

Bangladesh

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From:	INS Resource Information Center
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Query:

Please provide information on the situation of Rohingya refugees in Bangladesh.

Response:

BACKGROUND

[In keeping with the practice of the US Department of State, the Resource Information Center will use the term "Burma" as opposed to "Myanmar," though the Burmese government renamed Burma "the Union of Myanmar" in 1989.]

From December 1991 to March 1992, between 210,000 and 250,000 Burmese Rohingya fled Arakan state in western Burma for neighboring Bangladesh. The Rohingya, later designated refugees by the UNHCR, claimed rape, torture, summary killings, confiscation and destruction of homes and property, destruction of mosques, physical abuse, religious persecution, and forced labor by Burmese armed forces. Their reports of widespread human rights abuses were verified by an Amnesty International fact-finding team sent to interview the refugees in Bangladesh (Refuge Dec. 2000, 39).

After a February 1992 visit to Bangladesh, US Committee for Refugees (USCR) stated that "the Myanmar Military's actions were part of a deliberate campaign of terror aimed at driving the Rohingyas out of Myanmar," and in February 1993, the UN special rapporteur to Myanmar announced that the Rohingya in Arakan state were "at high risk" (Refuge Dec. 2000, 39).

As one of the poorest and most densely populated countries in the world, Bangladesh is unable to permanently resettle the refugees (UNHCR 1995). Bangladesh at first welcomed the Rohingya, who are Muslim and culturally and ethnically similar to Bangladeshis, but within months this situation soured, and Bangladesh began forcibly repatriating the Rohingya (USCR 2000, 161). All but around 20,000 of the Rohingya who originally fled Burma in 1991-92 have either been forced back to Burma by Bangladeshi authorities or have returned to Burma under UNHCR auspices (USDOS Feb. 2001). Tens of thousands more Rohingya have entered Bangladesh since the 1991-92 exodus, with some being

absorbed into UNHCR's camps for the original 1991-92 refugees, and most entering the shantytowns around Cox's Bazaar in Bangladesh.

REPATRIATION AND SITUATION IN THE CAMPS

The repatriation process has been troubled over the years (HRW/Asia & RI Aug. 1997, 5). The repatriations of 1992 were carried out under a bilateral agreement between Burma and Bangladesh that allowed UNHCR only very restricted access to the refugees, and it is alleged that forced repatriations occurred (USCR Aug. 1996, 5; UNHCR 1995). In 1992 and 1993, clashes between refugees and Bangladeshi security forces over allegedly involuntary repatriations resulted in deaths and injuries on both sides (AFP 10 Nov. 1992, Migration World 1 Jan. 1996). Some refugees interviewed by UNHCR in 1992 said they did not want to return to Burma. UNHCR announced their withdrawal from the repatriations in December 1992, due to incomplete UNHCR access to the refugees and reports of forced returns and of abuse of refugees by camp officials (USCR Aug. 1996, 5; UNHCR 1995).

In May 1993, UNHCR signed a Memorandum of Understanding with Bangladesh for cooperation to ensure the "safe and voluntary repatriation" of those Rohingya who opted to return to Burma (USCR Aug. 1996, 5). In November 1993, UNHCR and the Burmese government agreed that UNHCR would assist in resettlement of the returnees (USCR Aug. 1996, 5).

Repatriation of the 1991-92 Rohingyas (and any other Rohingyas in the UNHCR camps) was scheduled to be completed by the end of 1997, with 21,800 Rohingya remaining in two camps, Nayapara and Kutu Palong [Kutupalong], at the end of June 1997. The Burmese government had said they would accept only 7,500 of the 21,800 [those 7,500 who had at that point been cleared in the verification process]. UNHCR requested of Bangladesh that they resettle (with UNHCR assistance and resettlement packages) the remaining 14,300, but "with local hostility to the refugees increasing, and with Islamic fundamentalist elements actively working within the refugee camps" the Bangladeshi authorities refused (NCGUB July 1999, 251).

In February 1997, the refugees engaged in hunger strikes by refusing to accept food rations. They alleged that the situation in Burma was unchanged and that some returnees had come back to Bangladesh, though some did not return to refugee camps for fear of re-patriation (Seattle Times 25 Sept. 1997).

In July 1997, Bangladeshi authorities entered Nayapara camp "intending to arrest refugees cleared by Burma for repatriation" (NCGUB July 1999, 251). According to the NCGUB, "apparently no one volunteered for repatriation, so the authorities picked mostly women and children to be sent back" (NCGUB July 1999, 251). A skirmish resulted with some refugees throwing stones, and tear gas was used to put down the activity. Over one hundred refugees were detained overnight and the next day along with 76 others were put on boats back to Burma (NCGUB July 1999, 251; India Abroad 29 Aug. 1997).

After this repatriation, 15-20 people, including several Bangladeshi policemen, were injured in the resultant protest at the Nayapara camp (NCGUB July 1999, 251; India Abroad 29 Aug. 1997). One news article indirectly quotes Reuters as stating:

[M]any of those [Rohingya] who had been returned to Myanmar under assurances that the Myanmar authorities would treat them humanely had found the amount of torture against Rohingyas had increased. Therefore they had crossed into Bangladesh again but this time had not reported to the refugee camps because they would be forced back to Myanmar (India Abroad 29 Aug. 1997).

At that time, the refugees were calling for Bangladesh to launch a diplomatic drive, in coordination with UNHCR, to relocate them to a third country (India Abroad 29 Aug. 1997). They have since abandoned this appeal.

A second repatriation of 212 Rohingya took place in the Kutu Palong [Kutupalong] camp in July 1997, with no resistance by the refugees but no access to them allowed for UNHCR (NCGUB July 1999, 251). In January 1998, armed refugees thought to be RSO members seized Nayapara camp, and on January 26, three were killed in a clash between the RSO and Burmese security forces near the Bangladesh border. There were periodic reports of clashes between the RSO and Burmese security forces in the late 1990s, and it is believed that the RSO are active in the refugee camps (University of Maryland 22 Aug. 1999). In March 1998, 64 refugees were jailed after clashes with police in which part of Kutupalong [Kutu Palong] camp was burned. Thirty people were injured (AFP 7 March 1998). In October 1998, 100 were injured (mostly women and children, but also including 11 policemen) when the police intervened in a conflict between two rival refugee groups (Xinhua 22 Oct. 1998).

There have been scattered repatriations since 1997, but mostly the process has stalled over refugee unwillingness to return and the lengthy verification process on the Burmese side. Repatriations in 1998 and 1999 were negligible (Refuge Dec. 2000, 41).

POST 1991-92 ARRIVALS

Not only have there been episodes of sizable influxes of Rohingya into Bangladesh since 1991-92, but the US Committee for Refugees (USCR) reports that some Rohingya "negative flowed" [returned] to Bangladesh after having been repatriated to Burma, and that during repatriation of some Rohingya to Burma, others were crossing simultaneously from Burma to Bangladesh (USCR Aug. 1996, 2-6). An example is February 1996, when during the repatriation of 23,000 Rohingya refugees, 5,000 Rohingya entered Bangladesh from Burma claiming forced labor, rape, disappearances, arbitrary and high taxation, forced displacement, and restricted freedom of movement, all at the hands of the NaSaKa (Burmese border guard), the Burmese army, or Burmese military intelligence units. The USCR reports that some refugees expressed general fear, while others gave detailed accounts of specific instances that caused them to flee. Rohingyas accused of affiliation with the RSO reported mistreatment and death threats (USCR Aug. 1996, 2-6).

According to the National Coalition Government of the Union of Burma (NCGUB), it is hard to get accurate numbers on the post-1992 Rohingya arrivals in Bangladesh because many of them have not attempted to enter the UNHCR-run refugee camps. It is estimated that 10,000-15,000 Rohingya entered Bangladesh in 1996, and another 10,000-15,000 entered in 1997 (USCR Aug. 1996, 2-6; NCGUB July 1999, 250-251). The post-1992 arrivals have either attempted to settle illegally in one of the two UNHCR administered camps where the remaining approximately 20,000 1991-92 refugees are still housed, or have been turned back into Burma by the Bangladesh border guards. The rest have been absorbed into the already swelling shantytowns around Cox's Bazaar or are living in jungle areas (FIDH Apr. 2000, 44; NCGUB July 1999, 48-49). Human rights monitors report that there are anywhere from 30,00 to at least 100,000 Rohingyas living illegally in the Cox's Bazaar district (USCR 2000, 161; FIDH Apr. 2000, 48-49).

According to the US Department of State:

[Bangladesh] effectively denied first asylum to the new arrivals it encountered by categorizing them as illegal economic migrants..., [turning] back as many [Rohingya...] as possible at the border, and [denying] UNHCR officials access to those who did enter the country successfully (as cited in USCR 2000, 162).

The UNHCR also classifies most of the post-1992 arrivals as "economic migrants" (FIDH Apr. 2000, 49).

Recent verification exercises indicate a tendency of alleging old incidents [of persecution and/or abuse]...as if they had taken place recently.... Despite these indications, UNHCR continues to interview and cross verify the claims of new arrivals in order to ensure the accuracy of our findings... (as cited in USCR Aug. 1996, 10).

The International Federation of Human Rights Leagues (FIDH) purports that UNHCR's claims that the new refugees are economic migrants are designed in part to protect the repatriation process, which was difficult to negotiate, and to avoid attracting more refugees from Burma to Bangladesh (Apr. 2000, 49-51). FIDH quotes a "confidential" UNHCR report dated July 1997:

The root causes for the exodus in 1991 and 1992 are still present and the situation has not changed radically... The poverty level of the departees has made the Bangladesh authorities argue that they are migrants leaving for economic reasons. The economy however cannot be seen as an isolated issue but has to be linked to the state policies. (...) Without this as a background, "economic reasons" risks being is [sic] a very misleading term (Apr. 2000, 49).

According to the USCR:

Local and international humanitarian workers acknowledge that economics plays a large role in the current situation, but that the relative economic standing of the Rohingyas is in large part a product of the policies of the Burmese authorities... These workers point out that Rohingyas who have repatriated know that they are not wanted in Bangladesh and that conditions are bad for Rohingyas in Bangladesh; that so many returnees have apparently entered Bangladesh again must indicate that conditions in Burma are particularly bad (Aug. 1996, 7).

The post-1992 arrivals have no status in Bangladesh and mostly attempt to merge into if not integrate with the local Bangladeshi population, which generally carries no identity papers (FIDH Apr. 2000, 48). One news article states:

Virtually none of [the Rohingya] has formal documentation that would entitle them to certain kinds of assistance and protection [in Bangladesh], and their willingness to work for low wages has spurred anti-Rohingya sentiment that has sometimes boiled over into small-scale clashes. They are especially vulnerable to trafficking rings (Inter Press Service 30 May 2000).

According to FIDH, the labor market in the Cox's Bazaar area is already saturated, there is no industry, and job opportunities are rare. Work is generally temporary, e.g., rickshaw drivers, masons, and porters. There are no health services or educational opportunities for the children, the youngest of which often become beggars with the elderly. Many young Rohingya females are trafficked out and sold into the sex markets of India and several Arab countries (Apr. 2000, 49).

With the ongoing influx of Rohingya came heightened activities against them on the part of the Bangladeshi authorities, such as arrests, harassment, and overt pushbacks of apprehended recent arrivals. In the camps, beatings and other physical abuse had been used to persuade refugees to voluntarily depart; these tactics had fallen off to other forms of coercion such as withholding food rations or threatening to do so, but the harsher tactics were resumed in 1996. According to the USCR, (as cited in World Directory of Minorities 1997, 553):

Throughout their stay in Bangladesh, the safety and welfare of the [Rohingya] refugees have been issues of concern. Reports by USCR, Refugees International, Amnesty International and Human Rights Watch/Asia documented severe and systematic abuses of the refugees by camp officials, the police, and the local populace. Beatings, torture, and the deprivation of food and shelter have been at the forefront of these concerns.

In one highly publicized incident, 15 women and young children among a group of 150 Rohingya departees from Burma accidentally drowned in the Naf River when they were caught by the Bangladeshi army and summarily pushed back (USCR Aug. 1996, 6). The NCGUB quotes Bangladeshi police and border security officers as stating in July 1997 that

“...if caught, we are pushing the infiltrators back or sending them to jails” and that over 2,000 new arrivals had been pushed back in the previous months (July 1999, 250-251).

In a visit to Bangladesh to interview Rohingya who arrived there in early 1996, USCR determined that while some were in Bangladesh for the first time, at least 1/4 to 1/3 were former refugees who had fled back into Bangladesh after having been repatriated to Burma during the previous four years (Aug. 1996, 2-3). USCR also reported that “at least some refugees who repatriated to Burma and later reentered Bangladesh reported that authorities in Burma beat them for having visited a UNHCR office in Burma to report problems they were experiencing” (Aug. 1996, 4). Bangladesh jailed 200 of the 1996 arrivals (10,000 or more in all) and 1,000 were summarily forced back. UNHCR determined in preliminary interviews that the newly arrived

Rohingya were economic migrants, and actively discouraged more Rohingya from entering Bangladesh. Besides those in detention, Bangladesh officially denied that there were any new Rohingya arrivals in the country (USCR Aug. 1996, 3).

CURRENT SITUATION

22,500 Rohingya refugees remain in two UNHCR-run camps in Bangladesh (the 900 returnees to Burma in 2000 have been offset by population growth in the camps). UNHCR continues to support bilateral discussions between the governments of Bangladesh and Burma to accelerate the repatriation process. UNHCR has succeeded in introducing some productive activities in the refugee camps after discussions with the Bangladeshi authorities, and is hoping to promote more self-reliance activities and refugee involvement in camp management (Regional Overview: South Asia 2000).

One news article quotes Human Rights Watch as stating:

Despite improvements in conditions since an inmate uprising froze the repatriation process in 1997-98, abuses, including beatings and other forms of physical abuse against refugees who fail to abide by camp rules, continue. Distrust between the refugees and the camp administration remains high... (Inter Press Service 30 May 2000).

Another news article quotes the chief of the International Federation of Red Cross and Red Crescent Societies (IFRCRC) as stating (after having visited one of the two remaining camps) that the refugee camp is “well run, clean, has good drinking water and clean latrines” (AFP 4 March 2001).

UNHCR reported that repatriation continued to be slow in 2000 due to the lengthy clearance process on the part of Burmese officials and “limited interest in return” [presumably on the part of the refugees] (Country Profile Sept. 1999). While repatriation had halted again in the first week of January 2001 due to border tensions between Burma and Bangladesh over the controversial Naf River Dam, the situation reportedly has begun to improve between the two countries (The Independent 23 Jan. 2001).

In reference to the possibility of safe return of Rohingyas to Burma, Human Rights Watch and Refugees International state:

[T]here are circumstances in which some individuals and families may not be subject to abuses of sufficient severity to amount to persecution. Much depends on the attitude of the local military commander or other government officials such as NaSaKa officers and IMPD [Immigration and Manpower Department] personnel. Abusive officials, however, are in no danger of being punished by their superiors and their victims have no legal recourse. In some cases, individuals or families may be protected from abuse by their social or financial position, their willingness and ability to cooperate with the authorities, perhaps at the expense of other Rohingyas, or other factors. Thus, there are Rohingyas from Arakan in

Bangladesh who do not have a fear of persecution and are living as economic migrants. These include businessmen who travel between the two countries, others who regularly travel to Bangladesh to find work with relatives during the lean months in Burma, or those who live and work in Dhaka and elsewhere. But these are usually not the people who end up in the slums around Cox's Bazaar (Aug. 1997, 9).

According to UNHCR's Mid-year 2000 Report on Bangladesh, UNHCR's objective is to facilitate repatriation of those who are willing to return and to support self-reliance activities for those who are "unable or unwilling to return in the near future until a durable solution is found" (Country Operation: Bangladesh 2000). Seven thousand of the remaining 22,500 refugees in the camps had been cleared prior to suspension of repatriations in 1997, and these clearances were being re-verified by Burmese authorities in 2000, greatly slowing the repatriation process. UNHCR reports that this slowness, and Burma's reluctance to consider the return of the remaining 16,000 Rohingyas, are "a major source of contention" between the governments of Bangladesh and Burma (Country Operation: Bangladesh 2000). Burma refuses to accept the remaining unverified refugees, stating that they are unable to prove their Burmese addresses and/or that they are affiliated with the RSO (USCR Apr. 2000, 10).

UNHCR also reports that in early 2000 there were "allegations of physical abuse, psychological pressure and confiscation of refugee documents, which are necessary in order to receive rations and medical treatment from the camp authorities" (Country Operation: Bangladesh 2000). UNHCR does not report who was implicated in these abuses but does state that UNHCR had intervened and was investigating the allegations. Also, there were 166 registered refugees detained in Bangladesh prisons who are "allowed to return to the camps" and there were 125 recognized urban refugees at the time of this report (Country Operation: Bangladesh 2000).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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