



BADAN HUKUM PERKUMPULAN - KOMUNITAS
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MUSLIM INDONESIA
-INDONESIAN MUSLIM BACHELOR OF LAW COMMUNITY-

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Dear Sir,

PRESIDENT OF UNITED NATIONS SECURITY COUNCIL

405 East 42nd Street, New York, NY, 10017, USA

Thank you in advance,for accepting this letter.First, let us introduce our self. We are Indonesian Muslim Bachelor of Law Community, a large institution whose members consist of legal consultants, legal academics, notaries, advocates etc.Indonesian Muslim Bachelor of Law Community is an institution that has a deed of establishment which is subject to the laws of the state of Indonesia.

In this letter, we would like to deliver our point of view about Rohingnya. We are convinced that the United Nations have heard about this case. By this letter, we are requesting United Nations to take immediate action to stop human rights crimesaccording to The Universal Declaration of Human Rights, “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,”.



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In this letter, we would like to convince that, what is happening in Rohingnya is an international crime under the name genocide. We also would like to encourage the United Nations to hold hearings at the International Criminal Court against perpetrators.

Based on Article 1 of the Genocide Convention; *“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.”*. Based on Article II of the Genocide Convention. *“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 :*

- (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”*

Based on article 6 of the Rome Statute of The International Criminal Court. *“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:*

- (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;*
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Based on **Rome Statute of The International Criminal Court** and the Genocide Convention. The following acts must be punished:

- a). Genocide
- b). Conspiracy to commit genocide;
- c). Direct public instigation to commit genocide;
- d). Experiment to commit genocide;
- e). Assistance in genocide.

Based on **Rome Statute of The International Criminal Court** and the Genocide Convention, we analyze the actions taken against ethnic Rohingyas in Myanmar including genocide or not. We use 2 (two) methods, namely **Actus Reus** (action) and **Mens Rea** (evil intent) in action to ethnic Rohingyas in Myanmar.

First ACTUS REUS. Based on article 6 of the Rome Statute of the International Criminal Court. "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:

(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.*"

To assess the actions taken to Rohingya ethnic into the category of genocide, then it must be in accordance with the criteria of **ACTUS REUS** based on article 6 of the statutes of Rome;

(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;



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To answer 3 (three) of these criteria, we will describe events that occur based on the international media and reports from international institutions;

1. Tens of thousands more people have crossed by boat and on foot into Bangladesh as they flee violence in western Myanmar. Roughly 60,000 have arrived in Bangladesh since the violence erupted on August 25. The violence has triggered a flood of refugees crossing mostly on foot into Bangladesh, though some were fleeing in wooden boats. **(Evidence-1)**
2. Satellite imagery analyzed by Human Rights Watch shows hundreds of buildings had been destroyed in at least 17 sites across Rakhine state since August 25, including some 700 structures that appeared to have been burned down in just the village of Chein Khar Li. **(Evidence-2)**

Second, MENS REA. to prove that the actions are being carried out to the Rohingya is the act of genocide. We use criminal elements;

1. **Intention already exists before the action is executed.** *Kayishema and Ruzindana*, (Assembly Court), May, 21, 1999, Paragraph 91: “*Mens rea* must have existed before the genocide act was committed. However, individual actions do not require preparation; the only consideration is that the act is indeed directed to continue goals that characterize genocide.” *Kayishema and Ruzindana*, (Assembly Court), May, 21, 1999, Paragraph 91: “This particular purpose distinguishes the crime of genocide with ordinary murder crimes. The Court of Appeals contended that in order to determine the occurrence of an act of genocide. *Mens rea* Intention already exists before the action is executed.”.

Therefore we consider that element “Intention already exists before the action is executed” we suspect it is complete;

1. Sourced from YouTube, we found the speech of the alleged Buddhist monk i.e. Ashin Wirathu. Which the contents of his speech as follows;

“Whatever you do, do it as a nationalist. If you look at anything with your eyes, see it in nationalist point of view. If you listen anything with your ears. Listen it in nationalist way. Anything you do, do it in nationalist way. Nationalism must be routine in your life, as your eat, move or doing business. Weakness of nationalism in



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our public forced me to preach. But they are not like that (referring Muslims). Whatever they do, they do it for their people. Before current government, at the time of military rule, they make friend with generals. United among under one idea nationalism, they have worked for their own people. They have monopoly of construction market in Yangon. Do not think they love military, but only for the sake of the benefit of their people they cooperated with them. When current government elected several of them joined the party, have joined the political parties not because they interest in politics, not because they respect human right but for the sake of their people. Their religions is the most abuse human rights. They join the current government party because when this party is elected, they will likely to get some positions. At least they can protect their people. It is their aim to join, to join today NLD party in good position and they now move NLD party and they got position when I visited to Meikhtilar, a person said the ostrich became Muslims (referring NLD party become Muslims party). I asked him why, he said, all the Muslims become member of the party. Not bad what he said. Think about it they don't have any believe in politic. yet they involved in politic because they have nationalism. So what happen? They got position. So what happen? Their race and religion is progressing. Let me tell you one thing. I visited Myat Hla Township. Let me tell you one thing. Local monks complained me that they could not performed Buddhist ritual ceremony on martyrs day. I was blasted what a rude governor of the township I said. Though the authority was so rude. How come they refused to perform Buddhist ritual the day general Aung San was assassinated. But the local monks explained me that the property owner is a kalar (it is derogatory word means niggard mention Muslim) and he does not allow us to perform. See, now they got position. If NLD cannot performance according to the believe because NLD office is in kalar property. What would happen if they become head of the party, become a member of parliament or become a leader of our nation. It is not easy, think wisely, is a scary. They more you think the more you would scare. When they do business they do it in nationalist sense. That is why, they keep buying land and



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properties everywhere. They use the power of money to get women, to attract women; they all do for their people in nationalist sense. When military...in power they made friend with generals. When political parties were formed they influenced that head of the parties and when NLD become famous they influenced her (DASSK). When she return from us, from the airport she use kalars. When she visited Mandalay she used that kalar car. She is now under under their grip. They have been being around her. However a football player as good as Ronaldo, if he is surrounded by many players, he could not do anything. Daw Su was silent totally when our people were killed and slaughtered in Arakan. She said I can say anything. Remember it carefull , they are working in their nationalist sense. What Min Ka Naing (88 generation student leader) could do in Arakan crisis. He couldn't say a word. They have been surrounding him. Beware Rangoon people. We must prioritized nationalism. It is very important 3 or 4 or 5 days ago visited Mon state. We have a transport company called Yar Zar Min owned by Kalar. This Kalar become president of transport association then he abolished Ka Htein. Annual Budhist chariry and said it is nonsense thing. See! As soon as he got the position..... abusing freedom of believe and charity. Be careful we can differentiate between faith and human rights at politician they cannot differentiate between human rights and faith. So they can neither protect religion not the people. If this type of people keeps getting the position. The culture of Ka Htein would vanish . because he got position so he abolished Ka Htein”(Evidence-3)

2. The holding of a Campaign for no Rohingyas in Rakhine State. **(Evidence-4)**

2. Intentions can be obtained based on conclusions

Rutaganda, (Assembly Court), December, 6, 1999, Paragraph 61-63: “Intentions, which are proven on a case-by-case basis, can be obtained on the basis of material evidence submitted to the Assembly including evidence which shows the pattern of deeds performed consistently by the Defendant.



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Penuntut v. Semanza, Case No. ICTR-97-20 (Assembly court), May, 15, 2003, Paragraph 313: “*Mens rea* of the offender can be inferred from the deeds which he did.”

Bagilishema, (Assembly Court), June 7, 2001, Paragraf 63: “Evidence of the alleged acts can help the Assembly to determine the defendant’s intentions, especially when words and deeds of the defendant does not clearly illustrate the purpose of his actions. Nonetheless the court noted that the determination of the defendant’s intention must be offset by deeds indeed what he has done. The Court is of the opinion that the intention of the accused must be determined on the basis of his words and deeds, and must be proved from the pattern of the intended actions.”.

To assess this element, we use 6 (six) systematic approaches. The systematic violation of human rights against Rohingya Muslims in Myanmar, formerly known as Burma, falls within the framework of genocide, according to a new report by the International State Crime Initiative.

Thomas MacManus, who co-authored the Countdown to Genocide report, details the findings.

1. The first stage is stigmatisation. That is when you find a group and you identify them as outsiders and you start to dehumanise that group. [There are 1.2 million Rohingya Muslims in Rakhine State and now] you are not even allowed to use the word Rohingya inside Burma. We couldn't use it on the street in case someone overheard us. The government refers to them as illegal Bengalis. This is a way of labelling them as outsiders making it easier for people to treat them outside their sphere of obligation.
2. The next stage is harassment and terror. This is when the verbal violence turns to physical violence. In June 2012, we had what the government called communal violence, but we found in our report that this was not spontaneous, it was highly organised. Villages received letters days before the violence was to start informing them that they needed to have people ready for buses to pick them up. Large numbers of people were brought down to Sittwe [northern Rakhine State], and two Rohingya villages were burnt to the ground and people were filtered into a large camp



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complex. One hundred and forty thousand Rohingya have been living in that camp complex for the last three years.

3. The next stage is isolation and that is where the camp complex comes in. You're not allowed to left, they are detention camps in effect. Outside of Sittwe, we heard reports that Rohingya don't have freedom of movement, and that they are isolated. The next stage is isolation and that is where the camp complex comes in. You're not allowed to left, they are detention camps in effect. Outside of Sittwe, we heard reports that Rohingya don't have freedom of movement, and that they are isolated.

Akayesu, (assembly court), September 2, 1998, Paragraf 523-524: “The trial weighed that intention is a very difficult mental factor even impossible to determine,” but found that “in the absence of acknowledgment of the accused, intentions can be inferred from the following factors;

1. “the existence of that general context criminal acts committed by the same or different actors that are systematically directed against the same group;”
2. “scale of atrocities committed;”
3. “a common form of cruelty occurring in the region;”
4. “an act is done intentionally and systematically with targeted victims based on membership of a particular group and not targeting other groups;”

That is our explanation in a legal perspective, that what happened in Rohingya is a crime of genocide.

We are calling the United Nations to stop the crime, opens all border areas adjacent to Myanmar, guarantee the basic rights of Rohingya and urged the United Nations to drag the responsible parties to the International Criminal Court.




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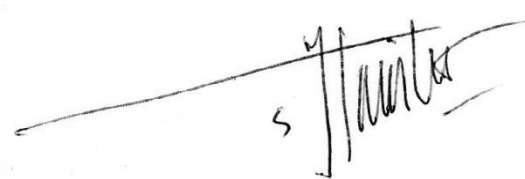
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Best Regards Sincerely,
Indonesian Muslim Bachelor of Law Community




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Acknowledged by;



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