of sexual abuse as well as inhumane acts causing serious suffering, for crimes against humanity).

The development of RtoP better understood from the beginning of the context. As norms are challenged and the ranks of the vulnerable grow, there is a renewed determination to make RtoP doctrine a living reality. The failure of RtoP is not in the principles, but in the states that are reluctant to live up to their obligation to civilian protection. In a nutshell, the widespread of mass atrocities and systematic use of sexual violence by Myanmar military during brutal ethnic cleansing unfolding in Rakhine State, a

determined commitment to RtoP can save the Rohingya's women lives. Sexual violence and atrocities against Rohingya women will end and not happen and happen again.

4.0 Conclusion

The atrocities against Rohingya women have been documented from interview with Rohingya refugee at Malaysia, in detail by journalist, books and reported by UN and non-governmental human rights groups referred to violations supposedly perpetrated by the Myanmar security forces consist of Myanmar military (Tatmadaw), Myanmar police, BGP, Buddhist and Rakhine villagers join or together during operation. Significantly, while the flagrant, brutal sexual violence, widespread incidence of rape provides strong evidence of systematic design and endorsement. The incident occurred when most men left the village for fear of being suspected of being rebels and women had to live alone to protect empty houses from being burned by soldiers. From the witness and Rohingya refugee, a large number of Myanmar military following with BGP, Buddhist and Rakhine villagers complete with weapons stormed the village and direct ordering of mass rape as part of the military operation. In some case, they not only raped the victims repeatedly but threatened to kill and would not allow them to live in Myanmar. They also cruelly seize their property, jewellery, money and rice reserves are also sown with sand. In the other hand, the authority denied the allegations and the military did not respond to the incident. Dozens have been killed in the military crackdown, while those who managed to escape to Bangladesh claimed that raped, killed, deliberately fired, murder and abuse were carried out by security forces. Meanwhile, the RtoP frameworks offer three pillars as guidelines for addressing looming and already occurring atrocity crimes against Rohingya women which covered the responsibility to prevent, to respond, and to rebuild. The international community has a responsibility under pillar two and three for the safety of Rohingya women and girls after the failure of the Government of Myanmar and its ability to protect the population under pillar one. Therefore, the three-pillar of the RtoP framework is a medium to get attention and assistance by the international community especially under pillar two and three.

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