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THE WORLD MUST STAND UP FOR THE ROHINGYA - LEST WE FORGET!

2023 marks the sixth anniversary of the 2017 exodus of more than 730,000 Rohingya fleeing the Myanmar military's so-called 'clearance operations' from Rakhine State to Bangladesh.

Situation in Myanmar

The 2021 military coup, after toppling the civilian government and declaring a state of emergency across the country, has [disproportionately affected the Rohingya population in Myanmar](#) and heightened their vulnerability. The further extension of martial law and postponement of the general election risks aggravation of the political and humanitarian crisis.

In Rakhine State, approximately 600,000 Rohingya continue to live under *de facto* indefinite detention with severe restrictions ranging from freedom of movement (harassment, extortion, curfews, etc.) to arbitrary detention and arrests under immigration laws. The limited access to food, water, healthcare, education, employment, and justice has compounded their social exclusion and entrenched systemic discrimination that [amounts to an apartheid-like situation](#).

Cyclone Mocha, which struck the Bangladesh-Myanmar border on 14 May 2023, had a devastating effect on the Rohingya in Rakhine State; hundreds were killed, thousands were injured, and there was a widespread collapse of housing and shelters. The Myanmar military not only provided [inadequate warning and evacuation plans, but it also failed in relief and rehabilitation](#). The military junta [deliberately blocked access to humanitarian aid, rejected travel visas and suspended authorisations to aid and medical workers](#). The intentional blockade and abject indifference by the military exacerbated the food, water, and health crisis, including rising malnutrition and waterborne diseases, and lack of sanitation.

Situation in Bangladesh

In Bangladesh, which hosts over a million Rohingya refugees, the situation in the camps in Cox's Bazar and Bhasan Char is dire, with restrictions on movement, lack of access to durable housing, education, livelihood, and health care. Recurring natural disasters, including cyclones and floods and [man-made events like fires and arson in the camps](#), exacerbate the situation. In June 2023, faced with a shortage of funds from the international community, the United Nations World Food Programme [slashed food rations from \\$12 to \\$8 a month](#), heightening the risk of malnutrition, drug and human trafficking, forced marriages, and child labour.

There is growing violence in the camps from armed gangs and militants, including the Arakan Rohingya Salvation Army (ARSA) in the refugee camps. The [increase in killings of community leaders, including Majhis](#) has had a chilling effect and contributed to a climate of extreme insecurity. Bangladesh police have failed to respond to the complaints filed by Rohingya relating to sexual violence, torture, abduction, child recruitment etc., and provide adequate security and protection. In fact, since 2020, the Armed Police Battalion (APBn) tasked to provide security at the camps has been accused of corruption and rights violations and [extorted, tortured, and arbitrarily detained the already vulnerable Rohingya](#).

Thousands of Rohingya, [risking their lives and paying exorbitant ransoms](#), have undertaken perilous journeys by sea to escape the harsh living conditions of the camps. In doing so, [hundreds of Rohingya including women and children](#) have lost their lives. Failure of States to respond to boats with refugees in distress increases the risk of starvation and deaths at sea.

The Pilot Repatriation Project

In May 2023, following the tripartite negotiations between the Myanmar junta, Bangladesh, and China, a select group of 20 Rohingya were taken to resettlement camps in Rakhine State as a part of a 'pilot project'. According to the project, [around 1000 Rohingya refugees will be placed in 'transit camps' for two months](#) before being shifted to one of the two resettlement camps in one of the 15 'designated villages' in Myanmar. These transit camps are [detention-like centres with barbed wire perimeters and check posts](#). The camps will be guarded by the military for reasons of 'security'. The Project doesn't grant Myanmar citizenship to the Rohingya under the 1982 Citizenship Law and only accord them with the National Verification Cards (NVCs). The [NVCs designate the Rohingya as 'foreigners' and restricts their access and movement](#).

The May 2023 visit was preceded by the visit of Myanmar military officials to Cox's Bazar in March to undertake the 'verification process' for the pilot project. The refugees in the camps were [misled, deceived, and coerced by the Bangladesh security officers into interacting with the junta officials](#). Any repatriation must ensure that the Rohingya are included in the talks and the return of refugees is voluntary, informed, safe, and dignified. However, the present condition in Myanmar is far from conducive to meeting these requirements. If anything, the situation in Rakhine State has worsened since the 2021 military coup. While there is a long-standing demand for a durable solution from Rohingya, including the return to their homeland, the forceful refoulement of refugees to Myanmar under the leadership of the military junta – the orchestrators of the 2017 'clearance operations', would place the lives of the Rohingya at significant risk.

The [December 2022 UN Security Council \(UNSC\) resolution](#) and the [High Commissioner on Human Rights](#) and [Special Rapporteur's report](#) - all acknowledge that the current situation in Myanmar is not optimal for the return of the Rohingya refugees and call for the root causes to be resolved. However, the purported pilot project doesn't accord equal citizenship to Rohingya and the violence by the military junta remains unabated in Myanmar.

International Accountability Efforts

The military junta spearheading the repatriation project is nothing but an attempt to garner legitimacy from the International Court of Justice (ICJ) and the international community. Following the [rejection of the military's preliminary objection](#) to the court's jurisdiction, the [military failed to submit its counter-memorial](#) at the ICJ in the allotted time and sought an extension. The ongoing legal proceedings at the ICJ pertaining to the Genocide Convention and the International Criminal Court (ICC) concerning crimes against humanity seeking responsibility for the atrocities committed against the Rohingya are essential accountability initiatives albeit slow. The ICC investigation opened in 2019 is yet to result in any significant movement when compared to other investigations in the recent past, including the issuance of an arrest warrant. In contrast, the progress in the [universal jurisdiction case in Argentina](#) as well as a new [complaint filed against the Myanmar military in Germany](#) for the atrocity crimes committed against the Rohingya, is a welcome development.

The passivity of the Association of Southeast Asian Nations (ASEAN) has emboldened the Myanmar military. The Indonesian chairmanship of the regional group has not yielded any substantial change. The blatant and continuing breach of the [Five-Point Consensus](#) reflects the military's disregard for regional peace and security. The commission of mass atrocities, increase in transnational crimes,

including drug smuggling and trafficking, and blockage of humanitarian assistance, demand strong action by ASEAN rather than quiet diplomacy. The Security Council would be betraying its duty and obligation under the UN Charter if it remains seized of the rising impunity of the military junta in Myanmar but turns a blind eye to the flagrant violation of the adopted resolution and passes the buck to ASEAN.

The Asia Justice Coalition is alarmed at the international indifference to the plight of the Rohingya and expresses its deep concern regarding the proposed ‘pilot project’ aimed at forceful repatriation of the Rohingya. It calls upon:

- The Myanmar junta to immediately end the ongoing attacks and military operations across the country, including all violations of international law against Rohingya and other minorities.
- The military junta to urgently facilitate safe, rapid, and unimpeded humanitarian access across the country, especially to the Rohingya and Cyclone Mocha victims.
- The Bangladesh government to provide increased protection and security to the Rohingya and investigate and prosecute security officials responsible for rights violations against the Rohingya.
- The Bangladesh government to halt its participation in the tripartite diplomatic efforts to repatriate Rohingya and continue to uphold its commitment to hosting the refugees.
- The Bangladesh government to ease restrictions in the refugee camps and provide Rohingya access to education, livelihood, health services.
- ASEAN to overhaul the Five-Point Consensus and set a concrete and timebound action plan, block Myanmar from all its meetings, and support UN member states in enforcing sanctions and a global arms embargo.
- The UN Security Council to hold a public session on the situation in Myanmar, impose a binding global arms embargo, and along with UN member states impose targeted sanctions, and stop the supply and transfer of arms to the Myanmar military and ensure effective implementation and prosecute sanction breaches.
- The UN Security Council to urgently refer the situation in Myanmar to the International Criminal Court for a full investigation.
- International community, especially donor governments, to urgently contribute to the UN Joint Response Plan for the Rohingya and meet funding commitments.
- UN member states to call for voluntary, informed, safe, and dignified return of the Rohingya and prevent forceful repatriation of the refugees to Myanmar.
- The US, UK, EU, and other like-minded states/international organizations to formally intervene in *The Gambia v. Myanmar* before the ICJ, and Canada and The Netherlands to take formal steps towards their intention to intervene.
- Neighbouring countries, including India, Thailand, Indonesia, Bangladesh, to devise a comprehensive regional response to the refugee crisis, provide protection, support, and humanitarian and legal aid to all refugees fleeing Myanmar, and to authorize emergency cross-border aid to internally displaced people in Myanmar.
- All countries to use all avenues and diplomatic channels at their disposal in pursuit of justice and accountability for the people of Myanmar, including civil and criminal legal actions based on the principle of universal jurisdiction.
