

THE ARBITRARY ARREST AND DETENTION OF ROHINGYA SINCE THE ATTEMPTED COUP

March 2, 2022

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Introduction

Over a year since the attempted coup on February 1, 2021, the Myanmar military junta, which is led by the perpetrators of the decades-long genocide against Rohingya, is continuing to act with the intent of destroying this ethnic minority and indigenous group as well as commit widespread and systematic attacks of violence against the country's entire population. As was reported by the United Nations (UN) Independent International Fact-Finding Mission in 2018, the Myanmar military and security forces had perpetrated war crimes, genocide, and crimes against humanity for decades, including by using sexual violence as a "hallmark" of their operations; in 2017, these forces launched strategic attacks of genocide against Rohingya, forcing hundreds of thousands to be displaced and seek refuge in neighboring countries. Despite the International Court of Justice's provisional measures in 2019, today, Rohingya as a group, including the millions of refugees, have no chance of finding peace and security, returning to their homes across Myanmar, and having their fundamental rights restored indefinitely.

This briefer provides a brief, on-the-ground situation update of Rohingya and demonstrates the way in which the Myanmar military and security forces are committing arbitrary arrest and detention, including by issuing restrictions to the group's movement, to continue their strategic persecution of Rohingya.

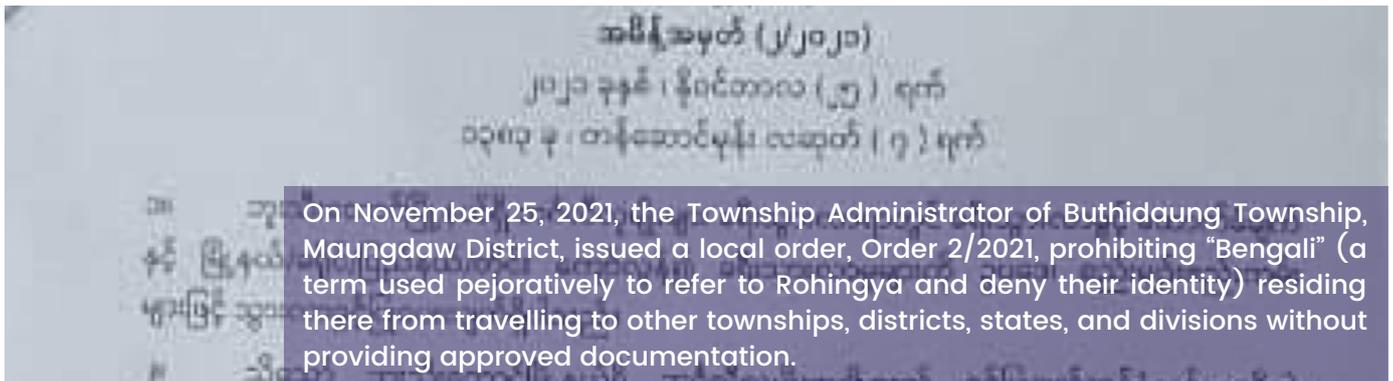


Brief overview

Over four years since the 2017 genocide, Rohingya continue to have their rights denied both in Myanmar and beyond.

- In **Rakhine State**, Myanmar, over 600,000 Rohingya in Rakhine are facing heightened restrictions, which include having their household registration checked, under the Myanmar military since the February 1 coup. More than 130,000 Rohingya, of whom three-quarters are women and children, have been detained in internally displaced person (IDP) camps since the waves of communal and state-sponsored violence against this group in 2012. Segregated from their Rakhine neighbors, the IDP camps' squalid conditions and oppressive measures have caused their inhabitants to face malnutrition and other detrimental health conditions.
- In **Bangladesh**, trapped within barbed-wire fences and watchtowers, the over 800,000 Rohingya in the Kutupalong Refugee Camp are deprived of livelihood, employment, and educational opportunities as they live in infrastructure vulnerable to the region's frequent hazardous weather conditions and mass fires. They are also at risk of being forcibly deported to Bhashan Char, which has been deemed unsafe to live for its severe isolation and lack of an evacuation route; at least 18 people have been arrested for attempting to flee this island. The murder of Mohibullah, a community leader and the chair of the Arakan Society for Peace and Human Rights, on September 29, 2021 further raises security concerns for the Rohingya community in Bangladesh.
- In India, over 40,000 Rohingya, of whom at least 16,500 have been registered with the United Nations High Commissioner for Refugees (UNHCR), live in camps and slums. Among them, hundreds of Rohingya have been arrested by Indian state authorities for their "illegal entry," imprisoning at least 160 Rohingya in a New Delhi detention center, and over 150 in such a shelter in Jammu and Kashmir.

- In **Malaysia**, where over 100,000 Rohingya are registered with the UNHCR, the country's authorities are detaining those fleeing Bangladesh and prosecuting, imprisoning, and caning them: 270 Rohingya, who had fled Bangladesh and been stranded on sea for two months due to coronavirus lockdowns, were detained in April 2020. Moreover, Rohingya in Malaysia continue to be subjected to forms of hate speech and threats from the public as well as state officials.



Restrictions on freedom of movement

Since the Myanmar military's attempted coup, the Myanmar military junta has continued to tighten policies denying Rohingya freedom of movement. Given the restricted access to information from Rakhine State, many more travel restrictions aside from the following have been issued over the year:

On **February 23, 2021**, the Township Administrator of Ponnagyun Township, Sittwe District, in reference to an order by the Sittwe District Administration Office on February 15, 2021, instructed the township's village administrators to restrict “Bengalis” from returning to Myanmar from Bangladesh; the administrators were also mandated to “effectively take action” against such Rohingya according to existing law in order to “prevent Bengalis from entering Myanmar [via] illegal channels.”

Furthermore, on **November 25, 2021**, the Township Administrator of Buthidaung Township, Maungdaw District, issued a local order, Order 2/2021, prohibiting “Bengali” residing there from traveling to other townships, districts, states, and divisions without providing approved documentation; those who violate this order are to be charged according to “the statutory laws [or existing laws]” of Myanmar, which include the Penal Code's Section 188. Additionally, in reference to an order from the Maungdaw District Administration Office from November 16, the Township Administrator issued a directive to the Buthidaung township's village administrators to implement this local order in their respective villages.

Such travel restrictions resulted in the Myanmar military junta's mass arbitrary arrest and detention of at least 856 Rohingya -- including over 464 women and 101 children -- since February 1, 2021. Rohingya in Rakhine State have been required to obtain permission from authorities, including local immigration officials, to leave their respective townships for generations. However, as a discriminatory policy, this process of providing the required documentation and applying for travel permits (i.e., [Form 4](#)) has been structured in a way to be unreasonably bureaucratic and expensive for such a persecuted community. This has left many Rohingya with no choice but to act in a way deemed to be a violation of these travel restrictions by the Myanmar authorities and, subsequently, be subjected to extortion as well as arbitrarily arrest and detention. In addition to other forms of torture, women, and girls, in particular, are at serious risk of being subjected to sexual and gender-based violence in detention.

According to multiple sources, most Rohingya arrested or detained are originally from southern Rakhine State. The following cases demonstrate the way in which the Myanmar military and security forces continue to criminalize the Rohingya's freedom of movement within Myanmar.

- On **February 11, 2021**, the Myanmar junta's police forces [arrested](#) 20 Rohingya in Minhla Township (Magway Region) who traveled from Rakhine State.
- On **May 7, 2021**, local sources reported that the Myanmar junta's police forces arrested eight Rohingya in Kyitemayaw Township (Mon State) and imprisoned them for two years.
- On **June 23, 2021**, the Myanmar junta's police forces [arrested](#) 20 Rohingya in Bogalay Township (Ayeyarwady Region). The local authorities were preparing to bring the arrested Rohingya to the local court.
- On **July 7, 2021**, the Myanmar junta's police forces [arrested](#) 20 Rohingya, including seven boys and 13 girls, in Ayeyarwady Region for traveling without permission, and imprisoned them for two years.
- On **August 13, 2021**, the Myanmar junta's police forces [arrested](#) eight Rohingya in Inn Township (Rakhine State) who were returning from Hpakant Township (Kachin State).
- On **October 26, 2021**, the Myanmar junta's police forces [arrested](#) 17 Rohingya in Thandwe Township (Rakhine State) for attempting to travel to Yangon.
- On **November 11, 2021**, the Myanmar junta's police forces [arrested](#) 30 Rohingya, including 25 women, in Bogalay Township (Ayeyarwady Region).
- On **November 13, 2021**, the Myanmar junta's police forces [arrested](#) four Rohingya who were trying to travel to Yangon in Ann Township (Rakhine State) and charged them for allegedly violating the Immigration Act 13(1).
- On **December 22, 2021**, the Myanmar junta's police forces [arrested](#) 77 Rohingya,

including 49 women and 11 children, from Maungdaw Township (Rakhine State) who were on their way to Yangon.

- On **January 15, 2022**, the Myanmar junta's police forces [arrested](#) 56 Rohingya, including 46 women, in Shwepyithar Township (Yangon Region) while they were staying in a house in the area.
- On **January 17, 2022**, the Myanmar junta's police forces [arrested](#) nine Rohingya men at Kan Myint Kan checkpoint in Ann Township (Rakhine State) for attempting to travel to Yangon.
- On **February 8, 2022**, the Myanmar junta's police forces [arrested](#) 48 Rohingya in Kyauktan Township (Yangon Region) who were being trafficked from various towns in Rakhine State.
- On **February 25, 2022**, Myanmar junta's police forces [arrested](#) over 70 Rohingya, which include civilians as young as 13, in South Okkalapa Township (Yangon Region).

On the other hand, the Myanmar military junta is arbitrarily arresting and detaining Rohingya attempting to return to Myanmar from or flee to neighboring countries. The junta is criminalizing the movement of Rohingya attempting to leave camps in Bangladesh to their homes in Myanmar, as was demonstrated by its [arrest and two years' imprisonment](#) of 14 Rohingya on October 15, 2021 and [arrest](#) of six Rohingya on October 19. Given the restricted access of information from Rakhine State, many more cases of such arrests may have gone unnoticed, including those involving Rohingya fleeing to Malaysia.

- On **September 5, 2021**, the Myanmar junta's police forces [arrested](#) 30 Rohingya, including 23 women, in Ayeyarwady Region while they were trying to go to Malaysia.
- On **October 19, 2021**, the Myanmar junta's police forces [arrested](#) 45 Rohingya who were fleeing to Malaysia in Ponnagyun Township (Rakhine State) and imprisoned them for two years.
- On **October 20, 2021**, the Myanmar junta's police forces [arrested](#) 45 Rohingya in Ponakyun Township (Rakhine State) who were fleeing to Malaysia.
- On **October 22, 2021**, the Myanmar junta's police forces [arrested](#) 52 Rohingya in Gwa Township (Rakhine State) while they were trying to flee to Malaysia.
- On **November 7, 2021**, the Myanmar junta's police forces [arrested](#) 55 Rohingya who were trying to flee to Malaysia after leaving their homes in Rakhine State. Another five Rohingya were lost on the way.
- On **November 30, 2021**, the Myanmar junta's police forces [arrested](#) 228 Rohingya on a boat heading to Malaysia; 109 of them were sentenced to five years in prison on December 15th.
- On **February 18, 2022**, the Myanmar junta's police forces [arrested](#) 65 Rohingya who were trying to flee to Malaysia in Sittwe Township (Rakhine State).

Conclusion and Analysis

Since the attempted coup, Rohingya have been increasingly at risk of being subjected to further atrocity crimes. Across the region, millions of Rohingya are having their rights denied, including by being trapped in squalid and overcrowded refugee camps, targeted with hate speech, and being detained for seeking refuge.

In Myanmar, especially Rakhine State where Rohingya have been imprisoned in IDP camps for nearly a decade, the military and security forces are imposing further restrictions on the community's freedom of movement and arbitrarily arresting and detaining its members. Those detained risk of being subjected to the most brutal forms of torture and, among them, women and girls in particular are at risk of being subjected to sexual and gender-based violence.

The Myanmar military and security forces' arbitrary arrest and detention of Rohingya is the tip of the iceberg of their deliberate plan to destroy this community in whole or in part. They are strategically criminalizing this group in a way that they cause harm to the physical and mental wellbeing of its members, who are already victims and survivors of decades-long, state-sponsored genocide.

As more and more Rohingya face illegal imprisonment, the Myanmar military junta is perpetrating widespread and strategic attacks of violence against the country's entire population. Concerted actions must be taken immediately to hold the junta accountable for all of these atrocities.



Recommendations

To the international community

- *Recognize* the seriousness of the ongoing genocidal acts and crimes in Myanmar against Rohingya, including by making atrocity determination.
- *Provide* legal and material support for detainees, including women and girls.
- *Monitor* the detainees' situation and hearings, including by involving UN organizations, embassies, and diplomats.
- *Enable* access to funding and other means of support for Rohingya community-based organizations engaged in protection and community-building work.
- *Consult and engage with* the Rohingya community on refugee repatriation, including women and girls.

To the Association of Southeast Asian Nations

- *Ensure* broader coordination among neighboring states on the protection of Rohingya refugees on sea and land.
- *Support* international efforts to hold the Myanmar military accountable.
- *Respect* the principle of non-refoulement, including by providing safe haven to Rohingya fleeing persecution.

To the UN Security Council

- *Impose* targeted economic sanctions and financial sanctions on the Myanmar military and security forces, as well as their related businesses.
- *Impose* a global arms embargo on Myanmar that includes the banning of the sale and transfer of heavy weapons and other forms of arms.
- *Refer* the situation of Myanmar to the International Criminal Court.



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