

# Role of Social Media in Inciting the Genocidal Acts: A Case Study on Myanmar's Rohingya

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## **Abstract**

*For years, security forces and the Myanmar army persecuted the Rohingya Muslims, under the shade of “national security”. In 2018, the New York Times published a report accusing Facebook of spreading hate speech, incitements, propaganda, and inflammatory posts against the Rohingyas. According to the report, approximately 700 people worked in a secret operation which was started by the military people of Myanmar a few years back. There are debates regarding social media’s involvement, more specifically Facebook’s involvement, in causing genocide. This article thus examines the role of social media in inciting genocide in Myanmar against the Muslim Rohingyas. The core argument is that Myanmar was involved in spreading hate speech and propaganda through social media. Considering the role of social media in inciting genocidal acts, this article also proves the Rohingya genocide from the perspective of the 1948 Genocide Convention.*

## **Introduction**

Rohingyas originate from the Arakan State, which was an independent State near to Myanmar.<sup>1</sup> Arakan is an ancient name which has been originated to Arabia or Persia.<sup>2</sup>

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<sup>1</sup> Maung Zarni and Alice Cowley, “The Slow-Burning Genocide of Myanmar’s Rohingya”, *Pacific Rim Law and Policy Journal* 23, no. 3 (2014): 681, 683.  
[https://www.academia.edu/7787141/Compilation\\_2014\\_Pacific\\_Rim\\_Law\\_and\\_Policy\\_Journal\\_Association\\_THE\\_SLOW-BURNING\\_GENOCIDE\\_OF\\_MYANMARS\\_ROHINGYA?auto=download](https://www.academia.edu/7787141/Compilation_2014_Pacific_Rim_Law_and_Policy_Journal_Association_THE_SLOW-BURNING_GENOCIDE_OF_MYANMARS_ROHINGYA?auto=download).

<sup>2</sup> Haradhan Kumar Mahajan, “History of Rakhine State and the Origin of the Rohingya Muslims”, *The Indonesian Journal of Southeast Asian Studies* 2, no. 1 (2018): 19, 26.  
<http://dx.doi.org/10.22146/ikat.v2i2.34182>.

Since the eighth century, the Rohingyas were part of the Arakan State.<sup>3</sup> The propaganda of genocide disseminated through social media and other platforms has occurred since the persecution of Jewish individuals by the Nazi Party.<sup>4</sup> Nazis used “*The Der Sturmer*” newspaper to spread propaganda against Jewish people, leading to German people actively participating in committing genocide.<sup>5</sup> In 1994, the radio station “RTML” promoted hatred against Tutsi group, and played an important role in the Rwanda genocide.<sup>6</sup> A University of Warwick study showed that in Germany, Facebook posts were used to attack refugees.<sup>7</sup> In 2018, Muslim Tamil minorities in Sri Lanka were the targets of rumors spread through social media platforms like WhatsApp and Facebook.<sup>8</sup> Like the above mentioned examples, the situation of Myanmar is no exception. In Myanmar, social media simply allows for the possibility of direct incitements to genocide.<sup>9</sup> For example, print newspapers, radio broadcasts, and social media provide inciters with a platform to disseminate their messages. Indeed, social media may actually enhance the inciter’s capacity to dehumanize a protected group.<sup>10</sup> In Myanmar, hatred and propaganda has been spread against the Muslim Rohingyas, through Facebook and other social media platforms, which were one of the causes of committing mass genocide.<sup>11</sup>

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<sup>3</sup> The Alal O Dulal Collective, “Timeline: Being Rohingya in Myanmar, from 1784-Now,” *The Wire*, published 23 September 2017, <https://thewire.in/external-affairs/rohingya-myanmar-timeline> (accessed April 15, 2021).

<sup>4</sup> Dr. Simon Adams, “Hate Speech and Social Media: Preventing Atrocities and Protecting Human Rights Online,” Global Center for the Responsibility to Protect, published 20 February 2020, <https://www.globalr2p.org/publications/hate-speech-and-social-media-preventing-atrocities>.

<sup>5</sup> Adams, “Hate Speech and Social Media”.

<sup>6</sup> Amanda Grzyb, “Debate Continues about the media’s role in driving Rwanda’s genocide”, *The Conversation*, published 1 April 2019, <https://theconversation.com/debate-continues-about-the-medias-role-in-driving-rwandas-genocide-114512>.

<sup>7</sup> Amanda Taub and Max Fisher, “Facebook Fueled Anti-Refugee Attacks in Germany, New Research Suggest”, *The New York Times*, 21 August 2018, <https://www.nytimes.com/2018/08/21/world/europe/facebook-refugee-attacks-germany.html>.

<sup>8</sup> Vindu Goel, Hari Kumar and Sheera Frenkel, “In Sri Lanka, Facebook Contends with Shutdown after Mob Violence”, *The New York Times*, 8 March 2018, <https://www.nytimes.com/2018/03/08/technology/sri-lanka-facebook-shutdown.html>.

<sup>9</sup> Neema Hakim, “How Social Media Companies Could Be Complicit in Incitement to Genocide”, *Chicago Journal of International Law* 21, no. 1 (2020): 83, 86, <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1785&context=cjil>.

<sup>10</sup> Hakim, “How Social Media Companies Could Be Complicit”, 83, 86.

<sup>11</sup> Goel, Kumar, and Frenkel, “In Sri Lanka, Facebook Contends with Shutdown after Mob Violence”.

This article explores the role of social media in inciting genocidal acts against the Muslim Rohingyas in Myanmar. The core argument is that the government of Myanmar was involved in spreading hate speech and propaganda through social media against the Rohingya people. Subsequently, it argues that the persecution against the Rohingya people in the Rakhine State in Myanmar was genocide, as defined by the 1948 Genocide Convention, in order to prove the role of social media. To prove the genocidal acts, this article also discusses the theoretical framework of genocide along with a brief historical background of Rohingya. The methodology that has been used to explore these issues is qualitative which is based on a critical appraisal and analytical approach of cases of the International Criminal Tribunal for Rwanda (ICTR), International Criminal Tribunal for the former Yugoslavia (ICTY), International Criminal Court (ICC), books, organisational reports, scholarly articles, international instruments, and other relevant documents.

## Historical Background

Rohingyas are the minority ethnic group who used to live in Rakhine State, a coastal region in the west of Myanmar which was previously known as Arakan State,<sup>12</sup> one of the poorest<sup>13</sup> and least developed regions of Myanmar. In Rakhine, around 35.6 per cent of people are Rohingya and 59.7 per cent are Buddhist.<sup>14</sup> The Rohingyas were deprived of their rights immediately after independence in 1948 by the Union Citizenship Act 1948 which termed Rohingyas as “indigenous races of Burma”. The Act required those who lived in Myanmar for two generations to hold identity cards.<sup>15</sup> They were targeted at an extreme level after the military rule came into force in 1962, as in 1974 the government of Myanmar required all citizens to hold National Registration Cards whereas they required the Rohingyas to hold Foreign Registration Cards (which was uncommon for the people of Myanmar).<sup>16</sup> As a result, they faced problems, for example in academic and

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<sup>12</sup> Alina Lindblom et al., “Persecution of the Rohingya Muslims: Is Genocide Occurring Rakhine State? A Legal Analysis”, *International Human Rights Clinic*, Yale Law School 1, no. 5 (2015).

<sup>13</sup> Mohajan, “History of Rakhine State and the Origin of the Rohingya Muslims”, 20.

<sup>14</sup> Mohajan, “History of Rakhine State and the Origin of the Rohingya Muslims”, 20.

<sup>15</sup> Constitution of the Union of Burma, Chapter II, para. 11(i) (1947); Lindblom, “Persecution of the Rohingya Muslims”, 6.

<sup>16</sup> Lindblom, “Persecution of the Rohingya Muslims”, 6.

professional areas.<sup>17</sup> Their cards were not recognised by employers and schools, so Rohingyas had limited job and educational opportunities. Afterward, a new citizenship law was passed by General Ne Win in 1982 in which restrained them to equal access in entire Myanmar.<sup>18</sup> Those who had failed to provide proof were being punished by withholding their identity card, which made them stateless.<sup>19</sup>

In 1974, the Emergency Immigration Act was passed where the Rohingyas were considered illegal immigrants as they settled in Myanmar during British colonial rule.<sup>20</sup> In 1977, the junta began Operation Dragon King or “Nagamine”, targeting the Rohingyas and consequently around 200,000 Rohingyas fled from Myanmar to Bangladesh to save their lives.<sup>21</sup> In 1978, another operation began where the junta forcefully relocated the Rohingyas by rape, arson, looting, and profanity of mosques, leading to more than 200,000 Rohingyas escaping from Myanmar to protect their lives.<sup>22</sup> In 1989, a citizenship inspection was carried out across Myanmar when Rohingyas were forced to surrender their all national documents, rendering them *de facto* stateless.<sup>23</sup>

In 1991, the persecution against the Rohingyas increased again and Operation Clean and Beautiful or “Pyi Thaya” was launched by the military, where approximately 250,000 Rohingyas fled from Myanmar to Bangladesh to save their lives from widespread violence against them.<sup>24</sup> In 1992, a special border force was created by the government called

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<sup>17</sup> Human Rights Watch, “Burma: The Rohingya Muslims: Ending a Cycle of Exodus?”, *Human Rights Watch Asia* 8, no. 9 (September 1996): 29. <<https://www.hrw.org/reports/pdfs/b/burma/burma969.pdf>>.

<sup>18</sup> Lindblom, “Persecution of the Rohingya Muslims”, 6.

<sup>19</sup> Lindblom, “Persecution of the Rohingya Muslims”, 7.

<sup>20</sup> Mohammad Pizar Hossain, “The Rohingya Refugee Crisis: Analysing the International Law Implications of Its Environmental Impacts on Bangladesh”, *The International Journal of Human Rights* 27, no. 2 (2023): 238-257. <https://doi.org/10.1080/13642987.2022.2081159>.

<sup>21</sup> The Alal O Dulal Collective, “Timeline: Being Rohingya in Myanmar”.

<sup>22</sup> The Alal O Dulal Collective, “Timeline: Being Rohingya in Myanmar”.

<sup>23</sup> Hossain, “The Rohingya Refugee Crisis: Analysing the International Law Implications”.

<sup>24</sup> United States Holocaust Museum, “Burma’s Path to Genocide”, United States Holocaust Museum, accessed 16 April 2021, <https://exhibitions.ushmm.org/burmas-path-to-genocide/timeline>.

“NaSaKa” to persecute the Rohingya people.<sup>25</sup> However, by 1997, more than 230,000 Rohingyas reentered Myanmar because of the repatriation deal.<sup>26</sup>

An anti-Muslim riot broke out in May 2001, where residences of Muslim people and mosques were destroyed. It reached the Rakhine State, confiscated the lands of the Rohingyas and forced them to relocate.<sup>27</sup> In 2016, three posts of the Border Guard Police (BGP) were attacked by 400 Rohingya militants who caused the killing of approximately nine police officers.<sup>28</sup> In response, security forces of Myanmar burned the villages of the Rohingyas indiscriminately, causing the deaths of more than 100 people and forcing approximately 90,000 Rohingyas to flee from Rakhine.<sup>29</sup> However, control was lost in 2017 when the Myanmar army attacked the Rohingyas consecutively. On the 25<sup>th</sup> of August 2017, 12 Myanmar police officers were killed by The Arakan Rohingya Salvation Army (ARSA) during an attack on more than 30 security camps. ARSA, earlier known as *Harakah al-Yaqin*, were formed in 2012, following a riot in Rakhine State against the Rohingyas, as to protect and defend themselves from repression.<sup>30</sup> The Government of Myanmar then declared ARSA a terrorist group, and launched a “clearance operation” in Rakhine State.<sup>31</sup> During this operation, nearly 725,000 Rohingya people fled from Myanmar to Bangladesh.<sup>32</sup>

On 27 August 2017, the Myanmar army, in collaboration with the Rakhine people, massacred roughly 400 Rohingyas in *Gu Dar Pyin* village, in Rakhine State. This continued on August 30, in the *Tula Toli* village, where 500 children and women were

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<sup>25</sup> United States Holocaust Museum, “Burma’s Path of Genocide”.

<sup>26</sup> Yousuf Storai, “Systematic Ethnic Cleansing: The Case Study of Rohingya”, *Arts and Social Sciences Journal* 9, no. 4 (2018): 1, 3. DOI: 10.4172/2151-6200.1000357.

<sup>27</sup> Haradhan Kumar Mohajan, “The Rohingya Muslims in Myanmar are Victim of Genocide!”, *ABC Journal of Advanced Research* 7, no. 1 (2018): 59, 69.

<sup>28</sup> Mohajan, “Victim of Genocide!”, 70.

<sup>29</sup> Mohajan, “Victim of Genocide!”, 71.

<sup>30</sup> Staff Representative, “Myanmar: Who are the Arakan Salvation Army”, *BBC News*, 6 September 2017, <https://www.bbc.com/news/world-asia-41160679>.

<sup>31</sup> BBC, “Who are the Arakan Salvation Army”.

<sup>32</sup> Human Rights Council, “Report of the Independence Fact-Finding Mission on Myanmar”, 12 September 2018, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A\\_HRC\\_39\\_64.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf).

killed.<sup>33</sup> On 2 September 2017, the massacre continued in *Inn Din* village, when around 10 Rohingyas were killed.<sup>34</sup> In total, during 2017, more than 354 villages were burned, destroyed, and looted, while women were gang-raped by local collaborators and the Myanmar military.<sup>35</sup> The ideology of religiously-based ethnonationalist dictators is the underlying cause of the persecution of Rohingya Muslims. The root cause behind the persecution of the Rohingya Muslims is the mindset of dictators of ethnonationalism based on religion.<sup>36</sup>

As of 8 October 2017, around 519,000 Rohingya people had fled from Rakhine and sheltered in Cox's Bazar, Bangladesh,<sup>37</sup> making it the largest refugee shelter in the world.<sup>38</sup> Cox's Bazar, previously housed 40,000 refugees before the intake of nearly one million Rohingya people. The predominantly young refugees<sup>39</sup> suffered from the shelter's issues with security, hygiene, and more.

## Theoretical Framework Of Genocide

The term “genocide” is defined as the systematic and deliberate destruction of any religion, ethnic, national, or racial group.<sup>40</sup> The term “genocide” was unknown until World War II (WWII) when Winston Churchill, Prime Minister of Britain<sup>41</sup> called it the “crime without a name”.<sup>42</sup> Following WWII, this crime entered the public consciousness, through

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<sup>33</sup> Mohajan, “The Rohingya Muslims in Myanmar”, 71.

<sup>34</sup> Mohajan, “The Rohingya Muslims in Myanmar”, 71.

<sup>35</sup> Mohajan, “The Rohingya Muslims in Myanmar”, 71.

<sup>36</sup> Kyaw Win, “The Root Cause of Rohingya Persecution”, New Mandala, published 15 September 2015, <https://www.newmandala.org/the-root-cause-of-rohingya-persecution/>.

<sup>37</sup> Office of the United Nations High Commissioner for Human Rights, “Mission Report of OHCHR Rapid Response Mission to Cox’s Bazar,” September 2017 <https://www.ohchr.org/Documents/Countries/MM/CXBMissionSummaryFindingsOctober2017.pdf>.

<sup>38</sup> Mark Bowden, “The Current Context to the Rohingya Crisis in Bangladesh”, *Humanitarian Practice Network*, 2018 <https://odihpn.org/magazine/current-context-rohingya-crisis-bangladesh/>.

<sup>39</sup> UNICEF, “Rohingya Refugee Crisis: UNICEF Delivers Vital Support to Vulnerable Children and Families,” UNICEF, accessed 26 March 2021, <https://www.unicef.org/bangladesh/en/rohingya-refugee-crisis>.

<sup>40</sup> Ana Filipa Vrdoljak, “The Criminalisation of the Intentional Destruction of Cultural Heritage”, in *Forgoing a Socio-Legal Approach to Environmental Harms* eds. M. Orlando and T. Bergin (London: Routledge, 2017), 237-266.

<sup>41</sup> Adam Jones, *Genocide: A Comprehensive Introduction*, (London: Routledge, 2006), 8.

<sup>42</sup> William A. Schabas, *Genocide in International Law: The Crimes of Crimes*, (Cambridge: Cambridge University Press, 2009), 14.

the discovery of Nazi Germany's systematic brutality towards targeted groups.<sup>43</sup> Perpetrators of genocide, such as Mehmet Talaat (an orchestrator of the Armenian genocide), had previously escaped conviction due to a lack of legislation on this crime.<sup>44</sup>

Mehmet Talaat, one of the orchestrators of the Armenian genocide escaped prosecution due to the lack of law on genocide. There is a belief that the attacks against the Armenian People by the Ottoman Empire constituted genocide.<sup>45</sup> The Nuremberg trials made use of the term "genocide", and shortly following this, Raphael Lemkin defined the "genocide".<sup>46</sup>

However, "genocide" was not proven in the Nuremberg trials.<sup>47</sup> In the meantime, the General Assembly of the UN adopted "the Convention of the Prevention and Punishment of the Crime of Genocide, 1948" (Genocide Convention). This included a concrete and detailed definition of genocide.<sup>48</sup> The Convention came into force on 12 January 1951, when roughly 20 countries ratified the convention.<sup>49</sup> The United Nations Security Council established a tribunal called International Criminal Tribunal for the former Yugoslavia (ICTY) for the massacre that happened in Bosnia between 1992 and 1995, during which 8,000 men were killed.<sup>50</sup> In 1998, for the first time, Jean-Paul Akayesu was convicted for committing genocide by the International Criminal Tribunal for Rwanda (ICTR).<sup>51</sup>

A Polish-Jewish lawyer and jurist, Lemkin first created the term "genocide" in a historical and global context in 1944, in his book *Axis Rule in Occupied Europe*.<sup>52</sup> In this book,

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<sup>43</sup> We Remember, "The Origin of the Concept of Genocide", We Remember, accessed 25 March 2021, <https://www.weremember.gov.tr/what-is-genocide-2/the-origin.html>.

<sup>44</sup> Katherine Goldsmith, "The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach," *Genocide Studies and Prevention: An International Journal* 5, No. 3 (December 2010): 239, 239. <https://digitalcommons.usf.edu/gsp/vol5/iss3/3>.

<sup>45</sup> United States Holocaust Memorial Museum "Genocide Timeline", Holocaust Encyclopedia, accessed 8 May 2021, <https://encyclopedia.ushmm.org/content/en/article/genocide-timeline>.

<sup>46</sup> Jones, "Genocide: A Comprehensive Introduction," 12.

<sup>47</sup> Jones, "Genocide: A Comprehensive Introduction," 12.

<sup>48</sup> Convention of the Prevention and Punishment of the Crime of Genocide, signed 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951) ('Genocide Convention').

<sup>49</sup> General Assembly Resolution 260 A (III) of 9 December 1948, entry into force 12 January 1951.

<sup>50</sup> General Assembly Resolution 260 A (III).

<sup>51</sup> General Assembly Resolution 260 A (III).

<sup>52</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Columbia University Press, 1944), 79.

Lemkin explains the atrocities committed by Nazi Germany during WWII, and argues that a definition of “genocide” is the first of many necessary, preventative measures. Lemkin’s passion is best understood with acknowledgement of his experience as a witness to the atrocity committed by the Nazi regime.<sup>53</sup>

The term “genocide” comes through combining two words “*genos*” which is a Greek word that means tribe or race and “*caedere*” (cide) which is a Latin word that means killing.<sup>54</sup> According to Lemkin, “genocide” extends further than the physical destruction of a group. It is the systematic destruction of all identifiers and artifacts of cultural significance, including the religion, language and political institutions of a group. Furthermore, it is the destruction of a group’s security, dignity, health is not only the physical destruction of people of a particular group through targeting them by destruction of religion, language, national emotions, and economic assets, cultural, social, and political institutions of a particular group, but also the destruction of liberty, security, dignity, health, and lives of people belonging to a particular group.<sup>55</sup> The term “genocide” was included in the indictments of Nuremberg of the Nazi people who were involved in the war just a year later Lemkin’s introduced the term.<sup>56</sup> However, it has not been proven in the Nuremberg trial which was the biggest dissatisfaction of Lemkin.<sup>57</sup> Article 2 of the Genocide Convention states:<sup>58</sup>

“Genocide means any of the following acts committed with intend 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 of 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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<sup>53</sup> Lemkin, *Axis Rule*, 79.

<sup>54</sup> Jones, “Genocide: A Comprehensive Introduction”.

<sup>55</sup> Lemkin, *Axis Rule*.

<sup>56</sup> Jones, “Genocide: A Comprehensive Introduction”, 12.

<sup>57</sup> Jones, “Genocide: A Comprehensive Introduction”, 12.

<sup>58</sup> Convention of the Prevention and Punishment of the Crime of Genocide, signed 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951) (‘Genocide Convention’), art. 2.



- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.”

Article 6 of the Rome Statute of the International Criminal Court (ICC), 1998 (Rome Statute) also stated the same about the definition of genocide.<sup>59</sup> The definition of the Genocide Convention provides two constructive components of genocide.<sup>60</sup> One is the mental element (*mens rea*) that is the intention to destroy any protected group (ethnic, racial, national or religious) wholly or partly.<sup>61</sup> Another is the physical element (*actus reus*) which is incorporated as the five acts mentioned in article 2 of the Convention.<sup>62</sup> The *actus reus* requires violence committed against any protected group, intending to destroy that group wholly or partly.

Neither the Genocide Convention nor any other convention define the protected groups as racial, ethnic, national, or religious groups, however courts have provided interpretative guidance. In *Akayesu*, the Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR) defined “national group” for the first time as describing a collection of individuals sharing a legal bond, based on common citizenship by mutual consent of duties and rights.<sup>63</sup> The ICTR defined an ethnic group in *Akayesu* as a group of people who share common culture and language.<sup>64</sup> Further, the ICTR stated in *Kayishema and Ruzindana* that ethnic groups are those whose members share a common culture and language or that group separates itself either by self-identification or a group identified by others (including perpetrators).<sup>65</sup> According to *Kayishema and Ruzindana*, the racial group is a group which is often formed based on ancestral physical characteristics identified by geography.<sup>66</sup> In *Akayesu*, a racial group was found to often be based on hereditary physical characteristics identified in a geographical area, regardless of

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<sup>59</sup> Rome Statute of the International Criminal Court, opened for signature 17 July 1998, 2187 UNTS 3 (entered into force 1 July 2002).

<sup>60</sup> The Genocide Convention, art. 2. See also, *Prosecutor v. Dragan Jokic*, Case No. ICTY-02-60-T, Judgment (17 January 2005), [640].

<sup>61</sup> The Genocide Convention, art. 2.

<sup>62</sup> The Genocide Convention, art. 2.

<sup>63</sup> *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment (2 September 1998), [512].

<sup>64</sup> *Prosecutor v. Akayesu*, [513].

<sup>65</sup> *Prosecutor v. Kayishema and Ruzindana*, Case No. ICTR-95-1-T, Judgment (21 May 1999), [98].

<sup>66</sup> *Prosecutor v. Kayishema and Ruzindana*, [98].

linguistic, national, cultural, or religious identification.<sup>67</sup> As per the *Kayishema and Ruzindana* case, a religious group is a group where people share common beliefs, including the form of worship.<sup>68</sup> Also, it includes common religion and form of worship of people.<sup>69</sup>

The definition of physical elements is also not included in the Genocide Convention and comes from the decisions of various courts and tribunals. “Killing” is a homicide that has been committed by people with the intention to cause death.<sup>70</sup> It must be proved that the perpetrator killed the victim and the victim belongs to a relevant group, whether national, racial, ethnic, or religious.<sup>71</sup> But there is no need to be premeditated acts.<sup>72</sup> The ICTR in many cases such as *Simba*,<sup>73</sup> *Bagosora*,<sup>74</sup> *Muvunyi*,<sup>75</sup> *Ntagerura*,<sup>76</sup> *Kamuhanda*,<sup>77</sup> *Seromba*,<sup>78</sup> and *Gacumbitsi*<sup>79</sup> held that the prosecution has the burden of proof that the perpetrator had killed one or more than one member of such protected groups.

“Causing serious bodily and mental harm” refers to an internal or external injury to the organs or senses like disfigurement, sexual violence,<sup>80</sup> torture,<sup>81</sup> threat of death,<sup>82</sup> deportation,<sup>83</sup> or forcible transfer,<sup>84</sup> as well as mental injury which can be temporary such as strong fear, intimidation, terror or threat.<sup>85</sup> It is not necessary to inflict a permanent

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<sup>67</sup> *Prosecutor v. Akayesu* [514] and [516].

<sup>68</sup> *Prosecutor v. Kayishema and Ruzindana*.

<sup>69</sup> *Prosecutor v. Akayesu* [515].

<sup>70</sup> *Prosecutor v. Seromba*, Case No. ICTR-2001-66-I, Judgment (13 December 2006), [317].

<sup>71</sup> *Prosecutor v. Muvunyi*, Case No. ICTR-2000-55-A-T, Judgment (12 September 2006), [486].

<sup>72</sup> *Prosecutor v. Stakic*, Case No. ICTY-97-24-T, Judgment (31 July 2003), [515].

<sup>73</sup> *Prosecutor v. Aloys Simba*, Case No. ICTR-01-76-T, Judgment (13 December 2005), [414].

<sup>74</sup> *Prosecutor v. Bagosora, Kabiligi, Ntabakuze and Nsengiyumva*, Case No. ICTR-98-41-T, Judgment (18 December 2008), [2117].

<sup>75</sup> *Prosecutor v. Muvunyi*, [479].

<sup>76</sup> *Prosecutor v. Andre Ntagerura, Emmanuel Bagambiki & Samuel Imanishimwe*, Case No. ICTR-99-46-T, Judgment (25 February 2004), [664].

<sup>77</sup> *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-95-54A-T, Judgment (22 January 2004), [630].

<sup>78</sup> *Prosecutor v. Seromba*, [175].

<sup>79</sup> *Prosecutor v. Gacumbitsi*, Case No. ICTR-2001-64-T, Judgment (17 June 2004), [255].

<sup>80</sup> *Prosecutor v. Bagosora*, [2117] See also *Prosecutor v. Muvunyi*, [487].

<sup>81</sup> *Prosecutor v. Gacumbitsi*, [291].

<sup>82</sup> *Prosecutor v. Akayesu*, [711]-[712].

<sup>83</sup> *Prosecutor v. Jokic*, [646].

<sup>84</sup> *Prosecutor v. Jokic*, [663], [665-666].

<sup>85</sup> *Prosecutor v. Seromba*, [46].

injury, but any injury must be serious in nature<sup>86</sup> including those resulting in long term disadvantages which prevents the victim from leading a normal life.<sup>87</sup>

“Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” refers to the circumstances where death would not occur immediately, but will occur slowly (slow death) due to lack of shelter, clothing, medical care, poor hygiene, extreme physical exertion or excessive workload.<sup>88</sup> The conditions of life situations include starvation, rape, and reduction of necessary treatment, and preventing adequate accommodation for a reasonable period of time.<sup>89</sup> It also includes systemic expulsion of the targeted group of people from housing.<sup>90</sup> However, it is not necessary for this conduct to directly kill the person.<sup>91</sup>

## **A Case Study On The Rohingya Genocide**

As above, the Genocide Convention requires that both the *mens rea* and the *actus reus* are satisfied against any protected group before the Rohingya persecution may be considered genocide. The following discussion presents the case that the treatment of the Rohingya people is genocide.

### *The Rohingyas belong to the Protective Group*

The term “group” has no specific definition, but earlier it was used to mean only permanent and stable groups.<sup>92</sup> However, as above, the ICTR and the ICTY made some decisions that a group can be determined on a case-to-case basis, consulting both subjective and

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<sup>86</sup> *Prosecutor v. Stakic*, [516].

<sup>87</sup> *Prosecutor v. Krstic*, Case No. ICTY-98-33, Judgment (2 August 2001), [513].

<sup>88</sup> *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-T, Judgment (31 July 2003), [517], [518].

<sup>89</sup> *Prosecutor v. Kayishema and Ruzindana*, [115]-[116]. See also, *Prosecutor v. Radoslav Brdjanin*, Case No. ICTY-99-36-T, Judgment (1 September 2004), [691].

<sup>90</sup> *Prosecutor v. Akayesu*, [505]-[506].

<sup>91</sup> *Prosecutor v. Stakic*, [518].

<sup>92</sup> *Prosecutor v. Akayesu*, [511], [516], [701], [702].

objective criteria.<sup>93</sup> The ICTR provides the definition of an ethnic group in the *Akayesu*<sup>94</sup>, *Nahimana*<sup>95</sup>, and *Kayishema and Ruzindana*<sup>96</sup> decisions, stating that an ethnic group is a group where people share common culture and language.

The Rohingyas generally use the Indo-Aryan language which is very close to the Chittagonian (Chattogram) language, generally used by the Bengali people who lived in Cox's Bazar region, Bangladesh.<sup>97</sup> This language is neither written nor accepted internationally, but is basically used as an oral form.<sup>98</sup> The Rohingya women generally wear hijab, sarong while the men use lungi, they eat rice, vegetables, dried and fresh fish, chicken.<sup>99</sup> They have some other common cultural traits which are different from the majority of people of Myanmar.<sup>100</sup> Generally, most of the Rohingya people practice Islam as a form of religion in a Buddhist society.<sup>101</sup> Hence, they can be categorised as an ethnic group for having similar language and culture, and constitute a distinctive religious group in Islam.

### *Violence has been Committed against Rohingyas*

The Genocide Convention characterises five acts as forms of violence, where proving the existence of any of these acts may lead to a finding of genocide.<sup>102</sup> In the Rohingya context, three methods concerning genocide can be discussed to prove the existence of

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<sup>93</sup> *Prosecutor v. Muvunyi*, [484]. See also, *Prosecutor v. Gacumbitsi*, [254], *Prosecutor v. Laurent Semanza* [2003] Case No. ICTR-97-20-T, [317]; *Georges Anderson Nderubumwe Rutaganda v. Prosecutor* [2003] Case No. ICTR-96-3-A, [524], [93]; *Prosecutor v. Alfred Musema* [2000] Case No. ICTR-96-13-A, [161]; *Prosecutor v. Jean de Dieu Kamuhanda*, [291]; *Prosecutor v. Seromba*, [318]; *Prosecutor v. Jokic*, [667]; *Prosecutor v. Brdjanin*, [683]; *Prosecutor v. Stakic*, [512].

<sup>94</sup> *Prosecutor v. Akayesu*, [513].

<sup>95</sup> *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza & Hassan Ngeze*, Case No. ICTR-99-52-T, Judgment (3 December 2003), [969].

<sup>96</sup> *Prosecutor v. Kayishema and Ruzindana*, [98].

<sup>97</sup> United Nations High Commissioner for Refugees (UNHCR), "Culture, Context and Mental Health of Rohingya Refugees," accessed 31 March 2021, <https://www.unhcr.org/5bbc6f014.pdf>.

<sup>98</sup> UNHCR, "Culture, Context and Mental Health of Rohingya Refugees".

<sup>99</sup> UNHCR, "Culture, Context and Mental Health of Rohingya Refugees".

<sup>100</sup> UNHCR, "Culture, Context and Mental Health of Rohingya Refugees".

<sup>101</sup> Beth Van Schaack, "Determining the Commission of Genocide in Myanmar: Legal and Policy Considerations," *Journal of International Criminal Justice* 17, no. 2 (2019): 285, 292. <https://doi.org/10.1093/jicj/mqz008>.

<sup>102</sup> The Genocide Convention, art. 2.

violence (*actus reus*) including killing members of Muslim Rohingyas, causing serious bodily or mental harm, and deliberately inflicting conditions of life on Rohingyas calculated to destroy the group.

Killing requires an intention to cause death to one or more than one member of a protected group to prove genocide.<sup>103</sup> In May 2012, around 100 Rohingyas were killed by the Myanmar Army.<sup>104</sup> In 2016, security forces of Myanmar burned the villages of the Rohingyas indiscriminately using helicopters, leading to the deaths of more than 100 people.<sup>105</sup> After that, on 27 August 2017, the Myanmar army killed around 400 Rohingyas in *Gu Dar Pyin* village.<sup>106</sup> Other operations were carried out in *Tula Toli* village and *Inn Din* village, where many Rohingyas were killed. According to a survey in Cox's Bazar, around 6,700 people were killed deliberately during August 2017.<sup>107</sup> As per the survey, 80 per cent of individuals had witnessed someone being killed<sup>108</sup> and most of the individuals were beaten before getting killed.<sup>109</sup> Hence, it is clearly evident that the existence of killing element of committing genocide is present against the people of Rohingya.

Causing serious bodily and mental harm refers to an internal or external injury to the organs or senses like disfigurement, sexual violence,<sup>110</sup> torture,<sup>111</sup> death threats,<sup>112</sup> deportation,<sup>113</sup> and forcible transfer.<sup>114</sup> It can be mental suffering as well which might be

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<sup>103</sup> *Prosecutor v. Seromba*, [317].

<sup>104</sup> Mohajan, "The Rohingya Muslims in Myanmar".

<sup>105</sup> Mohajan, "The Rohingya Muslims in Myanmar", 12.

<sup>106</sup> Mohajan, "The Rohingya Muslims in Myanmar", 12.

<sup>107</sup> Medecins Sans Frontieres, "No One Was Left: Death and Violence Against the Rohingya in Rakhine State, Myanmar," published 12 March 2018, [https://www.doctorswithoutborders.ca/wp-content/uploads/2023/04/2018-03-no\\_one\\_was\\_left-advocacy\\_briefing\\_on\\_mortality\\_surveys.pdf](https://www.doctorswithoutborders.ca/wp-content/uploads/2023/04/2018-03-no_one_was_left-advocacy_briefing_on_mortality_surveys.pdf).

<sup>108</sup> Schaack, "Determining the Commission of Genocide in Myanmar", 300.

<sup>109</sup> Report of UNOHCHR, "Cox's Bazar: UN Special Rapporteur on Myanmar to Visit Bangladesh", published 3 February 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21197&LangID=E>.

<sup>110</sup> *Prosecutor v. Bagosora*, [2117]. See also, *Prosecutor v. Muvunyi*, [487].

<sup>111</sup> *Prosecutor v. Gacumbitsi*, [291].

<sup>112</sup> *Prosecutor v. Akayesu*, [711]-[712].

<sup>113</sup> *Prosecutor v. Jokic*, [646].

<sup>114</sup> *Prosecutor v. Jokic*, [663], [665]-[666].

more minor, temporary as such strong fear, intimidation, terror, or threat.<sup>115</sup> Young girls and women were the victims of rape, gang rape, and physical violence perpetrated by police and soldiers.<sup>116</sup> The report of UN Office of the High Commissioner for Human Rights (UNOHCHR) stated that of 101 women interviewed, most of them were being the victim of sexual violence and rape.<sup>117</sup> One victim testified that she was raped in front of her five-year-old daughter when her daughter was trying to save her mother, she got killed by the perpetrators.<sup>118</sup> Sexual violence and rape can be the cause of psychological damage which can be called a genocidal act.<sup>119</sup> Hence, these situations are leading towards serious bodily and mental harm which can be categorised as genocide.

Deliberate infliction does not mean the direct killing of people,<sup>120</sup> rather it means slow death due to lack of food, shelter, clothing, medical care, poor hygiene, or excessive workload.<sup>121</sup> As above, the government of Myanmar passed a discriminatory Citizenship Law. Afterward, a new citizenship law has been passed by General Ne Win in 1982, in which restrained them to equal access in the entire Myanmar.<sup>122</sup> Sometimes authorities confiscated food and livestock, and ruined all sources of food.<sup>123</sup> Therefore, situations created by the government of Myanmar led to conditions of deliberate inflictions such as slow death to destroy Rohingya Muslims as a whole or in part.

### *Specific Intend to Destroy the Muslim Rohingyas*

The ICTR and the ICTY have held that intention is determined on the facts and circumstances of each case.<sup>124</sup> Neither formal plans nor premeditation is required to

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<sup>115</sup> *Prosecutor v. Seromba*, [46].

<sup>116</sup> Human Rights Watch, "Burma: Security Forces Raped Rohingya Women, Girls," published 6 February 2017, <https://www.hrw.org/news/2017/02/06/burma-security-forces-raped-rohingya-women-girls>.

<sup>117</sup> Report of UNOHCHR.

<sup>118</sup> Human Rights Watch, "Burma: Security Forces Raped Rohingya Women, Girls."

<sup>119</sup> *Prosecutor v. Akayesu*, [507]-[508], [706]-[707], [731]-[733].

<sup>120</sup> *Prosecutor v. Stakic*, [518].

<sup>121</sup> *Prosecutor v. Kayishema and Ruzindana*, [115]-[116]. See also, *Prosecutor v. Brdjanin*.

<sup>122</sup> *Prosecutor v. Kayishema and Ruzindana*, [115]-[116].

<sup>123</sup> *Prosecutor v. Kayishema and Ruzindana*, [115]-[116].

<sup>124</sup> *Aloy Simba v. Prosecutor* [2007] Case No. ICTR 01 A, [264]. See also *Prosecutor v. Emmanuel Ndinabahizi* [2004] Case No. ICTR 2001 71 I, [454].

prove the intention to commit genocide. Rather, it can evolve through the activities of the perpetrators.<sup>125</sup> The ICC stated in *Al Bashir*<sup>126</sup> that when a concrete threat has been made against any protected group by the relevant conduct (*actus reus*) can be called genocide. When any protected group's existence is under a concrete threat by the relevant conduct, it is genocide. In August 2017, the government of Myanmar declared the Rohingyas a terrorist group and launched a "clearance operation" in Rakhine State.<sup>127</sup> In this operation, nearly 620,000 Rohingya people fled from Myanmar to Bangladesh.<sup>128</sup> In this operation, they wanted to clear the ethnic group as well as the religious group from Myanmar in the name of national security. In the OHCHR Report, victims were being taunted during the time of persecution that as they are Bangladeshis, they should go back to Bangladesh; otherwise, they will understand what the militants can do with them.<sup>129</sup> Hence, their intent to destroy the group is evident from the previous discussions.

### **Role Of Social Media In Inciting "Rohingya Genocide" In Myanmar**

Social media is a medium by which people can easily connect with anyone across the globe.<sup>130</sup> In this digital era, YouTube, Facebook, Twitter, Instagram, and other social media platforms are not only being used for social networking and sharing information. They also are platforms used to spread "hate speech", "incitements for genocide", and "targeting people for crimes".<sup>131</sup> In recent times, hate speech has been very common around all social media platforms as well as the dark side of the internet.<sup>132</sup> As a matter of fact, it is very difficult for people to identify true information.<sup>133</sup> The following discussion presents the role of social media in driving the Rohingya Genocide in Myanmar.

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<sup>125</sup> *Prosecutor v. Katanga* [2014] Case No. ICC-01/04-01/07, [1108]-[1110].

<sup>126</sup> *Prosecutor v. Omar Hassan Ahmad Al Bashir*, Case No. ICC-02/05-01/09, [124].

<sup>127</sup> Mohajan, "The Rohingya Muslims in Myanmar", 70.

<sup>128</sup> Mohajan, "The Rohingya Muslims in Myanmar", 70.

<sup>129</sup> Report of OHCHR mission to Bangladesh, "Interviews with Rohingyas Fleeing from Myanmar since 9 October, 2016," 3 February 2017, <https://www.refworld.org/docid/5899cc374.html>.

<sup>130</sup> Adams, "Hate Speech and Social Media".

<sup>131</sup> Adams, "Hate Speech and Social Media".

<sup>132</sup> Adams, "Hate Speech and Social Media".

<sup>133</sup> Fatma Elzahraa Elsayed, "Social Media Role in Relieving the Rohingya Humanitarian Crisis," *New Media and Mass Communication* 87, no. 1 (2020): 28, 29. DOI: 10.7176/NMMC/87-04.

## *Gathering Mass Support in Committing “Rohingya Genocide”*

Persecution of the Rohingya Muslims has been continuing for years, beginning immediately after the independence of Myanmar and taking concrete shape in 2017 when the government of Myanmar started operations against the Muslim Rohingyas.<sup>134</sup> However, Facebook fueled the fire to spread genocide in Myanmar.<sup>135</sup> According to the New York Times, the military of Myanmar used Facebook as a tool to spread hate speech and false news, incite violence, and create inflammatory posts against the Rohingyas for years.<sup>136</sup> It shows that the genocide against the Muslim Rohingyas was incited through Facebook. On 12 September 2018, the final report of the Fact-Finding Mission (FFM)<sup>137</sup> came out, where the members of the FFM called on the members of the military of Myanmar to investigate genocide, war crimes, and crimes against humanity.<sup>138</sup> Another report published by the U.S. State Department also showed evidence that the military of Myanmar instigated the genocide against the Rohingyas, which was well planned.<sup>139</sup> According to the New York Times, approximately 700 people worked on a secret operation which was started by the military people of Myanmar a few years back.<sup>140</sup>

The military made fake accounts where they posted false information and hate propaganda but with no direct link to the military, and developed these pages to have huge followings.<sup>141</sup> The pages cumulatively had almost 1.35 million followers.<sup>142</sup> These

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<sup>134</sup> Mohajan, “The Rohingya Muslims in Myanmar”, 71.

<sup>135</sup> Hakim, “How Social Media Companies Could Be Complicit in Incitement to Genocide” 86. <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1785&context=cjil>.

<sup>136</sup> Paul Mozur, “A Genocide Incited on Facebook, with Posts from Myanmar’s Military,” *The New York Times*, 15 October 2018, <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html?action=click&module=Top%20Stories&pgtype=Homepage>.

<sup>137</sup> A Fact-Finding Mission is a mission carried out by the United Nations with the intention to discover facts to the trouble areas.

<sup>138</sup> United Nations Human Rights Council, “Myanmar: UN Fact-Finding Mission Releases Its Full Account of Massive Violations by Military in Rakhine, Kachin and Shan States”, 18 September 2018, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>.

<sup>139</sup> Douek, “Facebook’s Role in the Genocide in Myanmar”.

<sup>140</sup> Mozur, “A Genocide Incited on Facebook”.

<sup>141</sup> Mozur, “A Genocide Incited on Facebook”.

<sup>142</sup> “Removing Myanmar Military Officials from Facebook”, Meta, last modified 28 August 2018, <https://about.fb.com/news/2018/08/removing-myanmar-officials/>.



were basically running as beauty information and independent entertainment pages<sup>143</sup> like “Young Female Teachers” or “Let’s Laugh Casually”.<sup>144</sup> These pages were mostly directed at escalating ethnic tensions to encourage ordinary people to involve the military for their protection.<sup>145</sup> This particular campaign to spread hatred is old now, but the military personnel of Myanmar have continued it to wage a psychological war based on Russian training.<sup>146</sup> One of the Commanders-in-Chief of the military posted on Facebook that they have to complete the “clearance operation” which is a part of their “unfinished job” of resolving the problem of Bengali People (pointing to the Rohingyas).<sup>147</sup>

One of the shocking examples is that of a Buddhist woman who was allegedly raped by a Muslim man that was spreading through a fake Facebook post which made a clash in Mandalay, which is the second-largest city in Myanmar,<sup>148</sup> where two people got killed, and almost 20 people got injured.<sup>149</sup> It was a false rumour that excited the Buddhist people, leading to the Mandalay clash. UN experts also made a statement in August 2018 that military commanders of Myanmar played a very important role in enabling the Rohingya people from Rakhine State through an attack which is Genocide.<sup>150</sup>

As most people did not have any knowledge of the internet in 2017, they believed the misinformation and propaganda about the Rohingya people.<sup>151</sup> A SIM card in Myanmar was expensive before (about \$200), but all of a sudden in 2013 it became accessible to all and dropped to about \$2 when they allowed the other companies.<sup>152</sup> Then they

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<sup>143</sup> Meta, “Removing Myanmar Military Officials from Facebook”.

<sup>144</sup> “Violence Conflict, Tech Companies, and Social Media in Southeast Asia”, The Asia Foundation, published 28 October 2020, <https://asiafoundation.org/wp-content/uploads/2020/10/Violent-Conflict-Tech-Co>.

<sup>145</sup> Mozur, “A Genocide Incited on Facebook”.

<sup>146</sup> Mozur, “A Genocide Incited on Facebook”.

<sup>147</sup> Douek, “Facebook’s Role in the Genocide in Myanmar”.

<sup>148</sup> Staff Reporter, “Facebook Admits It was Used to Incite Offline Violence in Myanmar,” *BBC News*, 6 November 2018, <https://www.bbc.com/news/world-asia-46105934>.

<sup>149</sup> Meghann Rhynard Geil and Lisa Inks, “Report: The Weaponization of Social Media”, Adapt Peacebuilding, January 22, 2020, <https://adaptpeacebuilding.org/blog/2019/12/20/the-weaponization-of-social-media> (accessed April 22, 2021).

<sup>150</sup> Staff Reporter, “Facebook Admits It was Used to Incite Offline Violence in Myanmar”.

<sup>151</sup> Staff Reporter, “Facebook Admits It was Used to Incite Offline Violence in Myanmar”.

<sup>152</sup> Staff Reporter, “The Country where Facebook Posts Whipped up Hate,” *BBC News*, 12 September 2018, <https://www.bbc.com/news/blogs-trending-45449938>.

reduced the price of mobile phones incredibly, which became accessible to the general people of Myanmar.<sup>153</sup> Most people started using Facebook, as other social media platforms like Google and WhatsApp did not allow access from Myanmar, while Facebook did.<sup>154</sup> At that time, approximately 18 million Myanmar people out of 50 million used Facebook regularly.<sup>155</sup> A *Reuters* special investigation report published in August 2018 found that more than 1,000 posts, images and comments targeted the Rohingya Muslims.<sup>156</sup> In several posts, Rohingyas were termed as “pigs” or “dogs”.<sup>157</sup> The term “kalar” is very derogatory and was used against Rohingya Muslims, leading to it being banned by Facebook in 2017, but the ban was subsequently revoked as the term has a dual meaning.<sup>158</sup> One of the Militants wrote that they must fight against the Rohingyas the way Adolf Hitler did with towards the European Jewish population.<sup>159</sup> Also, they called the Rohingya Muslims “maggots”, “dogs”, and “rapists” on Facebook.<sup>160</sup>

A young man from Myanmar made a post in September 2017 that read “I am always honing my sword to kill you shit kalar. You Kalar are the son of bitch, son of swine.”<sup>161</sup> With some of his pictures, this statement played a role like a sword.<sup>162</sup> It incited the people of Myanmar, to commit violence against the Rohingyas. Nay San Lwin, an active Rohingya activist who lived in Germany, said to the *Star Weekend* that Rohingya people were termed as illegal immigrants by Thura U Tin, Vice President of the National League for Democracy (NLD), in a *Radio Asia* interview on 11 October 2011. After that, the people of Myanmar started posting on Facebook about Rohingya people as illegal immigrants.<sup>163</sup> According to Lwin, another trigger point was in June 2012, when director-general of the

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<sup>153</sup> Staff Reporter, “The Country where Facebook Posts Whipped up Hate.”

<sup>154</sup> Staff Reporter, “The Country where Facebook Posts Whipped up Hate.”

<sup>155</sup> Staff Reporter, “Myanmar Rohingya: Facebook Still Hosts Hate Speech,” *BBC News*, 18 August 2018, <https://www.bbc.com/news/technology-45196167>.

<sup>156</sup> Steve Stecklow, “Why Facebook is Losing the War on Hate Speech in Myanmar,” *Reuters*, 15 August 2018, <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

<sup>157</sup> Stecklow, “Why Facebook is Losing the War on Hate Speech in Myanmar.”

<sup>158</sup> Staff Reporter, “The Country where Facebook Posts Whipped up Hate”.

<sup>159</sup> Staff Reporter, “Facebook Still Hosts Hate Speech”.

<sup>160</sup> Hakim, “How Social Media Companies Could Be Complicit in Incitement to Genocide”, 86.

<sup>161</sup> Maliha Khan, “Is Social Media Inciting Violence in Myanmar,” *The Daily Star*, 18 April 2018, <https://www.thedailystar.net/star-weekend/social-media-inciting-violence-myanmar-1561876>.

<sup>162</sup> Khan, “Is Social Media Inciting Violence in Myanmar?”

<sup>163</sup> Khan, “Is Social Media Inciting Violence in Myanmar?”

State Counselor of Myanmar, Zaw Htay, posted on Facebook that the Rohingya “terrorists” are entering Myanmar with weapons from Bangladesh.<sup>164</sup>

One of the anti-Rohingya committees, “Ma Ba Tha”, was banned by the government, which has been spreading hate propaganda against the Rohingya very openly for years.<sup>165</sup> However, it did not make any kinds of impact as Wirathu, head of that committee, was spreading rhetoric on Facebook by calling the Muslim Rohingyas “mad dogs” and “snakes” and also said that the Rohingyas were taking actions to convert Myanmar to an Islamic State.<sup>166</sup> On 30 July 2017, another post was made by the office of Suu Kyi stating that energy biscuits, which the UN provided, have been found in the “terrorist” camps of the Rohingyas.<sup>167</sup> Propaganda against Myanmar’s Muslim Rohingyas played an important role in triggering the violence and amplifying the grievance between different ethnic and religious groups.<sup>168</sup> Hence, through posting misinformation on social media, most people got to know about the hatred against the Rohingya people, and they began to participate in committing genocide.

### *Ever-increasing Women’s Participation in Mass Atrocity in Myanmar*

If we look at traditional studies, it is very evident that women played secondary roles in violence as supporters of males, or they became the easy victim of outrages. However, social media is now playing an incredible role in increasing women's active participation in mass atrocity.<sup>169</sup> Now, through social media, women are directly participating in violence which they did not do before.<sup>170</sup> Women basically used social media platforms to spread propaganda and partisan information, and to make contributions to tactical

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<sup>164</sup> Khan, “Is Social Media Inciting Violence in Myanmar?”

<sup>165</sup> The Asia Foundation, “Violence Conflict, Tech Companies, and Social Media in Southeast Asia”.

<sup>166</sup> Staff Reporter, “Facebook Still Hosts Hate Speech”.

<sup>167</sup> The Asia Foundation, “Violence Conflict, Tech Companies, and Social Media in Southeast Asia”.

<sup>168</sup> Geil and Inks, “Report: The Weaponization of Social Media”.

<sup>169</sup> The Asia Foundation, “Violence Conflict, Tech Companies, and Social Media in Southeast Asia”.

<sup>170</sup> Audrey Alexande, “Perspectives on the Future of Women, Gender, and Violent Extremism,” *Occasional Paper Series* (George Washington University) (2019) <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/Perspectives%20on%20the%20Future%20of%20Women%2C%20Gender%20and%20Violent%20Extremism.pdf>.

support but not usually as direct combatants.<sup>171</sup> It has been found in some of the research on extremist networks that women are far better networkers than men within online platforms and they also play roles as bookers and connectors.<sup>172</sup>

Women of Myanmar played an important role in Ma Ba Tha,<sup>173</sup> a Buddhist community that works on community and religious-based improvements and is used as a tool against the Muslim Rohingyas.<sup>174</sup> Most of the women learned about the community and their activity just because of social media like Facebook. Again, through social media, the barriers lowered dramatically for women's entry to Ma Ba Tha.<sup>175</sup> Women have played a new role in Ma Ba Tha's growth as they actively participate in social networking sites. Hence, through social media, women spread propaganda and hate speech and actively participate in violence.

#### *Growing Involvement of Youths in Mass Atrocity in Myanmar*

Social media gives a platform to extremist groups to reach out to vulnerable people and recruit them.<sup>176</sup> Young people are the most vulnerable to being affected by any kind of propaganda like hate speech, rumors, or fake news, which many easily believe as true.<sup>177</sup> Facebook is the most commonly used social media among the youths of Myanmar.<sup>178</sup> Most of young people responded to posts about hate speech and rumours through

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<sup>171</sup> Jytte Klausen, "Tweeting the Jihad: Social Media Networks of Western Foreign Fighters in Syria and Iraq," *Studies in Conflict and Terrorism* 38, no. 1 (2015): 1–22, <https://doi.org/10.1080/1057610X.2014.974948>.

<sup>172</sup> Klausen, "Tweeting the Jihad".

<sup>173</sup> The Asia Foundation, "Violence Conflict, Tech Companies, and Social Media in Southeast Asia".

<sup>174</sup> The Asia Foundation, "Violence Conflict, Tech Companies, and Social Media in Southeast Asia".

<sup>175</sup> The Asia Foundation, "Violence Conflict, Tech Companies, and Social Media in Southeast Asia".

<sup>176</sup> The Asia Foundation, "Violence Conflict, Tech Companies, and Social Media in Southeast Asia".

<sup>177</sup> "Fake News, Hate Speech on Social Media Impacting Myanmar's Youth", The University of Sydney, published 7 November 2019, <https://www.sydney.edu.au/news-opinion/news/2019/11/07/fake-news-hate-speech-on-social-media-impacting-myanmar-youth.html>.

<sup>178</sup> Brad Ridout et al., "Mobile Myanmar: The Impact of Social Media on Young People in Conflict-Affected Regions of Myanmar", Save the Children International, published November 2019, [https://www.savethechildren.es/sites/default/files/imce/docs/mobile\\_myanmar\\_report\\_short\\_final.pdf](https://www.savethechildren.es/sites/default/files/imce/docs/mobile_myanmar_report_short_final.pdf).

comments or emojis or shared propaganda without verifying the truth.<sup>179</sup> They uncritically believe the news they are getting from any social media platform, specifically Facebook.

In Myanmar, the youths are allegedly responsible for spreading hatred and false news throughout the country as they often share posts regarding anti-Muslim hatred.<sup>180</sup> A young man, 22 years of age from Kayah State, said that a person can make people believe what they want to believe through social media, more specifically, Facebook.<sup>181</sup> Some young females between 18-22 years of age told how they believed propaganda and misinformation spreading through Facebook repeatedly for a few days.<sup>182</sup> A 19 year old male from Rakhine State stated that a fight between young people in Rakhine and Chine communities was instigated through online propaganda.<sup>183</sup> Hence, these kinds of propaganda and misinformation led the youth to take wrong steps like involvement in anti-Muslim groups, as they are the most vulnerable to get affected.

## Conclusion

In this study; we observed that the Rohingya problem is a complex and controversial issue because of several opinions of their origin. However, it is very much evident from the history of the origin of the Rohingya people that they have been living in Rakhine State since the eighth century. Hence, they can be called citizens of Myanmar. But, the Myanmar government called the Rohingyas an indigenous race, illegal immigrants, and Bengalis. They were deprived of their fundamental rights, such as the right to vote and travel through the entirety of Myanmar through laws. Also, they were restricted from getting access to education and medical treatment. The Muslim Rohingyas have suffered abuses persistently. The government of Myanmar, police, and security forces engaged in violence such as torture, rape, arbitrary detention, and so on. Between 1977-1978 and 1991-1992, many operations have been launched against the Muslim Rohingyas, which

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<sup>179</sup> University of Sydney, "Fake News, Hate Speech on Social Media Impacting Myanmar's Youth".

<sup>180</sup> Ridout et al., "Mobile Myanmar: The Impact of Social Media".

<sup>181</sup> Ridout et al., "Mobile Myanmar: The Impact of Social Media".

<sup>182</sup> Ridout et al., "Mobile Myanmar: The Impact of Social Media".

<sup>183</sup> Ridout et al., "Mobile Myanmar: The Impact of Social Media".

compelled the Rohingyas to flee from Myanmar to save their lives. It is evident from the circumstances that Myanmar's security forces and the military committed genocide.

The paper argues that social media played a vital role in causing genocide in Myanmar against the Muslim Rohingyas. According to the New York Times, the military of Myanmar had used Facebook as a tool to spread hate speech, false news, incitement, and inflammatory posts against the Rohingyas for years. Approximately 700 people have been accused of working in a secret operation and participating in a psychological war that was started a few years back. The New York Times reported on fake Facebook accounts which were used systematically to encourage general people to participate in violence by escalating ethnic tensions. Also, they declared the ARSA to be a terrorist group and launched a clearance operation in Rakhine State.

It finds that social media caused devastation in committing genocide against the Rohingyas through the active participation of the common people of Myanmar, including the active participation of women and youth. By using social media platforms, women basically spread hate speech, and propaganda, supported tactical work and partisan tasks. They also get easy access to the Ma Ba Tha group due to social media. Youth are the most vulnerable group to get affected. Due to social media, they believed all the rumours spreading through Facebook that made tensions in the Rakhine community. The article thus concludes that social media plays an important role in inciting genocidal acts in Myanmar.

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