

Rohingya Quest for Citizenship in Myanmar

A Fact Finding Mission Report



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South Asians for Human Rights (SAHR)

345/18 Kuruppu Road (17/7 Kuruppu Lane)

Colombo 8, Sri Lanka

Telephone/Fax:+94-11-2695910

Email: sahr@southasianrights.org

Website: www.southasianrights.org

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The cover photos illustrate the inside of a shelter in Hindu Para Camp, and the exterior of Kutupalong Camp in Cox's Bazar, Bangladesh.

Contents

Executive Summary	vii
1. The Mission	1
Objectives of the mission	3
Methodology	3
Key findings	4
2. Background to the Recent Rohingya Crisis	5
Indigenous vs. immigrant origins	6
Stripped of nationality	8
Periodic Rohingya refugee exodus	8
3. Meeting the Challenge: Creating Order from Chaos	11
Mostly women and children	12
Government pushed to accept refugees	12
Prime Minister's nod	12
Army helps civilian administration	13
Refugee camps: maintaining a semblance of order	14
Aid delivery and coordination	15
4. Traumatized Refugees and the Condition of Camps	16
Kutupalong camp	16
Balukhali camp	18
Conditions in the camps	20
5. Woes of the Hindu refugees	23
Victims of extremists	24
Attacked by Muslim neighbours	25
Condition of the camp	26
6. Women and Children: Dealing with the Vulnerable	29
Condition of women	29
Condition of children	31
Human trafficking	33

7. Impact on Local Communities: Sympathy to Resentment	35
Growing resentment	35
Impact on the local economy	36
Decreased access to basic public services	37
Preying on Rohingya women	38
Deforestation, agro-economic impact and cultural threats	38
Fear of rising crime	39
Ease of movement disrupted	40
No local employment generation	40
Fear of the Rohingyas staying on	40
8. A Moment for Pause or Hasty Repatriation?	42
Bangladesh in a hurry to repatriate	43
“‘No going back without justice”: refugees	45
UNHCR on repatriation	45
9. Gaps in the Refugee Policy of Bangladesh	48
Birth, death and marriage registration	48
Women rape survivors and ‘war babies’	49
Children’s access to education	49
Decentralising refugee camps	49
Refugees and the right to work	50
Fear of Islamic radicalisation	50
Need for regional cooperation	51
Forensic documentation of violations	52
A comprehensive refugee policy	52
10. Conclusion and Recommendations	54

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Executive Summary

Nearly 720,000 Rohingyas became refugees in Bangladesh after they fled across the border, post 25 August 2017, from the Rakhine state of Myanmar, as a result of a campaign of ethnic cleansing by the Myanmar's military in response to attacks by the extremist militants of the Arakan Rohingya Salvation Army (ARSA).

From 7 – 11 December 2017, South Asians for Human Rights (SAHR), a regional network of human rights defenders, conducted a fact finding mission to the Rohingya refugee camps in Cox's Bazar, Bangladesh. The SAHR mission met numerous stakeholders including the refugees, the local community, the administrative authorities, law enforcement officials and civil society representatives in the area; local and international relief agencies working in the area; as well as the relevant officials of the government and civil society in Dhaka, in order to obtain a holistic perspective of the situation.

The mission found that Rohingya refugees who fled Rakhine state, a majority of them Muslim, have been stripped of their citizenship and other basic entitlements in Myanmar and have faced wide-ranging and extensive rights violations including killing, enforced disappearance, torture, sexual violence including rape, forced displacement, and destruction of property and livelihood due to the actions and omissions of the military and the state. Some of the Rohingya refugees with a Hindu background, who had Myanmar citizenship, allegedly fled due to violence from Muslim Rohingyas, who suspected the community of collaboration with Myanmar Buddhists, attacked them and appropriated their properties. Children and women who constitute a large number of the refugees are particularly vulnerable.

The mission commended the Government of Bangladesh's role in welcoming and supporting the refugees. It took note of how this timely response averted a much more serious humanitarian crisis by transforming an extremely chaotic situation into a relatively orderly process of relief provision and urgent humanitarian response. Despite being one of the poorest nations in South Asia, it has set an example for the rest of the world in terms of its openness to receiving refugees. It is also important to emphasise that the country managed this achievement in the absence of a national refugee policy.

Bangladesh has been host to Rohingya refugees from successive waves of migration since 1978, following periods of violence and unrest in the Rakhine State. The mission learned that the Government of Bangladesh currently identifies any Rohingya person who has come into the country since August as an 'Unregistered Myanmar National' (UMN) instead as a refugee, even though s/he can be clearly categorised as a refugee under the definition in the UN Convention on Refugees of 1951.

The Government of Bangladesh has earlier, in the 1990s, attempted to return refugees to Myanmar. There were also hundreds of thousands of unregistered Rohingya who lived in Bangladesh before 2017, including about 80,000 who fled a previous round of violence in October 2016. Even in 2015, border guards sent Rohingyas back to Myanmar, and there have been instances where the navy intercepted boats. The office of the United Nations High Commissioner for Refugees (UNHCR) was running a camp with 34,000 recognised refugees. Yet, hundreds of thousands were unregistered, and risked deportation. Bangladesh authorities reportedly often blocked humanitarian access and refugee protection in order to pre-empt any perceived “pull factor” for the Rohingya. However, after the August 2017 violence, as the Rohingya fled crimes against humanity in Myanmar, marking the fastest exodus of refugees since Rwanda, the Government of Bangladesh has practically accepted that there is little likelihood of immediate safe return.

Upon visiting the refugee camps in Cox’s Bazar and meeting local administrative authorities, relief providers and civil society representatives, the mission noted issues that need to be resolved to provide smooth delivery of relief for the refugees. Inadequacy of basic amenities such as food items, drinking and potable water, and nutritious packs for children; inadequate electricity and toilets and sanitation facilities in the camps; inadequate health services, including emergency medical facilities after 5pm, lack of education on reproductive rights and ante-natal health care services, psycho-social therapy and necessary treatment for victims of sexual violence and others ; lack of proper regard for the large number of children in the absence of adequate child friendly spaces, access to schools and necessary educational material and equipments; lack of attention towards the security of the inmates of the Hindu Rohingya refugee camp; and reports of persistent human trafficking victimising the refugees despite the tight security frame work.

The mission heard that local government and law enforcement officials are concerned about the possibility of radicalisation by Islamist organisations targeting the Rohingya refugees. As many vulnerable young people are left distraught after witnessing severe violence, there are real fears that the refugee camps could be used as a recruitment ground for extremist groups. Proactive measures must be taken to prevent such issues, if not taken could affect long term chances for repatriation of refugees as well as contribute to continued violence in Rakhine State.

The mission heard, in December 2017, that the refugee population exceeded members of the local community in Cox’s Bazar. A related perception that the needs of refugees are prioritised over those of the local community also appears to have prompted frustration among some locals and could fuel a growing resentment against refugees.

The scale of settlement, with nearly a million persons now residing in temporary shelters, is also a fire and environmental hazard. The shelters or tents now used are made of bamboo and plastic, which are highly inflammable. With the depletion of forest cover to build shelters, there are serious concerns of mudslides and flooding during the monsoon season.

The mission believes that the return of the Rohingya refugees from Bangladesh to Myanmar must be voluntary and there must be an environment conducive for them to return safely with full citizenship rights. The involvement of the office of the UNHCR is essential to this process, given it is a body which is mandated to protect refugees in the repatriation process, both in Bangladesh and Myanmar. International involvement is key to implementing the bilateral understanding between Bangladesh and Myanmar and the safe voluntary return of Rohingya refugees.

The SAHR mission also noted the lack of regional cooperation in the relief process and possible support to the Government of Bangladesh. There had not been any significant presence of official relief (in the form of monetary aid or expertise) from neighbouring SAARC countries, for example, in providing humanitarian aid, medical and health care services and technology. India, in particular, which has previously offered prompt assistance to other neighbours during natural disasters, including the tsunami in Sri Lanka and Maldives or the earthquake in Nepal, has not stepped up to assist Bangladesh in running the biggest refugee camp in the world. Instead, some South Asian countries have and are making attempts to send back the refugees who had arrived within their territories.

Taking into consideration the above context, the SAHR fact finding mission makes the following key recommendations:

To the Government of Myanmar:

1. Create an environment conducive for the safe return of Rohingya refugees by ending all violence, committing to end discrimination, recognising Rohingya's right to self identity, restoring their citizenship and recognising their human rights.
2. Refrain from inciting fear in the Rohingya persons who remain in Myanmar, resolve issues of food insecurity and blocked access to services in order to remove conditions that compel them to flee the country.
3. Ensure justice for gross human rights violations against Rohingya and establish an effective mechanism leading to inter-community reconciliation in the Northern Rakhine State.
4. Provide just reparation for returning refugees including compensation for lives lost, properties and places of worship that were damaged and burned by soldiers and restore land ownership.
5. Since provisions of the 'Bangladesh-Myanmar Arrangement on Return of Displaced Persons from Rakhine State' (Repatriation Agreement) compels returning Rohingya refugees to undergo a National Verification Card (NVC) process which undermines the voluntary nature of both repatriation and the NVC process, the citizenship verification process must be essentially separate from the repatriation process
6. Take appropriate measures to resolve citizenship issues for the Rohingya people by revising the Citizenship Law (1982) to bring it into line with international standards and best practices through the abolition of distinctions between different types of citizens; and amend the Race and Religion Protection Laws (2015) including the removal of provisions undermining the rights of women, children and religious minorities;
7. Ensure the Rohingyas' right to mobility, property, access to education, healthcare and other basic services, employment and language in the Northern Rakhine State in a just, accountable and transparent manner so that such humanitarian crises are not created again.
8. Adopt the recommendations of the Advisory Commission on Rakhine state chaired by Kofi Annan, which encourage reconciliation among the communities of Rakhine leading to peace, development and prosperity.

To the Government of Bangladesh

9. Improve coordination among the aid agencies and the local administration for effective service delivery. The Rohingya people were neglected in Myanmar and did not receive basic health services; aid agencies must coordinate to provide necessary inoculations to children, and urgent reproductive health services to women and girls.
10. Re-examine the appropriateness of the nutritional packages being supplied. Ensure continued access to food, shelter, health and clean drinking water in all sites, including spontaneous settlements and host communities, in particular to ensure access to health care for vulnerable people and for those with specific needs, including pregnant women.
11. Provide adequate lighting in streets and sanitation areas, for adequate security.
12. Urgently establish and facilitate a mechanism for psycho-social support for refugees. There should be particular focus on victims of sexual violence, particularly as a significant number of them might soon be delivering children from the rapes which occurred in Myanmar.
13. Undertake, with the assistance of the international community, all necessary preparations, including the preparation of emergency evacuation, relocation plans to safe and secure places, with the voluntary agreement of Rohingya refugees, to protect from the monsoon and cyclone season, which threatens to bring landslides, floods, and foreseeable casualties.
14. Enunciate a clear policy for refugees to access basic services such as hospitals and schools, and income generating opportunities, as well as legal aid to ensure access to justice.
15. Ratify the Convention and Protocol relating to the Status of Refugees of 1951, and adopt implementing legislation domestically, to ensure a rights-based national framework with respect to treatment of refugees.
16. Adopt long term policies and procedures to effectively deal with the refugee crisis, in compliance with relevant international norms and standards.
17. Take effective measures to prevent the influence of extremist forces and human traffickers in the refugee camps.
18. With reference to the list of 8,032 names of the refugees which Bangladesh has sent to Myanmar to be processed for repatriation, repatriation should not take place until safeguards are in place to ensure that Rohingya can return voluntarily and in conditions that are safe, dignified and sustainable.
19. The Rohingya refugees who are voluntarily repatriating should be informed of what they are going back to, given the fact that the region's landscape has been changed by the government of Myanmar and that it would be difficult for the returning refugees to locate their homes and land.

To humanitarian aid agencies:

1. Ensure better coordination among aid agencies and with civil society and Government for effective delivery of services to the refugees
2. Establish mechanisms for intra- and inter- agency cooperation to improve effective mobilisation of resources

3. Make a more concerted effort to enhance the capacity of government agencies and aid agencies in terms of expertise and resources.
4. Provide a cash allowance to refugees for their non-food and supplementary needs.

To all South Asian governments:

1. Come forward to share the responsibility of resolving the Rohingya refugee issue.
2. Ensure South Asian experts and volunteers can join hands with Bangladeshi counter-parts to manage this crisis, which is not likely to be resolved within a short period.
3. Facilitate movement and access of civil society organizations across South Asia to continue responding to the refugee crisis, and
4. Undertake regional cooperation to help Bangladesh and Myanmar ensure the safe and voluntary return of Rohingya refugees with the dignity and rights due to them.

1

The Mission

Bangladesh has witnessed an unprecedented presence of Rohingya refugees from Myanmar, beginning from 25 August 2017, due to the brutal acts of violence perpetrated by the Myanmar Army on the Muslim minority in the Northern Rakhine state. Nearly 650,000 refugees came into Bangladesh within 12 weeks. This scale and pace of this exodus shocked both Bangladesh and the international community. At the height of the crisis, an average of 12,000 refugees per day were crossing over to Bangladesh from Myanmar, causing a humanitarian crisis.

Prompted by the crisis, SAHR with the support nationally of Research Initiatives Bangladesh (RIB) and locally in Cox's Bazaar, of Jago Nari Unnayan Sangstha (JNUS), conducted a fact-finding mission from 7 to 11 December 2018, to examine the situation of the Rohingya refugees who had been rendered homeless and stateless, and the impact of their presence on Bangladesh. The mission was led by Ms. Sultana Kamal, a lawyer, human rights activist and the SAHR Chairperson. Its other members were: Ms. Sara Hossain, a lawyer of the Supreme Court of Bangladesh and SAHR Bureau Member, Mr. Bharat Bhushan, a journalist and former Editor from India, Ms. Jeehan Mahmood, a former Commissioner of the Human Rights Commission of Maldives; Mr. Rajendra Ghimire, a human rights lawyer and Chairperson of the Executive Board of Forum for Protection of Peoples' Rights Nepal (PPR Nepal); and Ms. Deekshya Illangasinghe, Executive Director of SAHR.

This fact-finding mission was the first South Asian regional initiative of its kind to probe into the Rohingya refugee crisis, and their situation within Bangladesh.

The Rohingya are not included in the Myanmar government's list of 135 recognised ethnic groups and are considered outsiders and illegal immigrants. The UN Experts' Report released on 11 October 2017, based on the interviews of 65 Rohingya refugees in Cox's Bazaar, concluded that the Myanmar security forces deliberately destroyed property, fields, food stock, livestock and human life in order to chase the minority Rohingyas out of the country.¹ The Experts' Report further revealed that the cleansing operation against the Rohingyas had been conducted by the Myanmar Army well before the militant attack on the intervening night of 24 and 25 August 2017. The Myanmar security forces,

¹ Mission Report of OHCHR Rapid Action Mission to Cox's Bazar, Bangladesh, 13 -24 September, 2017, <http://www.ohchr.org/Documents/Countries/MM/CXBMissionSummaryFindingsOctober2017.pdf>

however, used the attack by the militants to rationalise their brutal retaliation, ostensibly to suppress the militants, thereby triggering the latest refugee emergency.²

Bangladesh is not a state party to the Refugee Convention of 1951 or the Refugee Protocol of 1967. Currently, it is hosting about 878,596 Rohingyas,³ including those who came to Bangladesh from Myanmar prior to 2017. A majority of these people live in camps in the Cox's Bazar District of the Chittagong Division. The Government of Bangladesh identifies a Rohingya person as an 'Unregistered Myanmar National' (UMN) instead of as a refugee, even though s/he can be clearly categorised as a refugee under the definition of the 1951 UN Convention on Refugees.⁴ This term, adopted by the Government for political reasons had aided in manipulating the loopholes of the national laws and regulations to assist the Rohingya people who have entered into the country.

Initially, when the latest exodus commenced in August 2017, the Government of Bangladesh pushed back Rohingyas who were coming in large numbers.⁵ Since then, the Government of Bangladesh has held discussions with the Government of Myanmar regarding the safe return to Myanmar of the recently received refugees. Although it had initially proposed a tripartite agreement involving the UN to streamline the process,⁶ eventually it reached a bilateral "arrangement" with Myanmar for the repatriation of the refugees.⁷

Economic experts have alerted the Government of Bangladesh of the negative repercussions on the economy from hosting the Rohingya refugees.⁸

Rohingya refugees have returned to Myanmar earlier. In 1991-92, approximately 250,000 Rohingyas fled the Rakhine state for Bangladesh owing to discrimination, violence and the imposition of forced labour practices. Most of these refugees returned between 1993 and 1997 under a repatriation program arranged through the auspices of the United Nations High Commissioner for Refugees (UNHCR).⁹

² Attacks against Rohingya 'a ploy' to drive them away; prevent their return – UN rights chief, UN News Center, 11 October, <http://www.un.org/apps/news/story.asp?NewsID=57856#.WeGBCFuCziU> (accessed 10 January 2018); Rohingya Muslims 'being starved out' by Burmese army as new surge crosses into Bangladesh, The Telegraph, 12 October, <http://www.telegraph.co.uk/news/2017/10/12/burmese-army-using-starvation-new-tool-drive-rohingya-burma/> (accessed 10 January 2018).

³ Population fact sheet as of 30 April 2018, https://data2.unhcr.org/en/situations/myanmar_refugees

⁴ UN Convention on refugees of 1951

⁵ Exclusive: Crowded Bangladesh revives plans to settle Rohingya in an isolated island, Reuters, 5 September 2017, <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh-exclusive/exclusive-crowded-bangladesh-revives-plan-to-settle-rohingya-on-isolated-island-idUSKCN1BG1WN>; PM Hasina stands up for Rohingya, 12 September 2017, Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/nation/2017/09/12/hasina-kutupalong-refugee-camp/>

⁶ Bangladesh minister wants UN in tripartite deal to return Rohingyas to Myanmar, BDNews 24.com, 21 September, <https://bd-news24.com/bangladesh/2017/09/20/bangladesh-minister-wants-un-in-tripartite-arrangement-to-send-rohingyas-back-to-myanmar> (Accessed 10 January 2018); Bangladesh: Myanmar proposes Rohingyarefugee return, Al Jazeera, 2 October, <http://www.aljazeera.com/news/2017/10/bangladesh-myanmar-proposes-rohingya-refugee-return-171002114238000.html> (Accessed 10 January 2018).

⁷ Bangladesh, Myanmar finally strike Rohingya repatriation deal; Dhaka Tribune; 23 November 2017. <http://www.dhakatribune.com/bangladesh/foreign-affairs/2017/11/23/bangladesh-myanmar-finally-strike-rohingya-repatriation-deal/> (Accessed 8 January 2018).

⁸ Rohingya influx may hurt Bangladesh economy, Dhaka Tribune, 19 September 2017, <http://www.dhakatribune.com/bangladesh/2017/09/28/rohingya-influx-may-hurt-bangladesh-economy/>; Life in limbo: the Rohingya refugees trapped between Myanmar and Bangladesh, The Conversation, <https://theconversation.com/life-in-limbo-the-rohingya-refugees-trapped-between-myanmar-and-bangladesh-71957>; in the conversion 1 crore = 10 million

⁹ Human Rights Watch; Burma/Bangladesh – Burmese refugees in Bangladesh – Summary; <https://www.hrw.org/reports/2000/burma/burm005.htm> (Accessed 8 January 2018).

Objectives of the mission

The Rohingya refugee crisis has affected several nations in South Asia.¹⁰ SAHR's interest in carrying out a mission to Bangladesh arose from its concern with the rights and welfare of the Rohingya refugees, their future, and the social and economic impact of their presence in such large numbers on the society in Bangladesh, especially on local communities. The mission examined the situation of the refugees, taking into account the internal and external factors affecting the current 'emergency' situation.

The Objectives of the mission include analysing:

1. the background to the humanitarian crisis in Bangladesh due to the refugee emergency, particularly the impact on Bangladesh's social and economic condition in hosting Rohingya refugees subsequent to 25 August 2017;
2. the response of governments, at regional and international levels, and UN agencies to the Rohingya refugee crisis;
3. the role and relevance of SAARC in the crisis and the need for launching and strengthening a regional framework for refugee protection in the region; and
4. all other matters relevant to the issue of Rohingya refugees fleeing to Bangladesh from Myanmar.

Methodology

The mission relied on collecting primary information from visiting the refugee camps through one-to-one interviews, observations and focus group discussions with refugees, relief workers and authorities. During the mission, the members visited the refugee camps at Kutupalong, Balukhali and Hindu Para in Ukhiya Upazila (sub-district), in Cox's Bazar District in Chittagong Division. Mission members also visited 'Zero-Point' at Tumburu, at the Bangladesh – Myanmar border where some refugees were settled in the 20-yard "No-Man's-Land."¹¹

By way of one-to-one interviews as well as focus group discussions with the both male and female refugees, and separate discussions with female refugees in a secure and conducive environment, the mission sought to capture as many refugee voices as possible. Rohingya individuals interviewed by the Mission have been given pseudonyms throughout this report in order safeguard their identity, and for reasons of confidentiality and security.

To grasp a holistic picture of the situation at both district and at national level, mission members held discussions with local district civil administration officials, the police, authorities of the Ministry of Foreign Affairs, Bangladesh, UN agencies including the UNHCR and International Organisation for Migrants (IOM), representatives of civil society organisations, rights activists, journalists, local community leaders and NGOs in Cox's Bazar and Dhaka.

¹⁰ Rohingya Refugees in Sri Lanka Now All at Sea, Daily Mirror Plus, 12 October 2017; How the Indian Government is Keeping Rohingya out, The Economic Times, 15 October 2017, <https://economictimes.indiatimes.com/news/politics-and-nation/how-the-indian-government-is-keeping-rohingya-out/articleshow/61082752.cms>

¹¹ A strip of land between the borders of two countries which no one controls. The term has its origin from the distance between the front lines or trenches of two rival armies. See, for example, https://en.oxforddictionaries.com/definition/no_man%27s_land and <https://www.collinsdictionary.com/dictionary/english/no-mans-land>

The mission utilised secondary data, including published documents, research papers, policy briefs and situation reports prepared by aid agencies, and news reports.

Key findings

The background description of the present crisis in this report is based on secondary sources. The key findings of the mission are set out under several chapters: an unprecedented refugee crisis; traumatised refugees and the condition of camps; woes of the Hindu refugees; women and children; dealing with the vulnerable; impact on the local communities; hasty repatriation; and an urgent agenda for action.

Chapter three deals with how Bangladesh, with the help of its army, local administration, the international community, and civil society, has been able to convert a potentially chaotic situation into an orderly process, and how this objective was achieved. The next chapter records the voices of the Rohingya refugees, recounting the horrors they went through before fleeing for their lives. It also takes stock of the living conditions in the camps and the gaps that exist in the relief /aid distribution process.

A separate chapter focuses on the situation of the Hindu refugees from the Rakhine state who were sheltered in a camp set up in a local Hindu village. Their case was different from that of the Muslim Rohingyas, as the Hindu refugees believed that they were the victims of some of the Muslim Rohingyas and the Arakan Rohingya Salvation Army (ARSA). They had no complaints against the Myanmar Army or the Government.

The chapter on women and children deals with the special needs of these two vulnerable segments of the refugee population. It also discusses the dangers of human trafficking and the need for preventive measures.

The impact of the presence of a large number of Rohingya people on the local community analyses that the initial sympathy of the locals has slowly been changing to resentment, fuelled by social and economic fears.

The chapter on repatriation and the future prospects of the Rohingya refugees discusses the approach of the Government of Bangladesh to repatriation of the refugees, and contrasts it with the wishes of the refugee population and the views of international aid agencies and rights organisations.

The last chapter of the report concludes that the current refugee situation may be prolonged and that pending a voluntary, safe and dignified return of the refugees, there is a long list of actions that need to be initiated by governments in the region and the international community, to meet their current and future needs.

2

Background to the Recent Rohingya Crisis

During the early hours of 25 August 2017, an extremist Islamist group calling itself the Arakan Rohingya Salvation Army (ARSA, local name, *Harakah al-Yaqin*) reportedly launched a coordinated attack on 30 police posts and one military outpost in the Rakhine state of Myanmar. In all, 71 people died in the attack, including 12 security personnel.

These attacks led to severe reprisals from the Myanmar Army on the entire Rohingya population of the area, resulting in an exodus of Rohingya civilians to Bangladesh. The Myanmar military claimed that it was fighting the insurgents, but to others it seemed a brutal campaign to drive out the Muslim population of the Rakhine province.¹²

Notably, the attacks by ARSA came a day after the Myanmar government appointed Kofi Annan Commission on the Rakhine State submitted its report to the State Counsellor and the *de facto* Foreign Minister, Aung San Suu Kyi.¹³ The Kofi Annan Commission, also known as the Rakhine Commission, had made path-breaking recommendations which included, among others, reviewing citizenship laws and aligning them with international laws, hastening the process of citizenship verification, clarifying the status of those denied citizenship, and rethinking the present linkage under Myanmar law between citizenship and ethnicity.¹⁴

In the event, the attacks by ARSA became the ‘justification’ for a reign of terror unleashed by the Myanmar Army upon the Rohingya. Since 25 August 2017, the army crackdown has led to a staggering number of over 713,909 Rohingya refugees fleeing the violence in the Rakhine province to Bangladesh.¹⁵ The IOM has described the exodus as, “unprecedented in terms of volume and speed”,

¹² At least 71 killed in Myanmar as Rohingya insurgents stage major attack. 25 August 2017. <https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-as-rohingya-insurgents-stage-major-attack-idUSKCN1B507K> and, Myanmar: What sparked latest violence in Rakhine? 19 September 2017 <http://www.bbc.com/news/world-asia-41082689> (Accessed 20 December, 2017)

¹³ Towards a peaceful, fair and prosperous future for the people of Rakhine, August 2017, http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf

¹⁴ *Ibid*

¹⁵ UNHCR. Bangladesh Refugee Emergency Population Fact Sheet, as of 30 April 18, <https://data2.unhcr.org/en/documents/download/63459>

and Zeid Ra'ad al-Husseini, the UN's Human Rights Chief, has called it a "textbook example of ethnic cleansing".¹⁶

The Rakhine province of Myanmar, which borders Bangladesh, was formerly known as Arakan. It is separated from Bangladesh by a land border as well as a riverine border – the Naf River and its estuary.

Indigenous vs. immigrant origins

The Rohingyas are Muslims residing in the northern part of the Rakhine state of Myanmar, and describe themselves as descendants of Arab traders and others who settled there generations ago.¹⁷

There are two clear historical narratives about the origin of the Rohingyas – one that claims that they are native to Arakan (modern day Rakhine state) and descendants of early converts to Islam in the eighth century, with a distinct culture and an indigenous ethnic identity; and the other that they are illegal settlers from Bangladesh.

There seem to be several time periods – some more mythological than historical and others with historical evidence – of Muslim presence in the Arakan region.

Those who believe that the Rohingyas are indigenous to the region claim, although with no archaeological evidence *per se*, that the present day Rohingyas are descendants of Arab Muslim merchants who accidentally landed in the region because of ship-wrecks, intermarried locally, and settled down.

There are others who argue that the Rohingyas are descendants of Syed Mohammad Hanifa, one of the sons of the Fourth Caliph of Islam, Hazrat Ali, who fled the Battle of Karbala and set sail for China. When he reached Arabsha Para (present day Maungdaw) he was confronted by Queen Kaiyapuri who ruled the region. After Hanifa defeated her, her subjects converted to Islam. Hanifa and his men settled down there and intermarried with the local population.¹⁸

The second period of the presence of Muslims in Arakan seems to be the period of the Mrauk-U dynasty (1430-1785). King Min Saw Mon, the founder of the dynasty had been deposed by the Burmese King and had fled to Bengal. After 22 years in exile, he regained the throne with the military assistance of the ruler of Bengal. His Bengali retainers were allowed to settle down in the region. They seem to be the second batch of Muslims in Arakan.¹⁹

¹⁶ The Rohingya refugee crisis is the worst in decades, The Economist. <https://www.economist.com/blogs/graphicdetail/2017/09/daily-chart-13> (Accessed 20 December 2017)

¹⁷ This community describes itself as 'Rohingya' – the implicit suggestion is that they were original inhabitants of the Arakan region which, some historians claim used to be called 'Rohang', 'Rohan' or 'Rosham'. On the other hand, the Myanmar government calls them 'Bengalis' or 'Kalar' (from Kala, meaning black in colour), implying that they are not of the Mongoloid stock as the other inhabitants of the country, and are immigrants or descendants of immigrants from the neighbouring Chittagong in Bangladesh.

¹⁸ Keith A Leitich, Decoding the Past: The Rohingya Origin Enigma. Pp-5-6. http://www.academia.edu/6591213/Decoding_the_Past_The_Rohingya_Origin_Enigma (Accessed 20 December 2017)

¹⁹ Aye Chan, The Development of a Muslim Enclave in Arakan (Rakhine) State of Burma (Myanmar). SOAS Bulletin of Burma Research, Vol. 3, No. 2, Autumn 2005, ISSN 1479-8484. <https://www.soas.ac.uk/sbbr/editions/file64388.pdf> (Accessed 20 December 2017)

The third stream of Muslim presence in the region came from Bengal because of the slave trade, and by the middle of the 17th Century, the Muslim population of the Arakan region is believed to have grown because of the Bengali slave workforce.²⁰

The fourth period which saw a large arrival of Muslims in the Arakan region was when the British East India Company occupied it and extended the administration of Bengal to Arakan. This meant that there was no international boundary between Bengal and Arakan, and that there was free movement of people across the two regions, with no restrictions.

In fact, during the Burmese occupation of the region from 1784 to 1824, a large portion of the Arakanese population had been deported to Central Burma, and others had fled in large numbers to Chittagong in British Bengal, seeking protection.²¹

Due to their link to the Bengal, these people were not accepted by the local Buddhist Burmese population, but they seemed to have lived in peace during the colonial period, even though anti-Indian riots were witnessed in Rangoon against immigration from Bengal. Violence against Muslims by the Buddhist population of Arakan began only after 1942, when the British administration withdrew to India in the face of the Japanese advance on Burma. Suddenly, the local Buddhists and the Muslims found themselves at war with each other.

Nemoto notes:

“The confrontation came to a head during the Japanese occupation period (1942-45), when Japan armed the Buddhist Arakanese in order to fight against the British and the British used Muslim forces for counterattack. It resulted in serious Muslim/Buddhist clashes and both communities experienced heavy damage. The situation did not change even after independence of Burma in 1948. There were some attempts at building a stable and peaceful coexistence of the Muslims and Buddhists in Arakan, but it ended in vain after Ne Win’s coup in 1962, which brought Burma into a strongly centralized socialist state under the monopolized control of the Army.”

Although historians are divided on the indigenous versus immigrant origins of the Rohingyas, this difference in categorising could be considered a crucial element for Rohingya issues including citizenship. However, for a brief period, the post-colonial government in Myanmar has refused to recognise them as indigenous inhabitants and therefore as citizens.²²

²⁰ *Ibid.* p.398.

²¹ As the area was sparsely populated when the British occupied it, the East India Company encouraged the Bengali inhabitants from the adjacent areas to migrate to the fertile valleys of Arakan as agriculturalists. Besides those Bengali migrants who received land leases from the British as ‘zamindars’ (landowners), Bengalis from Chittagong also came as seasonal agricultural labour. *Ibid.* p. 401. In fact, Aye Chan notes, “The flow of Chittagonian labour provided the main impetus to the economic development in Arakan within a few decades, along with the opening of regular commercial shipping lines between Chittagong and Akyab. The arable land expanded to four and a half times between 1830 and 1852, and Akyab became one of the major rice exporting cities in the world.” He concludes that during the one hundred years of colonial rule, the Chittagonian immigrants became the dominant group in the Mayu frontier. The Mayu frontier district consisted of Maungdaw, Buthidaung and a part of the Rathedaung towns in northern Rakhine. It was named after the Mayu River which runs through the area. Gregory B Poling, Separating Fact from Fiction about Myanmar’s Rohingyas. Center for Strategic and International Studies; 13 February 2014. <https://www.csis.org/analysis/separating-fact-fiction-about-myanmar%E2%80%99s-rohingya> (Accessed 21 December, 2017)

²² The cut-off point for recognition as indigenous inhabitants seems to be the year 1823, a year before the Anglo-Burmese War. Kei, Nemoto, The Rohingya Issue: A Thorny Obstacle between Burma (Myanmar) and Bangladesh. http://www.burmalibrary.org/docs14/Kei_Nemoto-Rohingya.pdf, p. 10. (Accessed 20 December 2017)

Stripped of nationality

Although the U Nu government (1948-58, 60-62) recognised the Rohingyas as an ethnic group, the Ne Win government (1962-1988) stripped them of their nationality and designated them as illegal immigrants under the 1974 Emergency Immigration Act. They have continued as stateless inhabitants of Myanmar since then.

The present quasi-democratic government has not tampered with the previous military government's recognition in 1982 of only 135 ethnic groups as Myanmar nationals - the Rohingyas are still excluded from the list. The 1982 Burmese Citizenship Law further underlined their statelessness.

The 1982 Citizenship Law recognises three categories of citizens – “genuine” citizens or indigenous people who were present in the country before 1823, or a year before the Anglo-Burmese War; “associate” citizens (mostly products of mixed marriages between “genuine” indigenous people and post-1823 immigrants who obtained citizenship under the 1948 Union Citizenship Act; and naturalised citizens who were naturalised after the repeal of the 1948 Union Citizenship Act. These three categories have differing rights in accessing services ranging from government employment to entering institutions of higher learning and universities.

The Rohingyas are not included in any of the three categories and therefore, not issued the National Registration Certificate given to all categories of citizens above the age of 15. They are instead forced to accept a Foreigner Registration Certificate.²³

Periodic Rohingya refugee exodus

This is not the first time that the stateless Rohingyas have fled violence against them by the Myanmar Army.

The first entry of Rohingya refugees in large numbers to Bangladesh took place in 1978 - four years after the enactment of the 1974 Emergency Immigration Act. In 1977, the Burmese government organised a census under Operation “Naga Min”, or Dragon King, to identify illegal immigrants in certain areas including regions of the Arakan state. When the immigration police reached the area, about 200,000 to 250,000 people fled or were expelled and moved to Teknaf upazila and the district of Cox's Bazar in Bangladesh.

The military government, which followed the failure of the democracy movement of 1988, increased the presence of the military in the Arakan region, especially North-western Arakan. The military junta which had taken over after nullifying the elections of 1990 (in which many Rohingyas voted), justified the military presence as necessary to take on the Rohingya extremists.

The Army commandeered the Rohingyas for forced labour for construction of army establishments and roads.²⁴ It also began a process of settling Buddhist Rakhines in the townships of Buthidaung and Maungdaw.²⁵ In the resulting conflict between the Muslims and the Buddhists, the Myanmar Army

²³ *Ibid.*

²⁴ Kei Nemoto, op. cit. p. 6

²⁵ *Ibid.*

backed the latter, burned down mosques, confiscated land and property and indulged in acts of rape, summary execution and torture against the local Muslim population.²⁶

This triggered the second Rohingya exodus between April 1991 and May 1992, and about 250,000 refugees landed up in neighbouring Bangladesh.²⁷

Initially the refugees were housed in 20 camps that were constructed in 1992 in south-western Bangladesh. Of these, only two, at Nayapara camp near Teknaf and Kutupalong camp near Ukhiya, remain.

Between September and December 1992, the Bangladesh government began forced repatriation of the Rohingyas without UNHCR involvement and came in for severe criticism from the international community.²⁸ To safeguard the interests of the refugees, a Memorandum of Understanding was signed between the UNHCR and Bangladesh, and another between the UNHCR and Myanmar. However, by 1994, no more than 60,000 refugees had agreed to return.²⁹ A report by Médecins Sans Frontières (MSF) showed that 63% of the refugees did not want to return and 65% were not aware that they could refuse repatriation.³⁰ Repatriation peaked in mid-2003 but there has been no repatriation since 2005.³¹

Up to mid-1997, nearly 230,000 refugees had been repatriated.³² Rohingyas arriving in Bangladesh after 1992 have been declared “illegal migrants” and are refused space in the remaining two camps at Nayapara and Kutupalong, which together housed about 22,000 refugees in 2002.³³

The third Rohingya exodus took place in 2012, following sectarian violence between the Arakanese Buddhists and the Rohingya in June, with the Government destroying mosques, conducting mass arrests and blocking aid to displaced Rohingya Muslims, causing a large number of refugees to enter into Bangladesh from the total of 140,000 persons internally displaced due to the violence.³⁴ However, there were reports that most were pushed back by the Bangladesh government.

The next exodus from Myanmar began after armed Rohingya militants, from a group called Aqa-Mul-Mujahidin, stormed police stations in Maungdaw Township plundering and killing nine police officers, and wounding another five on 9 October 2016.³⁵ In response, the Myanmar army and police sought out and attacked Rohingya villages, targeting and killing many innocent civilians. Over 90 innocent

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.* pp.6-7.

³⁰ Kei Nemoto, *op. cit.* p. 7.

³¹ Meghna Guhathakurta; The Bangladesh-Myanmar Border. Foreign and Commonwealth Office and Queen Mary University. Private communication.

³² *Ibid.*

³³ Médecins Sans Frontières – Holland, *op.cit.* p.29.

³⁴ Jack Goodman; No respite for Rohingya in Bangladesh. Al Jazeera. 16 January 2014. <http://www.aljazeera.com/indepth/features/2014/01/no-respite-rohingya-bangladesh-201411675944519957.html> (Accessed 21 December, 2017).

³⁵ Myanmar says nine police killed by insurgents on Bangladesh border; Reuters. 9 October 2016. <https://www.reuters.com/article/us-myanmar-border/myanmar-says-nine-police-killed-by-insurgents-on-bangladesh-border-idUSKCN1290SP> (Accessed 19 January 2018); Caleb Quinley; Violence Erupts in Myanmar’s Rakhine State. The Diplomat. 18 October 2016. <https://thediplomat.com/2016/10/violence-erupts-in-myanmars-rakhine-state/> (Accessed 21 December 2017).

Rohingya civilians were reportedly killed and over 400 homes from seven villages were torched by the army.³⁶ The net result of the retaliatory action of the Myanmar security forces was that 66,000 Rohingyas sought refuge in Bangladesh.³⁷

The latest arrival of the refugees began on 25 August 2017 and is unprecedented in scale and complexity.

³⁶ Joint Press Statement; Arakan Rohingya Union and European Rohingya Council; 16 October 2016. <http://www.theerc.net/2016/10/joint-press-statement-2.html> (Accessed 19 January 2018).

³⁷ OHCHR Flash Report. Interviews with Rohingyas fleeing from Myanmar since 9 October 2016. 3 February 2017. <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>. (accessed 21 December 2017).

3

Meeting the Challenge: Creating Order from Chaos

During the latest Rohingya arrival, at its peak, about 12,000 refugees were crossing over per day and the UN designated it as the highest category of crisis the world faced, a L3 crisis.³⁸

Within three months since the refugee flow began on 25 August 2017, the number of refugees in Cox's Bazar tripled, with the total number of refugees who had crossed over estimated to be 655,000.³⁹ With 307,500 Rohingya refugees already living in Bangladesh, this took the total number of Rohingya refugees in Bangladesh to nearly one million. Nearly 70% of the refugee families are from Maungdaw, 24% from Buthidaung, and a small proportion from Rathedaung and other areas of the Rakhine province.⁴⁰ There were more than 2,200 new arrivals between 1 and 26 December 2017, a significant decrease in arrival trends compared to November, which saw the arrival of over 12,700 refugees.⁴¹

According to data collected by UNHCR, “one-third of the families are vulnerable. 14% are single mothers holding their families together with little support in harsh camp conditions. Others are struggling with serious health problems or disabilities. Moreover, there is a high proportion of elderly people at risk, as well as unaccompanied and separated children, some of them taking care of younger siblings.”⁴²

Children made up 54% of the total population; women or girls are 52%. Nearly 3.75% of the refugee families are headed by children, presumably because the adults in the family have either gone missing or have been killed, 2.31% of the population are separated children and 1% consists of unaccompanied children.⁴³

³⁸ A L3 category humanitarian emergency requires inter-agency response from the UN. A L1 category emergency can be handled locally (e.g. a cyclone) while a L2 crisis requires a regional response.

³⁹ UNHCR. Operational Update. 26 December 2017. <https://reliefweb.int/report/bangladesh/unhcr-bangladesh-operational-update-26-december-2017> (Accessed 19 January 2018).

⁴⁰ UNHCR Bangladesh Operational Update, 17 December 2017; <https://reliefweb.int/report/bangladesh/unhcr-bangladesh-operational-update-17-december-2017> (Accessed 19 January 2018).

⁴¹ UNHCR Bangladesh Operational Update, 27 December 2017 - 7 January 2018; <https://reliefweb.int/report/bangladesh/unhcr-bangladesh-operational-update-27-december-2017-7-january-2018> (Accessed 19 January 2018).

⁴² Data collected till 23 December 2017. UNHCR Bangladesh - Family Counting - Total Individuals. 23 December 2017. https://data2.unhcr.org/en/situations/myanmar_refugees (Accessed 19 January 2018).

⁴³ *Ibid.*

Mostly women and children

About 52% of the refugees are women or girls -- mostly young with only 3.4% elderly (above 60) among them. The estimates of pregnant or lactating women range from 34,000 among the new refugees (those who came after 25 August) to 120,000 in the total population of old and new Rohingya refugees.⁴⁴

Between 25 August and the month of September, according to UN officials, there were hardly any young men among the refugees crossing over to Bangladesh. However, the situation changed from November onwards when some young men also started coming as refugees. This was confirmed by the district level government officials in Cox's Bazar.⁴⁵

Government pushed to accept refugees

Before the refugee arrival started on 24 and 25 August, the district administration in Cox's Bazar knew of the developments in Myanmar. Consequently, the initial response of the Bangladesh Government was to push back the refugees. On 24 August, the Border Guards Bangladesh (BGB) reportedly pushed back 146 refugees, including women and children, who had crossed the Naf River, after providing them some initial care.⁴⁶ However, the inward movement into Bangladesh of refugees which started from 25 August could not be stopped.

The local administration was taken aback by the sheer scale and pace of the refugee inflow, and was unsure of its role towards the refugees. A local district administration official recalled: "In August, when this started, the entire administration - the district police and the government staff - were working to deal with the refugee situation. In the beginning when we started, there were so many people and it was raining so hard in the area that we were quite worried about the risk of disease spreading. You cannot imagine what it was like then - lakhs of people streaming in during both day and at night. As there was no clear direction or policy, no one in the administration knew what to do."⁴⁷

Prime Minister's nod

It was only after the Prime Minister of Bangladesh Sheikh Hasina visited the refugees in Ukhiya on 12 September 2017 that a clear signal was given that Bangladesh will be sympathetic to the Rohingya refugees and accept them. She was reported as saying, "We gave them [the Rohingya refugees] shelter in our country on humanitarian grounds. Our houses were also burnt down in 1971. Our people fled to India when they had nowhere to go. So, we are doing everything in our power to help the Rohingya. The refugees are being provided with food and shelter. We will fulfil our responsibilities as a neighbour."⁴⁸

⁴⁴ *Ibid.* The estimate of 34,000 pregnant women in the current crop of refugees was given unofficially by a UN volunteer.

⁴⁵ Interview with a district official in Cox's Bazar on 7 December 2017.

⁴⁶ Haroon Habib; Bangladesh pushes back Rohingya; *The Hindu* (newspaper), 25 August 2017. <http://www.thehindu.com/news/international/bangladesh-pushes-back-rohingya/article19562259.ece> (Accessed 22 December 2017)

⁴⁷ Interview with an Upazila (sub-district) official at Ukhiya; 9 December 2017.

⁴⁸ PM Hasina stands up for the Rohingya; *Dhaka Tribune*, 12 September 2017, <http://www.dhakatribune.com/bangladesh/nation/2017/09/12/hasina-kutupalong-refugee-camp/> (Accessed 22 December 2017);

Up to the time of Sheikh Hasina's visit, the refugees were mostly living by the roadside. A local administration official said, "It had taken the refugees six to seven days to cross the border. Due to the heavy rains providing for them was a challenge. They were physically weak. Many had been separated from their families and were in no position to look for them. After the government's decision to accept the refugees, our priority was to move them to camps. Once settled, they could start looking for their missing family members. We set up 12 relief distribution centres. Soon they were increased to 20. We got quite a few executive magistrates and police officers and others from the administration to work to move people from the roadside to the interior. We focused on improving road communication and brick making."⁴⁹

The official said that the road on the way to the Gundum border (near Zero Point located in Tumburu on the Myanmar border) had about one lakh people on it. "We set up a Control Room and later moved it towards the Ukhiya upazila and instead set up a relief distribution centre. We also agreed that no relief could go without an entry at our Control Room. We got village police and 4th class employees involved. At seven points we had assistant secretaries or deputy secretaries deployed to get everyone involved in the distribution of relief. By 25 September, we were able to bring the situation under control," he recalled.⁵⁰

Army helps civilian administration

On 14 September 2017, Sheikh Hasina directed the Bangladesh Army to carry out the logistical management in the distribution of aid and relief received from foreign countries to the refugee camps in Cox's Bazar.⁵¹ Six days later, the army was directed to take a more active role by way of building roads in the camps, shelters, toilets and to take over the distribution of relief.⁵² As a result, four more relief distribution centres became operational. For every 100 families, a community leader, invariably male, known as the *Majhi*, has been elected as the local administrative focal point.

Further, the biometric registration of the refugees (initially of only those above 12 years of age) began on 11 September under the aegis of the Bangladesh Department of Immigration and Passports with the assistance of the BGB.⁵³

The Bangladesh Government has earmarked 3,000 acres of government-owned forest land – stretching from Kutupalong to Balukhali - for one of the largest refugee camps in the world. To administer the refugee camp efficiently, it has been divided into 20 blocks, with a government officer in-charge of each. In consultation with the local *Majhis*, they put up the demand for food and other relief materials.

⁴⁹ *Op. cit.* Interview with a government official of the Ukhiya upazila.

⁵⁰ *Ibid.*

⁵¹ Bangladeshi troops to deliver foreign aid to Rohingya refugees after humanitarian agencies fumble, The Straits Times; 15 September 2017, <http://www.straitstimes.com/asia/se-asia/bangladeshi-troops-to-deliver-foreign-aid-to-rohingya-refugees-after-humanitarian> . (Accessed 22 December 2017)

⁵² Bangladesh army ordered to help build shelters, toilets for Rohingya refugees pounded by heavy monsoon rainfall; The Straits Times; 20 September 2017, <http://www.straitstimes.com/asia/south-asia/bangladesh-army-ordered-to-help-build-shelters-toilets-for-rohingya-refugees-pounded> . (Accessed 22 December 2017)

⁵³ Biometric registration of Rohingyas begins; The Daily Star; 11 September 2017, <http://www.thedailystar.net/country/biometric-registration-rohingyas-begins-1460737> (Accessed 22 December 2017)

There are control rooms which keep track of what each block has been supplied and what it lacks. Non Governmental Organisations (NGOs) are directed to work in different blocks matching their ability, skills and human resources with the local requirement of the block. At the time of the mission, there seemed to be no crisis of food aid. In fact, reports indicated excess food being destroyed and some being sold in the open market by some of the refugees to generate cash, as no cash payment is made to them.⁵⁴ The cash so generated is reportedly used by them to supplement their basic food rations with fish and vegetables.

Refugee camps: maintaining a semblance of order

A local official claimed that due to initial disorder and mismanagement in the face of the sudden entry of a large population, there were setbacks in food distribution. However, gradually, the administration has obtained a better estimate of the demand, and supply is channelled accordingly.

In distributing food aid, it is assumed that an average family includes six members. Families larger than that are given a separate food coupon by the World Food Programme (WFP), which is responsible for food delivery to the refugees.

The army has built *kutcha* (not properly paved, dirt tracks made of mud) roads in the camps, which give the impression of being orderly and well-organised townships. Even though the bamboo and tarpaulin shelters for refugees are flimsy and not permanent (the Bangladesh Government does not allow any brick construction by the refugees), their sheer numbers make the camp look like an overcrowded slum.

There are some semi-permanent houses within the camp, but district officials point out that these belong to locals who had occupied forest land illegally. They have not been ousted for setting up the camp and in fact, as a humanitarian gesture, they are also being given food aid by the relief distribution centres.⁵⁵

The injured refugees – including those with bullet injuries – are being treated in local and district hospitals. There are relief agencies caring for victims of rape and torture. Some NGOs have been permitted to provide psycho-social counselling to refugees. There are both government and non-governmental institutions working with people with disabilities.

Forty one medical camps have been set up by the Government for Rohingya refugees. More will be constructed with the help of NGOs and foreign governments such as Malaysia and Turkey. In Ukhia and Teknaf upazilas, health desks have been installed in police stations for female refugees and children. Given the sizeable number of orphans, initial attempts to set up an orphanage were given up for fear of trafficking, particularly of teenage girls. The administration subsequently decided to locate them with their close relatives, in the same shelter or tent in the camps, for better security.

Although it seems that a sense of organisation and order prevails in the camps, the semblance of order is likely to severely erode in the pre- and post-Monsoon storm season. Tropical storms normally strike

⁵⁴ *Op. cit.* Interview with a district official of Cox's Bazar.

⁵⁵ *Op.cit.* Interview with a government official of the Ukhiya upazila.

Bangladesh in two seasons – March to July and then September to December.⁵⁶ UNICEF has already warned that the cyclone season will bring increased risk of flooding and landslides. Besides unsafe water, inadequate sanitation and poor hygiene could lead to outbreaks of cholera and Hepatitis E, a disease that can be deadly for pregnant women and children. Stagnant pools of water can attract malaria-carrying mosquitoes.⁵⁷

Aid delivery and coordination

The process of foreign aid delivery has been streamlined through permission from the Ministry of Foreign Affairs and waiving of customs duties. All NGOs who wish to work in the relief camps need the permission, centrally, of the NGO Affairs Bureau of the Government of Bangladesh and, locally, the District Commissioner's office. As of December 2017, according to local police sources, there were more than 800 foreign volunteers and employees of international agencies and NGOs working with refugees in Cox's Bazar. Most international agencies and NGOs started working with the refugees in the second week of September.⁵⁸

Different UN agencies (IOM, UNDP, UNFPA, UNHCR, UNICEF, UN Women, WFP) as well as national and international NGOs work together through a coordination mechanism called the Inter-Sectoral Coordination Group, which meets once a week. Initially, NGOs did not have a proper plan to engage in relief work. After the army took over the relief distribution, it was necessary for NGOs to receive permission from the army, rent space and then set up their local facility. However, despite this, the mission perceived that the coordination among aid agencies with NGOs and the Government required effective streamlining to avoid duplication in relief work and for an enhanced and timely gathering and circulation of information on relief needed by the refugees to provide an efficient and holistic service delivery. The law and order situation in the Cox's Bazar district seems to be under control, with mobile teams of police, and detectives in place. There is a conscious attempt to control the movement of outsiders staying overnight in the refugee camps ostensibly for the purpose of curbing extremist or violent activities. The mission noted that no unofficial visitors are allowed into the refugee camp after 5pm. Police patrols monitor the movement of people at night. Only relief workers who have been cleared by the competent authority or UNHCR staff are allowed into the camp after 5pm. Certain NGO personnel complained about difficulties with regard to providing emergency services within camps due to this restriction.

There can be little doubt that the refugee situation has been extremely challenging for the Bangladesh Government. The local population is hosting a total of 878, 596 Rohingya refugees (as of 30 April 2018 including previously arrived refugees), and in some areas the refugees outnumber the locals. Although there may be a growing resentment towards them, the fact remains that when the refugees needed them most, local residents opened their homes and hearts – allowing them to stay in their courtyards and supplying them food and water. Recently, there have been reports of some serious offences involving Rohingya refugees.⁵⁹

⁵⁶ UNICEF warns of potential catastrophe in Bangladesh; <https://www.rte.ie/news/newslens/2018/0116/933686-rohingya-bangladesh-monsoon-season/> (Accessed 20 January 2018).

⁵⁷ *Ibid.*

⁵⁸ Interview with a journalist, Cox's Bazar. 7 December 2017.

⁵⁹ Bangladeshi man killed in attack by Rohingya in Cox's Bazar, bdnews24.com, 28 Oct. 2017, <https://bdnews24.com/bangla->

4.

Traumatised Refugees and the Condition of Camps

The Kutupalong Refugee Camp⁶⁰ is spread over 3,000 acres of forest land on a gentle hillside – extending from Kutupalong to Balukhali, further towards the Bangladesh-Myanmar border. It has the appearance of a well-organised slum with bamboo and tarpaulin huts on both sides of undulating unpaved roads cut into the hillside.

Kutupalong Camp

The mission members visited the unregistered part of the Kutupalong camp – refugees here were yet to be registered biometrically at the time. The mission met the refugees in different groups, with mission members breaking up to meet as many people as possible.

The mission members met a group of women along with the male *majhi* (community leader) of a block (the entire refugee camp is divided into 20 administrative blocks) comprising 104 families (475 people). The *majhi* said that women in the age group of 12 to 20 years numbered between 50 to 100 in his block. Soon many men also joined the group to talk to the mission members.

Their stories were remarkably similar. They had all been subjected to excessive and extensive human rights violations, including killing, torture, violence including sexual violence, enforced disappearances and destruction of property and livelihood.

The mission could gather stories where these refugees had undergone intense agony and trauma due to the brutal atrocities that violated their basic rights as human beings:

desh/2017/10/28/bangladeshi-man-killed-in-attack-by-rohingyas-in-coxs-bazar ; Bangladeshi Authorities Arrest 5 Rohingya on Suspicion of Robbery, Kidnapping, Radio Free Asia, 16 Nov. 2017, <https://www.rfa.org/english/news/myanmar/rohingya-arrests-11062017144916.html>; Rohingya refugee stabbed to death in Kutupalong over old feud, bdnews24.com, 13 Jan. 2018, <https://bdnews24.com/bangladesh/2018/01/13/rohingya-refugee-stabbed-to-death-in-kutupalong-over-old-feud>; Another Rohingya man stabbed dead in Cox's Bazar, Daily Star, 22 Jan. 2018, <http://www.thedailystar.net/rohingya-crisis/another-rohingya-refugee-man-stabbed-dead-coxs-bazar-ukhia-balukhali-camp-1523377> ; Bangladesh: Trafficking of girls rife in Rohingya camps, Al Jazeera, 18 Jan. 2018, <https://www.aljazeera.com/news/2018/01/bangladesh-women-children-trafficking-rife-rohingya-camps-180129061417161.html>

⁶⁰ In this document, all the names of the Rohingya persons who spoke with the fact finding mission have been changed in order to safeguard their identity.

- Loss of one or more family members, mostly males, due to gun fire and physical assault, or drowning while escaping to Bangladesh.
- Serious wounds inflicted during physical assault by the Myanmar military or on route to Bangladesh
- Kidnapped by the military personnel, and subjected to torture including sexual abuse/rape
- Loss of belongings, houses, property and other assets such as livestock -destroyed or stolen.

Shamim (40), from Shahab Bazar Para in Maungdaw district said that his house was burnt and the madrasa in front of his house was also set on fire. That was when he ran away with his six children.⁶¹

Sabbir (22), also from Shahab Bazar Para, said that his uncle and two brothers were killed by the Myanmar Army. Initially, he sent his parents to the border and later he also joined them. “We came by boat. I in fact fell into the river and someone had to rescue me. We were 10 brothers. Two were killed, one was shot but survived as he was only wounded. We brought him here with us and now he is being treated in a hospital,” he said.⁶²

Fardin, (15), saw one of his three brothers shot dead. He along with the remaining brother, three sisters and his parents escaped to Bangladesh.⁶³

Some of the women members of the mission met a group of women refugees in the confines of their makeshift huts. They too had similar stories to tell.

Saba, (25 - 30), recounted her ordeal saying, “We were unable to bear the situation we were in and that’s why we have come here. Our children couldn’t go to school, we couldn’t say our prayers, the army had locked up the mosque [so that] even little children couldn’t go to school or *madrasahs* or *maktabs*. We were not even allowed to cut wood.”

She claimed that in her village (Shahab Bazar Para) the Myanmar Army was helped by the local Rakhines [Buddhist] in attacking people. People were not only shot at but also attacked with swords and knives.

“One of my brothers and a brother-in-law were shot dead. The attackers were wearing khaki (“*kochu* coloured”) uniforms. They wore pants and shirts, had an army cap on and some kind of red handkerchief around their neck. There was too much violence. They were shooting and taking people especially young girls. After this happened, we ran away into the jungle with only clothes on our back. We could do nothing about our livestock. Some of the children drowned on the way as there was a lot of water [bodies] on the way. So many died, so many were lost, so many were wounded,” Saba recalled.⁶⁴

Another woman refugee, Nazia, (20 -25), from Kuwasong village recounted her ordeal: “They burned down our houses. The Burmese military attacked using helicopters and rocket launchers, and some of the houses caught fire. People were kept locked up in their homes and shot at from above. When the helicopter shot at them, the houses caught fire. Some of the houses were semi-*pucca* (constructed using a combination of high quality and low quality building materials) and some of bamboo. Everyone from

⁶¹ Interview with Shamim at Kutupalong Refugee Camp. 8 December 2017.

⁶² Interview with Sabbir at Kutupalong Refugee Camp. 8 December 2017.

⁶³ Interview with Fardin at Kutupalong Refugee Camp. 8 December 2017.

⁶⁴ Interview with Saba in an all women group by women members of the mission at Kutupalong Refugee Camp. 8 December 2017.

different villages came together when fleeing, even though these villages are not that close together. In one village, people learned that an attack was due on a Friday. A day earlier, on Thursday, the Myanmar military came and took away the men in the village. We still don't know where they are or what happened to them. After 18 people were killed in our village, we fled. We were not allowed into Bangladesh at first. We were allowed in only after two days. We had been in the jungle already for eight to nine days. We were starving as we had nothing to eat. Whatever food we had taken with us had finished. Since we do *jhum* farming (slash and burn agriculture) and know about the wild plants and trees, we ate *marfa*, something like cucumber, to survive.⁶⁵

She recounted how when the children of Rohingya Muslims were married in Myanmar, they were made to pay 100,000 kyats to the military for registering the marriage. Since most could not afford to pay the amount, local communities collected money from the congregation to pay the military, she said. She also reported that any Rohingya found with Bangladeshi currency was put under arrest.⁶⁶

A man in his twenties said, “We came here in one set of clothes and with nothing on us. We are thankful to Allah and to the Government of Bangladesh for their help. When we crossed the border, if the BDR [Bangladesh Rifles, now renamed Border Guard Bangladesh] had not let us in then we would have had to go back and we don't know what would have happened to us. We would have been killed. We give a thousand thanks to the Bangladesh government for their support.”⁶⁷

Balukhali Camp

The Balukhali camp had both ‘old’ and ‘new’ (post 25 August 2018) Rohingya refugees. Some of the old refugees from Teknaf upazila, had been brought to Balukhali. The mission members met a refugee who had taken shelter in Bangladesh in 1991 and was living in a refugee camp in Takenaf. He claimed that three months ago when the new arrival of refugees began, he was escorted by the Bangladesh Army to Balukhali.⁶⁸

The experience of refugees in Balukhali of being forcibly evicted from their homes in Myanmar was no different from those in Kutupalong; the Myanmar army allegedly shot innocent villagers, abducted young men and women, tortured, set fire to houses, and stole agricultural implements and cattle to force people to leave.

There were cases where every male in a family was eliminated. A man with eight daughters was killed, and now the daughters are living in the refugee camp. There were two brothers – one was killed by the Myanmar Army while the other was shot, but survived. He managed to make his way to Bangladesh.

Saiful (63) of Meronloa village recounted how he fled with his family. “I came here three months ago. The Myanmar army ordered us to leave our villages. They did not tell us to go to Bangladesh, but just to leave our homes. The army camp was very near our home. I had six cows, I had to leave them all

⁶⁵ Interview with Nazia in an all women group by women members of the mission at Kutupalong Refugee Camp. 8 December 2017.

⁶⁶ *Ibid.*

⁶⁷ Interjection by a male refugee while an all women group was being interviewed by women members of the mission at Kutupalong Refugee Camp. 8 December 2017.

⁶⁸ There were also reports that many of the older Rohingya refugees were moving to the camps in the hope of getting relief and perhaps some kind of local documentation by registering as undocumented Myanmar nationals. Interview with a journalist at Cox's Bazar. 7 December 2017.

behind. I have come with my whole family - there are nine of us, me, my wife, our children (two sons and one daughter) and grandchildren,” he said.⁶⁹

Rifat (63) of Jhimongkhali village fled to Bangladesh with 24 family members. “There was a lot of firing in our village. This kept on happening night after night, targeting the village people who faced death threats. In the end, four villagers were killed, including my nephew’s son. People escaped in different ways, some by running into the jungle, while others ran to the river. We all gathered by the riverside eventually and people directed us to cross the river. That is how we reached here,” he recalled.⁷⁰

The mission members also met a survivor from the infamous Tula Toli village (officially known as Min Gyi), located in Maungdaw district of northern Rakhine, which witnessed a massacre on 30 August. Myanmar Army, along with ethnic Rakhines, allegedly killed Rohingya men, tortured and beat women and young children to death, and raped Rohingya women in the village.⁷¹

Mamun, a 35-year-old survivor from Tula Toli village claimed, “At least 2,000 people were killed in my village. Three out of my four sisters and one of my three brothers were killed. The surviving seven members of my family, including five children, fled to Bangladesh. Our family house was intact when we fled but we don’t know what has happened to it since then. We walked on foot for three days before reaching Bangladesh.”⁷²

Nayeem Mian (40) from Sarfordil village claimed that his eldest son had been shot dead by the Myanmar Army. “He died on the spot. They used a bulldozer to destroy my village. Many cattle were taken away by the *Mogh* (local name used by the Rohingyas for the Buddhist Rakhines). I ran away with six family members.” Explaining the violence, he says, “Some people created friction with the Myanmar Army and in searching for them they killed our people and tortured us.”⁷³

An 87-year-old Moulavi, Mahir Ahmed, was the Imam of his village mosque at Tami in Buthidaung. He said he was not a poor man but had to run away. “My son-in-law and niece were shot dead by the army. My niece’s husband was critically wounded in the army firing. I brought him here with me. I had a two-storey wooden house. It was intact when I left but people who came later said that it had been burned down,” he said.

He recalled that he left in such a hurry that he even forgot to bring his walking stick, let alone carry any documents. “My wife grabbed my arm and said we must leave as the army was coming and they were shooting people in the village. What choice did I have? I am educated – I don’t put thumb impressions on documents, I sign them. I had 16 *kanis* (2,76,480 square feet) of land and a lot of cattle. They took away our agricultural implements and our cattle,” he recalled.

“May be God’s angels brought me here. How else could someone my age have survived two nights in the deep forest with two daughters and a sick son? We stayed in a cave-like place at night. And now

⁶⁹ Interview with Saiful at Balukhali Refugee Camp. 8 December 2017.

⁷⁰ Interview with Rifat at Balukhali Refugee Camp. 8 December 2017.

⁷¹ Human Rights Watch; Massacre by the River – Burmese Army crimes against humanity in Tula Toli. 19 December 2017. <https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli> (Accessed 1 January 2018). See also Accounts of rape, burning children and murder: How a Rohingya massacre unfolded at Tula Toli; CNN report. <http://edition.cnn.com/2017/11/12/asia/myanmar-rohingya-tula-toli-massacre-testimony/index.html> (Accessed 1 January 2017).

⁷² Interview with Mamun at Balukhali Refugee Camp. 8 December 2017.

⁷³ Interview with Nayeem Mian at Balukhali Refugee Camp. 8 December 2017.

here I am. I have not prayed for the last three months. I cannot get myself to put on my prayer cap and enter a mosque. I just can't," he said, with blank and tearless eyes.

"We have been betrayed by the Myanmar government. They are sinners. Do you want me to go back to them?" he asked rhetorically.⁷⁴

Some had family members who had fled to Bangladesh before the current exodus began, and were already living in refugee camps. They had the advantage of some help from them when they arrived. Most other surviving families, however, came together by searching for their kin among the refugees. It has taken up to two months for some families to locate other surviving members. There are still some who have not been able to trace members of their family.

Conditions in the camps

The refugee camps have been recently built by the Government of Bangladesh to provide facilities to the newly arrived Rohingya in large numbers. As the settlement expanded, *kutcha* roads and lanes that run through the camps were made.

Food relief

All the refugees had been issued food coupons by WFP, which entitles them to 25 kg of rice per family, and 4 kg of *daal* (lentils), besides some onions and garlic. The refugees also claimed that the quantity of rice had been now reduced to 20 kg per family.

Malnourished children

Milk was given to children initially but it was discontinued later. Most children looked visibly malnourished. Nutritional food packages for children were issued but there were reports that, "out of ignorance" many refugees had sold them in the local market. The mission learnt that vaccinations were available for the children.

No schools

There was no school for the children in the unregistered section of the Kutupalong camp, and the mothers complained that they spent all their time playing. "There is nothing constructive for them to do. They only go to the *maktab* and learn Arabic," said one mother. Most mothers seemed anxious about not being able to send their children to a school other than religious ones. In the Balukhali camp though, Building Resources Across Communities (BRAC)⁷⁵ ran a child friendly space for the refugee children. Some refugees said that they could teach their children on their own but there were no spaces available for doing that. They complained that although they were being given plenty of toys, no books were available for the children.

⁷⁴ Interview with Mahir Ahmad at Balukhali Refugee Camp. 8 December 2017.

⁷⁵ Child friendly spaces offer young Rohingya refugees hope, UCANews.com, 7 Dec.2017, <https://www.ucanews.com/news/child-friendly-spaces-offer-young-rohingya-refugees-hope/81123>

Sanitation issues

The biggest complaint of the refugees was of shortage of toilets – they claimed that about 100 families used one toilet. There were no separate bathing areas for women, forcing them to bathe inside their shelters.

According to a district administration official, about 5,000 to 7,000 latrines built are already unusable, as are 2000 tube-wells because of falling ground water levels. A number of toilets had been constructed very close to tube-wells, leading to fears of contamination and spread of disease.⁷⁶

In Balukhali the refugees had set up makeshift latrines with drums - some of these were provided by different NGOs. The women complained that the toilets were so far apart with limited or no lighting in public spaces, that they found it difficult to use them at night. To ensure their safety, they go to the toilets in groups at night. This was a problem that the children and the aged also faced.

Shortage of clothes

While the refugees had been given some clothes, many claimed that they needed more. The women complained that they did not have enough clothes. Apparently, some local organisations had distributed *burqas* among the women refugees when they arrived in Bangladesh, but most Rohingya women do not normally wear *burqas*. Some young women could be seen wearing embroidered *burqas*, apparently donated.

Shortage of bamboo for shelters

Initially the new refugees themselves put up temporary shelters with roofs. Later, they received tents from IOM and others. There was a shortage of bamboo for building the scaffolding of the makeshift shelters. No brick construction is reportedly allowed by the Bangladesh government inside the refugee camp.

Need for specialised medical help

The refugees complained of patchy medical help. However, it seemed from talking to a larger sample of refugees that primary care including blood testing facilities were available, and that for serious medical conditions they could access the MSF facility outside the camp, which could then refer them, if need be, to the Cox's Bazaar District Hospital. However, trauma counselling was not available. A woman, Sayeda Khatun, who lost her husband and son to the bullets of the Myanmar army, said that she has received no counselling at all.⁷⁷

Special needs of pregnant and lactating women

The *Majhi* of Block J-C2 in Kutupalong camp informed the mission members that there were 17 pregnant women and several orphans also living with their relatives. There was no indication that

⁷⁶ *Op.cit.* Interview with a government official of the Ukhiya upazila.

⁷⁷ Interview with Sayeda Khatun at Kutupalong Refugee Camp. 8 December 2017.

pregnant and lactating women were being provided any additional nutrition or medical help.⁷⁸ No one knew whether victims of rape were being identified and counselled.

Fuel shortage

Cooking was identified as another big challenge by the refugees. They said that as the forest was being cleared to expand the camp, sources of firewood were receding further from their reach. Fuel for cooking therefore was a big problem. They also pointed to the lack of kerosene and claimed that while in the market outside the camp, kerosene was selling for BDT 50 to 60 per litre, they had to buy it at BDT 100 per litre.

No street lighting

No electricity was available in the Balukhali camp. There were some solar panels - small ones brought by the refugees themselves - but not everyone had them. "Those who are solvent can buy some panels, but others can't," pointed out one of the refugees. As mentioned earlier, the lack of street lights created problems for women, children, the elderly and persons with disabilities, who wanted to use toilets at night.

No mobile phones allowed

Many refugees complained that they were not allowed to use mobile phones and could not get local SIM cards. The use of mobile phones by Rohingyas in the camps was reportedly banned and the local administration confiscated any that refugees were found using.⁷⁹ The Bangladesh Government had, however, set up some telephone booths for the refugees.

The refugees also complained of mobility restrictions as they are not allowed to move beyond the camp.

As for the law and order situation, the refugee men said that there were no cases of theft in the camp. They also claimed that their women and girls were safe in the camps although women did not share the same sentiments.

⁷⁸ 48,000 Rohingya babies set to be born in overcrowded Bangladeshi camps in 2018, The Daily Star, 06 January 2018, <http://www.thedailystar.net/rohingya-crisis/48000-rohingya-refugee-babies-set-be-born-bangladesh-camps-in-2018-myanmar-1515775>

⁷⁹ An administrative official of the Ukhiya upazila told the mission members that he had confiscated more than a thousand mobile phones and SIM cards from the camp. The explanation given was that the Rohingyas are undocumented and therefore not eligible for a sim card, as sim card registration requires a proof of identity (passport, NID card etc.) Interview on 9 December 2017.

5

Woes of the Hindu refugees

The narrative of the Hindu refugees from Rakhine was very different from that of the Muslim Rohingyas. They were not chased out by the Myanmar Army or the security forces. The mission was informed that they were harassed by the Muslim extremists who suspected of them being collaborators of the military. Their property had been appropriated by their Muslim neighbours taking advantage of their vulnerability. About 450 Hindu refugees from Northern Rakhine have taken shelter in Bangladesh. Around 397 of them, comprising 110 families, were housed in a camp set up within the precincts of the Hindu Para village in Ukhiya, when the mission members visited them. The village consists of 28 Hindu, and three Buddhist families from the local community.

This was not a refugee camp set up by the Government but one that emerged spontaneously. Initially, a handful of Hindu refugees from Rakhine came to the village as predominantly Hindus were living in it. They were then followed by others who probably saw it as a sanctuary for Hindus in Muslim-majority Bangladesh. They were also encouraged by the local Hindu Puja Committee members who went to the main refugee camps looking for Hindus and brought them to live within a community of their co-religionists.

The Puja Committee, as a local community organisation, seems to have been proactive in protecting members of the Hindu faith. There had also been an instance of Hindu refugee women from Rakhine being held captive in the 'old' (i.e. those who were there as refugees before 25 August 2017) Rohingya camp at Kutupalong. The local Hindu Puja Committee members claimed to have rescued them after a confrontation – over forcible conversion to Islam and the marriage of one of them to a Muslim Rohingya refugee. Apparently, several hundred Rohingya Muslim refugees cordoned off the camp and said that any further intervention would lead to the killing of Hindus.

The Puja Committee, with the help of the local police, rescued them and arrangements were made to take them back to their families to Myanmar under escort by the Myanmar Army personnel.⁸⁰

There seemed to be a preponderance of women, children and older men in the Hindu Para refugee camp.

⁸⁰ Interview with the local Puja Committee member, Hindu Para Village, Ukhiya. 8 December 2017.

Less than 1% of the population of Rakhine is made up of Hindus.⁸¹ Many of them raised cattle, farmed or were daily wagers. However, their comfortable co-existence was shattered on 25 August when violence broke out in Northern Rakhine after Rohingya extremists attacked Myanmar police and army posts.

Victims of extremists

In addition to the Myanmar police and army, the Hindus of Rakhine also came under attack from the armed Rohingya extremists. A number of them were killed and their houses set on fire. They also escaped to Bangladesh as refugees, but unlike their Muslim counterparts, they were not running away from the Myanmar security forces.

In the last week of September, the Myanmar Army discovered mass graves of 45 Hindus at Ye Baw Kya village in Maungdaw in Northern Rakhine. According to Myanmar government sources, hours after the extremists of ARSA had attacked 30 police posts and an army camp in the area, they came to the Hindu village of Ye Baw Kya and rounded up about 100 people, marched them away through their fields and killed them with knives.⁸² The women were spared after they promised to convert to Islam. The mass graves were located on the basis of information filtering through from Hindu Rakhine refugees in Bangladesh. This incident was reported widely internationally.

The Myanmar Government has used the discovery of the mass graves as a propaganda tool to underline that they are dealing with a group of ruthless extremists. After the massacre of Hindus, many of them fled to Bangladesh, while others took shelter in Buddhist monasteries in Sittwe, Ponnagyun and Kyauktaw.⁸³

It was evident from talking to Hindu refugees at Ukhiya, that the minority Hindu community came under attack from extremist elements within the Rohingyas.

The Hindu refugees at the Hindu Para camp in Ukhiya said that they did not suffer at the hands of the Myanmar security forces. Instead, they said, they were attacked by Muslim extremists dressed in black, with their faces masked with black scarves. They believed their attackers to be members of *Harakah al-Yaqin* (also known as ARSA).

“ARSA wants freedom and wanted us to join them in fighting the Myanmar security forces. We did not agree and so they attacked us. They killed 187 Hindus. After that, all the Hindu families in my village of Chikaanchuri fled. There are still some Hindus in Rakhine but the government is taking care of them,” said Aashirbaad Pal.⁸⁴ He said that while the Muslim Rohingyas did not have Myanmar citizenship, the Hindus of Rakhine had citizenship and unlike them had no complaints against the government.

⁸¹ Myanmar searches for more Hindu corpses as mass grave unearthed; SBS News; Updated 25 September 2017. (Accessed 22 December 2017)

⁸² Soe Zeya Tun; Slaughtered Hindus a testament to brutality of Myanmar’s conflict; Reuters. 27 September 2017. <https://www.reuters.com/article/us-myanmar-rohingya-hindus/slaughtered-hindus-a-testament-to-brutality-of-myanmars-conflict-idUSKCN1C21M6>. (Accessed 30 December 2017)

⁸³ Nyein Nyein; Dozens of Hindus Killed in Maungdaw: Relatives; The Irrawaddy. 5 September 2017. <https://www.irrawaddy.com/news/burma/dozens-hindus-killed-maungdaw-relatives.html>. (Accessed 30 December 2017)

⁸⁴ Interview with Aashirbaad Pal at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

Pal, a veteran of moving across borders illegally – he had spent two and half years in Jammu in India but in 2014 returned to Myanmar – had left Myanmar around 31 August with six other family members. “We came walking by the forest route. It took us two days and two nights to reach Bangladesh. Most others also came by the land route. We fled after six days of violence. Before August this year, Hindus and Muslims used to live in peace with each other in Rakhine. But this time around when the violence took place, our houses were set on fire by ARSA, and our domestic animals were grabbed by Muslim neighbours,” Pal recalled.⁸⁵

This account was corroborated by a local journalist who had met several Hindu refugees from the Rakhine in September. “I went to the area on 29 September after hearing that Hindus had come across. I saw that 110 families were gathered together in the Hindu camp. Asked why they had come and whether there were even Hindus in Myanmar, they said that some people wearing black masks had threatened them. Many were afraid and didn’t want to say anything. But then one person said that *al-Yaqin* had attacked them. They said that they were the only survivors from their village and claimed that 186 people had been killed in the area of Chikaanchuri. They were rescued from the Muslim refugee camp and brought to the Hindu Para camp. They were told that if they were attacked, then the Indian government would get involved. They had green cards and could travel across the country and even go abroad (Muslims had red cards and could only move in Maungdaw). They are still living in the Hindu Para camp although there has been an effort to create a separate place for them. They have had to leave their property and homes, the same as Muslim Rohingyas. Most of them left when they saw the others fleeing,” recalled a journalist in Cox’s Bazar.⁸⁶

Attacked by Muslim neighbours

Some of the refugees claimed that not only ARSA but Muslim Rohingyas pushed back from the Bangladesh border also came back to attack them. The mission spoke with a woman refugee (Aashani Rudra) whose husband and daughter had been killed by Rohingya Muslims who attacked their village.⁸⁷ An old woman complained that she had been beaten up by the Muslim Rohingyas and had to be hospitalised. Her son had also been attacked and showed a cut on his back.⁸⁸

Basab Rudra, a farmer in his 60s, said that he had crossed over to Bangladesh three times earlier also to escape violence in Myanmar. “Earlier whenever there were attacks, we would flee. This time the difference is in the brutality and the extent of violence. People were never killed before. But this time they were killed, causing large scale migration.” He also said that because the Hindus were a smaller community in the Rakhine state, they felt the pressure from both the local Muslims and the government.⁸⁹

The refugees complained not only of killing and beating by the Muslim extremists, but also of theft of cattle by their own neighbours. Fanikeshwar Shil, (60), a refugee, said that he had 50 buffaloes. “Now all of them have been stolen. This has happened to the cattle of others in our village also. At first, our Muslim Rohingya neighbours said that they would sell them for us and give the cash to us. When they

⁸⁵ *Ibid.*

⁸⁶ Interview with a journalist in Cox’s Bazar. 9 December 2017.

⁸⁷ Interview with Aashani Rudra, Bashita Rao and others at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

⁸⁸ *Ibid.*

⁸⁹ Interview with Basab Rudra at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

also came here as refugees, they called us to Kutupalong refugee camp to collect the money for the cattle they had sold. So 11 of us went there. They took us to the adjoining forest area to hand over the cash to us. There they attacked us. One of us was killed, another went missing and a number of us got wounded. These were our Muslim neighbours who did this to us,” Shil said.⁹⁰ Others also testified that two persons were killed in the western part of the Kutupalong refugee camp where 30 Hindu families had taken shelter.⁹¹

Another Hindu refugee, Jeetu Rudra, who had gone to collect the money for his cattle, showed a barely healed gash on his arm caused by a sharp object. “We went to the local police. They have arrested one person,” he said. He claimed that 11 of his cows were stolen by his Muslim neighbours on the pretext of selling them on his behalf.⁹²

While the local administration denied that any Hindu refugee had been killed or had gone missing, local journalists seemed to be aware of the incident although they gave it a different interpretation. “Eleven Hindus [refugees] were taken away from Hindu Para by *al-Yaqin* [short for *Harakah al-Yaqin* or ARSA]. They kept them tied up. Four of them went missing. Later, two bodies were found – one was identified, the other wasn’t. The remaining seven returned.”⁹³ It was difficult to verify what exactly happened, although Jeetu Rudra’s arm was cut.

Condition of the camp

The Hindu Para camp was the worst camp visited by the mission. The living conditions were very bad, with several families – sometimes up to 60 – cramped in one long makeshift hut. Although relief material had been provided to them by the UNHCR and NGOs, and food rations of rice and *daal* (lentils) were supplied every two weeks by the WFP, the refugees complained of inadequate sanitation facilities. A local village resident said that earlier, the conditions were even worse, with no proper toilets and washing facilities for the refugees.

Poor sanitation

“In the first month the situation was very bad. There was a bad odour all around. For the first month there was no government help. Then the NGOs and others came and set up tents and toilets,” he said.⁹⁴ At the time of the mission’s visit, it could be seen that the distance between the toilets set up for the refugees and the tube-wells dug for them was less than ten metres – a sure recipe for spreading water-borne diseases. One could see women washing rice at the same tube-well where men were bathing.

The refugees complained that although five tube-wells had been dug, only two were functional. Some claimed that the water was not of good quality as it contained too much iron.

⁹⁰ Interview with Fanikeshwar Shil at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

⁹¹ *Op.cit.* Interview with Aashani Rudra et al.

⁹² Interview with Jeetu Rudra at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

⁹³ Interview with a Journalist in Cox’s Bazar. 9 December 2017.

⁹⁴ Interview with a local resident of Hindu Para. 8 December 2017.

Malnourished children

Half naked, malnourished children sat about listlessly or played with mud. The refugees reported that no milk or nutritional packages had been made available for the children.

There were also no formal schooling facilities for children.

Fuel, food and clothing shortage

Fuel-wood was inadequate and up to four families had to cook at a single cooking pit. The women refugees in one area said that for the first one month, volunteers from the Sikh community in India had cooked for them and provided food.

The women said that they needed clothes, especially for their children, and more food. They complained that food rations had been reduced over time. Some claimed that they could not have three meals a day. They said that they collected firewood and sold it for cash. Locals on the other hand claimed that the refugees get more than enough rice and *daal* and that they sell the excess rations to buy fish and vegetables. The local police said that they were not being given rations precisely because they sold it in the open market.

Patchy medical help

Although a medical centre had been established for the Hindu refugees, they complained that they could not even get a blood test done there. While an old woman said that her daughter-in-law had given birth at the Ukhiya sub-district hospital, another woman in her early twenties, Jemisha Rudra, had given birth in the camp two days before the mission members interviewed her. She said that she had been assisted by a local midwife (herself a refugee) in the camp. Apart from seeing a doctor once – primary healthcare doctors came to the camp to provide basic health services - she had had no further medical help. She was still bleeding and had blood stains on the sari she was wearing. Just two days after delivery, she was already cooking for her husband and her young son. She was also not given any nutritional supplement apart from the usual rations of rice and *daal*.

She said that her other siblings, two younger sisters and brothers – had been killed. Her husband said that they were killed in an attack which had taken place at night. They had run away immediately, walking until daybreak before they could cross over. He had a green identity card which said “Myanmar National ID Card”.⁹⁵

Safety issues

Some of them said that they needed a police station or a *Thana* in their village for them to feel secure. The women said that they felt unsafe in their tents. A woman said that they were surrounded by Muslims on the night of the violence when reports came that masked men had attacked a police station two miles from her village. She claimed that none of them would have become refugees in Bangladesh if the local police had provided them protection.⁹⁶

⁹⁵ Interview with Jemisha Rudra and her husband at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

⁹⁶ Interview with Jhumpa Pal and others at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

Most of the Hindu refugees said that they would be willing to go back if they were assured of their security in their villages in Myanmar. However, a 70 year old man said, “I do not want to go back as I don’t know what will happen to me if I do.”⁹⁷

⁹⁷ Interview with a law enforcement officer at Hindu Para Refugee Camp, Ukhiya. 8 December 2017.

6

Women and Children: Dealing with the Vulnerable

Although all refugees in the camps in Bangladesh seem to live precariously, women and children appear to be the most vulnerable and require special attention.

Nearly 58% of the 650,000 Rohingya refugees entering Bangladesh after 25 August are children and 60% are women and girls, including a high proportion of pregnant (3%) and lactating women (7%).⁹⁸ The total number of pregnant and lactating women among the “new arrivals, the existing Rohingya population and vulnerable host communities” is estimated by UNICEF to be 120,000.⁹⁹

UNHCR data shows that one-third of the families of refugees are vulnerable, and of these, 14% are single mothers holding their families together with little support in harsh camp conditions. Others are struggling with serious health problems or disabilities.¹⁰⁰

Condition of women

Refugee Rohingya women require urgent access to reproductive health information and services for natural pregnancies, and also for unwanted pregnancies as a result of rape and the likely birth of ‘war babies’. These services include the provision of special nutrition and medical assistance (abortion and menstrual regulation), and access to sanitation and menstrual hygiene.

The Rohingya traditionally tend to have large families. But it was mentioned to the mission members that Rohingya women “tried to get pregnant to avoid sexual molestation and rape by the Myanmar Army.” According to district police sources, “more than 50,000 pregnant Rohingya women were being supported through health clinics in Ukhiya and Kutupalong. Most Rohingya women have more than five children.”¹⁰¹

⁹⁸ UNICEF; Bangladesh: Humanitarian Situation report No.16 (Rohingya influx); 24 December 2017. <https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-situation-report-no16-rohingya-influx-24-december-2017> (Accessed 2 January 2017).

⁹⁹ UNICEF; Bangladesh Humanitarian Situation report # 8 (Rohingya influx); 29 October 2017. <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Bangladesh%20Humanitarian%20Situation%20Report%20%23%208-%20Rohingya%20Influx-%2029%20October%202017.pdf> (Accessed 2 January 2017).

¹⁰⁰ UNHCR; Operational Portal – Refugee Situations; https://data2.unhcr.org/en/situations/myanmar_refugees (Accessed 3 January 2017)

¹⁰¹ Interview with a district police official of Cox’s Bazar District. 7 December 2017.

No psychosocial counselling

There was little or no psychosocial counselling of the refugee women in the camps or outside them. There was no visible assessment of the extent of the help that might be needed. By the second week of December, nearly 10 weeks after the entry of the mass refugee population, there was no detailed ground assessment of mental health needs among women or other members of the refugee population.

The Mission spoke to a specialist on mental health from IOM, which had started a mapping exercise to assess the extent of the psychological wellbeing of the refugees.¹⁰² This was to take into account the mental health condition of the refugees, available resources and responses of the local community and the population. It had set up a mental health and psychosocial working group. IOM hoped to commence services once the mapping is over.

The mission learnt that UNHCR, UNFPA, ACF and BRAC are planning to create women friendly spaces for consultations on gender-based violence, where the Multi-sectoral Programme on Violence against Women under the Ministry of Women and Child Affairs is also involved. Besides, various organisations are also providing midwives for screening and they will refer cases for deliveries or for dealing with complications. BRAC has child delivery services and may also have facilities for menstrual regulation.¹⁰³

At the Leda Refugee Camp in Teknaf, the Primary Health Clinic includes the services of a clinical psychologist and a psychiatrist, according to IOM. However, these services apparently were not available at the Balukhali and Kutupalong Camps. A doctor working with IOM said, “Menstrual Regulation (MR) services are available only in the camps and the need for them is being identified with the help of community outreach workers. Similarly, clinical management of rape is being addressed inside the camps. If a patient is identified then she can be referred to the health complex. We are only keeping records of who is coming for services. Not keeping any detailed data (about them).”

A representative of a Bangladesh NGO, Gono Shasthya Kendro (People’s Health Centre), working together with *Medecins des Mondes* said, “If we get info on SGBV (sexual and gender based violence), we refer these women to MSF. This is done for all cases of SGBV and rape. We do not give emergency pills etc. We are not allowed to do this; only the Government of Bangladesh/ MSF/ BRAC can do so.” However, she added, “I am not sure if MR facilities are available.”¹⁰⁴

The overall impression one gathered was that MR services were inadequate and it was not clear whether women pregnant after rape were being offered voluntary abortions or not.

‘War babies’: children born of rape

A related issue was of dealing with children born of rape, or ‘war babies’, and ensuring that neither the mother nor the baby is stigmatised. In December 2017, a UNHCR official said, “Birth registration has the ability to make everyone equal. But birth registration of children born of refugee mothers is not taking place.” This was happening irrespective of the nature of conception/pregnancy and the result of Bangladesh not having a clear refugee policy.

¹⁰² Findings of the rapid assessment on mental health and psychological support can be accessed at <https://reliefweb.int/sites/reliefweb.int/files/resources/2018-03-15%20-%20IOM%20Rohingya%20Crisis%20Response%20-%20External%20Sitrep.pdf>, IOM External update, 9-15 March, 2018.

¹⁰³ *Ibid.*

¹⁰⁴ Interview with a doctor at Gono Shasthya Kendro, Cox’s Bazar. 9 December 2017.

Sanitation facilities

The issue of access to proper sanitation facilities for women – inadequate number of toilets, easy access to toilets both during day and at night when there is no street lighting or toilets are not in well-lit public spaces, as well as lack of separate areas for bathing - came up time again when one talked to the refugee women in the camps.

Condition of children

According to UNICEF estimates, the number of children in need of humanitarian assistance in the “new arrivals, the existing Rohingya population and vulnerable host communities” is 720,000.¹⁰⁵

Unaccompanied and orphaned children

According to Save the Children, “It is estimated that 60% of new arrivals are children, arriving malnourished, weary and sick with fever and diarrhoea after walking up to 30 miles in search of refuge in Bangladesh. Over 2,000 children have arrived unaccompanied - as they have lost their parents or caregivers to violence in Myanmar or becoming separated as they fled to Bangladesh. These extremely vulnerable children are in urgent need of support.”¹⁰⁶

However, a survey conducted by the Bangladesh Department of Social Services in early November 2017, concluded that a total of 36,673 orphaned children were living in the 12 Rohingya camps in Ukhiya and Taknaf sub-districts of Cox’s Bazar.¹⁰⁷ This number is only likely to have increased since then.

According to a district police official at Cox’s Bazar, the number of orphans or separated children arriving since 25 August was more than 38,000, and of these more than 15,000 were teenage girls.¹⁰⁸

UNICEF is reportedly using trained social workers to manage children separated from their families to ensure community-based care while their families are traced.

Malnutrition and trauma

Given the density of population of the makeshift settlements and overcrowded shelters, lack of proper sanitation and clean drinking water, these already malnourished and traumatised children face a health emergency due to the risk of breakout of communicable diseases in addition to threats to their safety and security.

¹⁰⁵ UNICEF; Bangladesh Humanitarian Situation report # 26 (Reporting period 15 -21 December 2017). <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Bangladesh%20Humanitarian%20Situation%20Report%20No.16%20%20-%2024%20December%202017.pdf>

¹⁰⁶ Save the Children urgently seeking support to aid displaced Rohingya children and families in dire need; http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/ROHINGYA_FACT_SHEET_10042017.PDF (Accessed 3 January 2017)

¹⁰⁷ 36,673 orphaned children living in Rohingya camps; Dhaka Tribune; <http://www.dhakatribune.com/bangladesh/nation/2017/11/09/36673-orphaned-children-living-rohingya-camps/> (Accessed 3 January 2017)

¹⁰⁸ *Opt. cit.* Interview with a district police official of Cox’s Bazar District.

According to UNICEF, a quarter of the Rohingya refugee children under the age of five suffer from potentially life-threatening levels of malnutrition.¹⁰⁹ Less than 16% of the refugee children were found to be consuming a minimum acceptable diet according to the UN agency. UNICEF has warned that 7.5% of the children in one of the refugee camps in Cox's Bazar district were at risk of dying from acute malnutrition.¹¹⁰

Disease outbreak

There has already been an outbreak of cholera, measles, acute watery diarrhoea and diphtheria in the camps. Children are most vulnerable to such outbreaks of disease and is evident from the fact that half the recent 24 deaths due to diphtheria were of children under five years of age. Massive immunisation drives against cholera, measles, rubella and diphtheria have been undertaken in the vulnerable population.¹¹¹

No play areas

The refugees in the camp, time and again, talked of lack of any space for children to play. UNICEF has been creating what it calls Child Friendly Spaces, which function not only as play areas but are also aimed at providing a protective environment for vulnerable children against violence, abuse and exploitation. Apparently, 97 static and mobile child friendly spaces had so far been established and more than 300 adolescent groups in both camps and the local communities perform a similar function.¹¹² Clearly this is not adequate when one considers that nearly 60% of all new refugees are children even by the own reckoning of the UN agencies.

Lack of schools

Schooling remains an issue. There is a lack of schools in the camps with parents complaining of children wasting their time doing nothing. They complained of too many toys and virtually no books. Apparently more than 453,000 refugee and local community children aged between 4–18 years need schools.¹¹³ There are plans to reach one-third of the Rohingya children in the age group of 4-14 years and 50,000 local children through learning centres by UNICEF alone. The rest will apparently be addressed by others.¹¹⁴

Local schools have also suffered as they were initially occupied by the army, which was called in to help with relief operations. Although functional now, parts of the local school grounds, if not rooms in the main building, remain with the army. This has impaired local education.

One thorny issue about school facilities for the Rohingya refugee children appears to be the language of instruction – the BRAC School in the Balukhali Refugee Camp uses Burmese as the language of instruction and has hired local Rohingyas as teachers for the purpose. While teaching the refugee

¹⁰⁹ Quarter of Rohingya refugee children acutely malnourished; Dhaka Tribune; 22 December 2017. <http://www.dhakatribune.com/world/south-asia/2017/12/22/rohingya-children-malnourished-unicef/> (Accessed 19 January 2018).

¹¹⁰ 25% Rohingya kids malnourished: UN; Gulf Today; 23 December 2017. <http://gulftoday.ae/portal/ed7ae075-e0d3-4cb1-98c7-14f1bf76eb2.aspx> (Accessed 19 January 2018).

¹¹¹ Rohingya refugee children: UNICEF emergency response in Bangladesh; https://www.unicef.org/infobycountry/bangladesh_100945.html (Accessed 3 January 2017).

¹¹² *Ibid.*

¹¹³ *Op.cit.* Rohingya refugee children: UNICEF emergency response in Bangladesh.

¹¹⁴ *Ibid.*

children in Bengali would be easier, UN aid workers unofficially claim that the Bangladesh Government does not want this. Since the Rohingyas are considered not a very educated community it is not going to be easy to find competent teachers except religious teachers and Imams among them.

Human trafficking

The local administration claims that there have been no cases of human trafficking since 2015. However, other independent reports suggest otherwise.¹¹⁵

A police official of Cox's Bazar district said, "Before 2015 we had 419 cases of human trafficking in this district. But after 2015 the number of cases is almost zero. However, we are concerned about the young Rohingya girls. We are counselling them. They are traumatised and do not want to talk to men. So we have deputed women police to talk to them."

Pushed into prostitution, domestic slavery

He also claimed that the local police had rescued more than 35 young girls and women – in the age group of 12 to 25 years – from hotels in Cox's Bazar since 25 August. "They had not been forced to go there but had gone on their own for money. We have taken them back to the registered camps with the help of IOM and UNHCR. We have also arrested more than 550 pimps/brokers – some of them are Rohingyas while others are locals. All of them were arrested after 25 August. They also deal in narcotics or act as couriers. All of them are in jail now serving sentences ranging from one to six months," the police official said.

According to an international aid worker, "Between 25 August and the end of September when the Army took full control of managing the refugee operations, a very large number of women, boys and girls were trafficked out to Saudi Arabia, Karachi in Pakistan and even to Nepal."

It was informed that a large number of Rohingya refugee women were engaging in "survival sex" and were active at Cox's Bazar bus stops/hotels and that two locals had been jailed for using Rohingya sex workers.¹¹⁶

An IOM report notes: "Desperate men, women and children are being recruited with false offers of paid work in various industries including fishing, small commerce, begging and, in the case of girls, domestic work.

"With almost no alternative source of income, the refugees are willing to take whatever opportunities they are presented with, even ones that are risky, dangerous and that involve their children."

"Once they start the job, they usually find that they are not paid what was promised. They are often deprived of sleep, made to work more hours than was agreed, not allowed to leave their work premises and not allowed to contact their family. Women and girls are often physically or sexually abused.

¹¹⁵ See for example, Rohingya women sold as sex slaves in Bangladesh; Al Jazeera; 3 December 2017. <http://www.aljazeera.com/news/2017/12/rohingya-women-sold-sex-slaves-bangladesh-171203075517252.html> ; Human trafficking 'rife' in Rohingya camps: aid agencies; New Straits Times; 17 November 2017; <https://www.nst.com.my/world/2017/11/304315/human-trafficking-rife-rohingya-camps-aid-agencies>; and Human trafficking begins on both sides of border; New Age; <http://www.newagebd.net/article/28443/human-trafficking-begins-on-both-sides-of-border> (All accessed 3 January 2017).

¹¹⁶ Interview with an international aid worker at Cox's Bazar.

“Some report being forced into jobs which they never agreed to do. In one case, a number of adolescent girls, who were promised work as domestic helpers in Cox’s Bazar and Chittagong, were forced into prostitution. Others reported being brought to locations different from the agreed destination.”¹¹⁷

Check posts to prevent trafficking

The district administration says that to prevent trafficking, eleven police checkpoints have been set up in Balukhali and Kutupalong – this is in addition to Army checkpoints set up for the same purpose. A district police official did admit that some women had tried to get out of the camps, making excuses about the need for a health check-up. “The main targets of the traffickers are girls in the age group of 12 to 20 years and there are a large number of orphans, especially teenage girls. People from other districts are coming here to look for servants. We have arrested some of them,” he said.¹¹⁸

He also said that there had been about 100 cases of attempts to take Rohingya women out of the camps that had come to the attention of the administration. “They were all stopped at the check posts. If people have gone by avoiding the checkpoint on the roads (and walked through the fields), then one does not know,” he said. More than 700 Rohingya men and women had been rescued by the police from districts other than Cox’s Bazar.

Mixed trafficking networks

Confirming the version of the local police, an international aid worker said that the trafficking networks included both Bangladeshi nationals and Rohingyas – and had been in existence even prior to the present crisis. They had however, become much more extensive, with the huge arrival of new refugees. The refugee women were taken to Mymensingh in Bangladesh, and then on to Pakistan, Nepal and elsewhere. The mission was informed that the UN agencies were considering the introduction of some kind of social security provision of “unconditional cash to be given out to the vulnerable people, especially young girls and boys.”¹¹⁹

Locals marrying Rohingya women

There were also some reports of married local men taking Rohingya women as a second or third wife. There are no specific rules preventing locals from marrying Rohingya refugees. Some of these marriages are not even registered and comprise only a written contract on a plain sheet of paper.

While taking note of such developments, the police say it is not a widespread phenomenon. They do however point out that two young Rohingya women had been rescued from Jatrabari after they had been taken there on the promise of marriage by local men. According to the local police, refugee women were also being exploited by Rohingya men - apparently they marry one woman in one camp and another in a different camp.¹²⁰

¹¹⁷ UN Migration Agency Warns of Trafficking, Labour Exploitation, Sexual Abuse of Rohingya Refugees; 14 November 2017. <https://www.iom.int/news/un-migration-agency-warns-trafficking-labour-exploitation-sexual-abuse-rohingya-refugees> (Accessed 10 January 2018)

¹¹⁸ *Op. cit.* Interview with a district police official of Cox’s Bazar District.

¹¹⁹ *Op. cit.* Interview with an international aid worker at Cox’s Bazar.

¹²⁰ *Op.cit.* Interview with a district police official of Cox’s Bazar District.

7

Impact on Local Communities: Sympathy to Resentment

Bangladesh, even though a poor country, has shouldered the financial and moral responsibility of sheltering nearly one million Rohingyas fleeing from racial discrimination and oppression. More than 687,000 refugees have crossed over since 25 August 2017.¹²¹ It was a stupendous task even as the international community joined Bangladesh in dealing with the extent and intensity of the refugees' arrival. However, perceptions about the refugees in Bangladesh, especially in communities adjacent to refugee settlements are rapidly changing. When the new arrival of Rohingya refugees took place after 25 August 2017, the local Bangladeshi population, and many further afield, were highly sympathetic to them. Those living along the border with Myanmar saw the smoke rising from the villages set on fire in Myanmar.

Such was the sympathy for the Rohingya refugees, there were stories about BGB members turning a blind eye to refugees crossing over and even the Government was initially trying to push the refugees back to Myanmar.

This sympathy does not mean however, that the Bangladeshis want the refugees to stay permanently. Since the 1990s, there has been an anti-Rohingya organisation in Cox's Bazar called *Rohingya Protirodh* (Resistance Committee), set up with the sole aim of opposing Rohingyas refugees/illegal immigrants from Myanmar.

Growing resentment

There is a fear expressed among some locals in Cox's Bazar that they will eventually become a minority if the refugees are not repatriated. Even now, locals are apparently guarding their land against refugee encroachment.¹²²

But it is equally true that in the initial stages, the same local population fed the refugees and often allowed them to stay in their courtyards before organised and government run camps were set up.

¹²¹ UNHCR; Refugee Response in Bangladesh (last update 12 April, 2018); https://data2.unhcr.org/en/situations/myanmar_refugees ;

¹²² Meeting with civil society in Dhaka. 10 December 2017.

However, as the refugees begin to recover from trauma and the aid response becomes more organised and is scaled up, local sentiment is changing. Any relief and rehabilitation effort which suggests that the refugees are getting entrenched could increase resentment within the local citizenry. “A sense of resentment is growing among the locals and there might be an outburst soon,” said a district administration official.¹²³

As a local journalist from Cox’s Bazar mentioned, “The initial situation was very different. When we saw their houses burning and their children dying, our humanity compelled us to sympathise with them. Now there is resentment between the Bengalis and the Rohingyas.”¹²⁴

Another local resident working with an international aid agency said, “The members of the host community are jealous because they see that the refugees suddenly have a lot of goods including food and they start feeling deprived.”¹²⁵

“Gradually, differences are growing between the refugees and the local communities and this is becoming evident in the *haats* and bazaars,” an activist who has been working with the refugees said.¹²⁶

The mission understands that there is a contradiction between the Rohingya refugees and the local community; however, they have realised that there might be a section of locals who would promote the existence of refugees in the capacity of undocumented migrant workers and important component to trafficking networks.

Some refugees who came in the earlier waves have integrated into local communities and even become local political leaders by getting elected to local bodies;¹²⁷ many became traders and shopkeepers in Chittagong and Cox’s Bazar.¹²⁸

But it was evident that local perceptions about the refugees are changing. These concerns are both real and imagined. Some apprehensions are based on their past experience with Rohingya refugees.

Local fears are essentially about the increasing cost of daily commodities, adverse impact on the local labour market, decreased access of locals to education and health care services, inter-marriages between local men and young Rohingya women as second or third wife, fear of deforestation as the refugees occupy forest land including, according to some reports, in the Chittagong Hill Tracts, the impact on the local indigenous population, the fear of rising crime, and the extra security protocols disrupting facile mobility of the locals.

Impact on the local economy

For the local traders, tea-stall owners, small shopkeepers, eateries and auto-rickshaw drivers, the arrival of refugees has been a boon. Their meagre businesses have flourished with the sudden arrival of new consumers – the refugees as well as the vendors who service the refugee camps. New makeshift markets

¹²³ *Op.cit.* Interview with a sub-district official at Ukhiya.

¹²⁴ Interview with a journalist, Cox’s Bazar. 7 December 2017.

¹²⁵ Interview with an international aid worker at Cox’s Bazar. 7 December 2017.

¹²⁶ Meeting with civil society in Dhaka. 10 December 2017.

¹²⁷ Interview with a district police official at Cox’s Bazar. 7 December 2017.

¹²⁸ Interview with UNHCR official at Cox’s Bazar. 9 December 2017.

with stalls lining the roadside have come up near the refugee camps selling all manner of goods – from clothes and electric goods to tea and betel nuts.¹²⁹

The price of commodities of everyday use, especially vegetables, seems to have increased as the refugees are not allowed to move beyond Ukhiya and Kutupalong, and are forced to buy from the local shops. The locals complain that because of the price rise they cannot afford to buy vegetables.

While local employment is forbidden for the Rohingyas, in reality the administration admits that it cannot prevent it happening. Refugees have entered the local labour market by undercutting the prevailing wage rate as they are willing to work at much lower daily wages.¹³⁰ While the local daily wage ranges between BDT 400 to 500, the refugees are apparently willing to accept BDT100 to 200 for a day's labour.¹³¹

Decreased access to basic public services

There is also a perception among some members of the local community that the refugees are receiving priority over the local citizens with regard to accessing services such as education and health care.

Locals point out that the arrival of refugees has disrupted local educational institutions. The armed forces personnel had taken over the colleges and schools for their lodging which in turn had disrupted the regular academic activities. Even at the time of the mission the Army has been occupying certain building where classes are held.

A local aid agency worker said to the mission that Rohingya refugees are given priority over the local community with regard to access to state-run health care services. For example, the locals feel deprived of health care services when all the doctors from government clinics work in refugee camps.¹³²

Basically, there is perception among the local citizens that the local administration is busy looking after the refugees that they have no time for them.¹³³

Local residents also feel that the media is no longer reporting on their demands for services from the administration and the hardships they face. "They say that the journalists have become 'busy' with the Rohingya refugees and do not have time for reporting on issues concerning the locals," a journalist in Cox's Bazar said.¹³⁴

¹²⁹ The traders cashing in on Rohingya misery: 'It's the best profit of my life'; The Guardian; 12 December 2017. <https://www.theguardian.com/global-development/2017/dec/12/traders-cashing-in-rohingya-bangladesh-coxs-bazar>.

¹³⁰ Interview with a district official of Cox's Bazar; 7 December 2017.

¹³¹ *Op.cit.* Interview with a police official at Cox's Bazar.

¹³² Interview with an international aid worker at Cox's Bazar.

¹³³ *Op. cit.* Interview with a journalist in Cox's Bazar.

¹³⁴ *Ibid.*

Preying on Rohingya women

A perception among local men that Rohingya women are rich and have access to resources from aid agencies appears to have motivated some to marry them.¹³⁵ “Local men are taking a second, third or even a fourth wife from amongst the young Rohingya women. This has been happening but not on a large scale,” an activist working with the refugees said.¹³⁶ The Rohingya women who enter such alliances perhaps hope for greater security through these marriages and the opportunity of getting Bangladeshi nationality.

According to a district police official, there were no rules preventing a local from marrying a Rohingya refugee. However, he also felt that such reports were perhaps exaggerated and the numbers of such marriages were not very large on the ground. He suggested that such marriages were a means of getting a documented and legitimate status in Bangladesh. He pointed out that several refugees had been attempting to get Bangladesh origin certificates. Such ‘fake’ certificates, apparently sold for BDT 30,000 to 50,000 each, are bought with the money often transferred by the next of kin of Rohingyas from Saudi Arabia. In one instance, a Rohingya refugee was arrested by the Cox’s Bazar police after he had paid BDT 300,000 to a Bangladeshi family to claim that he was their son.¹³⁷

Deforestation, agro-economic impact and cultural threats

Locals blame the refugees (old and new) for deforestation and complain that the elephant population in their forests has now moved away. “Here our forests have been destroyed and agricultural land has been taken over by them. Law and order has been disrupted. In Ukhiya and Teknaf so many ordinary people have been affected,” said a local journalist voicing his concern about the refugees.¹³⁸

“There is definitely an agro-economic impact because of degradation of forest as the Rohingyas occupy the hills surrounding Kutupalong. They are denuding the forests. This will have large environmental costs as water sources dry up and hillsides are cut,” an academic and a social activist, said.¹³⁹

There are also contesting views that there has not been good forest management even before the refugees arrived. It is true that that they came and felled forests. The mission was informed that such things have happened wherever there hasn’t been much governance in Bangladesh – forests, water, property ownership, etc.

The concern about the impact of the refugees taking up forest land in the tribal areas is voiced most loudly by the indigenous people who live in the Bandarban District of the Chittagong Division of Bangladesh. The indigenous people of the Chittagong Hill Tracts feel particularly vulnerable about any possible ingress into their traditional areas. There are unconfirmed reports of Rohingyas attacking indigenous people and taking over their lands. The indigenous people who feel discriminated and

¹³⁵ *Op.cit.* Interview with an international aid worker at Cox’s Bazar.

¹³⁶ *Op.cit.*

¹³⁷ *Op.cit.* Interview with a district police official at Cox’s Bazar.

¹³⁸ Interview with a journalist in Cox’s Bazar.

¹³⁹ *Op.cit.* Discussion with the mission members at a Civil Society Organisations’ meeting at Dhaka.

oppressed by the locals, now complain of similar behaviour by the Rohingyas (although it seems that these incidents refer to the older wave of Rohingya refugees).¹⁴⁰

The Rohingyas who came as refugees in the earlier waves have sheltered in the Chittagong Hill Tracts. Many of them reportedly already hold office in local bodies in the Naikhongchhari upazila of the Bandarban District.

There are some concerns in this regard among the majority Buddhist local community in the district of Bandarban, where the Rohingya refugees from the previous influx settled. They feel insecure with these older refugees inviting friends and next of kin from the latest wave of refugees to live with them. Even the Government may not want this to happen but with the large refugee population this might realistically take place. It could have a serious impact on life, culture, economy and security of the local indigenous people.

Fear of rising crime

Even though locals feel that crime may increase with the arrival of such a large number of refugees, the district administration claims that there is no spurt in crime from the arrival of the Rohingyas except for some petty crime.

The district administration in Cox's Bazar said that there were no law and order issues caused by the arrival of the refugees. The district administration of Cox's Bazar has imposed strict rules against outsiders staying in refugee camps at night and restricted the mobility of refugees to ensure that there is no confrontations between them and the local community. A district police official said, "Rohingyas are being caught mostly for petty theft and house-breaking. Surprisingly, theft cases mostly seem to involve people in the 60-65 years age group. We caught a 70-year-old in Kutupalong stealing because he likes to smoke and had no money." He said that there had also been one case of Rohingyas assaulting the police, but beyond these incidents there was no palpable rise in crime.¹⁴¹

However, there were apprehensions that trafficking,¹⁴² narcotics and small arms trade will go up as a result of the refugees' arrival. Indeed, some observers believe that this has already happened.

There have been reports of the Cox's Bazar district police filing 92 cases against 195 Rohingyas who were arrested from Ukhiya and Teknaf upazilas for their involvement in drug (*yaba* tablets) smuggling. According to a report published by the Association for the Prevention of Drug Abuse (Manas) 90% of *Yaba* tables enter Bangladesh from Myanmar through the Naf river border. According to news reports, local authorities believe that over 500 *Yaba* smugglers have entered Bangladesh from Myanmar since 25 August, posing as Rohingya refugees, and that an additional 1,000 people who work as mules for these *Yaba* syndicates have also slipped into the country since then.¹⁴³

¹⁴⁰ Interview with a local employee of an aid agency in Cox's Bazar. 7 December 2017.

¹⁴¹ *Op. cit.* Interview with a district police official at Cox's Bazar.

¹⁴² Discussed separately in this report in a previous chapter.

¹⁴³ *Yaba* smugglers entering Bangladesh in disguise of displaced Rohingyas; Dhaka Tribune. 6 December 2017. <http://www.dhakatribune.com/bangladesh/crime/2017/12/06/yaba-smugglers-entering-bangladesh-disguise-displaced-rohingyas/> (Accessed 5 January 2018).

“Economic movement back and forth across the border can create problems. The *Yaba* trade has increased through Bangladesh. It is estimated to be a USD 2 billion industry. There is small arms trade as well,” said a UNHCR official.¹⁴⁴

The local police claim that whatever crime exists within the refugee camps is limited to domestic and sexual violence. “We have police stations in the registered camps and we have constables on the beat. However, most of the Rohingyas do not want cases to be registered and instead seek help for reconciliation. Our police, executive magistrates and the UN people help with that,” a district police official said.

Ease of movement disrupted

Locals are also upset with the large number of check posts that have been set up from Teknaf and Ukhiya to Cox’s Bazar. The number of police and army check posts to monitor the movement of the refugees has gone up from half a dozen in the initial days, to nearly 20. Even the locals have to stand in long queues at each check post to get their ID Cards checked. This is resented because most of them are not used to carrying their ID Cards with them at all times and now have to do so.¹⁴⁵

No local employment generation

There is also resentment in the local communities that the NGOs and aid agencies working with the refugees are getting outsiders to work in the camps and not employing locals, or employing only Rohingya refugees. “Our Chittagonian language is 95% the same as the Rohingya language that the refugees speak. We can also work with the aid agencies and the NGOs if they give us some of the jobs,” a local resident said.¹⁴⁶

Even district officials feel that the NGOs should involve local populations in relief and aid efforts. “The NGOs and the government should do something visible such as employment generation, taking up some development activity for the local people also, so that there is no resentment.”¹⁴⁷

Many civil society organisations and international aid organisations felt that the local community had to be taken into confidence about the refugees, its access to services needed to be enhanced and it should be used to provide services in the refugee camps such as paramedics, and field workers.

Fear of the Rohingyas staying on

Some local residents said to the mission members that they began by sympathising with the plight of the refugees but invariably ended up by expressing the apprehension that they might not return. They were unequivocal that the refugees must be sent back as soon as it is feasible to do so.

To those who compare the current Rohingya situation with the refugee situation in Bangladesh in 1971, when many Bangladeshis fled to India, those who are against refugees clearly say that these are

¹⁴⁴ Interview with UNHCR officials in Dhaka.

¹⁴⁵ *Op.cit.* Interview with a local employee of an aid agency in Cox’s Bazar.

¹⁴⁶ Interview with a local resident of Hindu Para village, Ukhiya. 8 December 2017.

¹⁴⁷ *Opt. cit.* Interview with a sub-district official at Ukhiya.

two different scenarios. Those who left the country in the past returned but there is a risk that the latest refugees from Myanmar would remain in the country. In that context the limited resources will be drained and eventually a terrible conflict will take place between the locals and the refugees. Those adverse to the refugees mentioned the clashes that have already taken place between the refugees and police, the army and the ordinary people as examples.¹⁴⁸

After waxing eloquent about how humans were more important than religion and how he took fruit for the refugees in Kutupalong three days after their arrival, a Buddhist monk and community leader of Ramu sub-district concluded, “The Rohingyas are a problem for our people and our government.”¹⁴⁹

Ramu is a sub-district of Cox’s Bazar and saw anti-Buddhist violence in 2012 in which mobs alleged to be Rohingya refugees destroyed 12 Buddhist temples and monasteries and 500 houses for an alleged desecration of the Holy Quran on Facebook.¹⁵⁰

A local Brahmin leader in Ramu, said, “The Rohingya problem has not occurred for the first time. It happened in 1978 and also in 1998. The Rohingyas have created a lot of problems for the locals here. The Rohingyas are backward, uneducated and uncivilised. They are polygamous and even a girl of 14 years can be the mother of many children. The sooner they go back, the better. We cannot hope for anything good by their being here.”¹⁵¹

A local Imam, who claimed to have helped the Rohingya refugees in their initial days in coming over to Bangladesh, supported this view, “The Rohingyas have no proper education. Despite being Muslims they do not know how to offer prayers. Their behaviour is also in conflict with the locals. It is important to make them aware that they have to go back. They have polluted Bangladesh and if allowed to stay on they will ‘devour’ the locals. They should be sent back.”¹⁵²

Some people felt that the Rohingya refugees were, “very aggressively minded, especially against the local Buddhists.” A local Buddhist resident said, “They burnt our temples. This is the main Buddhist area of Bangladesh, so the Rohingyas should be taken out of Bangladesh. We do not want a repetition of 2012 when Ramu was virtually destroyed by the Rohingyas.”¹⁵³

Another local community leader feared that extremist organisations may come up if the Rohingya refugees stayed on. “If they are not sent back, then it cannot be ruled out that the ARSA might begin its operations here,” he said.

International aid workers feel that the issues and anxieties of the locals are not unreasonable.

¹⁴⁸ Interview with a journalist in Cox’s Bazar. 9 December 2017.

¹⁴⁹ Interview with people in Ramu 10 December 2017.

¹⁵⁰ Bangladesh blames Muslim Rohingyas for temple attacks; Reuters. 1 October 2012. <https://www.reuters.com/article/us-bangladesh-temples/bangladesh-blames-muslim-rohingyas-for-temple-attacks-idUSBRE8900CZ20121001> (Accessed 5 January 2018).

¹⁵¹ Interview with people in Ramu. 10 December 2017.

¹⁵² Interview with people in Ramu . 10 December 2017.

¹⁵³ Interview with people in Ramu Upzila. 10 December 2017.

8

A Moment for Pause or Hasty Repatriation?

The official status by which Rohingyas in Bangladesh are designated by the Government, based on being ‘migrants’ or ‘refugees’ will decide their future in the country. This official status will determine whether they can be repatriated forcibly, their rights and entitlements during their stay in Bangladesh, their ability to seek asylum, their relocation to a third country, the role and involvement of international organisations on their behalf, and their ability to contribute to Bangladesh in dealing with the unprecedented situation with which it is faced.

Based on domestic and political reasons, the government of Bangladesh defines Rohingyas as ‘Undocumented Myanmar Nationals.’ This clearly indicates the Government’s intention of not accepting them as refugees’. However, instead of identifying Rohingyas as migrants, who have voluntarily entered the country, the term ‘UMN’ deliberately stops short of calling them refugees.

According to the UN Refugee Convention, Rohingyas can clearly be defined as refugees.¹⁵⁴ The vagueness of the term ‘UMN’ allows the Government to manipulate local administrative laws, including immigration laws to serve the Rohingyas without obliging to accept the complex burden that comes with the refugee status. The moment the Rohingyas fleeing Myanmar are designated as migrants, the suggestion is that they face no direct threat of persecution or death in their country of origin and that they are voluntarily moving to better their lives or for other personal reasons. This also suggests that eventually they can return home without facing any threats and that they will enjoy the same rights and privileges as other normal citizens of their country. They are in effect assumed to be moving for reasons excluded for being considered as refugees under national and international law.

Bangladesh is neither a signatory to the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol. There is a policy vacuum in the country on refugees. The presence of refugees is dealt under the Foreigners Act of 1946. Currently, the Government relies on various administrative mechanisms to provide for the Rohingya people.¹⁵⁵

¹⁵⁴ “A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion,” Convention and Protocol relating to the status of refugees, UNHCR, <http://www.unhcr.org/3b66c2aa10>

¹⁵⁵ Submission by the United Nations High Commissioner for Refugees (UNHCR) for the Office of the High Commissioner for Human Rights’ Compilation Report - Universal Periodic Review: BANGLADESH; <http://www.refworld.org/pdfid/508640242.pdf> (Accessed 6 January 2018).

On the other hand, refugees are defined and protected by international law. The refugee regime consists of strong laws and specifies rights which a host country must extend to the refugees. This means honouring the *non-refoulement* principle.¹⁵⁶ In addition, refugees have access to asylum procedures, respect for human rights which allows them the right to live with dignity and safety while searching for a long-term solution. The host country bears the primary responsibility for ensuring these rights. The refugee status also allows international organisations to work with the host country, providing it the necessary support in discharging its responsibilities towards refugees.¹⁵⁷

The UNHCR has rightly pointed out that the two terms – ‘migrants’ and ‘refugees’ – have two distinct connotations and conflating them creates problems for both categories of people. It notes, “Conflating refugees and migrants can have serious consequences for the lives and safety of refugees. Blurring the two terms takes attention away from the specific legal protections refugees require. It can undermine public support for refugees and the institution of asylum at a time when more refugees need such protection than ever before.”¹⁵⁸

The confusion that has arisen by way of merging the terms ‘refugee’ and ‘migrant’ is evident in manifold ways in the policy formulation and public mind in Bangladesh. In the current context of Rohingyas, it takes public attention, both domestic and international, away from addressing their needs and rights through legal responses. The bilateral repatriation arrangement signed between Bangladesh and Myanmar, the prospect of forced repatriation, the Government’s handing over relief efforts to IOM without giving it to UNHCR with the specific mandate to protect refugees, forcibly displaced communities and stateless people clearly delineates the extent of the issue.

Bangladesh in a hurry to repatriate

To the limited manner that the mission members could gauge, there seems to be broad official opinion in Bangladesh that the Rohingyas must return to Myanmar as soon as it is feasible to do so. The urgency of this view is also reflected in the “arrangement” reached between Bangladesh and Myanmar on the “return of displaced persons from the Rakhine state,” signed on 23 November 2017, when refugees were still crossing over to Bangladesh.¹⁵⁹ The repatriation process, as agreed, was scheduled to begin within two months of the arrangement.

A senior official of the Foreign Ministry told mission members that Bangladesh wanted a long term political solution to the refugee crisis. He said, “We want the issues of statelessness, citizenship, freedom of movement, access to education, etc. of Rohingyas addressed. The UN and the international

¹⁵⁶ 1951 United Nations Convention relating to the Status of Refugees, Article 33(1) : “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Quoted from Note on Non-Refoulement (Submitted by the High Commissioner) t (Submitted by the High Commissioner) EC/SCP/2; <http://www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html> (Accessed 6 January 2018).

¹⁵⁷ UNHCR viewpoint: ‘Refugee’ or ‘migrant’ – Which is right?; <http://www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html> (Accessed 6 January 2018)

¹⁵⁸ *Ibid.*

¹⁵⁹ Arrangement on return of displaced persons from Rakhine state between the Peoples’ Republic of Bangladesh and the Government of the Republic of the Union of Myanmar”, Nay Pyi Taw; 23 November 2017. <http://www.humanrights.asia/news/ahrc-news/pdf/ahrc-stm-148-2017-01.pdf> (Accessed 6 January 2018).

community are supportive of this approach. We in Bangladesh are engaged in humanitarian assistance but we want a lasting solution.”¹⁶⁰

Hindu refugees first to go

Even though the emphasis of the Bangladesh Foreign Ministry ostensibly was on making the world aware of the situation in Myanmar’s Rakhine state and to look for a lasting solution, it seems that the first batch of refugees, Hindus from Rakhine, were already scheduled to be repatriated on 22 January. Two camps have already been set up in Myanmar for receiving the Rohingyas who had fled to Bangladesh – one at Taungpyoleiwei, in the north-western part of the Rakhine State, for those returning overland from Bangladesh, and a second one at Ngakhuya, in Maungdaw Township, for those returning by sea or waterways.¹⁶¹

The Hindu families from Rakhine were perhaps chosen for repatriation on a priority basis because it is considered that they have nothing to fear from the Myanmar Army or the local Buddhist Rakhines. They are not stateless and most have citizenship a fled from violence perpetrated by extremists they believe to be Muslim Rohingyas.

Problem of sending back Muslims

The real problem, however, will arise with the repatriation of Muslim Rohingyas, who comprise the majority of refugees.

It has been reported in the media that in the first phase of repatriation, Dhaka is handing over a list of 100,000 Myanmar nationals living in Bangladesh. While the Myanmar government had apparently sent the verification forms for the Hindus who fled from the Rakhine state, it is not known whether such forms have been sent for its Muslim residents also. In addition, the Joint Working Group for Repatriation has not as yet finalised the physical arrangements for sending them back.¹⁶²

The Joint Working Group, led by the Bangladesh Foreign Secretary, was formed only on 19 December and has no representation as yet from the international community or Bangladesh civil society, although the two sides have agreed to include UN agencies and consult them at every step.¹⁶³

A senior Foreign Office official told the mission members in Dhaka that, “although Bangladesh is not a signatory to the 1951 UN Convention on Refugees, we are not going to push the Rohingyas back.

¹⁶⁰ Interview with senior diplomat in Bangladesh Foreign Ministry in Dhaka on 11 December 2018.

¹⁶¹ Rohingya Repatriation: 450 to return in first batch; Dhaka Tribune. 29 December 2017. <http://www.thedailystar.net/frontpage/rohingya-repatriation-450-return-first-batch-1511848> (Accessed 6 January 2018).

¹⁶² *Ibid.*

¹⁶³ Under the instrument signed on November 23, only the Rohingyas who have fled to Bangladesh after October 2016, will be sent back. Rohingyas who have been living since before the October 2016 Rohingya crisis will be sent back later. According to the terms, the repatriation will require proof of residency in Myanmar. They will have to produce copies of documents issued in Myanmar which indicate they are residents of Myanmar. This extends to, but is not limited to, citizenship identity cards, national registration cards, temporary registration cards, business ownership documents, school attendance, etc. Any refugee documentation issued by the United Nations High Commission for Refugees (UNHCR) will also be subject to similar verification. The Government of Myanmar gets the last say in any dispute. See, Rohingya repatriation: Joint working group formed, repatriation process to begin by January 23; Dhaka Tribune. 19 December (Updated on 20 December). <http://www.dhakatribune.com/bangladesh/foreign-affairs/2017/12/19/bangladesh-myanmar-joint-working-group-formed-repatriate-rohingyas/> (Accessed 6 January 2018).

We recognise the *non-refoulement* principle and we are not rushing into anything.”¹⁶⁴ It remains to be seen how this principle is honoured on the ground when a hasty repatriation begins.

“No going back without justice”: refugees

None of the refugees the mission members met wanted to go back immediately. And they said that if they were to go back, they would do so only if they could ensure citizenship rights, assurances of safety and security, return of their property, freedom to practice their religion, as well as accountability and justice for the atrocities committed against their men, women and children by the Myanmar Army and local Rakhine Buddhists. Some of them said that they were willing to go to third countries, if they would have them, rather than return to Myanmar.

The women to whom the mission spoke among the refugees seemed most reluctant to go back. Some of them had suffered at the hands of the security forces through torture and rape, and lost their husbands and children. “We want justice for the torture and attack on our honour. If we could get our homes back, and had freedom to pray and practice our religion, only then would we be happy to go back,” a woman refugee said.¹⁶⁵

Another woman questioned the point of being forced to go back to Myanmar if nothing changed. “We can’t go back now. Our relatives who had earlier been pushed back [from Bangladesh] had to come back again.”¹⁶⁶ Another woman whose husband and son had been killed by the Myanmar Army shook her head vehemently and said, “I don’t want to go back.”¹⁶⁷

Almost nobody wanted to return to Myanmar without proper assurances of accountability and delivery of justice for the atrocities committed against them. Rakibul, a refugee at Balukhali camp said, “If there is an assurance of peace and security based on an agreement between Myanmar and Bangladesh governments, then we will go back. This is not our country. Our property should be returned to us. We also want justice against the atrocities of the Myanmar Army – our young children have been killed and women raped.”¹⁶⁸

The dilemma of refugees whose houses had been burned down and family members tortured and killed was evident in every interaction with the refugees. Mamun of the infamous Tula Toli village, whose three sisters and a brother had allegedly been killed by the Myanmar Army, asked, “Where should we go? If things don’t settle down in Myanmar, then what should we do? If Bangladesh allows us to stay, we will stay. If some other countries will take us, we will go there.”¹⁶⁹

“I will go back if there is peace. But I would also like justice to be done. If justice is assured, I will go back,” said Kala Mia, whose eldest son was allegedly shot dead by the Myanmar Army and house razed to the ground by an army bulldozer.¹⁷⁰

¹⁶⁴ As a State party to the Convention against Torture Bangladesh is under obligation to abide the principle of non-refoulement.

¹⁶⁵ Interview with Saba, a woman refugee at Kutupalong Refugee Camp; 8 December 2017.

¹⁶⁶ Interview with Naziya, a woman refugee at Kutupalong Refugee Camp; 8 December 2017.

¹⁶⁷ Interview with Sayeda Khatun, a woman refugee at Kutupalong Refugee Camp; 8 December 2017.

¹⁶⁸ Interview with Rakibul at Balukhali Refugee Camp; 8 December 2017.

¹⁶⁹ Interview with Mamun at Balukhali Refugee Camp; 8 December 2017.

¹⁷⁰ Interview with Nayeem Mia in Balukhali Refugee Camp; 8 December 2017.

An 87-year-old Imam, Nazir Ahmed, was categorical about not going back. “My heart tells me not to go back. If there is permission and the Bangladesh Government allows us to go to some other country, then we will prefer to go there,” he said.

Another refugee at Kutupalong said, “We cannot go back when the conditions remain the same. In 2012, a lot of people were arrested by [the] Burmese Government, they have to be released. We have to be given opportunities for education and employment, there has to be communal harmony between all religions and the attitude that Buddhists hate Muslims has to change.” And then in utter desperation, he added, “If we cannot return, let us die here. You can shoot us or we can jump into the sea and die if Hasina [Prime Minister Sheikh Hasina of Bangladesh] doesn’t want to keep us here.”¹⁷¹ Yet another said, “We won’t go under this treaty. Our relatives had been pushed back earlier and they have had to flee again.”

Even the Hindu families from Rakhine who have citizenship and registration cards did not want to go back immediately. “We are not going back right now. If the Bangladesh and Myanmar Governments provide security then we are willing to go back. But there is still violence there [in the Rakhine state], so how can we go there?” asked Aashirbaad Pal, a Hindu refugee.¹⁷²

Sahadar Shil, a 70-year-old Hindu Rohingya from the Rakhine who had fled with 19 family members to Bangladesh, was categorical about not going back. “I don’t want to go back as I don’t know what will happen if I do. We can go back only when this problem is resolved permanently,” he said.¹⁷³

Clearly, the refugees do not believe that the conditions are right for their return. This view is also shared by the aid agencies working with them.

UNHCR on repatriation

International aid agency functionaries believe that this is not the time for repatriation. “There is still a lot of movement within the camps to establish links with families and relatives. At the moment the refugees just need to settle and form community links. And you are already asking them about leaving? This is a pause moment. This is the time to address not only the basic needs of the refugees but look at policy options and programming,” commented an official of UNHCR in Cox’s Bazar.¹⁷⁴

The official said, “Spending life as a refugee is not a panacea. However, having a document, getting their children educated and getting a livelihood will make the refugees stronger. Then they can think of going home. But as of now there is a vacuum in policy on refugees in Bangladesh.”

The mission members agree with the UNHCR officials that the Bangladesh-Myanmar ‘arrangement’ on the return of the refugees will not work in a bilateral framework but requires a trilateral agreement with the involvement of the UN.¹⁷⁵

¹⁷¹ Unnamed refugee interjecting while some refugee women were being interviewed at Kutupalong Refugee Camp; 8 December 2017.

¹⁷² Interview with Aashirbaad Pal, a refugee at the Hindu Para Refugee Camp; 8 December 2017.

¹⁷³ Interview with Sahadar Shil, a refugee at the Hindu Para Refugee Camp; 8 December 2017.

¹⁷⁴ Interview with UNHCR official at Cox’s Bazar. 9 December 2017.

¹⁷⁵ *Ibid.*

The Myanmar Government recognising the Kofi Anan led Rakhine Commission report is just the beginning and there is a need to include issues of justice and impunity in the tripartite agreement. Trust is an important factor in a tripartite agreement. In a bilateral agreement, if one party pulls out there is no option left before the other party. Issues of impunity and justice for the Rohingya go to the core of the problem. Ideally, these elements should be included in a tripartite agreement.¹⁷⁶

The agreement would entail establishing a legal and operational framework for the voluntary repatriation of the refugees. This means informing the refugees of the security situation in Myanmar and then allowing them to decide freely whether they wanted return, with no refugees being forced or coerced to return and ensuring their return with safety and dignity. It also means that the return is without any pre-conditions being set by Myanmar and allowing them to settle in the area of their origin or in an area of their choice where they feel safe. A tripartite agreement would also ensure the presence of UNHCR in the area of settlement of the returnees by giving them access to such settlements as well as allowing those who do not want to return to Myanmar to look for other alternatives.

The advantages of a tripartite agreement on repatriation are evident in the agreement signed in 2003 between Rwanda, Uganda and the UNHCR for the return of Rwandan refugees from Uganda.¹⁷⁷ However, as of December 2017 it was not clear whether the UNHCR would be given any role in ensuring that the repatriation is voluntary and that the agency would have permission from the Myanmar government to operate in the Rakhine state.

Such permissions have been given in the past not through a tripartite agreement but by the two governments separately. This alone would ensure that the right conditions exist for the refugees to return to Myanmar and that they are given the rights due to them as citizens and residents, including the access to services like health and education, and freedom of movement.

In the repatriation of Rohingya refugees in 1992-93, the Governments of Bangladesh and Myanmar had signed separate Memorandums of Understanding to facilitate the voluntary return of the refugees, giving the UNHCR access to the returnees in the Rakhine state.¹⁷⁸

Given the nature of atrocities which forced the Rohingyas to flee their homes *en masse*, there also has to be an inquiry into what happened and what kind of crimes took place. How precisely this can be done without international participation is unclear. In fact, hardly any public discussion is taking place on evolving processes of dealing with the impunity of the Myanmar Army and the police.

¹⁷⁶ *Ibid.*

¹⁷⁷ Uganda: Tripartite agreement signed on return of Rwandans; UNHCR; 23 July 2003. <http://www.unhcr.org/news/briefing/2003/7/3f20fbc2c/uganda-tripartite-agreement-signed-return-rwandans.html> (accessed 7 January 2018).

¹⁷⁸ C R Abrar; Repatriation of Rohingya Refugees; Undated. <http://www.burmalibrary.org/docs/Abrar-repatriation.htm> (Accessed 7 January 2018)

9

Gaps in the Refugee Policy of Bangladesh

The process of repatriation remains to be seen, as the scheduled deadline for the first phase of repatriation for 18 January 2018 was not met. It is unclear what the future of the returnees will be in terms of restoration of their human rights, including citizenship rights, access to state services and freedom of movement. It is also not clear who will monitor their fate once they are back in Myanmar, or the circumstances in which they get sent back to Myanmar.

However, even before large-scale repatriation begins, Bangladesh needs to address several issues which have a direct bearing on the current status of the refugees as well as their future.

Birth, death and marriage registration

Birth, death and marriage registration is an active process. It has come to a complete halt for the Rohingya refugees even as new families are formed and children are born. Given the high number of pregnancies amongst Rohingya women in the refugee camps, the Bangladesh government needs to allow birth registration for the new-borns. As of now, the mission understands that birth registrations are not taking place.

The refusal to register births and marriages will curtail the ability of the authorities to assess the humanitarian needs of the refugees, including nutritional needs and healthcare, and to ensure effective protection.

Permitting birth registration would also be essential to prevent statelessness among children by establishing who the parents of the child are and where the child was born. Bangladesh has a law – the Births and Deaths Registration Act (2004) – which mandates the registration of births and deaths of “all persons” who are born and die in Bangladesh. This needs to be extended to the latest batch of Rohingya refugees. Through a government circular issued in 2009, birth registration was extended to the Rohingya refugees then living in the Kutupalong and Nayapara camps. This needs to be made applicable to the new Rohingya refugees as well.

The mission understands that the UNHCR is in discussions with the Government of Bangladesh on birth registration of children born to refugees.¹⁷⁹ Bangladesh is a signatory to the Convention on the Rights of the Child (1989) and has been urged to follow the recommendation of the United Nations Committee on Child Rights, “that the State party take all necessary measures to accelerate free-of-charge birth registration for *all children born within the national territory*, including children whose father- or both father and mother- are unknown, children born to single mothers, children born out of wedlock and *refugee children*.” (emphasis added)¹⁸⁰

Women rape survivors and ‘war babies’

A number of aid agency workers to whom the mission members spoke said that nobody as yet has a grasp of the problem of ‘war babies’. They fear that given the stigma of rape and ‘war babies’, women may resort to infanticide. There is also a need to urgently provide the option of voluntary abortion to rape survivors through proper medical counselling and facilities.

“It has been increasingly difficult to talk about sexual violence with the women refugees. It is easier to talk about domestic violence. However, we are expecting a large number of ‘war babies’ and the UN agencies are preparing for that,” a woman aid worker with an international agency claimed.¹⁸¹ The refugee women do not seek medical assistance at health centres because they have never done so in the Rakhine. “They have no sense of entitlement to essential services,” said a UN official.¹⁸²

Children’s access to education

There are 38 madrasahs to 5 learning centres per square kilometre in the Rohingya refugee camps as of now.¹⁸³ The only school in the refugee camp is run by BRAC. UNICEF has said, “More than 453,000 refugee and host community children aged 4–18 years now need a place to learn. UNICEF plans to reach at least 150,000 Rohingya children and 50,000 host community children of 4–14 years, while the remainder will be supported by other sector partners.”¹⁸⁴ The refugees complained of lack of schooling for their children and spoke of receiving too many toys and too few books.

Decentralising refugee camps

There is a need for better planning of the refugee camps. The camp at Kutupalong is like a mega-slum or a mega-reservation isolated from the local community. It is densely populated and a fire hazard, with its thousands of bamboo and tarpaulin structures.

¹⁷⁹ Nearly 58% of Rohingya refugees in Bangladesh are children; The Hindu; 20 October 2017. <http://www.thehindu.com/news/international/nearly-58-of-rohingya-refugees-in-bangladesh-are-children/article19887637.ece> (Accessed 7 January 2018).

¹⁸⁰ Submission by the United Nations High Commissioner for refugees (UNHCR) for the Office of the High Commissioner for Human Rights’ Compilation Report - Universal Periodic Review: Bangladesh; <http://www.refworld.org/pdfid/508640242.pdf> (Accessed 7 January 2018).

¹⁸¹ Interview with an international aid agency employee at Cox’s Bazar; 7 December 2017.

¹⁸² *Op.cit.* Interview with a UNHCR official at Cox’s Bazar.

¹⁸³ *Ibid.*

¹⁸⁴ Rohingya refugee children: UNICEF emergency response in Bangladesh; https://www.unicef.org/infobycountry/bangladesh_100945.html (Accessed 7 January 2018).

The refugee camps need to be decentralised and manageable. They also need to be located within existing local communities and not converted into a sort of open prison with limited mobility for the inmates.

“People cannot be arrested or detained when they move about outside the refugee camp or rent a property outside. Are all Rohingyas to be put in Kutupalong with its overcrowding and fire hazards? Refugees need to live in communities. They need to have social and economic exchanges,” stated a UN official.¹⁸⁵

Another suggested that instead of unmanageable or difficult to manage mega-camps, “We need to ask whether there can be more decentralised settlements which are not islands (reference to government plans to settle 100,000 refugees in a flood-prone island Bhashan Char in the Bay of Bengal¹⁸⁶) and are manageable? By that I mean where livelihoods, schools and healthcare can be provided.”¹⁸⁷

Refugees and the right to work

The Rohingya refugees do not have a right to seek local employment. The Bangladesh government could consider giving registered refugees permission to work. “Traumatised people need to work to get over their trauma. We need to manage things a bit more organically - economically, socially and mentally. Remember that old Rohingya refugees own businesses here and provide employment,” a UN official pointed out.¹⁸⁸

Providing regulated livelihood options to the refugees might also become necessary if repatriation did not go as planned. “If repatriation is not going well, then we will have to start thinking of integration and livelihoods. We need to promote economic development in the local communities so that there is better integration and reduced lack [of] trust with the Rohingya refugees,” said another.¹⁸⁹

Fear of Islamic radicalisation

Islamic radicalisation of Rohingya refugee youth in the camps, according to experts on the ground, remains a real possibility. Rohingya youngsters who have seen their family members shot dead, tortured or raped can easily be prompted to fight back.

A local journalist claimed, “Taking advantage of the Rohingya situation, fundamentalist forces are entering the camps and holding meetings in makeshift mosques at night.”¹⁹⁰ A social activist who has worked with the refugees said, “A lot of Islamic NGOs have emerged suddenly, and are working in

¹⁸⁵ *Op.cit.* Interview with a UNHCR official at Cox’s Bazar.

¹⁸⁶ Bangladesh to turn island into temporary home for 100,000 Rohingya refugees; Reuters; 28 November 2017. <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh/bangladesh-to-turn-island-into-temporary-home-for-100000-rohingya-refugees-idUSKBN1DS1XF> (Accessed 7 January 2018).

¹⁸⁷ Interview with a UNHCR official at Dhaka; 11 December 2017.

¹⁸⁸ *Op. cit.* Interview with a UNHCR official at Cox’s Bazar.

¹⁸⁹ *Op.cit.* Interview with a UNHCR official at Dhaka.

¹⁹⁰ Interview with a journalist in Cox’s Bazar; 7 December 2017.

the camps. Many have names which we have never heard earlier. It is not going to be easy to monitor radicalisation.”¹⁹¹

Another journalist from Cox’s Bazar, claimed that Islamic fundamentalists were working in the Lambasia and Modhuchora extensions of the Kutupalong Refugee Camp. He said that these groups also included some known Islamic groups such as Hefazat-e-Islam, Tablighi Jamat, Jamiat Ulema-e-Hind, and Jamat-e-Islami working undercover or under different names, and followers of the Chormonai *Peer*, besides groups close to Maulana Masud of the Awami League.¹⁹² Not all of them can be called extremists, but local opinion makers seem sufficiently worried by their presence in the refugee camps.

“This is already a trouble spot. There are 18-year-olds here who have seen their parents killed in front of them. There are young people who have seen their wives, sisters and mothers raped,” a senior official of the Bangladesh Ministry of Foreign Affairs warned.¹⁹³

One of the reasons why the local administration has stopped the entry of outsiders to the refugee camps after 5pm is because a lot of “religious motivators” were entering the camps and staying there overnight.¹⁹⁴ The local police chief however, says that up to now his officers and detectives have not found any presence of the ARSA, the Rohingya Solidarity Organisation (RSO) or other radical Rohingya groups in the camps.¹⁹⁵ However, there is a palpable fear in the local administration that Islamic fundamentalists and extremists may use the traumatised and angry youngsters for their own ends.

Need for regional cooperation

Bangladesh is currently shouldering the responsibility of responding to the Rohingya refugee crisis with help only coming from the UN and other international aid agencies. As the progenitor of the South Asian Association for Regional Cooperation (SAARC), Bangladesh should call upon the member countries to come forward to share the responsibility of resolving the Rohingya crisis.

It was disconcerting to note that there were hardly any South Asian experts and volunteers working with their Bangladeshi counterparts in the refugee camps. Let alone involvement at the level of governments, even NGOs and civil society activists from neighbouring countries were noticeably absent. Since the crisis is unlikely to be resolved quickly, Bangladesh should facilitate the access of South Asian civil society organisations, NGOs and volunteers to the refugee camps in an organised and administratively efficient manner.

As Myanmar has an observer status in SAARC, and has in the past applied for formal membership of the regional grouping, Bangladesh must use regional moral and political pressure on Myanmar. It should also solicit cooperation of SAARC countries in persuading Myanmar to ensure the citizenship rights of the Rohingya and enable their safe and dignified return.

¹⁹¹ Discussion with civil society activists in Dhaka; 10 December 2017.

¹⁹² Interview with a journalist in Cox’s Bazar. 8 December 2017.

¹⁹³ Interview with a senior official of the Bangladesh Foreign Ministry. 11 December 2017.

¹⁹⁴ *Op.cit.* Interview with Interview with a district official of Cox’s Bazar.

¹⁹⁵ *Op.cit.* Interview with a police official at Cox’s Bazar.

Forensic documentation of violations

Even as the Government of Bangladesh negotiates the future of the Rohingya refugees, there is an urgent need to conduct a forensic documentation of human rights violations through detailed interviews of the victims. Currently, the memories of the refugees are fresh. Victims need to talk about their traumatic experiences and they are not dispersed. This is the appropriate time to encourage NGOs with the requisite legal and human rights expertise to collect such individual testimonies and evidence. The mission was informed that the UNDP is planning to conduct such an exercise.

Such documentations and personal legal testimonies can later be used for seeking justice both nationally, within Myanmar, and internationally, if the need arises. Without such testimonies, dealing with the impunity of the state may become difficult, if not impossible.

A comprehensive refugee policy

The latest arrival of Rohingya refugees may be unprecedented, but it is not the first time this happened in Bangladesh. Nor is it likely to be the last. Should such a crisis arise again, Bangladesh would be forced to deal with it in an *ad hoc* manner as it is doing at present – in a policy vacuum about refugees.

The Government of Bangladesh should therefore consider moving towards a comprehensive policy of dealing with refugees. Such a policy will be in keeping with international norms and would allow international agencies to work more efficiently with the government. It would also facilitate assistance from international financial institutions. It might therefore be fruitful for Bangladesh to reconsider its stand on the 1951 UN Convention relating to the Status of Refugees and the 1967 International Protocol on Refugees.

The New York Declaration or the Comprehensive Refugee Response Framework (CRRF) could be a good pointer and an actionable blueprint for Bangladesh to develop a broader vision for dealing with refugees. The CRRF agreement contains wide-ranging commitments that reaffirm the commitment by the Member States – 193 have already signed it - to respect the human rights of refugees and migrants and, most importantly, to support the countries that welcome them.¹⁹⁶ This approach could help the host country in attracting development assistance from international financial institutions.

At the heart of the CRRF vision is the belief that the refugees must not live in segregated camps except in emergency situations, and that they ought to be included in the local communities from the very beginning; that they are ensured access to education and local employment which would help them become self-reliant as well as contributors to the economic strengthening of the communities that host them. Strengthening the refugees socially and economically is expected to reduce the risk of long stays, as well as their dependence on humanitarian aid.

What this approach attempts to do is to reduce the pressure on the countries which host the refugees, build self-reliance among the refugees, expand access to resettlement in third countries and foster conditions which prepare and enable the refugees to return home voluntarily.¹⁹⁷ Remarks by Prime

¹⁹⁶ Comprehensive Refugee Response Framework -- Delivering more comprehensive and predictable responses for refugees; UN-HCR; <http://www.unhcr.org/comprehensive-refugee-response-framework-crrf.html> (Accessed 8 January 2018).

¹⁹⁷ *Ibid.*

Minister Sheikh Hasina, joining the Obama Summit on Refugees in September 2016, fitted in well with this approach.¹⁹⁸

There is still a long way to go for Bangladesh in developing a refugee policy in consonance with UN conventions and protocols and the CRRF vision. The unprecedented refugee crisis that the country faces may well be the right opportunity to start taking bold steps in that direction.

¹⁹⁸ Press Information Department, Government of Bangladesh, Dhaka. 21 September 2016. http://pressinform.portal.gov.bd/sites/default/files/files/pressinform.portal.gov.bd/allnotes/66b10616_836e_4f0e_b3b1_32ee65a5bffc/News%20Brief_Sept.pdf (Accessed 8 January 2018).

10

Conclusion and Recommendations

This report has highlighted the concerns and key findings of the five day mission by SAHR in the refugee camps in Cox's Bazar in December 2017, and interviews with key stakeholders.

The mission concludes that the Government of Bangladesh has successfully managed a serious humanitarian crisis situation and provided rapid relief to tens of thousands of refugees in need of basic assistance and personal security.

This has been achieved despite the **total absence of a national policy framework on the treatment of refugees** and a policy on treating Rohingya people who have previously entered into the country. Therefore, it is crucial to ratify the Convention and Protocol relating to the Status of Refugees of 1951, and adopt implementing legislation domestically, to ensure a rights-based national framework in compliance with relevant international norms and standards, with respect to treatment of refugees and the present crisis.

Mission members believe that **UNHCR should be given a prominent role in the repatriation process of the Rohingya refugees**, given its mandate of 'protecting the forcibly displaced communities and to assist in their voluntary repatriation'. They also advocate **absolute transparency in the bilateral repatriation framework** between Bangladesh and Myanmar. At the same time, The Rohingya refugees who are voluntarily repatriating should be informed of what they are going back to, given the fact that the region's landscape has been changed by the government of Myanmar and that it would be difficult for the returning refugees to locate their homes and land.

Mission members visited several camps where Rohingyas have been sheltered. They were able to witness firsthand the facilities offered to these refugees by way of basic shelter and services from both governmental and non-governmental bodies, national and international. However, **the mission would like to emphasise the lack of adequate facilities:** inadequate amounts of food items and clean and potable water; scarcity of electricity, despite extensive use of solar panels, resulting in insufficient lighting on the streets within the camps; sparse toilet facilities; non-existent emergency medical facilities in the camps after 5pm due to police rules ostensibly in order to curb radicalisation; lack of awareness and urgency among certain service providers of the required ante-natal care needed for pregnant women and psycho-social therapy for women survivors of sexual violence; lack of proper regard for the needs of the large number of children within the camps such as schools to provide formal education, books

and other educational tools and safe play areas; lack of organised and structured engagements for the refugees; non-attention to particular security concerns of the refugees in the Hindu Para camp and the continuing reports of trafficking despite the strengthened security of camps.

It is of **utmost importance that harmonious coordination between aid agencies and the local administrative institutions** be ensured to provide relief to refugees for effective service delivery. The Mission members believe that refugees must be given an opportunity to empower themselves to rebuild their lives. It is critical that refugees, especially young people, in the camps are engaged in constructive, meaningful and organised educational, cultural and income generating activities. In turn these engagements will assist them to overcome their trauma and nurture their confidence to resist and counter attempts at recruitment or radicalisation by extremists.

The mission members note that there is an **urgent need to address the growing resentment in local communities towards refugees**, with government's focus on engagement targeting Rohingyas. It was noted that the UN agencies had already started including the needs of the local population in terms of education and health in their overall plans for the refugees.

Mission members gathered from the Rohingya refugees, reports of **numerous rights violations by the Myanmar military** ranging from loss of life, torture, sexual violence and rape, forced displacement, enforced disappearance and destruction of property and livelihoods. It is of **utmost importance that a conducive environment entailing guaranteed citizenship rights, assured safety and justice and recognition of human rights for the returnee refugees is created in Myanmar before their voluntary and safe return.**

The mission urges the prioritising of **the implementation of appropriate measures to resolve citizenship issues for the Rohingya people** by revising the Citizenship Law (1982) and amend the Race and Religion Protection Laws (2015) including the removal of provisions undermining the rights of women, children and religious minorities; **ensuring justice for gross human rights violations against Rohingya and establish an effective mechanism leading to inter-community reconciliation in the Northern Rakhine State and proper disbursement of reparation is important in this context**; and adopting the recommendations of the Advisory Commission on Rakhine state chaired by Kofi Annan, which encourage reconciliation among the communities of Rakhine is crucial to sustainable peace, development and prosperity.

SAHR as a regional human rights organisation strongly reiterates that the **unprecedented refugee crisis being faced by Bangladesh needs regional cooperation and effort both from governments and people.** The absence of South Asian countries in the relief and rehabilitation efforts and sharing of human resources and specific expertise at the hour of the need in Cox's Bazar was palpable. SAHR emphasises the urgent need for regional cooperation, not only to respond to the refugee relief effort, but also for accountability for the actions of the Myanmar military and help Bangladesh and Myanmar ensure the voluntary return of the refugees with safety and dignity so that the issue is resolved permanently.

SAHR is a democratic regional network with a large membership base of people committed to addressing human rights issues at both national and regional levels. SAHR seeks to contribute to the realization of South Asian peoples' right to participatory democracy, good governance and justice by strengthening regional response, including regional instruments, monitoring human rights violations, reviewing laws, policies and practices that have an adverse impact on human rights and conducting campaigns and programmes on issues of major concern in the region.

SAHR comprises both institutional and individual members. An elected bureau works as the organisation's executive body while the membership committee oversees enrolment of members. The SAHR Chairperson and Co-Chairperson are Ms Sultana Kamal of Bangladesh and Mr. Mohamed Latheef of the Maldives respectively. The Secretariat is located in Colombo, Sri Lanka.



South Asians for Human Rights (SAHR)

345/18 Kuruppu Road, (17/7 Kuruppu Lane), Colombo 08, Sri Lanka

Tel/Fax: +94 11 2695910

Email: sahr@southasianrights.org Website: www.southasianrights.org