

Annex

Public Redacted

I. *Email from [Redacted] to VPRS received on 13 December 2024 at 08h49*

A. OVERVIEW

As you are aware, [Redacted] has been providing six-monthly updates to VPRS for several years, with the goal of setting out the main concerns being expressed by our Rohingya clients. The present update is based on in-person and online contact with our clients in Bangladesh since our last update in June 2024, and our regular exchanges and contact with them.

In June 2024, we reported that our clients' enthusiasm for the ICC appeared to be at an all-time low. Seven years after the crimes against them, our clients' focus had shifted almost entirely to their day-to-day survival in Bangladesh, and their overwhelming concerns arising from the ongoing conflict in Rakhine State, and its impact on the Rohingya in the camps.

This remained the *status quo*, until the November 27 announcement from the Prosecutor that he had filed a request for an arrest warrant against Senior General and Acting President Min Aung Hlaing, Commander-in-Chief of the Myanmar Defence Services. This news was well received. It did, however, prompt many additional questions to which there are currently no answers, and did not displace the immediate security and humanitarian concerns from being at the forefront of our clients' minds.

B. VIEWS AND CONCERNS OF [Redacted] CLIENTS

i. Daily Insecurity and the Precarious Situation in Bangladesh

Our clients' concerns about daily life in Bangladesh are urgent, and nuanced. At the centre, is the obvious lack of consistent access to humanitarian assistance, food, healthcare, as well as the prohibitions on movement and education, among others. The overall conditions of life do not allow a dignified existence for the one million Rohingya living in this very crowded camp setting. This reality is well known and acknowledged.

An additional layer, is the stagnation of this situation in the camps. As stated by one client, *"there is no overall policy that offers the basic needs and that enable basic rights and needs that a human deserves."* This lack of improvement and complete stagnation means that the long-term effects of food and healthcare insecurity are becoming more pronounced, particularly in children. This situation *"doubly adds to the trauma that we endured and we have been suffering from in post-conflict situation"*, according to one client.

[Redacted].

Relatedly, our clients are also concerned by the way in which they receive humanitarian assistance, and the lack of effort to ensure they can carry out their lives in the camps in a way that reflects the culture and norms of Rohingya life in Myanmar. According to one client, this comes down to the practices of the *“humanitarian agencies and other service providers who are focused on sustaining their projects rather than serving in accordance with humanitarian principles”*. In this way, this client expressed that the interaction with these agencies and actors *“does not reduce the trauma and anxiety that we have been suffering. Their actions and behaviour actually prolong the suffering, because we have been targeted verbally, emotionally and psychologically by the service providers, during lack of their application of humanitarian norms within their services.”*

In addition, the insecurity and violence in the camps remains of pressing concern. Our clients have referred to numerous incidents and attacks, including the violent targeting of human rights defenders and leaders, and instances of sexual violence including by humanitarian actors. Arbitrary detention, often requiring the payment of bribes by family members for release, also continues. Our clients’ security concerns are centred around the fact that *“this never changes”*, and that they are required to live with the threat of daily violence in the camp setting.

ii. Deterioration of the Situation in Rakhine State

The ongoing armed conflict in Rakhine State is also a cause of much distress to the Rohingya in Bangladesh, with new arrivals in the camps fleeing the current violence. The situation in Rakhine State dominates discussions about the ICC developments, with our clients asking whether the ICC will also investigate the ongoing crimes against the Rohingya in addition to the atrocities of 2016 and 2017.

This conflict impacts on the Rohingya in Bangladesh, with conflict between competing armed groups, forced recruitment, including recruitment of Rohingya children by the Rohingya Solidarity Organisation to join the conflict in Rakhine State, abductions, torture, and killing of youth and human rights defenders. Human trafficking, in this context, is an ongoing fear.

The insecurity in Rakhine State is also prompting many Rohingya in Myanmar to seek to cross into neighbouring and nearby states. The resulting deaths at sea, and the detention of those who do arrive in third States, is also of great concern to our clients in Bangladesh.

iii. Response to the 27 November Announcement from the ICC Prosecutor

The announcement that the Prosecutor had filed a request for an arrest warrant against Senior General and Acting President Min Aung Hlaing, Commander-in-Chief of the Myanmar Defence Services, was well received, particularly by those of our clients who had met [Redacted].

While welcome, our clients remain concerned by the time taken to issue just one request for an arrest warrant, and what this says about the total length of time for a trial process, if any. As noted by one client,

As survivors, we know that as it took more than seven years to file for an arrest warrant. We hope that the trial processes and the accountability efforts may be swifter and justice will be served as soon as possible. Otherwise, we are in fear of despair, we are in fear of losing the whole population. As Rohingya people have been fleeing to other countries for their survival, as the situation in the camps does not offer a sense of security, a sense of peace of mind, a sense of dignity, a sense of basic rights, that forces people to search for a place where there will be a healthy life. So there should be swifter efforts to serve to restore our rights as soon as possible.

The Prosecutor's request also prompted many questions, such as why other members of the armed forces were not included in the request, such as those who played an active role in the crimes on the ground; when will the arrest warrant be issued; how will Min Aung Hlaing be arrested; when will the case begin, and how long will it take for a judgment; and how will witnesses be chosen? We continue to engage with our clients on these issues.

C. CONCLUSION

While our clients have welcomed this development in the *Bangladesh/Myanmar* situation, it has not displaced what remain as their most pressing concerns; the immediate security risks and the humanitarian crisis in the Cox's Bazar camps. The Rohingya in Bangladesh continue to live in an extremely precarious day-to-day situation while continuing to suffer – without sufficient remedial assistance - from the effects of their experiences in 2016, 2017 and beyond.

II. *Email from [Redacted] to VPRS received on 16 December 2024 at 11h29*

Conditions in the Cox's Bazar camps continue to be appalling. People are living in fear of the serious security incidents which occur frequently, including killings and abductions. There is some suggestion that these issues worsened after the fall of Sheikh Hasina's government due to a reduction in security presence for some time. Reports of forced conscriptions in the camps (for use in hostilities in Myanmar) continue. At the same time, Rohingya people continue to enter Bangladesh from Myanmar, and authorities do not permit UNHCR to register them. Other serious human rights violations, including denial of education and access to justice also continue. Safe repatriation remains impossible, and resettlement options continue to be extremely limited, meaning that most people see themselves trapped in these terrible conditions for the long term, perhaps permanently.

Meanwhile, it appears to many that justice processes are moving far too slowly. The announcement of one arrest warrant request was welcomed, but at this point seems insufficient to alleviate increasing disillusionment. And the vast majority of people in the camps have heard nothing about it. ICC outreach in the camps is virtually non-existent. A small number of individuals and civil society groups are in touch with lawyers and NGOs who provide information to them. The majority of camp residents, who are not in these networks, have minimal information about the Court.

We are trying hard to alleviate these challenges for our clients. However, our ability to do so is severely hampered by the absence of any legal aid funding from the Court. Although the ASP included some limited legal aid funding for victims' counsel at the investigation stage in the Court's new legal aid policy last year, this is not being implemented by the Registry.