Dear all,

The United Nations Special Rapporteur on the situation of human rights in Myanmar, Ms Yanghee Lee, is undertaking a visit to various locations of the Rohingya refugees in Cox’s Bazar, Bangladesh from today i.e. 20th February to 23 Febuary 2017 to examine human rights violations on the Rohingyas.

In its submission to the Special Rapporteur titled"*[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 Rohingyas](http://www.achrweb.org/briefingpapers/RohingyaRefugees-BP-01-17.html" \t "_blank)*" ([http://www.achrweb.org/briefingpapers/RohingyaRefugees-BP-01-17.html](http://www.achrweb.org/briefingpapers/RohingyaRefugees-BP-01-17.html" \t "_blank)), Asian Centre for Human Rights (ACHR) stated that while gross human rights violations against the Rohingyas must be investigated but the UN human rights mechanisms cannot be oblivious to the Buddhists of the Chittagong Hill Tracts (CHTs) being made into a minority in their own land by the permanent settlement of the Rohingya refugees by the Government of Bangladesh as part of its racist policy againts indigenous peoples of the CHTs. The Rohingyas  who belong to the same stock of people as the majority Muslim population of Bangladesh have already become majority in Bandarban district of the CHTs and have been involved in grabbing the lands of indigenous Buddhists and attacks on Buddhists monks and Buddhist temples in the CHTs.

Most in the international community has taken "Symptomatic Approach" to the Rohingya refugee crisis, viewed the Rohingya refugee issue only from "Rohingya/Arakan tunnel" and have failed to conduct local impact assessment on the settlement of the Rohingya refugees on the local/indigenous communities of the CHTs. The UNHCR which has access to Nayapara and Kutupalong camps in Cox’s Bazar district and is required to conduct local impact assessment essentially remained a mute witness since 1992.

1. Current influx and ACHR's findings from the field visit to Rohingya refugees at Ukhia in January 2017

The current influx of the Rohingya refugees started 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 killed. 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”. By the end of January 2017, the United Nations was quoted of reporting influx of 65,000 new Rohingya refugees since October 2016.

From 13-15 January 2017, researchers of of ACHR visited Rohingya refugees who had taken shelter under Ukhia Subdivision under Cox’s Bazaar. ACHR researchers found that the Rohingyas 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 and absolute lack of guarantees against non-repetition of human rights violations by the Myanmar's security forces. 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. There is no intention on the part of the Government of Bangladesh to repatriate the Rohingya refugees while Myanmar shamefully agreed to take back less 2,500 Rohingya refugees.

This calls of local impact assessment since influx of the Rohingya refugees from 1992.

2. 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 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 camps as per UNCHR in 2014, 32,000 refugees living in the Nayapara and Kutupalong camps in Cox’s Bazar district as per UNHCR in 2014 and 65,000 refugees who arrived since October 2016.

Majority of these refugees settled in the CHTs. This is confirmed by the fact the national survey of the Rohingya refugees conducted by the Government of Bangladesh from 2 to 14 June 2016 focused all the three districts of the CHTs out of the six districts i.e. Cox’s Bazar, Rangamati, Bandarban, Khagrachari, Chittagong and Patuakhali. Out of these districts, Rangamati, Bandarban, Khagrachari are part of the CHTs Regional Council while two remaining districts i.e. Cox’s Bazaar and Chittagong are bordering districts of the CHTs region. The Government of Bangladesh has refused to disclose the number of Rohingya refugees in these districts as none outside the Nayapara and Kutupalong camps claimed as Rohingyas.

The influx of the Rohingya refugees started in 1992 and as per the census of Bangladesh, the population of Bandarban district increased from 157,301 persons as per 1991 census to 298,120 persons as per 2001 census i.e. an increase of 90% against decadal growth rate of 17% in entire Bangladesh during the same period. 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 (i.e. about 105,000 persons) 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. The Marma people whose population is less than 100,000 have already been reduced to minorities.

**Few in the international community are aware that the Rohingya refugees who are subjected to gross human rights violations by the Rakhine in Arakan have become defacto rulers over the indigenous Marmas of the ethnic Rakhine origin in Bandarban district with wider implications for indigenous Jumma peoples of the CHTs.**

In order to counter armed insurgency of indigenous Jumma peoples demanding autonomy in 1970s, the Government of Bangladesh implanted over 500,000 illegal plain settlers belonging to the Muslim majority from the plain districts of Bangladesh into the CHTs between 1979 and 1983.  The Government of Bangladesh gave inducement to these plain settlers: (1) lands  after grabbing them from indigenous peoples often by burning down their villages that saw exodus of indigenous refugees to India and (2) free food rations for their survival. 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 that the Government of Bangladesh provided food ration assistance to about 10,03,966 illegal plain settlers under Guchcha Grams, Shantakaran Karmasuchi and Bishesh Karmasuchi. 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.

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 though the CHTs Accord has not been implemented, 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.*”

The ACHR's submission to the Special Rapporteur states that the policy of the Government of Bangladesh to use the Rohingya refugees for settlement in the CHTs for its own racist policy and absorbing over half a million Rohingya refugees has actually acted as an encouragement to the Government of Myanmar to expel more Rohingyas from Arakan province. The Myanmar Army had expelled over 300,000 Indian origin people following the *coup d'etat* by General Ne Win in 1962. With over one million Rohingyas already expelled since 1992, the Myanmar Army believes that they can actually expel all the remaining Rohingyas and get away with ethnic cleansing.

ACHR's  submission also warned that the attacks by the Rohingya armed groups will not only intensify but become deadlier while Myanmar Army shall continue to use disproportionate force against the Rohingya armed groups without making any distinction between combatants and civilians as it did to other ethnic insurgents.

The Rohingya will flee to escape but if the CHTs continues to be used as the dumping ground of the Rohingyas, both Myanmar will be successful to cleanse Arakan of the Rohingyas and the Government of Bangladesh will cleanse the CHTs of the indigenous peoples.

The question remains whether all those rightly concerned about the Rohingya refugees will turn into mute spectator to decimation of indigenous peoples of the CHTs by the Rohingya refugees who are being settled into the CHTs.

We thought you would find this of interest.

With kind regards,

Yours sincerely

Paritosh Chakma

ACHR