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Rohingya refugees of Myanmar:

Bangladesh is facilitating ethnic cleansing of the Rohingyas in Arakan and indigenous Jumma peoples in the CHTs by using the fleeing Rohingyas¹

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1. Executive summary

The persecution of the Rohingyas in the Arakan province of Myanmar forced thousands of them to flee and seek refuge in Bangladesh since 1992. The repression on the Rohingyas in Myanmar has been persistent and the exodus of the refugees continues unabated.

Following the attacks on the Border Guard Police of Myanmar in Rakhine State on 9th October 2016 by the Rohingya insurgents in which nine Myanmar police officers were killed², the repression on the Rohingyas increased with the United Nations Office of the High Commissioner for Human Rights (OHCHR) reporting about “*mass gang-rape, killings – including of babies and young children, brutal beatings, disappearances and other serious human rights violations by Myanmar’s security forces in a sealed-off area north of Maungdaw in northern Rakhine State*”.³ This led to fresh influx of the Rohingya refugees to Bangladesh. The Foreign Ministry of Bangladesh stated that about 50,000 Rohingya refugees fled to Bangladesh between 9th October 2016 and 30th December 2016.⁴ By the end of January 2017, the United Nations was quoted of reporting influx of 65,000 new Rohingya refugees since October 2016.⁵

The latest influx takes the number of Rohingya refugees in Bangladesh to about 6,00,000 i.e. upto 500,000 undocumented Rohingya refugees living outside the official camps⁶, 32,000 refugees living in the Nayapara and Kutupalong camps in Cox’s Bazar district as per the estimates of the United Nations High Commissioner for Refugees (UNHCR) in 2014⁷ and 65,000 refugees who arrived since October 2016⁸. Myanmar offered to accept the return of fewer than 2,500 Rohingyas from Bangladesh — less than 1 percent of the total Rohingya refugee

1 . This report is the submission made to the UN Special Rapporteur on the situation of human rights in Myanmar, Ms Yanghee Lee during her visit to Bangladesh on 20–23 February 2017.

2 . Myanmar policemen killed in Rakhine border attack, BBC, 9 October 2016 at <http://www.bbc.com/news/world-asia-37601928>

3. “Report of OHCHR mission to Bangladesh Interviews with Rohingyas fleeing from Myanmar since 9 October 2016” available at <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>

4. 50,000 Rohingya refugees enter Bangladesh in latest influx, The New Age, Bangladesh, 30 December 2016 at <http://www.newagebd.net/article/5896/50000-rohingya-refugees-enter-bangladesh-in-latest-influx>

5. Bangladesh resurrects plan to move Rohingya refugees to flooded island, The Independent, 31 January 2017 @ <http://www.independent.co.uk/news/world/asia/burma-rohingya-muslim-refugees-bangladesh-aung-san-suu-kyi-a7554756.html>

6. BANGLADESH FACTSHEET September 2014, UNHCR available <http://www.unhcr.org/50001ae09.html>

7. Ibid

8. Bangladesh resurrects plan to move Rohingya refugees to flooded island, The Independent, 31 January 2017 available at <http://www.independent.co.uk/news/world/asia/burma-rohingya-muslim-refugees-bangladesh-aung-san-suu-kyi-a7554756.html>

population in December 2016.⁹ Majority of these refugees had been settling mainly the Cox's Bazar district and the Chittagong Hill Tracts region having three districts i.e. Bandarban, Rangamati, and Khagrachari which is home to indigenous peoples and share border with Arakan province of Myanmar. **The need to highlight the impact of the settlement of the Rohingya refugees since 1992 on the indigenous peoples in Bandarban, Rangamati and Khagrachari and Cox's Bazar districts cannot be emphasized enough. In particular, indigenous Marma people of Bandarban district who are of ethnic Rakhine origin and follow Buddhism have already been reduced to a minority in their own land by the Rohingya refugees.**

From 13 to 15 January 2017, researchers of Asian Centre for Human Rights (ACHR) visited Rohingya refugees who had taken shelter under Ukhia Subdivision, Cox's Bazar district. ACHR's researchers found that the Rohingya refugees are living in self-made make shift camps and have no intention to return to Myanmar in the light of the gross human rights violations at the hands of the security forces of Myanmar and absolute lack of guarantees against non-repetition of the human rights violations. At the same time, the Government of Bangladesh is neither registering them nor issuing identity cards to record their origin which is indispensable for repatriation to Myanmar. This policy of the Government of Bangladesh is not new but has been emboldening the exodus of the Rohingyas from Arakan of Myanmar with disastrous consequences both for the Rohingyas in Arakan and indigenous peoples of the CHTs of Bangladesh in two ways. *First*, the policy of settling the Rohingya refugees who are Muslims and of the same stock as the majority Muslim population of Bangladesh, among others, by giving them permanent resident certificates as citizens of Bangladesh in furtherance of the racist policy of the Government of Bangladesh to reduce indigenous Jumma peoples into a minority in the CHTs has already made the Rohingya refugees the rulers over the indigenous *Marmas* of the ethnic Rakhine origin in Bandarban district with wider implications for indigenous Jumma peoples of the CHTs. The government of Bangladesh has been settling Muslim plain settlers into the CHTs by giving inducements since 1979. *Second*, in the implementation of its racist policy in the CHTs, the Government of Bangladesh has absorbed between "200,000 to 500,000 undocumented Rohingya refugees" including through settlement in the CHTs since 1992, and this has acted as an encouragement to the Government of Myanmar to expel more Rohingyas from Arakan province while opposing any significant repatriation to Myanmar.

ACHR arrives to these findings based on the following.

⁹. Rohingya Refugees in Bangladesh Vow Never to Return to Myanmar, VOA, 1 January 2017 available at <http://www.voanews.com/a/rohingya-refugees-in-bangladesh-vow-never-return-to-myanmar/3658693.html>

2. The 2016 survey of the Rohingya refugees by the Government of Bangladesh: Rohingya refugees are mainly settled in the CHTs

The Government of Bangladesh conducted a national survey of the Rohingyas in the country from 2 to 14 June 2016 in six districts i.e. Cox's Bazar, Rangamati, Bandarban, Khagrachari, Chittagong and Patuakhali.¹⁰

Out of these six districts, Rangamati, Bandarban, Khagrachari are part of the CHTs Regional Council¹¹ while two remaining districts i.e. Cox's Bazar and Chittagong are bordering districts of the CHTs region. This confirms that the Rohingya refugees have mainly been settling down in and around the CHTs.

The CHTs has been the home-land of indigenous peoples i.e. the Chakma, Marma, Tripuri, Tanchangya, Chak, Pankho, Mru, Bawm, Lushai, Khyang, Khumi who are collectively known as Jumma people because of the practice of “*Jum*” or shifting cultivation. Majority of the indigenous peoples (Chakma, Marma, Tanchangya and Chak) follow Buddhism while the Tripuris follow Hinduism and the rest follow Christianity. All the indigenous peoples of the CHTs are non-Muslims in contrast to the majority Muslim community of Bangladesh. From 1972 to 1997, the CHTs region witnessed armed insurgency by indigenous peoples, implantation of over half a million illegal Muslim plain settlers with the aim to reduce indigenous peoples into a minority, a series of massacres and influx of over 70,000 Jumma refugees to India who were repatriated to Bangladesh after signing of the CHTs Peace Accord between Jana Samhati Samiti (JSS), representing the indigenous peoples and the Government of Bangladesh on 2 December 1997.¹² The population of indigenous peoples in the CHTs is less than one million at present.

Even though “200,000 to 500,000 undocumented Myanmar Rohingyas” have been living outside the camps as stated by the UNHCR in 2014,¹³ the Government of Bangladesh has so far refused to disclose the number of Rohingya refugees it found in the country after the survey in June 2016. It is precisely because majority of the Rohingya refugees living outside the camps have been issued documents as Bangladeshi citizens.

¹⁰. Rohingya refugee census: Refugees spread across Bangladesh, The New Age, Bangladesh, 13 December 2016 at <http://www.newagebd.net/print/article/4749>

¹¹. For details on the CHTs Regional Council established under a Parliamentary Act to grant autonomy to indigenous peoples of the region, please see <http://chtrc.org/en/>

¹². For the CHTs 1997 Peace Accord, please visit the CHTs Regional Council (<http://chtrc.org/en/>), the Ministry of the CHTs Affairs of the Govt of Bangladesh (<http://www.mochta.gov.bd/>) and Jana Samhati Samiti (<http://www.pcjss-cht.org/>), the signatory to the Peace Accord.

¹³. BANGLADESH FACTSHEET September 2014, UNHCR available <http://www.unhcr.org/50001ae09.html>

It is also pertinent to mention that many Rohingya refugees have become the leaders of the ruling Awami League in Bandarban district. Some of them include Naikkhyangchhari Union Parishad Chairman Mr Abu Syed, Sub-District/Upazilla Unit Krishak League President Mr Mostafa Kamal Lalu and its General Secretary Mr Md Iqbal, Upazila Chhatra League General Secretary Mr Badarullah, Upazila Sechchasebak League General Secretary Mr Shahnewaz Shanu and its Union Parishad unit General Secretary Mr Abdur Rahim Monsur, Upazila Unit President of Awami League Mr Habibullah and Joint General Secretary Mr Abu Taher Bahadur.¹⁴

3. Bangladesh indirectly encouraging ethnic cleansing of the Rohingyas in Arakan and ethnic cleansing of indigenous peoples of the CHTs

There is little doubt that the Government of Bangladesh has been indirectly encouraging ethnic cleansing of the Rohingyas in Arakan and ethnic cleansing of indigenous peoples of the CHTs by using the Rohingya refugees against indigenous peoples.

A. From refugees to rulers: The case of the Rohingya refugees becoming effective rulers over the Bangladeshi Rakhines i.e. Marmas in Bandarban district of the CHTs

The influx of Rohingya refugees from Arakan province of Myanmar to Bangladesh started in 1992 after the Government of Myanmar stripped them of citizenship and intensified repression. The Rohingya refugees in Bangladesh have been settled mainly in Bandarban and Cox's Bazar districts which share international border with the Arakan province of Myanmar. The Rohingya refugees thereafter settled in Khagrachari, Rangamati, Chittagong and Putuakhali districts.

However, what is unknown to many in the international community is the fact that Bandarban district is the traditional homeland of indigenous peoples including Marma/Mogh people from time immemorial. The Marmas ethnologically and linguistically belong to the Rakhines of Arakan province and practice Buddhism. The current population of Marma/Mogh people in Bandarban district is less than 1,00,000 (one hundred thousand).

¹⁴. AL units run by RSO-trained Rohingyas, The Dhaka Tribune, 30 November 2014 at <http://archive.dhakatribune.com/politics/2014/nov/30/al-units-run-rso-trained-rohingyas>

Following the influx since 1992, a large majority of the Rohingya refugees were settled in Bandarban district. The impact was visible: the decadal growth of the population in the Bandarban district increased by 90% during 1991 to 2001. As per 1991 census, the population of Bandarban district was 157,301¹⁵ with 47.62% Muslims (74,907 persons) and 38% Buddhist i.e. 59,774 (mainly Marmas). By 2001 census, the population of Bandarban increased to 298,120 persons¹⁶ i.e. an increase of 90% against decadal growth rate of 17% in entire Bangladesh during the same period.¹⁷ In a submission under the Universal Period Review of the UN Human Rights Council, the Asia Indigenous Peoples Pact claimed that over 15,000 families of the Rohingya refugees had been settled in Nakkhyangchari, Ruma, Lama, Alikadam and Sadar area of Bandarban district with direct support from the authorities of the Government of Bangladesh.¹⁸ The Marma people have effectively been reduced to minorities on their own land by the Rohingya refugees while thousands of the Rohingyas have been settled in Khagrachari and Rangamati districts of the CHTs.

That thousands of Rohingyas have been living outside the official camps is confirmed none other than by the UNHCR. In May 2007, the UNHCR stated that *“between 100,000 – 200,000 Rohingyas were living illegally outside the camps throughout Cox’s Bazar and the Bandarban sub-district of Chittagong”*.¹⁹ In 2014, the UNHCR increased the number of Rohingya refugees in Bangladesh by further stating that *“some 200,000 to 500,000 undocumented Rohingyas living outside two camps have no legal status”*.²⁰

Unfortunately, majority in the international community including the NGOs who have been rightly concerned about the plight of the Rohingya refugees have not raised the impact of the settlement of the Rohingyas on local indigenous communities, especially the Marmas of Bandarban district. They only focused on the Rohingya refugees without analysing the local impact, especially on indigenous peoples.

¹⁵. Country Technical Notes on Indigenous Peoples’ Issues: PEOPLE’S REPUBLIC OF BANGLADESH, IFAD, November 2012 at <https://www.ifad.org/documents/10180/d532dbcc-5a31-4a3f-b24e-abd6d9aac9a5>

¹⁶. Bangladesh Bureau of Statistics available at <http://203.112.218.65/>, please refer to Zilawise population

¹⁷. The population of Bangladesh as per censuses increased from 111.5 million in 1991 to 130.5 million in 2001 which is 17% decadal growth rate. Please see <http://en.banglapedia.org/index.php?title=Population>

¹⁸. Submission of the Asia Indigenous Peoples Pact (AIPP) Foundation on Human Rights Situation of the Indigenous Peoples (Adivasi) in Bangladesh to the Office of the High Commissioner for Human Rights (OHCHR) available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/BD/AIPP_BGD_UPR_S4_2009_AsiIndigenousPeoplesPactFoundation_upr.pdf

¹⁹. Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees, May 2007, UNHCR available at <http://www.unhcr.org/protect/PROTECTION/46fa1af32.pdf>

²⁰. BANGLADESH FACTSHEET September 2014, UNHCR available <http://www.unhcr.org/50001ae09.html>

i. How Rohingyas fit into the racist policy of the Government of Bangladesh on indigenous peoples of the CHTs

The Rohingyas who belong to the same stock of people as the mainstream Bengali speaking Muslims Bangladesh perfectly fitted into the ongoing policies of the Government of Bangladesh to reduce indigenous Jumma peoples including the Marmas into a minority in their own lands.

In order to counter armed insurgency of indigenous Jumma peoples demanding autonomy, the Government of Bangladesh implanted over 500,000 illegal plain settlers²¹ belonging to the Muslim majority from the plain districts of Bangladesh into the CHTs between 1979 and 1983²² in clear violation of the Article 52 of the Chittagong Hill Tracts 1900 Regulation which prohibits settlement of outsiders in the region. The Government of Bangladesh gave lands to these illegal plain settlers after grabbing them from indigenous Jumma peoples often by burning down their villages that saw exodus of indigenous refugees to India²³ and had been providing free food rations to sustain the illegal plain settlers.

Though the CHTs Peace Accord was signed by the Government of Bangladesh and the Jana Samhati Samiti (JSS), representative of indigenous Jumma peoples on 2 December 1997, what is most disconcerting is the fact that the Government of Bangladesh has not stopped its policy of providing free food rations to the illegal plain settlers as on date. The latest Annual Report of the Ministry of the CHTs Affairs, Government of Bangladesh available for the year 2014-2015 states

21. The settlement of the plains people in the Chittagong Hill Tracts is illegal as Article 52 of the CHTs 1900 Regulation brought by the British India prohibits settlement of outsiders. Article 52 of the CHTs 1900 Regulation relating to Immigration into the Hill Tracts provides that "a) Save as hereinafter provided, no person other a Chakma, Mogh or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hill, the Arakan Hill Tracts, or the State of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion. ...d) No permit shall be valid for more than twelve months from the date of its grant. Every person required by this rule to be in possession of a permit shall be bound to produce it on the demand of any Government officer, headman, Karbari or Bazar Chaudhuri, and on his failure to produce such permit such government officer, headman, Karbari or Bazar Choudhuri shall arrest him and forward him without delay to the nearest police officer or Magistrate."

22. As stated by the Chittagong Hill Tracts Commission, in 1979, then President Ziaur Rahman presided over a secret meeting where a government policy for large-scale settlements of thousands of majority Bengali Muslim populations in the CHTs was decided and accordingly about 100,000 plain settlers moved into the CHTs during 1979 and 1980, another 100,000 during 1981 and 200,000 more between 1982 and 1983 with the sole aim to make the indigenous peoples a minority in their own land. Please see "Life is not Ours", P. 52, The Report of the Chittagong Hill Tracts Commission, May 1991, http://www.iwgia.org/iwgia_files_publications_files/0129_Life_is_not_ours_1-108.pdf

23. Over 73,000 Jumma refugees fled to India from 1986 to 1992 who returned following signing of the CHTs Peace Accord by the Government of Bangladesh and Jana Samhati Samiti.

that the Government of Bangladesh provided food ration assistance to 25,997 illegal plain settler families settled in the *Guchcha Grams* i.e. Collective Villages, to 5,80,320 illegal plain settler persons in the name of *Shantakaran Karmasuchi* i.e. Pacifying Programme and 2,41,667 illegal plain settler persons under *Bishesh Karmasuchi* i.e. Special Programme. It implies that the Government of Bangladesh is providing assistance to about 10,03,966 illegal plain settlers i.e. 1,81,979 persons (25,997 families x 7 persons per family) under *Guchcha Grams*, 5,80,320 persons under *Shantakaran Karmasuchi* and 2,41,667 persons under *Bishesh Karmasuchi*.²⁴ The indigenous Jumma peoples of the CHTs who did not become refugees or did not join the JSS are not provided any food ration under the *Shantakaran Karmasuchi* and/or the *Bishesh Karmasuchi*. That illegal plain settlers who displaced indigenous Jumma peoples in the first place continue to be provided free food rations goes on to prove the racist policies and practices of the Government of Bangladesh.

The Jana Samhati Samiti which holds power in the CHTs Regional Council in a report on the status of implementation of the CHTs Peace Accord in January 2013 stated that the “*the Muslim Bengali refugees of Arakan, Myanmar who are identified as Rohingya have been settled at Naikhyongchari, Ruma, Lama, Alikadam and Sadar area of Bandarban hill district with direct patronization and supervision of the local administrative authorities. They have been issued Permanent Resident Certificates and included in the local voter lists violating the terms of the CHT Accord. All development and employment facilities sanctioned in the name of the local indigenous peoples are being routed to them.*”²⁵

In order to facilitate settlement of the Rohingya refugees into the CHTs, the Government of Bangladesh did not register the refugees, which is necessary for identification for repatriation to Myanmar. The Government of Bangladesh further restricted the UNHCR to operate only at Nayapara and Kutupalong refugee camps in Cox’s Bazar district. Those fleeing from Myanmar were encouraged to settle in the CHTs with disastrous consequences for the indigenous peoples with the sole aim to encourage the fleeing Rohingya refugees to settle in the CHTs.

Even though about 65,000 refugees have reportedly entered into Bangladesh since 9th October 2016, as stated above, the Government of Bangladesh is neither registering them nor issuing identity cards to record their origin which is indispensable for repatriation to Myanmar. Eventually, majority of them will be encouraged to permanently settle down in the CHTs and the indigenous peoples,

²⁴. For details on the support of the Government of Bangladesh on the illegal plain settlers, please refer to page 22 of Annual Report 2014–2015 of the CHTs Affairs Ministry, Government of Bangladesh which can be directly accessed at <https://drive.google.com/file/d/0BxclLptYi6jsS3o2cHJreidXa3M/view>

²⁵. Page 20, “Report on the Implementation of the CHT Accord” PCJSS, January 2013 <http://www.chtcommission.org/Report-on-Impln-of-CHT-Accord-January-2013-Final.pdf>

whose already constitute less than 50% of the total population of the region, will face gradual extinction.

ii. Human rights violations by the Rohingya refugees upon indigenous peoples of the CHTs

There is indeed no difference between the Rohingyas or illegal plain settlers in the CHTs – they both belong to the same community and the Rohingyas along with the illegal plain settlers have been responsible for serious human rights violations of the indigenous peoples of the CHTs.

Though the cases of land grabbing and attacks on minorities are regular, some of the key incidents are illustrated below:

- On 21 October 2016, Bangladesh Army personnel from Boga Lake camp under Ruma Upazila/Sub-district prevented indigenous Marma villagers from building a Buddhist temple at Boga Lake area.²⁶
- On 2 October 2016, a group of Rohingyas and illegal plain settlers jointly attacked the Raja Para Buddhist Temple of Banapur Bazar under Fasyakhali union in Lama Upazila and miscreants broke the Buddha statue and stole valuables of the temple.²⁷
- During 29-30 September 2012, Muslim religious fanatics attacked the Buddhist and Hindu minorities at Ramu, Ukhia, Patia and Teknaf under Cox's Bazar. At least 22 Buddhist temples and two Hindu temples were burnt down; dozens of Buddhist villages were attacked displacing thousands of minorities. Of these, 15 Buddhist temples were burnt to ashes in Ramu Upazila (sub-district), four in Patia Police Station and five under Ukhia Upazila.²⁸ Mr Salamat Ullah, a leader of the Rohingya Solidarity Organisation (RSO) was involved in the arson and vandalism and was arrested by Bangladesh police along with four others in November 2014.²⁹

²⁶. BANGLADESH A Joint Submission to the United Nations Human Rights Committee, 119th Session 6-29 March 2017, submitted by: Kapaeeng Foundation, Bangladesh Indigenous Women's Network, Bangladesh Indigenous Peoples Forum, Jatiya Adivasi Parishad, Achik Michik Society, International Work Group for Indigenous Affairs and available at http://iphndefenders.net/wp-content/uploads/2017/02/AlternativeReport_HRCtte_119thSession_IPOs_Bangladesh.pdf

²⁷. Ibid.

²⁸. Asian Center for Human Rights, '24 Buddhist and Hindu temples burnt in Bangladesh - India and UN urged to intervene, 1 October 2012', available at: <http://www.achrweb.org/press/2012/BG-08-2012.html>

²⁹. Local Awami League leader among 'militants' arrested, bdnews24.com, 24 November 2014, <http://bdnews24.com/bangladesh/2014/11/24/local-awami-league-leader-among-militants-arrested>

- Across the CHTs, the lands of indigenous peoples continue to be grabbed by illegal plain settlers including the Rohingyas. At least 45 indigenous families were evicted from their ancestral lands in 2015 in CHTs.³⁰ In 2014, around 3,911 acres of land in the CHTs were grabbed by State and non-state actors while 84,647 acres of land in the CHTs were in the process of being occupied and acquired.³¹ In 2013, around 3,792 acres of lands in the CHTs were either grabbed or went under process for occupation and acquisition.³²

B. Bangladesh is encouraging ethnic cleansing of the Rohingyas in Arakan

The UNHCR stated in September 2014 that “*some 200,000 to 500,000 undocumented Rohingyas living outside two camps (at Cox’s Bazar) have no legal status*”.³³ The Government of Bangladesh has effectively absorbed these “200,000 to 500,000 undocumented Rohingya refugees” since 1992, mainly in the CHTs.

Myanmar questions origin of the Rohingyas and often terms them as Bangladeshi with the sole intention to deny them any rights including citizenship. The Government of Bangladesh is unlikely to be able to prove before the Government of Myanmar that those living outside the Nayapara and Kutupalong refugee camps in Cox’s Bazar district originated from Arakan province. The acknowledgement by Bangladesh Foreign Ministry on 2 June 2015 that 716 boat people at the camps in Malaysia were Bangladesh nationals³⁴ does not help its cause.

When the ACHR researchers visited Ukhia Upazilla, they found that the Government of Bangladesh is not registering the Rohingya refugees (65,000 as per the UN) who arrived since October 2016. There are no designated camps/locations for these refugees. They will soon spread over and be encouraged to settle down in the CHTs. The Government of Myanmar once again will dispute their origin in the absence of proper documentation by Government of Bangladesh of these newly arrived refugees while majority are fearful return to Myanmar. It is likely that a

30. IWGIA – THE INDIGENOUS WORLD – 2016, P. 318, http://www.iwgia.org/iwgia_files_publications_files/0740_THE_INDIGENOUS_ORLD_2016_final_eb.pdf

31. IWGIA – THE INDIGENOUS WORLD – 2015, P. 317–318, http://www.iwgia.org/iwgia_files_publications_files/0716_THE_INDIGENOUS_ORLD_2015_eb.pdf

32. IWGIA – THE INDIGENOUS WORLD – 2014, P.326, http://www.iwgia.org/iwgia_files_publications_files/0671_I2014eb.pdf

33. BANGLADESH FACTSHEET September 2014, UNHCR available <http://www.unhcr.org/50001ae09.html>

34. 716 Bangladeshis in Malaysian camps, Gulf Times, 3 June 2015, <http://www.gulf-times.com/bangladesh/245/details/441762/-716-bangladeshis-in-malaysian-camps>

large majority of these newly arrived Rohingya refugees will permanently settle down especially in the CHTs.

The history is instructive. As per press reports of May 2012, about 600,000 Rohingya refugees in Saudi Arabia and about 200,000 in Pakistan.³⁵ This implies that almost 1.2 million Rohingyas have been expelled from Arakan i.e. 600,000 in Saudi Arabia, 200,000 in Pakistan and 6,00,000 in Bangladesh (upto 500,000 undocumented Rohingya refugees living outside the official camps³⁶, 32,000 refugees living in the Nayapara and Kutupalong camps³⁷ and 65,000 refugees who arrived since October 2016³⁸), not to mention about the Rohingya refugees settled across the world.

The Myanmar Army is already emboldened by its successful expulsion of over 300,000 Indian origin people following the *coup d'etat* by General Ne Win in 1962.³⁹

There is no reason for the Government of Myanmar not to expel more Rohingyas to achieve sort of “final solution” to the Rohingya problem in Myanmar.

By using the Rohingya refugees for implementation of the racist policy against indigenous peoples of the CHTs, the Government of Bangladesh is actually encouraging Myanmar to carry out its ethnic cleansing policy.

The policies of the Government of Myanmar on the Rohingyas and the policies of the Government of Bangladesh on the indigenous peoples of the CHTs against whom the Rohingya refugees are being used are not dissimilar.

4. Proposal for relocation of the Rohingya refugees in island: No political will to address all the Rohingya refugees settled in Bangladesh

In January 2017, the Government of Bangladesh renewed its plan to relocate the Rohingya refugees to Thengar Char Island under Hatiya Upazila.⁴⁰ In May 2015, the Government of Bangladesh had announced to relocate them there.⁴¹

³⁵. Delhi plays reluctant host to Myanmar's nowhere people, The Times of India, 26 May 2012, <http://timesofindia.indiatimes.com/india/Delhi-plays-reluctant-host-to-Myanmars-nowhere-people/articleshow/13532345.cms>

³⁶. BANGLADESH FACTSHEET September 2014, UNHCR available <http://www.unhcr.org/50001ae09.html>

³⁷. Ibid

³⁸. Bangladesh resurrects plan to move Rohingya refugees to flooded island, The Independent, 31 January 2017 available at <http://www.independent.co.uk/news/world/asia/burma-rohingya-muslim-refugees-bangladesh-aung-san-su-kyi-a7554756.html>

³⁹. The Burmese Indians who never went home, BBC, 4 September 2015, <http://www.bbc.com/news/world-asia-33973982>

It is clear that the Government of Bangladesh has no interest to address the issue of the Rohingya refugees who arrived in the country since 1992. The Thengar Char Island under Hatiya Upazila, apart from being inhospitable, cannot accommodate about 600,000 Rohingya refugees settled in Bangladesh and therefore, the Government of Bangladesh is obviously not referring to relocation of all the Rohingya refugees living in the country. The so-called undocumented Rohingya refugees settled in the three districts of the Chittagong Hill Tracts (CHTs) i.e. Bandarban, Rangamati and Khagrachari form an integral part of the racist policies and programmes of the Government of Bangladesh to reduce indigenous peoples of the CHTs into a minority in their own lands and those settled in the CHTs shall never be withdrawn for relocation in the Islands.

The Rohingya issue is the most emotive one across the social, religious and political spectrums of Bangladesh and no government of Bangladesh either has popular support from the Muslim majority in the country or the political will to resettle the Rohingya refugees in these inhospitable islands with no means of survival, notwithstanding all other risks.

There is no doubt that relocation will violate the rights of the Rohingya refugees but it is equally indispensable to ensure the settlement of the Rohingya refugees does not violate the rights of indigenous peoples.

5. Intensification of the armed conflict in Arakan and influx of more Rohingya refugees foretold

There is no end in sight for resolution of the Rohingya crisis in Myanmar. There is almost universal opposition from the ethnic groups in Myanmar to grant citizenship to the Rohingyas. Keeping aside the lack of leverage of Aung San Suu Kyi Government on the powerful military of Myanmar, there is little political space available to the Government of Myanmar to grant citizenship to the Rohingyas.

At the same time, the involvement of the Rohingyas in violent extremism to press for their rights in Myanmar has been an open secret. The risks of involvement of the Islamic terror groups remains high considering the settlement of about 600,000

⁴⁰. Bangladesh resurrects plan to move Rohingya refugees to flooded island, The Independent, 31 January 2017, available at <http://www.independent.co.uk/news/world/asia/burma-rohingya-muslim-refugees-bangladesh-aung-san-suu-kyi-a7554756.html>

⁴¹. Bangladesh plans to move Rohingya refugees to island in the south, The Guardian, 28 May 2015, <https://www.theguardian.com/world/2015/may/28/bangladesh-plans-to-move-rohingya-refugees-to-island-in-the-south>

Rohingya refugees in Saudi Arabia and about 200,000 in Pakistan by May 2012⁴² and the active role of many of the immigrant Rohingya leaders to adopt violent extremism has been well-documented.

The Rohingya Solidarity Organisation (RSO) which declared Arakan as an independent Islamic state during Friday sermons at Kowarbeel Madrasa in Mongdu of Myanmar on 8th June 2012⁴³ has been on the forefront but it has been under intense pressure especially following the arrest of Myanmar national and RSO member Mr Khalid Mohammad alias Khalid from Hyderabad in connection with the Burdwan blast in West Bengal, India on 2 October 2014 in which two operatives of the Jamaat-ul-Mujahideen Bangladesh were killed while making bombs in a house⁴⁴ and the serial bomb blasts on 7 July 2013 in and around Mahabodhi Temple at Bodh Gaya, the holiest place of the Buddhists,⁴⁵ allegedly to avenge the killings of Rohingya Muslims in Myanmar.⁴⁶

India's National Investigation Agency assigned to investigate the Burdwan blast claimed that Khalid had confessed to have received militant training from Pakistan's Tehrik-e-Insaf on behalf of Myanmar outfit Tehrek-e-Azadi Arakan.⁴⁷ The arrest of Khalid further led to the arrest of Md Shafiullah, a leader of the Awami League unit in Bandarban district, along with four others namely Salamat Ullah, Mohammad Amin, Abdul Majid and a Pakistani national, Mohammad Alam, on 23 November 2014 for allegedly having connection with the RSO. While Md Shaifullah had alleged links with the RSO, Salamat Ullah was also allegedly involved in the arson and vandalism at Ramu and known as a chief organiser of the RSO in Cox's Bazar.⁴⁸

42. Delhi plays reluctant host to Myanmar's nowhere people, The Times of India, 26 May 2012, <http://timesofindia.indiatimes.com/india/Delhi-plays-reluctant-host-to-Myanmars-nowhere-people/articleshow/13532345.cms>

43. AL units run by RSO-trained Rohingyas, The Dhaka Tribune, 30 November 2014 at <http://archive.dhakatribune.com/politics/2014/nov/30/al-units-run-rso-trained-rohingyas>

44. 'Burdwan blast: NIA arrests Myanmar national', The Hindustan Times, 19 November 2014, <http://www.hindustantimes.com/india-news/burdwan-blast-nia-arrests-myanmar-resident-from-hyderabad/article1-1287314.aspx>

45. 'Bodh Gaya blasts executed to avenge attack on Rohingyas in Myanmar, says terror suspect', India Today, 6 January 2014, <http://indiatoday.intoday.in/story/bodh-gaya-blasts-mohammed-umair-siddiqui-rohingya-muslims-myanmar/1/334608.html>

46. Bodh Gaya temple attack 'was revenge for Rohingyas', The Daily Mail, UK, 6 January 2014 available at <http://www.dailymail.co.uk/indiahome/indianews/article-2534250/Bodh-Gaya-temple-attack-revenge-Rohingyas.html>

47. 'Burdwan blast: NIA arrests Myanmar national', The Hindustan Times, 19 November 2014, <http://www.hindustantimes.com/india-news/burdwan-blast-nia-arrests-myanmar-resident-from-hyderabad/article1-1287314.aspx>

48. Local Awami League leader among 'militants' arrested, bdnews24.com, 24 November 2014, <http://bdnews24.com/bangladesh/2014/11/24/local-awami-league-leader-among-militants-arrested>

While there were reports of Rohingya language being one of the languages of instructions for training by the Al-Qaeda, there have been consistent crack-downs on the RSO by various governments for acts of violence. In May 2013, Indonesia reported that it foiled an attempt to blow up the Embassy of Myanmar by arresting two Rohingya leaders identified as cleric Abu Arif and militant commander Abu Shafiyah of the RSO in retaliation for violence against Myanmar's Rohingya Muslim minorities.⁴⁹ They had visited Indonesia in May 2013 and met hardline groups in Indonesia seeking more fighters, guns, cash and bomb-making instructors. A website founded by Muhammad Jibril Abdul Rahman, a member of the Indonesian radical Muslim group Jemaah Islamiah had reportedly uploaded 28 photos of Rohingyas undergoing military training in Rakhine state, saying it hoped the images would “*encourage Muslims around the world to reignite jihad in Arakan*”.⁵⁰ Muhammad Jibril allegedly had links to Al-Qaeda and Taleban and was put on a sanctions list by the United States in 2011.⁵¹

The International Crisis Group (ICG) in its latest report, Myanmar: A New Muslim Insurgency in Rakhine State, highlighted the involvement of the Harakah al-Yaqin (Faith Movement, HaY), led by a committee of Rohingya émigrés in Saudi Arabia in the deadly attacks on the security forces on 9th October 2016. The ICG stated that “*the HaY would not have been able to establish itself and make detailed preparations without the buy-in of some local leaders and communities*”.⁵²

ACHR believes that as Myanmar is unwilling to recognize the rights of the Rohingyas, the attacks by the Rohingya armed groups will only intensify with Rohingyas having popular support across the border in Bandarban and Cox's Bazar districts of Bangladesh and beyond as the ICG report suggests. The Rohingya issue is the most emotive one across the social, religious and political spectrums of Bangladesh. ACHR also believes that the responses of the Myanmar Army to myriad ethnic insurgent groups since 1960s leaves no doubt that that the Myanmar Army shall continue to use disproportionate force against the Rohingya armed groups without making any distinction between combatants and civilians.

The exodus of more Rohingya refugees consequently will increase. The Rohingyas are most likely to seek shelter in neighbouring Bangladesh which shares land boundaries with Arakan in Myanmar through Bandarban and Cox's Bazar districts rather than approaching distant South East Asian countries for

49. 'Myanmar's Rifts Make Waves in Indonesia', Wall Street Journal, 3 May 2013, <http://www.wsj.com/articles/SB10001424127887324266904578459770982983566>

50. '2 Rohingya leaders go shopping for terror in Indonesia', The Jakarta Post, <http://www.thejakartapost.com/news/2013/07/11/2-rohingya-leaders-go-shopping-terror-indonesia.html>

51. Ibid.

52. Myanmar: A New Muslim Insurgency in Rakhine State, International Crisis Group, 15 December 2016 @ <https://www.crisisgroup.org/asia/south-east-asia/myanmar/283-myanmar-new-muslim-insurgency-rakhine-state>

which they are indeed required to cross entire Myanmar to reach Thailand. In rare cases, Rohingyas take the “*floating coffins*”⁵³ from Arakan province. In most cases, Rohingyas arrive in Bangladesh first and become easy prey to the traffickers and take the “*floating coffins*” to South East Asia and beyond along with Bangladeshi nationals claiming themselves as Rohingya refugees.⁵⁴

The exodus of more Rohingya refugees to Bangladesh will have a direct bearing on the survival of non-Muslim indigenous peoples of the CHTs.

6. Recommendations

The time has come for abandoning "Symptomatic Approach" to the Rohingya refugee crisis and broadening the view beyond the Rohingya/Arakan tunnel.

Among others, it has become indispensable to (i) highlight the impact of the settlement of Rohingyas since 1992 on the indigenous peoples of the CHTs; (ii) how the government of Bangladesh's policy on the Rohingya refugees is exacerbating the conflicts both Arakan and the CHTs; and (iii) how the Government of Myanmar is taking full advantage to implement its ethnic cleansing policy. The gross human rights violations against the Rohingyas must be investigated but the UN itself, especially human rights mechanisms, and other stakeholders cannot be oblivious to the Rohingyas causing grave violations of the rights of indigenous peoples of the CHTs.

In the light of the submission made above, Asian Centre for Human Rights recommends the following:

- During the visit to Bangladesh, examine all facets of the impact of the settlement upon the Rohingya refugees on the indigenous peoples of the CHTs and Cox's Bazar district including if permitted by holding discussion with the Chittagong Hill Tracts Regional Council established under a Parliamentary Act of Bangladesh to fully understand the impact of the Rohingya refugees in entire CHTs and include the same in your report to the UN Human Rights Council;
- Call upon the Government of Bangladesh to release the findings of its survey of the Rohingya refugees conducted in June 2016 including the number of Rohingya refugees settled in each of the six districts i.e. Cox's Bazar, Rangamati, Bandarban, Khagrachari, Chittagong and Patuakhali;

⁵³. UN warns of 'floating coffins' as 1,000 migrants barely reach shore, CTV News, 15 May 2015 at <http://www.ctvnews.ca/world/un-warns-of-floating-coffins-as-1-000-migrants-barely-reach-shore-1.2375257>

⁵⁴. 716 Bangladeshis in Malaysian camps, Gulf Times, 3 June 2015, <http://www.gulf-times.com/bangladesh/245/details/441762/-716-bangladeshis-in-malaysian-camps>

- Call upon all the countries receiving Rohingya refugees including Bangladesh to provide shelter to the Rohingya refugees in relief camps, register the refugees through issuance of necessary identity cards, and recommend to the Bangladesh Government as the recipient of the largest number of Rohingya refugees to organize a conference on the issue and hold joint-dialogue with Myanmar for repatriation of the Rohingya refugees sheltered in each country;

- Call upon the Government of Bangladesh to withdraw the Rohingya refugees from the Chittagong Hill Tracts and repatriate them to Myanmar or third countries interested to resettle them; and

- Call upon all the donors extending humanitarian assistance to the Rohingya refugees to conduct local impact assessment of the settlement of the Rohingya refugees on local indigenous Jumma peoples and take corrective measures. [Ends]