

**Mandates of the Special Rapporteur on the situation of human rights in Myanmar; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

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(Please use this reference in your reply)

5 June 2023

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in Myanmar; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on freedom of religion or belief and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 49/23, 51/8, 52/4, 50/6, 44/13, 49/5 and 45/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the reported risk of imminent repatriation of Rohingya refugees currently residing in Bangladesh to Myanmar.**

According to the information received:

Approximately one million Rohingya refugees, among them human rights defenders, reside in refugee camps in Cox's Bazar district and on Bhasan Char. The majority arrived in Bangladesh after fleeing the Myanmar military's attacks in Rakhine State in 2016 and 2017 which were found to likely constitute genocide by the Independent International Fact-Finding Mission on Myanmar. In November 2017, the Bangladesh and Myanmar governments signed an agreement on the voluntary return of Rohingya refugees from Bangladesh to Myanmar. Proposed attempts to repatriate Rohingya refugees in 2018 and 2019 failed because of security concerns in Rakhine State and the refusal of Rohingya refugees to participate in the repatriation proceedings.

In 2023, officials from the Government of Bangladesh and the State Administration Council (SAC), Myanmar's military junta, accelerated efforts to return Rohingya refugees in the form of a "repatriation pilot project."

In mid-March 2023, SAC officials traveled to Bangladesh at the invitation of the Government of Bangladesh, conducted interviews with Rohingya refugees, and "verified" individuals to be repatriated to Myanmar.

It was reported that after conducting interviews with individuals on a list of over 1,000 refugees, the officials from Myanmar "verified" approximately 700

for return. Those “verified” included families, women, children, and the elderly, as well as allegedly members of the Hindu Rohingya minority.

It is reported that during this “verification” process, SAC officials informed the Rohingya refugees that those who return would initially be sent to “reception” and “transit” centers before being relocated to newly constructed “villages” in Maungdaw Township, Rakhine State. It was further reported that returning refugees would be provided with houses, livelihood opportunities, education and healthcare facilities, and basic humanitarian support.

On 5 May 2023, a group of 20 Rohingya refugees together with seven Bangladesh officials allegedly including members of the office of the Refugee Relief and Repatriation Commissioner (RRRC) traveled to Rakhine State and visited the reception and transit centers and newly constructed ‘villages’ alongside SAC officials.

When in Rakhine State, SAC officials distributed a booklet to the 20 Rohingya who participated in the visit. The booklet indicated that, upon arrival, returnees would be housed in the Taung Pyo Letwe and Nga Khu Ya reception centres and the Hla Phoe Klang transit centre for no longer than 60 days. Returnees would then be moved to their “resettlement places,” which would not be their villages of origin, but rather 15 newly constructed “villages” all located in Maungdaw Township. Once resettled, they would reportedly be unable to move out of the designated area. Returnees would also have to accept National Verification Cards, a document that does not confer citizenship and implies that they are not from Myanmar. The information in the booklet further suggests that ASEAN, UNDP, and UNHCR representatives would be “on-site to provide assistance to ensure the smooth implementation of the Pilot Project for the reception and resettlement of returnees upon their arrival.” The UN has denied participation in the repatriation pilot project and no available information suggests that the UN will be involved in receiving Rohingya in Rakhine State as part of the project. Furthermore, the booklet stated that repatriated Rohingya would be required to join a cash-for-work program to build their own houses.

On 25 May 2023, a second delegation of SAC officials from Myanmar traveled to Bangladesh to meet with Rohingya refugees regarding the repatriation pilot. They reportedly visited a transit camp near Teknaf, where they met with a group of Rohingya refugees who had been transported by the Bangladesh Navy from Bhasan Char to the mainland for the purpose of meeting with SAC officials regarding the repatriation project. According to the information received, after 25 May 2023, the group of refugees from Bhasan Char remained in the transit center and may be at risk of imminent repatriation to Myanmar.

Although neither Bangladesh nor SAC officials have specified the date when repatriation will commence, Rohingya refugees identified for repatriation have been told by camp officials to prepare for an imminent return. Some have been told that repatriation may commence in the coming days.

Where human rights defenders, such as activists and citizen journalists, have expressed their opposition and rejection to this repatriation scheme, they have faced retaliation by authorities, in the form of threats and coercion.

In his address to the United Nations Security Council Arria Formula meeting on 19 May 2023, the Permanent Representative of Bangladesh announced that 1,176 Myanmar nationals from 222 households are expected to return to Myanmar as part of the pilot project. He added that an additional 6,000 Rohingya will be repatriated to Myanmar before the end of 2023. During the same meeting, the Permanent Representative affirmed that Bangladesh is “taking all measures to ensure that the return is voluntary.” The Permanent Representative then emphasized that the presence of Rohingya refugees imposes a burden on Bangladesh and is “unsustainable” for the Rohingya. He urged the international community to support the pilot repatriation project. The Permanent Representative concluded by saying, “We recognize that the situation in Myanmar is not ideal; however, neither is it in Cox’s Bazar.”

### *Conditions in Myanmar*

Human rights defenders and humanitarian actors and other stakeholders have repeatedly stated that a safe, dignified, and sustainable return of Rohingya refugees to Myanmar is not possible under the current conditions. In a report to the Human Rights Council in March 2023, the UN High Commissioner on Human Rights stated that, “Conditions remain uncondusive for safe return” of Rohingya to Rakhine State.<sup>1</sup> The Office of the United Nations High Commissioner for Refugees has stated in response to the pilot project, “In UNHCR’s assessment, conditions in Myanmar’s Rakhine State are currently not conducive to the sustainable return of Rohingya refugees.”<sup>2</sup>

The military commander most responsible for genocidal attacks that the United Nations Independent International Fact-Finding Mission on Myanmar found to have taken place on the Rohingya in 2016 and 2017, Senior General Min Aung Hlaing, led the 2021 military coup in Myanmar and now heads the SAC. The SAC has perpetrated war crimes and crimes against humanity throughout the country and has not taken any steps to address the discrimination and persecution against the Rohingya, to ensure accountability for crimes against the Rohingya, or to guarantee their security in Myanmar. Rather, Rohingya in Myanmar have suffered from systemic discrimination, marginalization, and persecution for decades. They continue to face severe restrictions on their rights rooted in the denial of citizenship and basic rights under the 1982 Citizenship Law. Rohingya continue to be denied freedom of movement in Rakhine State and have limited access to livelihoods, education,

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<sup>1</sup> A/HRC/52/21,

<sup>2</sup> UNHCR, “UNHCR statement on Bangladesh, Myanmar bilateral pilot project on Rohingya returns,” 19 March 2023, <https://www.unhcr.org/news/unhcr-statement-bangladesh-myanmar-bilateral-pilot-project-rohingya-returns-0>.

health care, and other basic services. Following violent attacks in 2012, 110,000 Rohingya were moved to IDP camps ostensibly for their safety but remain fenced in by barbed wire and require permission to leave. Following the attacks of 2016 and 2017, the villages of many Rohingya who fled to Bangladesh were systematically burned, cleared, and levelled and in some cases replaced by military bases or other infrastructure.

The devastation wrought by the recent landfall of Cyclone Mocha further underscores the vulnerability of the Rohingya as a result of the systemic discrimination against them. Whilst Myanmar's junta has given a [death toll](#) of 148 people, the majority of whom were Rohingya, credible reports indicate that up to 400 Rohingya may have died as a result of the Cyclone, with hundreds more missing. In the absence of independent confirmation, uncertainty remains about the actual extent of casualties and destruction. Nevertheless, the SAC has denied any allegation of high numbers of Rohingya casualties and threatened to prosecute media that reported numbers of Rohingya casualties beyond their official count.

Some of the locations most severely impacted were the Rohingya IDP camps in Sittwe. Ostensibly set up in response to communal violence, the more than 110,000 Rohingya that have remained confined in IDP camps since 2012 have reportedly been disproportionately impacted by the cyclone due to the fact that the camps are located in flood-prone former paddy fields and low-lying coastal areas, despite repeated requests that the IDPs be relocated. Rohingya are unable to freely leave the camps, and housing structures were very vulnerable, as Rohingya in the camps had been systematically denied the ability to build more sustainable living structures by the authorities.

Throughout Rakhine State, ongoing systematic restrictions on movement of the Rohingya were in place in the days before the cyclone which may have contributed to the high death toll. Furthermore, limited information about the cyclone was only provided in Rakhine and Burmese languages. All these factors have contributed to preventable deaths from the cyclone, which disproportionately impacted the Rohingya.

In the aftermath of the cyclone, the SAC has continued to enforce its strict travel authorization process, which limited the ability of international humanitarian workers to support a large scale coordinated preparation and response plan. Maungdaw Township, where the Rohingya refugees are slated to be returned, was among the low-lying and coastal townships that were hit particularly hard by the cyclone. Given the SAC's travel restrictions and damages to communication towers, the severity and extent of the cyclone's impact on Maungdaw Township are unclear but there are reports that the township has suffered severe damage, and humanitarian relief efforts in the area are urgently needed.

### *Rohingya people unwilling to return to Myanmar*

In his address to the Security Council Arria Formula meeting, the Permanent Representative stated that the 20 Rohingya who returned to Myanmar as part of the “go and see” visit on 5 May “expressed their general satisfaction on the arrangements” for their return. This statement directly contradicts a public statement issued by refugees who participated in the visit, as well as other credible reports that Rohingya representatives who participated in the trip have outrightly rejected the project.

It has been reported that Rohingya refugees have by and large rejected repatriation on the terms proposed by the SAC and Government of Bangladesh. Letters, posters, and social media posts by Rohingya refugees, human rights defenders, activists, and community leaders express opposition to the repatriation pilot project. Among the concerns raised by Rohingya refugees are the inability to return to their places of origin, the continued denial of citizenship and imposition of National Verification Cards on returnees, the ongoing discrimination and restrictions on the human rights of Rohingya in Rakhine State, including restrictions on the freedom of movement, access to education, and access to healthcare, as well as risk of further violence and persecution at the hands of the Myanmar military.

### *Allegations of deceit, coercion, and threats associated with pilot project*

It is alleged that Bangladesh authorities have sought to compel Rohingya refugees to participate in the repatriation pilot project by providing inaccurate information and using threats and coercion. It is alleged that some of those who participated in “verification” interviews were not informed that they would be meeting a delegation from Myanmar. It is alleged that many were unaware of the purpose of the interviews, and Bangladesh authorities reportedly told some refugees that they were being considered for resettlement to a third country. It is alleged Bangladesh authorities threatened some of those interviewed with arrest, violence, or other consequences if they refused to attend “verification” sessions with SAC officials.

The threats have reportedly continued following the verification interviews and include threats of arrest or violence if refugees refuse to accept repatriation as part of the pilot project.

According to the information received, individuals who have publicly expressed their opposition to the repatriation pilot project, including citizen journalists, activists, and human rights defenders, as well as those that participated in the “go and see” visit and spoke out against it have also reportedly experienced threats and harassment by the Bangladesh authorities for voicing their opposition to the project.

There are also reports of undue influence and coercion, including through statements reportedly made by the Bangladeshi authorities to Rohingya refugees that they will receive cash payments from the SAC once they arrive

in Myanmar.

While we do not wish to prejudge the accuracy of these allegations, we are gravely concerned for the Rohingya refugees who are reportedly “verified” for return, and who may face imminent forcible return under circumstances that do not appear to be in line with international standards which call for repatriation to only take place where it is safe, voluntary, and dignified.

We commend the Government and people of Bangladesh for sheltering the Rohingya people as they fled genocidal attacks in Myanmar, saving an untold number of lives.<sup>3</sup> We also recognize the challenges associated with hosting approximately one million refugees and call on the international community to provide stronger support for these efforts. These challenges are magnified by Bangladesh’s status as one of the most densely populated countries in the world. The international community’s grossly inadequate support for humanitarian relief for Rohingya refugees further compounds the difficulties facing Bangladesh.

These considerations, however, do not absolve Bangladesh of its responsibilities towards Rohingya refugees under international law.

At the outset, allow us to reiterate that the current conditions in Myanmar are not conducive to the safe, dignified, and sustainable return of Rohingya refugees in line with international standards. We thus call on Bangladesh and other actors to halt all repatriation activities and programs in accordance with international law.

We are gravely concerned that the return of Rohingya refugees to Myanmar under the current circumstances could violate the principle of non-refoulement and contribute to grave human rights violations in Myanmar. We are also concerned about apparent discrepancies between the description of the pilot project provided by the Permanent Representative of Bangladesh and credible descriptions by others.

Any efforts to obtain the consent of Rohingya refugees to return to Myanmar must be carried out in a transparent manner. Repatriation efforts cannot be considered voluntary if they are based on threats, coercion, or inaccurate or impartial information.

We are also concerned about the allegations that human rights defenders, citizen journalists and refugees themselves have reportedly been harassed and threatened for freely expressing their opposition to the pilot project. We recall the important and legitimate role that human rights defenders play and the protection they are entitled to by international law. We wish to highlight in particular the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the Declaration on Human Rights Defenders under which these rights to protection are enshrined.

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<sup>3</sup> Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews to the UN Human Rights Council, UN Doc. A/HRC/49/76, 13 June 2022, Annex II, December 2021 Bangladesh mission findings and conclusions.

Based on the conditions in IDP camps in Myanmar such as the one in Sittwe, we would further question that the conditions of return would meet the requirements of the right to adequate housing and freedom of movement, protected under international law.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please clarify the Government of Bangladesh's position on whether the conditions in Rakhine State are conducive for the safe, dignified, and voluntary return of Rohingya refugees and the basis for such position.
3. Please provide up-to-date information about plans for the pilot repatriation project, including the date repatriations will commence, how many Rohingya refugees will be returned, and the means and logistics for transportation to Myanmar.
4. Please provide information on the process through which the Bangladesh authorities secured Rohingya refugees' participation in the pilot repatriation project. Please describe what measures were taken to ensure that refugees were provided accurate information and were not subject to any form of coercion. Please respond to the allegations that officials have used inaccurate information, coercion, and threats to secure their participation.
5. Please explain what measures have been taken to ensure that all human rights defenders in Bangladesh, in particular those advocating for the rights of refugees, can carry out their peaceful and legitimate activities without fear of harassment, or other restrictions. Please provide information on the allegations about threats against citizen journalists, activists, human rights defenders, and refugees who have spoken out against the pilot repatriation project.
6. Please provide information concerning assessments conducted, if any, of the current conditions in reception centers, transit centers, and new "villages" that will receive returning Rohingya refugees following the impact of Cyclone Mocha.

7. Please clarify whether Rohingya refugees from Bhasan Char will be included in the repatriation pilot project and, if so, their number, current location, and any other relevant information about plans for their repatriation.
8. Please describe what actions Bangladesh authorities will take if Rohingya refugees decide that they do not want to return to Myanmar as part of the pilot repatriation project.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the repatriation pilot project.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Thomas Andrews  
Special Rapporteur on the situation of human rights in Myanmar

Matthew Gillett  
Vice-Chair of the Working Group on Arbitrary Detention

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Paula Gaviria  
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Olivier De Schutter  
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Nazila Ghanea  
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Fabian Salvioli  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence