

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# MYANMAR: SIX YEARS SINCE THE ETHNIC CLEANSING CAMPAIGN, THE INTERNATIONAL COMMUNITY MUST DO BETTER

On the six-year anniversary of the ethnic cleansing campaign that forced hundreds of thousands of Rohingya to flee Myanmar, Amnesty International urges governments in the region and the rest of the international community to effectively and promptly step up their efforts to protect the human rights of Rohingya refugees, asylum seekers and internally displaced persons (IDPs). Amnesty International calls for the implementation of measures to immediately halt any plans of involuntary repatriation of Rohingya refugees to Bangladesh; prioritize the safety, dignity and rights of refugees and IDPs in Bangladesh, Myanmar and elsewhere; and improve living conditions in refugee camps so that Rohingya people can access clean water and sanitation, adequate food supplies, and education and healthcare facilities. Any relocation or repatriation must be carried out only with the free and informed consent of the Rohingya individuals involved.

We also reiterate our calls to the governments of destination and transit countries in Southeast Asia and elsewhere to increase their technical capacity for search and rescue operations of boats in distress at sea carrying Rohingya people, and initiate effective regional coordination efforts to find solutions to ensure that those fleeing persecution via land and sea are provided with the necessary humanitarian assistance and protection and are not turned away or returned to their country of origin.

## MASS DISPLACEMENT

On 25 August 2017, Myanmar's military began carrying out an extensive campaign of ethnic cleansing against the Rohingya population in northern Rakhine State, through a systematic campaign of murder, deportation and forcible displacement, torture, rape and other sexual violence, constituting crimes against humanity. Hundreds of thousands were forcibly displaced. As of July 2023, there are nearly 1 million Rohingya people living in refugee camps<sup>1</sup> in Bangladesh.

An estimated 150,000 Rohingya people are internally displaced within Rakhine State in Myanmar.<sup>2</sup> They are denied the right to a nationality and forced to endure dehumanizing living conditions while living under an institutionalized system of discrimination, oppression and domination, which Amnesty International has determined constitutes the crime of apartheid.<sup>3</sup> These challenges have been compounded by worsened living conditions following Cyclone Mocha. On 8 June, the Myanmar military suspended humanitarian access in Rakhine State, thereby completely preventing humanitarian organizations from operating in Rakhine. The total suspension prevented cyclone victims from getting life-saving aid assistance.

## INADEQUATE LIVING CONDITIONS IN REFUGEE CAMPS

Six years on, Rohingya refugees in Bangladesh still face a range of challenges, including overcrowding, inadequate shelter, food shortages, limited access to clean water and sanitation facilities and lack of proper healthcare<sup>4</sup>. There are also concerns about protection, safety and security in the camps, with additional risks faced by women and girls.

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<sup>1</sup> UN High Commissioner for Refugees, Operational Data Portal: Refugee Situation: Bangladesh, [data.unhcr.org/en/country/bgd](https://data.unhcr.org/en/country/bgd) (accessed by 7 August 2023).

<sup>2</sup> UN High Commissioner for Refugees, Operational Data Portal: Country Review: Myanmar, [data.unhcr.org/en/country/mmr](https://data.unhcr.org/en/country/mmr) (accessed by 7 August 2023)

<sup>3</sup> Amnesty International, Myanmar: "Caged without a roof": Apartheid in Myanmar's Rakhine State, 21 November 2017, [amnesty.org/en/documents/asa16/7484/2017/en/](https://www.amnesty.org/en/documents/asa16/7484/2017/en/)

<sup>4</sup> Amnesty International, Bangladesh: "I don't know what my future will be": Advocacy update on Rohingya refugees in Bangladesh, 29 August 2019, [amnesty.org/en/documents/asa13/0901/2019/en/](https://www.amnesty.org/en/documents/asa13/0901/2019/en/)

Rohingya people living in the refugee camps in Cox's Bazar also face restrictions and challenges including barriers to freedom of movement and limited access to food. In June 2023, the UN Food Programme announced its decision to cut food rations for the second time in 2023 from the monthly US\$10 to US\$8 per person,<sup>5</sup> a week after Cyclone Mocha, which severely worsened conditions of hunger and malnutrition amongst a population that has already been heavily impacted by previous disasters. Rohingya refugees are also at risk of violence by gang members and armed groups.<sup>6</sup>

In March 2023, a fire in Cox's Bazar engulfed over 2,000 shelters and 90 facilities, including hospitals and learning centres leaving an estimated 12,000 refugees with no shelter.<sup>7</sup> There have been more than 200 fires reported in the camps since January 2021, including 60 cases of arson.<sup>8</sup> Although there are efforts by international aid agencies to rebuild portions of the shelter and facilities, this is insufficient. The government of Bangladesh and the international community must ensure that affected refugees have access to appropriate humanitarian aid, including shelter following fires and weather disasters.

## **RISK OF FORCED REPATRIATION TO MYANMAR**

According to the UN Special Rapporteur for the Situation of Human Rights in Myanmar, the Myanmar military and Bangladeshi authorities are planning to implement a pilot programme to repatriate 1,140 Rohingya refugees to Myanmar before the end of 2023,<sup>9</sup> despite the risks of being returned to conditions of violence, persecution and discrimination that they fled from in the first place, an act that may violate the principle of non-refoulement. According to the UN Special Rapporteur's report, Bangladeshi authorities resorted to the threat of arrest and confiscation of documents for those who refused to cooperate with the government's plan.<sup>10</sup>

The Special Rapporteur called for Bangladesh authorities to suspend the pilot programme to return the refugees to Myanmar. Other human rights groups and humanitarian organizations have called for the government of Bangladesh to halt the project, following a visit from a Myanmar military delegation to negotiate the repatriation plan,<sup>11</sup> emphasizing that the repatriation process needs to be carried out voluntarily with proper assurances of safety, mechanisms for protection and respect for the rights for the Rohingya population.

Rohingya refugees in Bangladesh cannot be returned to Myanmar where they were subjected to crimes against humanity perpetrated by the Myanmar military with impunity. Without Myanmar nationality, Rohingya refugees and IDPs would not enjoy their rights on an equal basis to members of recognized ethnic groups in Myanmar.

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<sup>5</sup> World Food Programme, Rohingya refugees in Bangladesh face grim choices as more cuts to food assistance imminent, 26 May 2023, [wfp.org/news/rohingya-refugees-bangladesh-face-grim-choices-more-cuts-food-assistance-imminent](https://wfp.org/news/rohingya-refugees-bangladesh-face-grim-choices-more-cuts-food-assistance-imminent)

<sup>6</sup> Amnesty International, Myanmar: Five-year anniversary of Rohingya crisis must mark 'turning point' in quest for justice, 24 August 2022, [amnesty.org/en/latest/news/2022/08/myanmar-rohingya-five-year-anniversary/](https://www.amnesty.org/en/latest/news/2022/08/myanmar-rohingya-five-year-anniversary/)

<sup>7</sup> Reuters, Thousands of Rohingya refugees homeless after Bangladesh camp fire -UN, 7 March 2023, [reuters.com/world/asia-pacific/thousands-rohingya-refugees-homeless-after-bangladesh-camp-fire-un-2023-03-07/](https://www.reuters.com/world/asia-pacific/thousands-rohingya-refugees-homeless-after-bangladesh-camp-fire-un-2023-03-07/)

<sup>8</sup> Himal SouthAsian, A ROHINGYA PHOTOGRAPHER'S DISPATCH ON FOOD-AID CUTS IN THE REFUGEE CAMPS , 28 April 2023, [himalmag.com/rohingya-photographer-dispatch-on-food-aid-cuts-in-the-refugee-camps-coxs-bazar/#:~:text=The%20camps%2C%20overcrowded%20and%20squalid,60%20were%20cases%20of%20arson.](https://www.himalmag.com/rohingya-photographer-dispatch-on-food-aid-cuts-in-the-refugee-camps-coxs-bazar/#:~:text=The%20camps%2C%20overcrowded%20and%20squalid,60%20were%20cases%20of%20arson.)

<sup>9</sup> Office of the High Commissioner for Human Rights (OHCHR), Bangladesh must suspend pilot project to return Rohingya refugees to Myanmar: UN expert, 8 June 2023, [ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un](https://www.ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un)

<sup>10</sup> OHCHR, Bangladesh must suspend pilot project to return Rohingya refugees to Myanmar: UN expert, 8 June 2023, [ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un](https://www.ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un)

<sup>11</sup> Human Rights Watch (HRW), Bangladesh: New Risks for Rohingya Refugees, 18 May 2023 , [hrw.org/news/2023/05/18/bangladesh-new-risks-rohingya-refugees](https://www.hrw.org/news/2023/05/18/bangladesh-new-risks-rohingya-refugees)

## **PUSHED TO UNDERTAKE DANGEROUS BOAT JOURNEYS AND FACE INHUMANE TREATMENT IN TRANSIT AND DESTINATION COUNTRIES**

In recent years, Amnesty International and other organizations<sup>12</sup> have recorded the activities of boats carrying Rohingya refugees fleeing the persecution of the Myanmar military and inadequate living conditions in the refugee camps in Bangladesh<sup>13</sup> near the coast of various Southeast Asian countries. According to various reports, the authorities of Malaysia<sup>14</sup> and Indonesia<sup>15</sup> have pushed back a number of boats and failed to immediately launch search and rescue missions to find and assist Rohingya people in distress at sea, as well as to provide humanitarian assistance and safe pathways to seek asylum for those who disembarked on their shores.

In Thailand, while authorities have committed to provide humanitarian support to Rohingya asylum seekers, hundreds of asylum seekers stranded in Thai islands who had been rescued by Thai authorities continue to be held in indefinite migration detention.<sup>16</sup> In Malaysia, authorities have pushed back and, in some cases, even prosecuted Rohingya people stranded on boats fleeing persecution in Myanmar and the hardships of refugee camps in Bangladesh. In April 2020, for example, the government allowed 202 Rohingya people to disembark from a boat adrift off the coast of Langkawi; a second boat carrying 269 Rohingya people was allowed to disembark in June 2020.<sup>17</sup> Several people were reported by media to have died during the journey. Survivors were detained in a temporary immigration detention centre in Sungai Bakap, Penang. The authorities subsequently convicted Rohingya men of offences under the Immigration Act 1959/63 and sentenced them to seven months in prison; at least 20 were sentenced to caning which was withdrawn after protests.<sup>18</sup> While the UN High Commissioner for Refugees has been denied access to immigration detention centres since August 2019, Rohingya people continue to be detained indefinitely without any effective remedy.<sup>19</sup>

Under the UN Convention on the Law of the Sea, states are bound by their obligation to conduct search and rescue.<sup>20</sup> Further, these 'push-back' practices contravene the commitments which ASEAN member states publicly pledged to cooperate in the 2010 ASEAN Declaration on Cooperation in Search and Rescue of Persons and Vessels in Distress at Sea operations and the 2016 Bali Declaration.

Due to the inhumane conditions that Rohingya people are facing, poor treatment from authorities and the lack of sufficient assistance from countries in the region, all governments in the region must collectively and urgently set up their efforts to provide safety and wellbeing to those stranded. A concrete and cooperative regional action plan for search and rescue missions and disembarkation processes must be implemented immediately to avoid the risk of refugees being

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<sup>12</sup> Amnesty International, Southeast Asian governments must provide care, refuge for Rohingya stranded at sea, 9 December 2022, [amnesty.org/en/latest/news/2022/12/rohingya-refugees-stranded-sea/](https://www.amnesty.org/en/latest/news/2022/12/rohingya-refugees-stranded-sea/)

<sup>13</sup> Amnesty International, COVID-19 no excuse to sacrifice Rohingya lives at sea, [amnesty.org/en/latest/news/2020/04/covid-no-excuse-sacrifice-lives-more-rohingya-see-safety-boat/](https://www.amnesty.org/en/latest/news/2020/04/covid-no-excuse-sacrifice-lives-more-rohingya-see-safety-boat/)

<sup>14</sup> Human Rights Watch, Malaysia/Thailand: Allow Rohingya Refugees Ashore, 12 June 2020, [hrw.org/news/2020/06/12/malaysia/thailand-allow-rohingya-refugees-ashore](https://www.hrw.org/news/2020/06/12/malaysia/thailand-allow-rohingya-refugees-ashore)

<sup>15</sup> Al Jazeera, Indonesia rejects Rohingya refugees, sends boat to Malaysia, 28 December 2021, [aljazeera.com/news/2021/12/28/indonesia-rejects-rohingya-refugees-sends-boat-to-malaysia](https://www.aljazeera.com/news/2021/12/28/indonesia-rejects-rohingya-refugees-sends-boat-to-malaysia)

<sup>16</sup> Amnesty International, Amnesty International Report 2022/23: The state of the world's human rights: Thailand entry, 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/)

<sup>17</sup> Amnesty International, Malaysia: "Heinous" plan to send Rohingya people back to sea, 19 June 2020, [amnesty.org/en/latest/news/2020/06/malaysia-heinous-plan-rohingya-people-sea/](https://www.amnesty.org/en/latest/news/2020/06/malaysia-heinous-plan-rohingya-people-sea/)

<sup>18</sup> Amnesty International, Malaysia: Court ruling against whipping must be first step toward protecting Rohingya refugees, 22 July 2020, [amnesty.org/en/latest/news/2020/07/malaysia-court-ruling-against-whipping-must-be-first-step-toward-protecting-rohingya-refugees/](https://www.amnesty.org/en/latest/news/2020/07/malaysia-court-ruling-against-whipping-must-be-first-step-toward-protecting-rohingya-refugees/)

<sup>19</sup> Amnesty International Malaysia, High Court orders government to halt deportation of remaining 114 Myanmar nationals, 24 February 2021, [amnesty.my/2021/02/24/high-court-orders-government-to-halt-deportation-of-remaining-114-myanmar-nationals/](https://www.amnesty.my/2021/02/24/high-court-orders-government-to-halt-deportation-of-remaining-114-myanmar-nationals/)

<sup>20</sup> UNCLOS: UN Convention on the Law of the Sea, UN Doc. A/CONF.62/122, Art. 98(2): "Every coastal state shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements cooperate with neighbouring States for this purpose."

turned away from one country, only to be turned back again by another. Governments in the region must also establish a fair and just system for Rohingya refugees to efficiently seek asylum upon disembarkation.<sup>21</sup>

## CONCLUSION AND RECOMMENDATIONS

Today's anniversary is an urgent reminder of the critical need for governments in the region, international governmental organizations and the international community to work together to uphold human rights, in accordance with international law and standards. Amnesty International would like to reiterate our calls as follows:

### TO THE MYANMAR MILITARY

- Dismantle the system of apartheid against Rohingya, beginning with ending systemic discrimination and violence against the Rohingya people;
- Ensure free and unimpeded access to Rakhine State by humanitarian actors, international human rights organizations and journalists, in addition to other key stakeholders;

### TO THE GOVERNMENT OF BANGLADESH

- Ensure decisions related to Rohingya refugees are clearly detailed in a consultation-based, publicly accessible, transparent and rights-respecting policy document, which outlines a framework of representation of Rohingya refugees, in order to protect their human rights including but not limited to access to education livelihood, healthcare, justice, freedom of expression, peaceful assembly and movement as well as protection services;
- Respect and uphold the principle of *non-refoulement* by ensuring that Rohingya refugees are not transferred to any place, including their country of origin, where they would be at real risk of serious human rights abuses and violations. This includes halting the pilot repatriation project with the Myanmar military;

### TO THE GOVERNMENTS OF DESTINATION AND TRANSIT COUNTRIES (THAILAND, MALAYSIA, INDONESIA AND OTHERS)

- Indonesia, in its capacity as ASEAN Chair, should convene an emergency meeting to deal with the situation, in accordance with the ASEAN Charter during the ASEAN Summit in September 2023;
- Respect the principle of non-refoulement, given the real risk of serious human rights violations, including torture and other ill-treatment, to anyone who might be sent back from transit or destination countries to the custody of the Myanmar military;
- Take all necessary measures to protect rescued refugees and asylum seekers from arbitrary detention, torture other ill-treatment and discrimination and provide humanitarian assistance in line with international law and standards.
- Ensure that the rights of refugees and asylum seekers are respected and protected while in country, including but not limited to access to health care, education, right to work and access to justice;
- Put an end to automatic and indefinite detention of refugees and asylum seekers solely on the basis of their migration status and ensure they are accorded requisite protections under international law;
- Authorize and allow national human rights institutions, national preventive mechanisms and independent regional or international bodies to carry out their mandates, including by granting these institutions access to visit places of immigration detention where Rohingya refugees and asylum seekers are held and ensuring their evaluation and recommendations are individually adhered to around individual assessments of people in detention;
- Ensure that humanitarian personnel and volunteers and any actor involved in search and rescue operations in destination and transit countries receive proper training on how to provide humanitarian assistance as well as coordinate regional level search and rescue operations to those in distress at sea, where refugees' rights are respected and recognized under international human rights law and standards;

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<sup>21</sup> Amnesty International, Amnesty International Report 2022/23: The state of the world's human rights; Thailand, 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/), page. 363

## **TO THE UN SECURITY COUNCIL**

- Re-establish the Special Committee against Apartheid, which was originally established under UN General Assembly Resolution 1761 (XVII) of 6 November 1962, to focus on all situations, including Myanmar, where the serious human rights violation and crime against humanity of apartheid are being committed and to bring pressure on those responsible to disestablish these systems of oppression and domination;

## **TO THE INTERNATIONAL COMMUNITY**

- Ensure safe and legal pathways are available to Rohingya refugees, in particular offering resettlement places for those who meet the criteria as well as complementary pathways such as community sponsorship;
- Increase the provision of financial aid to Bangladesh to support Rohingya refugees in camps;
- Provide international cooperation and technical and financial support to countries in the South and Southeast Asia region for search and rescue operations and for the provision of immediate and longer-term needs of refugees and migrants in the region.