

# Burma/Bangladesh: Return Plan Endangers Refugees

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## Repatriated Rohingya Would Face Abuse, Insecurity, Aid Shortages

(Bangkok) – Bangladesh’s decision on January 22, 2018, to delay the repatriation of Rohingya refugees to Burma should be followed by suspending the bilateral plan, which threatens the refugees’ security and well-being, Human Rights Watch said today. On January 16, Burma and Bangladesh announced an agreement that provides additional details on a plan that would repatriate over 770,000 mostly Rohingya Muslim refugees who left Burma’s Rakhine State since October 2016. The majority fled a Burmese military campaign of ethnic cleansing that began in late August. Since January 19, hundreds of Rohingya refugees in Bangladeshi camps have protested against plans to begin repatriations.

“Rohingya refugees shouldn’t be returned to camps guarded by the very same Burmese forces who forced them to flee massacres and gang rapes, and torched villages,” said Brad Adams, Asia director. “The repatriation plan appears to be a public relations ploy to hide the fact that Burma has not taken measures to ensure safe and sustainable returns.”

Burmese authorities have shown no ability to ensure the safe, dignified, and voluntary return of Rohingya refugees as provided by international standards. The plan, agreed in November 2017, would move returnees from processing centers to a hastily built “transit camp” before possible return to their home areas, where hundreds of villages have been burned to the ground. Internally displaced Rohingya moved in the past to such “temporary” camps have lacked enough aid and have been unable to move freely while being denied other basic rights.

On January 22, Abul Kalam, Bangladesh’s refugee relief and rehabilitation commissioner, said that repatriation had been postponed because, “The list of people to be sent back is yet to be prepared, their verification and setting up of transit camps is remaining.”

United Nations Secretary-General António Guterres told reporters on January 16: “The worst would be to move these people from camps in Bangladesh to camps in Myanmar [Burma], keeping an artificial situation for a long time and not allowing for them to regain their normal lives.”

The plan announced by Burma and Bangladesh would repatriate over 770,000 Rohingya and several hundred Hindu refugees. According to media reports and statements, the plan includes target numbers and timeframes for return, as well as the establishment of processing centers in Bangladesh and Burma. The governments agreed to repatriate at least 300 refugees per day, five days per week. It has been widely reported that the process is expected to run for the next two years. Putting quotas and deadlines on refugee returns reinforces the risk of forced refugee return.

Burmese state media reported on January 15 that three camps would be created in Maungdaw Township in Rakhine State to process and house returning refugees. Two camps in Taung Pyo Letwe and Nga Khu Ya would be used to process refugees, while a camp in Hla Po Khaung would

accommodate returning refugees. State media reported that: "The 124-acre Hla Po Khaung will accommodate about 30,000 people in its 625 buildings. Forty buildings will be completed by 25 January and 100 by 31 January. [E]ach building can accommodate 80 persons."

Burmese state media has published photos of wooden buildings in Taung Pyo Letwe with high, barbed wire perimeter fences. Although Bangladesh said that repatriation process was not yet in place, Ko Ko Naing, director general of Burma's Ministry of Social Welfare, Relief and Resettlement told Reuters, "We are ready to accept them once they come back. On our part, the preparation is ready." However, details, including the process of identifying refugees for repatriation and establishing proof of Burmese residence, remain unclear.

Since August, Human Rights Watch has interviewed more than 200 Rohingya refugees in Bangladesh. Many said that they wish to go home but did not believe it was safe to return for the foreseeable future, or until their security, land, and livelihoods could be ensured.

The Burmese government has systematically oppressed the Rohingya Muslim population and discriminated against them on rights including freedom of movement and access to citizenship, health care, education, and livelihoods.

The Burmese government has a poor record for treating Rohingya displaced by past abuses or of providing sustainable conditions for their return. Over 120,000 Rohingya who fled ethnic cleansing in 2012 remain in supposedly "temporary" camps in central Rakhine State.

"All indications suggest the planned Burmese camps for Rohingya will be open-air prisons," Adams said. "There is little reason to believe the new camps will be any better than the 'temporary' camps where more than 120,000 Rohingya have languished for five years."

Protecting returning refugees will not be possible without significant monitoring efforts by international observers. The government has largely rejected international recommendations to allow free access for aid agencies, the media, and rights observers, only allowing a few humanitarian groups to deliver aid in northern Rakhine State and denying access to independent journalists and rights monitors.

Humanitarian conditions in central and northern Rakhine State remain abysmal, with access by aid agencies reduced since August 2017, according to the UN and aid groups. UNICEF recently reported a deeply troubling situation, saying the "true picture" could not be known because they "don't have enough access." Marixie Mercado, a UNICEF spokesperson, said there was a dire situation in Maungdaw Township, where "large areas have been razed and flattened by bulldozers, most stores are shuttered, few people are on the streets, very few women and even fewer children." Dominik Stillhart, operations director for the International Committee of the Red Cross, one of the few international organizations permitted to distribute aid in northern Rakhine State, said after a visit in December that, "life has stopped in its tracks."

Bangladesh is bound by customary international law's prohibition on refoulement not to forcibly return anyone to a place where they would face persecution, torture, ill-treatment, or death. Governments cannot pressure individuals to return to a country where they face serious risk of harm.

Under international standards, refugees should be provided with objective, up-to-date, and accurate information about conditions in areas of return, including security conditions, assistance, and protection to reintegrate. They need a genuine choice between staying or returning.

Bangladesh and Burma have so far excluded the UN refugee agency from their repatriation

discussions, though Bangladesh has pledged to include them in the repatriation process.

Bangladesh has sheltered hundreds of thousands of recently arrived refugees, attempted to provide for their immediate needs, and called on Burma to address the root causes of the displacement. However, in the past, the Bangladeshi government has not respected the rights of Rohingya refugees. In the 1970s and 1990s, the government carried out forced repatriations of Rohingya refugees who had fled persecution and violence in Burma. In 1978, thousands of Rohingya refugees starved to death after Bangladeshi authorities reduced rations in camps to force refugees back. In the 1990s, Bangladesh carried out several rounds of mass deportations of Rohingya who were forced to “volunteer” to return.

Human Rights Watch urged Burma and Bangladesh to suspend and renegotiate the repatriation agreement because of numerous flaws that endanger refugees’ lives; the impossible timetable for voluntary, safe, and sustainable returns; and the failure to involve the UN refugee agency.

“Burma has largely refused to allow international involvement in addressing the Rohingya crisis,” Adams said. “Instead of underwriting forced returns, donors should demand that Burma ensures international participation in any return plan.”

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