

# "I May Be Killed Any Moment"

Killings, Abductions, Torture,  
and other Serious Violations  
by **Rohingya Militant Groups**  
in Bangladesh

investigate  
engage  
strengthen

march  
2025



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and other Serious Violations  
by Rohingya Militant Groups  
in Bangladesh**

## Cover:

A Rohingya woman who faced threats from Rohingya militants in Cox's Bazar District refugee camps in Bangladesh. ©Saiful Huq Omi, Counter Foto, 2024



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# Table of Contents

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<b>Summary</b> . . . . .	<b>8</b>
<b>Methodology</b> . . . . .	<b>15</b>
<b>Background</b> . . . . .	<b>21</b>
<b>I. Killings, Abductions, Torture, and Threats by Rohingya Militant Groups in Bangladesh’s Refugee Camps</b> . . . . .	<b>27</b>
<b>Killings</b> . . . . .	<b>27</b>
<b>Abductions, Torture, and Ill-Treatment</b> . . . . .	<b>39</b>
<b>Threats and Intimidation</b> . . . . .	<b>45</b>
<b>II. Responses by Rohingya Militant Groups</b> . . . . .	<b>49</b>
<b>III. Responses by the Former Government of Bangladesh and the U.N. Refugee Agency</b> . . . . .	<b>53</b>
<b>Failure by Bangladesh to Acknowledge the Existence of Militant Groups in the Camps</b> . . . . .	<b>53</b>
<b>Violations Against Rohingya Refugees by Bangladesh Authorities</b> . . . . .	<b>55</b>
Protection Concerns in the Jointly-Operated Transit Centers . . . . .	56
<b>Lack of Protection by the U.N. Refugee Agency</b> . . . . .	<b>59</b>
<b>IV. Legal Framework</b> . . . . .	<b>61</b>
<b>International Human Rights Law</b> . . . . .	<b>61</b>
Right to Life and Security . . . . .	62
Prohibition Against Torture and Other Forms of Ill-Treatment . . . . .	63
Right to Effective Remedies . . . . .	64
<b>International Criminal Law</b> . . . . .	<b>67</b>
War Crimes . . . . .	67
<b>Recommendations</b> . . . . .	<b>73</b>
<b>Acknowledgments</b> . . . . .	<b>75</b>

*A Rohingya woman whose husband was beaten, stabbed, and fatally shot in October 2022 by the Arakan Rohingya Salvation Army (ARSA), a Rohingya militant group, in Cox's Bazar, Bangladesh. The group also threatened her life after killing her husband.*

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*A Rohingya husband and wife whose son was abducted and held by ARSA for ten days. ARSA members also beat the woman with a stick, breaking her shoulder and leg.*

*©Saiful Huq Omi, Counter Foto, 2024.*



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## Summary

The Rohingya people are survivors of an ongoing, internationally recognized genocide in Myanmar as well as the ravages of war. However, more than one million Rohingya refugees seeking safety in neighboring Bangladesh now face an additional scourge: threats and attacks by armed militant groups operating with near-total impunity in Bangladesh's refugee camps.

Rohingya-led militant groups in refugee camps in Bangladesh have increasingly threatened, abducted, tortured, and even killed Rohingya refugees with impunity. The dismal conditions in the refugee camps and the porous border region enable these groups to recruit, grow, and continue to commit abuses.

This report shows how the Bangladeshi authorities under the now-ousted government of Prime Minister Sheikh Hasina largely failed to protect Rohingya refugees in Bangladesh from these violent groups. Hasina ruled Bangladesh with an iron fist for 15 years, and in August 2024, her increasingly authoritarian government collapsed suddenly and dramatically in response to months-long student-led protests that claimed the lives of hundreds of people. For years, Hasina's government ignored the abuses and threats Rohingya refugees faced from militant groups living and operating in their midst.

Following Hasina's ousting and flight to India on August 5, 2024, Bangladeshi student protesters asked Nobel Laureate Muhammad Yunus to lead the transitional government, and he accepted. On August 8, 2024, Bangladesh's president swore in Dr. Yunus as chief advisor to the new interim government.

Three Rohingya men who faced threats from Rohingya militants in Cox's Bazar District refugee camps in Bangladesh.  
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In accepting the post of chief advisor, Dr. Yunus told journalists that he had decided to accept the post in order to help the student protesters achieve their dream of a more prosperous and human rights-respecting future for Bangladesh.

This report provides the transitional Government of Bangladesh with documentation of years-long, government-tolerated, unmitigated violence against Rohingya in the camps and detailed recommendations to improve protection and justice for Rohingya refugees in the country and beyond.

\* \* \*

In 2016 and 2017, the population of Rohingya seeking refuge in Bangladesh swelled to nearly one million after the Myanmar military brutally forced approximately 700,000 Rohingya women, men, and children from their homes in Rakhine State, Myanmar. The military's genocidal attacks in Rakhine State against Rohingya civilians were ostensibly in response to the rise of Rohingya armed militants. Specifically, a series of coordinated attacks on police outposts and an army base by Rohingya militants in northern Rakhine State in October 2016 and August 2017 provided the pretext for the Myanmar military's "clearance operations" and related mass atrocities against the Rohingya community—atrocities that continue to date.

Since the attacks in 2016 and 2017, Rohingya armed militants developed a sizable and menacing presence in refugee camps in Bangladesh, demanding the loyalty of Rohingya camp residents under the guise of fighting against the military in Myanmar. However, according to interviews with members of the groups and refugees, their allegiances have shifted from opposing the Myanmar military to allying with the Myanmar junta to counter the Arakan Army, an ethnic armed group increasingly involved in committing abuses against Rohingya civilians.

Killing of Rohingya refugees in the camps in Bangladesh attributed to armed militant groups have been sustained year on year: militants reportedly killed 22 people in the camps in 2021, 42 in 2022, at least 90 in 2023, and at least 65 in 2024.

One such killing was of Mohammad Faisal, a beloved community teacher, father, and poet—and survivor of the genocide in Myanmar. On January 1, 2024, Mohammad Faisal expressed his fears of living under militant rule in the camps in a poem he shared on Facebook:

Darkness makes me afraid  
 Fearing the fire,  
 Fearing the robbers.  
 When it's day,  
 I am afraid of kidnappers.  
 ...  
 Hearing the gunshot.

Three days later, on January 4, 2024, unidentified Rohingya militants, under the cover of darkness, abducted Mohammad Faisal from the Camp-4 extension between 7 and 8 p.m. and shot him dead. At the time of writing, Fortify Rights is not aware of any ongoing investigations by the Bangladesh authorities into his killing.

Rohingya groups operating in Bangladesh—primarily the Arakan Rohingya Salvation Army (ARSA) and the Rohingya Solidarity Organisation (RSO), two rival Rohingya armed militant groups—have both carried out killings. On October 22, 2021, in the middle of the night, armed Rohingya militants, identified in an internal Bangladesh intelligence report as ARSA members, killed six men and tortured others in a *madrassa*—an Islamic religious school—in Camp-18 in Balukhali camp.

A *mullah*—an Islamic religious leader—who was present at the *madrasa* during the killings told Fortify Rights:

When they came to attack us, I was inside the room in the *madrasa*. We did not realize anything at first because all were deeply asleep as it was 4 a.m. when they came to attack the *madrasa*. ... Those who entered the *madrasa* had knives, sticks, and guns. They entered the *madrasa*, fired their weapons, and killed the students with gunshots. ... Whoever got hit by a bullet, fell and died. Three teachers and three students were killed.

A Rohingya man who witnessed the attack and whose relative was killed in the attack told Fortify Rights: “I saw the men with knives, swords, sticks, and pistols in their hands. ... [The armed attackers] finished the killing mission, and I could see six dead bodies slaughtered on the ground. ... I saw [my relative’s] dead body. ... I saw blood everywhere.”

During the October 2021 attack, the militants also beat and tortured Rohingya refugees outside the *madrasa* in the refugee camp. For example, men believed to be members of ARSA severed two fingers of a Rohingya man’s left hand. He told Fortify Rights: “They cut off two of my fingers and hit me on my head, and they thought I was dead and left me.”

After the attack on the *madrasa*, Bangladesh police conducted security patrols in the surrounding area. But the presence of the Bangladeshi police patrols did not stop ARSA from continuing its threats. A survivor of the *madrasa* attack told Fortify Rights: “Even now, [ARSA] have been threatening me, saying, ‘Eat well while you are with the police. Once they are gone, you will be finished.’ I feel I may be killed at any moment.”

As this report’s title suggests, many Rohingya religious leaders, human rights defenders, and others who oppose militant rule in the camps feel they “may be killed any moment.”

Killings by Rohingya militant groups take place with impunity in the camp, creating a climate of fear for all camp residents. In addition to killings, this report documents cases of torture, abduction, and other crimes by militant Rohingya groups operating in Bangladesh—primarily ARSA and RSO.

In an especially horrific example, in October 2023, ARSA abducted, tortured, and dismembered a 23-year-old Rohingya man, leaving him to die alone in the refugee camps—but he survived.

“[T]hey cut off my leg first. I was able to hear the sound that they were cutting off the bones of my leg with a big knife,” he told Fortify Rights. He continued:

I told [the armed men] “Please leave me, and I will give you whatever you demand.” They replied to me, “We never leave you, and we will kill you because you always report to NGOs [nongovernmental organizations] and the authorities of Bangladesh against us.” ... [The militants] took half an hour to cut me. My arm was cut just above my elbows. I was admitted to the hospital in Chittagong [known officially as Chattogram].

Despite reports by media outlets, the U.N. Special Rapporteur on the situation of human rights in Myanmar, and others about abuses committed by Rohingya militants in Bangladesh’s refugee camps, the groups continue to publicly deny responsibility for any wrongdoing. For example, in 2017, Atta Ullah abu Ammar Jununi, the commander-in-chief of ARSA, said, “Atrocity, violence, and injustice against any innocent civilians is not in the principles or policy of [ARSA].” ARSA has also denied responsibility for specific incidents of violence in the camps in Bangladesh, including the killings of Rohingya human rights defender and refugee community leader Mohib Ullah.



*A 23-year-old Rohingya man who survived abduction, torture, and the dismemberment of his leg and arm by ARSA in Cox's Bazar District, Bangladesh. He and his family were recently resettled to a third country.*

*©Saiful Huq Omi, Counter Foto, 2024*

However, one senior ARSA leader, whom Fortify Rights interviewed in preparing this report, admitted ARSA's involvement in killings, rape, abductions, extortion, and other abuses against Rohingya refugees. He claimed the group investigated and punished those responsible and had stopped such abuses, though he provided no evidence of such investigations or punishments. He told Fortify Rights:

[Some ARSA leaders] would extort our people when they were in [positions of leadership within] ARSA. They extorted, killed, and abused. When we senior commanders got reports of misconduct in the organization, we investigated it. We punished those who committed these crimes. They kidnapped, they raped, they killed people, and we found out about it and removed them.

Since September 2021, Fortify Rights has interviewed 116 individuals about the abuses of armed Rohingya militant groups in Bangladesh. Those interviews form the basis of this report. Those who spoke with Fortify Rights include Rohingya refugees, U.N. officials, humanitarian aid workers, current and former members of ARSA, RSO, and the now-defunct Rohingya Patriotic Front.

ARSA was first known as *Harakh al Yaqin*, meaning “Faith Movement,” which attacked three outposts of the Myanmar Police Force in Maungdaw Township in Myanmar in October 2016, reportedly killing nine police. It later rebranded itself as ARSA and purports to lead an ethno-nationalist fight for the rights of Rohingya.

The RSO is one of the oldest Rohingya armed groups, but after a decades-long hiatus, it began vying for power with ARSA following the 2021 military *coup d'état* in Myanmar, claiming lives. For years, both ARSA and RSO engaged in armed conflict in Myanmar and Bangladesh. However, according to interviews with members of the groups, their allegiances have shifted from opposing the Myanmar military to allying with the Myanmar junta to counter the Arakan Army, an ethnic armed group increasingly involved in committing abuses against Rohingya civilians.

Despite opening its border to upwards of one million refugees and its laudable efforts to ensure perpetrators of genocide in Myanmar are held accountable at the International Court of Justice and the International Criminal Court (ICC) in The Hague, the Government of Bangladesh has forcibly confined Rohingya refugees to overcrowded and under-resourced camps, severely restricting their movement within Bangladesh. Former Prime Minister Sheikh Hasina's government's decision to deny the Rohingya refugees the right to freedom of movement has had pernicious effects. The misguided policies have created a perfect storm of desperate conditions for the rise of criminal activity and militancy in the camps as Rohingya search for a means of survival and to assert agency over their situation. The new interim Government of Bangladesh should replace these problematic policies with policies that uphold refugee rights.

In addition to the previous Government of Bangladesh's failures in protecting refugees from militant rule and violence, the U.N. High Commissioner for Refugees (UNHCR)—the U.N. agency mandated to protect refugees—has likewise been slow to respond to threats by militants against refugees. Notably, Bangladesh authorities under the previous administration severely restricted UNHCR's activities. While the U.N. refugee agency has and continues to save refugee lives in Bangladesh, the shortcomings and failures of the agency to take appropriate action in situations documented in this report merit further investigation. The protection of Rohingya refugees in Bangladesh requires better coordination between the international community and Bangladesh authorities and a greater willingness by the Bangladeshi authorities to allow international agencies to carry out their humanitarian and protection mandates.

In providing protection to individual Rohingya refugees threatened by militants, UNHCR relies on “transit centers” that are jointly operated by Bangladesh authorities with the support of UNHCR. UNHCR and the Bangladesh government initially established the transit centers to house newly arrived refugees for a “period of two to five days,” according to a UNHCR planning document. In reality, refugees often languish in the ill-equipped transit centers for months and even years. The longest case documented by Fortify Rights involves a refugee who, at the time of writing, has been confined to a transit center since 2021 because of militant threats to his life. These centers are not properly equipped for long-term housing, and refugees in the centers testified to Fortify Rights about overcrowding, inadequate resources, and restrictions on freedom of movement and family visitations. Restrictions imposed on Rohingya confined to the transit centers have adversely affected their mental health.

\* \* \*

Rohingya militant groups active in Bangladesh are also engaged in Myanmar’s internal armed conflict. They are further responsible for abducting refugees in Bangladesh and forcing them to fight in Myanmar. Such acts are a violation of the laws of war and should be investigated.

One Rohingya refugee, 17, told Fortify Rights how in 2024 a Rohingya militant group abducted him in Bangladesh and transferred him to Myanmar to fight with the Myanmar junta. He said:

There were around seven people who came to a café where I was drinking tea. They pointed a gun at me, blindfolded and tied my arms and legs with a rope, then abducted me from there. Later, I was taken to Myanmar ... Then I was taken to the Myo Thu Gyi BGP [Border Guard Police] Headquarters [in Maungdaw Township, Rakhine State].

In another example, one Rohingya survivor of torture and grave threats told Fortify Rights:

There were five people, including one [ARSA] commander. The other four were obeying orders from the commander. They said, “You must join us.” ... I said, “I have a wife and kids. I cannot work for you.” They said, “You need to leave your wife and kids and join us. If we can liberate [Myanmar], you can bring your family back to Myanmar.” Then they said, “If you don’t join, we will kill you.” They then tied me up and locked me in the bathroom.

The militants subsequently tortured the man for days as they continued to pressure him to join their armed struggle in Myanmar.

Bangladesh’s neutrality to the armed conflict in Myanmar does not shield individuals or groups operating within Bangladesh from being held accountable for war crimes. Moreover, the ICC has already established jurisdiction and opened an investigation to consider atrocity crimes occurring against Rohingya in both Bangladesh and Myanmar, and it has expressly included consideration of potential atrocity crimes committed by ARSA and similar groups. For example, in 2019, the former Prosecutor said the court was “aware of a number of acts of violence allegedly committed by ARSA,” noting that the allegations will be kept “under review, together with any allegations that an armed conflict may have existed between Myanmar and ARSA.” As such, the crimes documented in this report merit the court’s attention.

This report further includes detailed recommendations for the interim Government of Bangladesh, U.N. agencies, donor governments, and Rohingya militant non-state actors.

Most urgently, Fortify Rights recommends that the interim Government of Bangladesh grant at-risk Rohingya refugees access to protective spaces, including safe houses, as well as the rights to freedom of movement, livelihood, and education to all Rohingya refugees in Bangladesh. The transitional government should order its border guards to protect all Rohingya seeking protection in Bangladesh and cease any pushbacks to Myanmar. Rohingya continue to flee for their lives from intensifying, genocidal violence and active armed conflict in Rakhine State, and they should not be forcibly returned to a country where their lives are in danger.

The international community should support Bangladesh with humanitarian assistance for Rohingya and increase third-country resettlement programs that prioritize at-risk persons.



*A Rohingya woman whose earrings were torn from her ears by ARSA. The group demanded money from her family in exchange for the return of her abducted brother-in-law in 2022 in Cox's Bazar District.*

*©Saiful Huq Omi, Counter Foto, 2024*

# Methodology

Between September 2021 and November 2024, Fortify Rights interviewed 116 individuals—including Rohingya refugees in Bangladesh, Rohingya civilians in Rakhine State, Rohingya militants, U.N. officials, humanitarian aid workers, and others—about the ongoing violence by Rohingya-led armed militant groups in Bangladesh. Fortify Rights interviewed former and current members of the Arakan Rohingya Salvation Army (ARSA), the Rohingya Solidarity Organisation (RSO), and a former member of the Rohingya Patriotic Front.

Fortify Rights also analyzed two leaked Bangladesh government documents from the now-deposed government of Sheikh Hasina, including one from the Bangladesh Army, about militant activity in the refugee camps.

On February 16, 2025, Fortify Rights sent a letter requesting a meeting with the office of Chief Advisor to the Interim Government of Bangladesh Professor Muhammad Yunus. At the time of writing Fortify Rights has not received a reply.

Fortify Rights independently verified the group affiliations of perpetrators involved in many of the incidents documented in this report, but not in every instance, given the secrecy with which these groups operate and the challenges for survivors and eyewitnesses in distinguishing between individuals operating under ARSA, RSO, or other Rohingya militant groups. Militants often operate in masks, without uniforms, and under the cover of darkness and frequently without identifying their affiliations.

Fortify Rights conducted interviews with Rohingya people in the Rohingya language and, at times, with English interpretation. Everyone interviewed for this report provided free, prior, and informed consent to be interviewed and for their testimony to be made public and shared. No one interviewed for this report received compensation, and all were informed of the purpose of the interview, its voluntary nature, and how the information might be used. In some cases, Fortify Rights covered minimal travel costs to ensure interviewees could participate in the interview process from secure locations.

For security reasons, Fortify Rights omitted or changed the names of all eyewitnesses and survivors referenced in this report. To prevent potential reprisals, Fortify Rights also omitted specific dates, locations of incidents, and eyewitnesses' relationships with the victims and survivors.

During the investigation, Fortify Rights referred several Rohingya refugees to protection officers working with the U.N. High Commissioner for Refugees or other humanitarian organizations and facilitated ongoing protection monitoring for Rohingya refugees facing significant security threats from Rohingya militant groups.

*A Rohingya woman whose husband was abducted from their shelter in Cox's Bazar District, Bangladesh by Rohingya militants. His dead body was later returned to her shelter. The man was 25-years old when the militants killed him.*

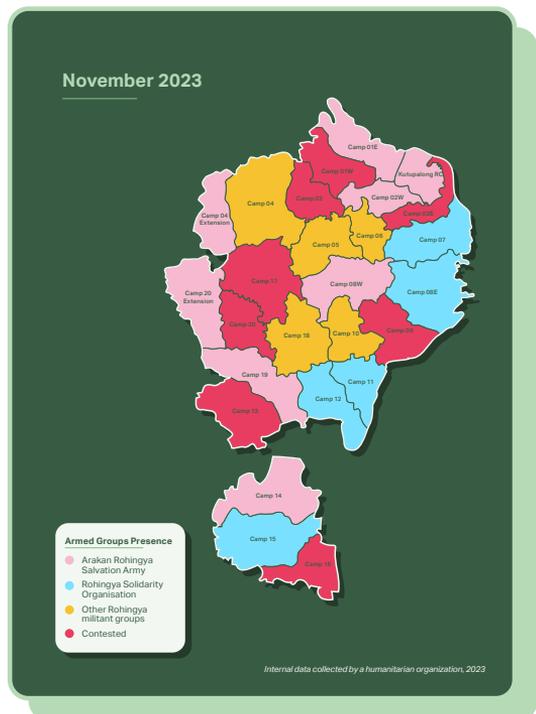
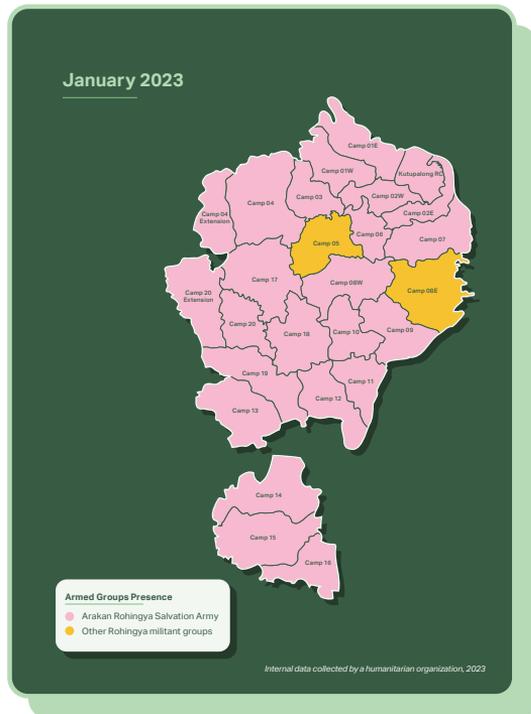
*©Saiful Huq Omi, Counter Foto, 2024*





*A Rohingya woman whose son was  
beaten multiple times in Cox's Bazar  
District by Rohingya militants.  
©Saiful Huq Omi, Counter Foto, 2024*

# Maps: Operations of Rohingya Militant Groups in the Rohingya Refugee Camps, Bangladesh (January 2023-November 2024)



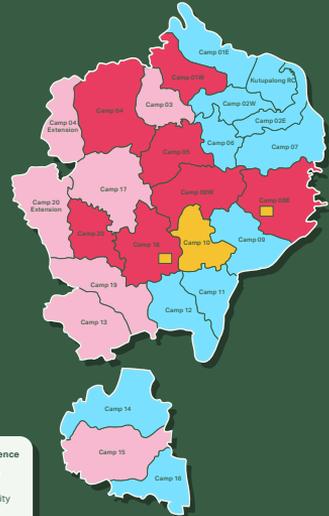
July 2024



- Armed Groups Presence**
- Arakan Rohingya Salvation Army
  - Rohingya Solidarity Organisation
  - Other Rohingya militant groups
  - Contested

Internal data collected by a humanitarian organization, 2024

August 2024



- Armed Groups Presence**
- Arakan Rohingya Salvation Army
  - Rohingya Solidarity Organisation
  - Other Rohingya militant groups
  - Contested

Internal data collected by a humanitarian organization, 2024

November 2024



- Armed Groups Presence**
- Arakan Rohingya Salvation Army
  - Rohingya Solidarity Organisation
  - Other Rohingya militant groups
  - Contested

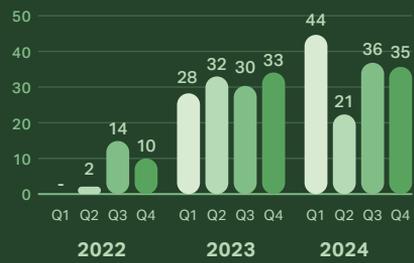
Internal data collected by a humanitarian organization, 2024

# Violent Incidents Attributed to Rohingya Militant and Criminal Groups in Cox's Bazar District (2021-2024)

## Abductions



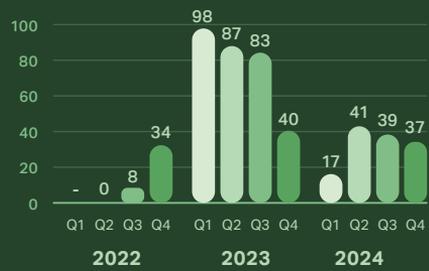
## Extortion



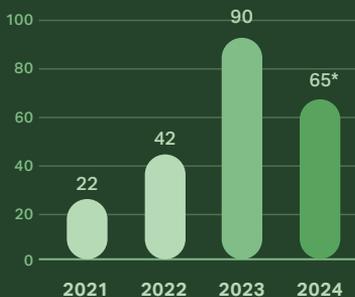
## Gunshot



## Physical Assault



## Killings



\*Data updated through November 2024.

Source: Data triangulated from Fortify Rights interviews, open-source media monitoring (2021-2024), internal humanitarian monitoring, and *Joint Protection Monitoring Reports* (Jan-Dec 2024), Cox's Bazar Protection Sector.

# Background

On October 9, 2016, operating under the name *Harakh al Yaqin*, meaning "Faith Movement," Rohingya militants armed mostly with sticks and knives attacked three outposts of the Myanmar Police Force in Myanmar's Maungdaw Township, reportedly killing nine police.<sup>1</sup> The former Myanmar government and military responded with massive military retaliation, attacking Rohingya civilians in approximately 40 villages in Maungdaw Township and displacing more than 94,000 people, many of whom fled to Bangladesh.<sup>2</sup>

Following the October 2016 attacks, the group—led by Atta Ullah abu Ammar Jununi, also known as Atta Ullah—renamed itself the Arakan Rohingya Salvation Army (ARSA). On August 25, 2017, ARSA carried out a more coordinated attack against Myanmar police and military in all three townships of northern Rakhine State.<sup>3</sup> Using mostly knives, aged firearms, farming equipment, and improvised explosive devices, the group reportedly killed a dozen police officers.<sup>4</sup> The response to this attack provided the pretext for widespread Myanmar military-led "clearance operations" on Rohingya villages in northern Rakhine State, a military campaign that constituted a genocide against the Rohingya.<sup>5</sup> While the dominant narrative at the time suggested the Myanmar authorities spontaneously responded to the deadly militant attacks, evidence collected by Fortify Rights indicated that the Myanmar military prepared for its attack on Rohingya civilians months in advance, activating its forces and civilian assets in a pre-planned military response as soon as ARSA struck.<sup>6</sup>

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1 Fortify Rights, "*They Gave Them Long Swords*": Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar, July 2018, p. 39, <https://www.fortifyrights.org/mly-inv-rep-2018-07-19/>.

2 *Ibid.*

3 *Id.* at p. 40. See also, Wa Lone and Shoon Naing, "At Least 71 Killed in Myanmar as Rohingya Insurgents Stage Major Attack," *Reuters*, August 25, 2017, <https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-asrohingya-insurgents-stage-major-attack-idUSKCN1B507K/>.

4 *Ibid.*

5 *Ibid.*

6 Independent International Fact-Finding Mission on Myanmar, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, A/HRC/39/CRP.2, September 18, 2018, [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A\\_HRC\\_39\\_CRP.2.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf); Antony J. Blinken, "Secretary Antony J. Blinken on the Genocide and Crimes Against Humanity in Burma," remarks, March 21, 2022, <https://www.state.gov/secretary-antony-j-blinken-at-the-united-states-holocaust-memorial-museum/>; Fortify Rights, "*They Gave Them Long Swords*."

For several consecutive weeks, the Myanmar government forces, alongside armed ethnic Rakhine civilians, attacked and burned to the ground hundreds of Rohingya villages, massacring women, men, and children, committing rapes, conducting mass arbitrary arrests of men and boys, and razing thousands of Rohingya homes.<sup>7</sup> In a 160-page report published in July 2018, Fortify Rights found that the attacks constituted genocide and crimes against humanity.<sup>8</sup> Months later, in September 2018, a U.N.-appointed Independent International Fact-Finding Mission on Myanmar concluded that the crimes committed by the military against the Rohingya amounted to genocide and, even later, on March 21, 2022, the U.S. government likewise issued a genocide determination.<sup>9</sup>

This genocide took place against a background of decades of discrimination and violence against the Rohingya population of Myanmar. Successive governments of Myanmar refused to recognize the Muslim Rohingya as citizens of Myanmar or use the word “Rohingya.” Officially, the government’s position was that Rohingya did not exist and were instead migrants from Bangladesh who had no claim to Myanmar citizenship. These discriminatory and racist policies laid the foundation for the genocide.<sup>10</sup>

Such racist and discriminatory views were not limited to members of the military: even the Nobel Peace Prize-winning democracy leader Aung San Suu Kyi refused to use the term Rohingya or to acknowledge Rohingya as Myanmar citizens after becoming the *de facto* civilian leader of Myanmar. She also made a personal appearance before the International Court of Justice (ICJ) to defend the Myanmar Army on its genocidal violence.<sup>11</sup>

In addition to finding the Myanmar military responsible for committing atrocities against Rohingya in 2017, Fortify Rights also documented crimes committed by ARSA at this time.<sup>12</sup> For example, six ARSA members told Fortify Rights in 2017 about witnessing their group kill Rohingya civilians.<sup>13</sup> Additionally, Fortify Rights documented how, in the weeks and days leading up to August 25, 2017—a date now memorialized as the commencement of the military-led genocide—ARSA members killed six Rohingya civilians in Rakhine State suspected of being government “informants.”<sup>14</sup> Members of ARSA told Fortify Rights that Atta Ullah issued direct orders to kill and target specific Rohingya civilians and that ARSA members in Myanmar carried out those orders.<sup>15</sup>

More than 700,000 Rohingya fled Myanmar to escape the attack by the Myanmar military in 2017, crossing the border into Bangladesh. At the time, it was the fastest refugee outflow since the Rwandan genocide.<sup>16</sup> The exodus led to an exponential increase in the refugee population in Bangladesh, from an estimated quarter million before the 2016 and 2017 military-led attacks to more than one million post-2016 and 2017—almost all of whom were ethnic Rohingya.<sup>17</sup>

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7 Fortify Rights, “*They Gave Them Long Swords.*”

8 *Ibid.*

9 Independent International Fact-Finding Mission on Myanmar, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*; Antony J. Blinken, “Secretary Antony J. Blinken on the Genocide and Crimes Against Humanity in Burma.”

10 Fortify Rights, “*Tools of Genocide: National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar*,” September 2019, <https://www.fortifyrights.org/mya-bgd-rep-2019-09-03/>; Fortify Rights, *Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar*, February 2014, <https://www.fortifyrights.org/mya-inv-rep-2014-02-25/>.

11 *Ibid.* See also, Fortify Rights, “*Genocide by Attrition: The Role of Identity Documents in the Holocaust and the Genocides of Rwanda and Myanmar*,” June 8, 2022, <https://www.fortifyrights.org/mya-inv-rep-2022-06-08/>.

12 Fortify Rights, “*They Gave Them Long Swords.*”

13 *Ibid.*

14 *Ibid.*

15 *Ibid.*

16 *Ibid.*

17 For decades, Kutupalong and Nayapara refugee camps in southern Bangladesh provided shelter to more than a quarter million Rohingya refugees, many of whom fled earlier persecution in Myanmar or were born in the camps.

## Rohingya Militant Groups in Bangladesh

To accommodate the newly displaced survivors of the Myanmar military's genocidal campaign, in 2017, Bangladesh authorities expanded the pre-existing, already overcrowded refugee camps in Cox's Bazar District.<sup>18</sup> ARSA's "membership" within the camps grew rapidly as the group positioned itself as ethno-nationalist defenders and liberators of the Rohingya people.<sup>19</sup> ARSA also used violence and threats to recruit members. The group has long used the communication platform WhatsApp to recruit and communicate with its members while also using social media platforms Facebook and X (formally known as Twitter) for its public messaging.<sup>20</sup>

In the camps in Bangladesh, Rohingya refugees often refer to ARSA as "the night government" because the group has historically operated mostly at night when there is less of a law enforcement presence in the camps.<sup>21</sup> Under the cover of darkness, ARSA has enforced its authority through threats, abductions, and killings, increasingly spreading fear and terror among Rohingya camp residents.<sup>22</sup> Violence has also taken place in broad daylight as a number of Rohingya militant groups struggle for control of the refugee camps.<sup>23</sup>

According to media reports, the Ministry of Defence of Bangladesh has said there are at least 11 armed militant groups operational in the camps in Bangladesh.<sup>24</sup> Some of these groups began as ARSA and later splintered into new groups. In some cases, Rohingya criminal and militant groups identified themselves as ARSA while committing abuses, despite not being commanded by ARSA.<sup>25</sup> Many of these groups are now vying for power in the camps, including the Rohingya Solidarity Organisation (RSO), an older Rohingya armed group described by a Bangladesh National Security Intelligence representative as "highly trained."<sup>26</sup>

18 The Inter-Sector Coordination Group, "Bangladesh: Humanitarian Response Plan," October 3, 2017, <https://reliefweb.int/report/bangladesh/bangladesh-humanitarian-response-plan-september-2017-february-2018-rohingya>.

19 Ronan Lee, "Myanmar's Arakan Rohingya Salvation Army (ARSA): An Analysis of a New Muslim Militant Group and its Strategic Communications," *Perspectives on Terrorism*, Vol. 15, No. 6, December 2021, p. 65, <https://www.jstor.org/stable/27090916>.

20 ARSA official Twitter account was started in 2019 as "@ARSA\_Official."

21 Verena Hölzl, "The 'Night Government' Expands Its Violent Reach in Rohingya Camps," *New York Times*, April 28, 2024, <https://www.nytimes.com/2024/03/30/world/asia/bangladesh-rohingya-refugee-camp.html>.

22 *Ibid.*

23 Rebecca Tan, "The Rohingya Fled Genocide. Now, Violence Stalks Them as Refugees," *Washington Post*, March 7, 2023, <https://www.washingtonpost.com/world/2023/03/07/rohingya-refugees-targeted-killings-cox-bazar/>.

24 It is outside the scope of this report to detail a complete list of militant groups in the camps; however, in addition to RSO and ARSA, some include the Arakan Rohingya Army, Islami Mahas, Nobu Hossain, and Munna. See, "Rohingya Camps: ARSA, 9 Other Armed Groups Found Active," *Daily Star*, February 16, 2023, <https://www.thedailystar.net/news/bangladesh/news/rohingya-camps-arsa-9-other-armed-groups-found-active-3249041>.

25 In his book, *I Feel No Peace: Rohingya Fleeing Over Seas and Rivers*, journalist and author Kaamil Ahmed wrote about Rohingya criminal groups not commanded by ARSA but taking on their name: "[The criminal gangs in the camps] were not necessarily creations of ARSA, but swore allegiance to the group. They arbitrarily attempted to enforce conservative moral codes on women who worked, claiming they were corrupted by outside influences, and harassed young activists or community leaders they saw as opponents. They were little more than a nuisance themselves but drew confidence from their more experienced commanders, who sat in the background and tried to build up authority. Though ARSA projected a clean image, those who represented them, like Nurul Alam and Yaba-linked Master Munna, had shady backgrounds that provided useful revenue streams. They presented themselves as respectable men, often spending money in the community or on mosques while young henchmen bullied the rest into submission, insisting *majhi's* report to these leaders and searching the phones of whoever they suspected might be sharing critical views. They soon had much of Kutupalong under their thumb, operating at night without interference from security forces, who rarely ventured beyond the camp entrances. In reality, there were actually several groups competing for influence and using abductions as their main means of intimidation." Kaamil Ahmed, *I Feel No Peace: Rohingya Fleeing Over Seas and Rivers*, (London: Hurst, 2023), pp. 164-165.

26 Nazmul Ahasan, "In Bangladesh's Border with Myanmar, 2 Rohingya Militant Groups Fight for Dominance," *Radio Free Asia*, February 2, 2023, <https://www.rfa.org/english/news/myanmar/bangladeshborderrohingya-02022023153254.html>.

Before RSO, there were numerous other Rohingya armed resistance organizations, including the Rohingya Patriotic Front (RPF).<sup>27</sup> According to a former RPF member with whom Fortify Rights spoke: “RPF was doing guerrilla warfare in the jungles of Burma [Myanmar] against the Burma Army [in the 1970s]. ... We did attacks on their [Myanmar army] patrols. At that time, our morale was high. We had hopes of really succeeding against the Burmese.”<sup>28</sup>

When the RPF began to fragment and ultimately became inactive, then former RPF member Nurul Islam co-founded RSO with Dr. Mohammad Yunus, which has been intermittently active in Bangladesh since the 1980s, at times, with the government’s support and, at other times, evading suppression by the government.<sup>29</sup> Later, RSO splintered into factions and faded from existence, until the attempted 2021 Myanmar *coup d’état* when RSO announced its rebirth under different leadership, reportedly with the support of Bangladeshi security agencies.<sup>30</sup> In June 2021, RSO posted on its official Twitter account a photograph of “RSO freedom fighter[s] during [a] training session.”<sup>31</sup> The leader of RSO at the time of writing is Mohammed Ayyub Khan, also known as Saiful.<sup>32</sup>

Since 2021, violent clashes between ARSA and RSO and other Rohingya-led militant groups in the camps have intensified, resulting in an increase in serious human rights abuses, which are compounded by a general lack of protection and access to justice for refugee victims and survivors of crimes.<sup>33</sup> After years of fighting, in November 2024, some of the Rohingya armed groups met to talk about a ceasefire in the refugee camps.<sup>34</sup> According to one of the lead negotiators of the meeting—a Rohingya from northern Rakhine State with reported ties to the military junta—the groups were in talks for two months before they reached commitment to end the fighting in the camps.<sup>35</sup> He told Fortify Rights:

I worked for two months to make the groups not fight each other. During the two months, I met a lot of *Murobbis* [seniors], and they assured me that they would stop the fighting. ... The main agreement ensures peace and people’s security in the camps. [The armed groups and religious leaders] promised to not fight inside the camp and also not to do any warning shots or have weapons in the camps.<sup>36</sup>

<sup>27</sup> Other Rohingya resistance groups include the Rohingya Independence Force, Arakan Rohingya Islamic Front, and the merging of a number of different actors into the Arakan Rohingya National Organisation (ARNO). ARNO still is operational today. Fortify Rights communication with Nurul Islam, 2025; Ek Khaale, “Resistance: Movements for Liberation, Preservation and the Restoration of Rights,” website, <https://www.ekkhaale.org/chapter7>; and AFK Jilani, *The Rohingyas of Arakan: Their Quest for Justice*, (Chittagong: Ahmed Jilani, 1999), p.129.

<sup>28</sup> Fortify Rights interview with an RPF member, undisclosed location, Bangladesh, April 26, 2024.

<sup>29</sup> Fortify Rights communication with Nurul Islam, 2025. For more information about Nurul Islam, see, Edith Mirante, *Our Journey: Voices from Arakan* (Cranford: Project Maje, 1991), pp. 19–22., May 1991, Project Maje, Cranford NJ, USA, pp. 19–22. According to a U.S. government cable from Yangon on March 28, 2003, Bangladesh’s Defence Attaché Brigadier Salim Akhtar said in a delegation visit to Yangon that the Bangladesh Army “[h]ad run sweeps through the area in June 2002, December 2002, and February 2003. The target was gun-running by the Rohingya Solidarity Organisation (RSO), which he said was funneling arms from Thailand to criminal gangs in Bangladesh. Salim noted that the RSO had only 150 to 200 men under arms.” See, Wiki Leaks, “Bangladesh Prime Minister Looks Easward, Discovers Burma,” March 28, 2003, [https://wikileaks.org/plusd/cables/03RANGOON394\\_a.html](https://wikileaks.org/plusd/cables/03RANGOON394_a.html).

<sup>30</sup> AFK Jilani, *The Rohingyas of Arakan: Their Quest for Justice*, p. 161; International Institute for Strategic Studies, “Competing Armed Groups Pose New Threat to Rohingya in Bangladesh,” December 11, 2023, <https://myanmar.iiss.org/analysis/rohingya>.

<sup>31</sup> RSO official X account, June 10, 2021, <https://x.com/rsomedia/status/1402929974554791936/photo/1>. See also, a video of the training ground posted on RSO official Twitter account on June 30, 2021, <https://x.com/rsomedia/status/1410987289421877249/video/1>.

<sup>32</sup> Fortify Rights interview with F.E., location withheld, Bangladesh, 2023.

<sup>33</sup> Speaking about the increasing violence in the camp, one Rohingya refugee told Fortify Rights: “I have heard 50 shots in one night. It could be around January 2023. ... The amount of fear I had in my mind in Myanmar has increased since coming here [to Bangladesh]. I now have more fear here compared to in Myanmar. Here in Bangladesh, we can’t go out at night.” Fortify Rights interview with C.A., Cox’s Bazar District, Bangladesh, March 23, 2023.

<sup>34</sup> On November 15, 2024, some members of the Rohingya religious community, Rohingya leaders, and armed group representatives gathered in Camp-1 at Al Jamiya Al Isalamiya Darul Ullum Belak Madrasa. A senior religious leader who attended the meeting told Fortify Rights: “The senior leaders gathered to talk about ending the fighting between armed groups. We have called on the armed groups to stop. I am not 100% sure if they will follow our recommendations. ... I cannot guarantee they will follow our request [to end the fighting in the camps].” A member of Directorate General of Forces Intelligence (DGFI) also confirmed the meeting with Fortify Rights. See, Fortify Rights interview with A.A.F., Cox’s Bazar District, Bangladesh, November 19, 2024 and Fortify Rights communication with a member of the DGFI, Bangladesh, November 2024.

<sup>35</sup> Fortify Rights interview with A.A.E. and A.A.F., Cox’s Bazar District, Bangladesh, November 18 and 19, 2024.

<sup>36</sup> Fortify Rights interview with A.A.E., Cox’s Bazar District, Bangladesh, November 18, 2024.

Speaking of one of the meetings in early November 2024, the Rohingya negotiator said: "I am a negotiator and middle man. ... There were senior leaders and religious leaders. We made some promises to end the fighting, and the witness was Allah. I know there were two from ARSA, two RSO, two from Islami Mahas, and two from ARA [Arakan Rohingya Army], and other senior religious leaders."<sup>37</sup>

Rohingya-led political and armed organizations have always sought political support from Western governments, though without apparent success; however, they reportedly receive material support from the Rohingya diaspora in Saudi Arabia, Malaysia, the United States, and other places.<sup>38</sup> Rohingya religious leaders typically do not preach violence, and the vast majority are not associated with terrorist groups, such as *al Qaeda* or the Islamic State.

## Refugee Camp Administration in Cox's Bazar District

A complex web of state and non-state actors officially and unofficially manage Bangladesh's refugee camps.<sup>39</sup> The Government of Bangladesh's Ministry of Disaster Management and Relief (MDMR) is responsible for both disaster relief in the country and the Rohingya humanitarian response.<sup>40</sup> The Refugee Relief and Repatriation Commission operates under the MDMR and oversees the Camp-in-Charge officials (CiCs), Bangladesh civil servants working in the camps.<sup>41</sup>

Refugee camps in Bangladesh housing Rohingya from Myanmar have existed for decades, and *majhi* have long formally managed various aspects of camp life, including the distribution of some humanitarian assistance.<sup>42</sup> The Bangladesh Army established the *majhi* system in the 1990s in response to the first large-scale influx of Rohingya refugees in Cox's Bazar District.<sup>43</sup> Head *majhis* are responsible for communicating directly with CiCs about camp-related matters. The head *majhis* also manage the less influential neighborhood block *majhis*, and in turn, block *majhis* manage sub-block *majhis*.<sup>44</sup> Head *majhis* report directly to Bangladeshi CiCs.<sup>45</sup>

Humanitarian aid organizations have criticized the *majhi* system because it "was not established with the participation of the Rohingya communities and consequently lacks any representation and accountability to the refugees."<sup>46</sup> Consequently, Rohingya refugees and humanitarian organizations attempted to reform the *majhi* system to democratize it by holding elections in some individual camps and include Rohingya women as *majhis*.<sup>47</sup>

<sup>37</sup> Fortify Rights interview with A.A.E., Cox's Bazar District, Bangladesh, November 18, 2024.

<sup>38</sup> Fortify Rights communication with Rohingya diaspora, 2021–2023.

<sup>39</sup> The International Rescue Committee (IRC) explained the governance in the camps as "a hierarchical intersection of GoB (RRRC, CIC, Police Army), humanitarian actors (INGOs, UN etc.), and local community leaders (Majhis, camp/block committees, ARSA, respected elders)." IRC, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, February 2019, p. 14, <https://www.rescue.org/sites/default/files/document/3929/accessingjusticeassessmentexternalfinalsmall.pdf>.

<sup>40</sup> The Government of Bangladesh, Ministry of Disaster Management and Relief, website, <https://modmr.gov.bd/>.

<sup>41</sup> The Government of Bangladesh, Refugee Relief and Repatriation Commission, website, <http://rrrc.gov.bd/>

<sup>42</sup> The *majhi* system was first established to identify "immediate survival needs" and link "the Rohingya refugees with emergency assistance from various providers." See, Protection Sector Working Group Cox's Bazar, "Protection Considerations on the 'Majhi System,'" Protection Cluster, June 2018, <https://reliefweb.int/report/bangladesh/protection-sector-working-group-cox-s-bazar-30-june-2018-2018-protection-considerations>.

<sup>43</sup> Translators Without Borders, *The Language of Leadership: The Words That Define How Majhis Are Seen and Understood in the Rohingya Refugee Response*, 2020, [https://translatorswithoutborders.org/wp-content/uploads/2020/10/TWB\\_Bangladesh\\_Majhi\\_Report\\_FinalEN.pdf](https://translatorswithoutborders.org/wp-content/uploads/2020/10/TWB_Bangladesh_Majhi_Report_FinalEN.pdf); IRC, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, p. 16.

<sup>44</sup> IRC, *Access to Justice for Rohingya and Host Community in Cox's Bazar*, pp. 16–18.

<sup>45</sup> In the registered refugee camps in 2007, the *majhi* system was changed to a "camp committee" system. Humanitarian organizations and refugees have raised concerns about corruption, including extortion, and many refugees want the *majhi* system changed camp-wide to a camp committee system. For more information, see, Protection Sector Working Group Cox's Bazar, "Protection Considerations on the 'Majhi System.'"

<sup>46</sup> *Ibid.*

<sup>47</sup> See, for example, Verena Hölzl, "For Rohingya Women, Refugee Elections Bring New Opportunities – and New Problems," *The New Humanitarian*, August 26, 2019, <https://www.thenewhumanitarian.org/news-feature/2019/08/26/Rohingya-women-refugee-elections>; Verena Hölzl, "Why Aid Groups Want Rohingya Refugees to Vote," *The New Humanitarian*, August 26, 2019, <https://www.thenewhumanitarian.org/news/2019/08/26/Rohingya-refugees-vote>.

## Refugee Camp Security in Cox's Bazar District

Since 2017, the Bangladesh government instituted a process of “securitization” in the camps, which translated into confining Rohingya refugees to fenced-in and guarded camps and severely restricting their right to freedom of movement.<sup>48</sup> In implementing its “securitization” plans, the government constructed watchtowers, installed video surveillance, and enclosed refugee camps with barbed-wire fencing.<sup>49</sup> At the time of writing, barbed-wire fencing surrounds nearly the entire network of refugee camps, preventing most movement between different camps and confining most Rohingya to their individual camp.<sup>50</sup>

Although the Bangladesh government says the fencing is in response to security concerns, these measures have not improved the security of the Rohingya refugees in the camps nor have they decreased armed militant activity in the camps.<sup>51</sup> Rather, Fortify Rights documented how the barbed-wire fencing led to preventable deaths when prevented Rohingya refugees from escaping deadly fires that broke out in the camps in March 2020.<sup>52</sup> A Fortify Rights investigation also found Bangladesh's Armed Police Battalion personnel—security forces installed by the government as part of the securitization efforts—responsible for beatings, arbitrary detention, torture, and extortion of Rohingya refugees.<sup>53</sup>

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48 Fortify Rights, “Bangladesh: Investigate Refugee-Beatings by Police, Lift Restrictions on Movement,” May 26, 2022, <https://www.fortifyrights.org/bgd-inv-2022-05-26/>; Fortify Rights, “Bangladesh: End Restrictions and Protect Rohingya Refugees,” December 20, 2021, <https://www.fortifyrights.org/bgd-inv-2021-12-20/>; Fortify Rights, “Bangladesh: Remove Fencing That Confining Rohingya to Refugee Camps,” October 9, 2020, <https://www.fortifyrights.org/bgd-inv-2020-10-09-2/>.

49 One Rohingya refugee told Fortify Rights: “I worry in the future if I leave the fenced area, I will be arrested.” See also, Fortify Rights, “Bangladesh: Remove Fencing That Confining Rohingya to Refugee Camps,” October 9, 2020, <https://www.fortifyrights.org/bgd-inv-2020-10-09-2/>.

50 Fortify Rights communication with U.N. official, February 2023. See also, Fortify Rights, “Bangladesh: Remove Fencing, Support Fire-Affected Refugees,” May 5, 2021, <https://www.fortifyrights.org/bgd-inv-2021-05-05/>.

51 In September 2020, Mozammel Haque from the Home Ministry's Law and Order Committee said: “To keep such crimes in check, the Rohingya camps will soon have fences around them, 24 towers, and an adequate number of CCTV cameras will be installed. ... [T]heir activities will be monitored 24 hours a day.” “Bangladesh to Install 24/7 CCTV Cameras to Monitor Rohingya Camps,” *Dhaka Tribune*, September 8, 2020, <https://archive.dhakatribune.com/bangladesh/rohingya-crisis/2020/09/08/bangladesh-to-install-cctv-cameras-in-rohingya-camps-for-24-7-monitoring>.

52 Fortify Rights, “Bangladesh: Remove Fencing, Support Fire-Affected Refugees.”

53 Fortify Rights, Bangladesh: Ensure Accountability for Police Corruption, Torture of Rohingya Refugees, August 10, 2023, <https://www.fortifyrights.org/bgd-inv-2023-08-10/>.

# I. Killings, Abductions, Torture, and Threats by Rohingya Militant Groups in Bangladesh's Refugee Camps

Rohingya armed groups in Bangladesh have killed, abducted, tortured, and threatened Rohingya human rights defenders, *majhis*, religious leaders, women, and other Rohingya refugees from Myanmar living in refugee camps in southern Bangladesh. These abuses have occurred with near complete impunity as the Bangladeshi security officials in charge of camp security have turned a blind eye to abuses by Rohingya militant groups and have, at times, worked alongside them.<sup>54</sup>

Tom Andrews, the U.N. Special Rapporteur on the situation of human rights in Myanmar, wrote in his March 2024 report to the U.N. Human Rights Council:

Violence is spiraling out of control in the refugee camps as Rohingya are caught in the middle of clashes between the Arakan Rohingya Salvation Army and Rohingya Solidarity Organisation, two Rohingya militant groups. Militant groups have victimized the civilian population, including by torturing and killing Rohingya religious and community leaders.<sup>55</sup>

## Killings

Killings of Rohingya refugees by Rohingya militant groups in the refugee camps in Bangladesh have doubled year-on-year since 2021 with 22 killings reported in 2021, 42 in 2022, and at least 90 in 2023.<sup>56</sup> The more than 90 people killed in 2023 included dozens of reported members of the Rohingya Solidarity Organisation (RSO) and Arakan Rohingya Salvation Army (ARSA), killed during

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<sup>54</sup> A 2023 humanitarian joint report found that 48 percent of Rohingya refugee households surveyed reported crime and violence as among their protection concerns and 25 percent reported concern about people joining criminal groups. Inter-Sector Coordination Group, "Joint Multi-Sectoral Needs Assessment (J-MSNA): Camp-level Findings," December 2023, p. 4, [https://rohingyaresponse.org/wp-content/uploads/2024/04/BGD\\_CXB\\_J-MSNA-2023\\_Factsheets\\_Camps\\_Feb-2024.pdf](https://rohingyaresponse.org/wp-content/uploads/2024/04/BGD_CXB_J-MSNA-2023_Factsheets_Camps_Feb-2024.pdf).

<sup>55</sup> Human Rights Council, *Situation of Human Rights in Myanmar: Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, Thomas H. Andrews, A/HRC/55/65, March 20, 2024, para. 86.

<sup>56</sup> Fortify Rights interviews and open-source media monitoring between 2021 and 2023. See also, "2 More Rohingya Killed by Groups in Bangladesh Camps," *Radio Free Asia*, October 27, 2022, <https://www.rfa.org/english/news/myanmar/rohingya-shooting-10272022154912.html>; "Competing Armed Groups Pose New Threat to Rohingya in Bangladesh," The International Institute for Strategic Studies, December 11, 2023, <https://myanmar.iiss.org/analysis/rohingya>.

clashes between the militant groups.<sup>57</sup> Militants also targeted and killed civilian Rohingya refugees, including *majhis* and other respected leaders and individuals, perceived to be cooperating with Bangladesh authorities investigating militant crimes in the camps.<sup>58</sup>

The killings have continued at high levels in 2024, when between January and November, militant groups killed at least 65 refugees in the camps.<sup>59</sup> Rohingya militant groups used pistols, machete-like swords, knives, and sticks to kill their victims.<sup>60</sup>

Data from a humanitarian organization providing services, including healthcare treatment, to refugees in the camps provided further evidence of more than 40 patients receiving treatment for “gunshot wound[s]” in 2024.<sup>61</sup>

## The Assassination of Mohib Ullah

In one of the most high-profile assassinations in the refugee camps in Bangladesh, gunmen shot and killed prominent Rohingya human rights defender Mohib Ullah. On September 29, 2021, several armed men entered the office of the Arakan Rohingya Society for Peace and Human Rights (ARSPH)—the human rights organization co-founded by Mohib Ullah. They fired on Mohib Ullah and fled the scene.<sup>62</sup>

The assassination prompted global news headlines and statements of outrage from around the world, including from U.S. Secretary of State Antony Blinken, who referred to Mohib Ullah as a “brave and fierce advocate for the human rights of Rohingya Muslims around the world.”<sup>63</sup>

<sup>57</sup> Fortify Rights interviews and open-source media monitoring from 2023. See also, Hölzl, “The ‘Night Government’ Expands Its Violent Reach in Rohingya Camps,” *New York Times*.

<sup>58</sup> See, for example, Fortify Rights interview with H.H., Cox’s Bazar District, Bangladesh, January 9, 2023; Fortify Rights interview with J.M.F., Cox’s Bazar District, Bangladesh, August 6, 2024; Fortify Rights interview with C.F., Cox’s Bazar District, Bangladesh, February 22, 2023; Fortify Rights interview with C.C., Cox’s Bazar District, Bangladesh, March 22, 2023; and Fortify Rights interview with G.I., Cox’s Bazar District, Bangladesh, October 18, 2023.

<sup>59</sup> Fortify Rights interviews and open-source media monitoring from 2024. See, for example, Fortify Rights interviews with I.G., I.H., I.L., A.Z.Z., and A.Z.A., Cox’s Bazar District, Bangladesh, June 15, 2024; Fortify Rights interview with A.Z.G., Cox’s Bazar District, Bangladesh, June 15, 2024; Fortify Rights interview with A.Z.H., Cox’s Bazar District, Bangladesh, July 26, 2024. See also, “3 Members of a Family, including Child, Shot Dead in Rohingya Camp,” *Dhaka Tribune*, October 21, 2024, <https://www.dhakatribune.com/bangladesh/nation/362626/3-family-members-shot-dead-in-criminal-attack-at>; “5 Shot in Clash at Ukhiya Rohingya Camp,” *Dhaka Tribune*, October 17, 2024, <https://www.dhakatribune.com/bangladesh/nation/362278/5-shot-in-clash-at-ukhiya-rohingya-camp>; Abdur Rahman, “Battle for Dominance in Camps Claims 26 Rohingya Lives in 6 Months,” *Dhaka Tribune*, June 20, 2024, <https://www.dhakatribune.com/bangladesh/rohingya-crisis/349760/battle-for-dominance-claims-26-rohingya-lives-in-6>; “Rohingya Man Abducted and Shot Dead in Cox’s Bazar,” *BD News 24*, January 5, 2024, <https://bdnews24.com/bangladesh/lusnbpoy6m>; “Gunmen Murder Rohingya Teacher and Student in Bangladesh,” *Agence France Presse*, May 30, 2024, <https://myanmar-now.org/en/news/gunmen-murder-rohingya-teacher-and-student-in-bangladesh/>.

<sup>60</sup> See, for example, Fortify Rights interview with B.I., Cox’s Bazar District, Bangladesh, November 18, 2021; Fortify Rights interview with B.Z., Cox’s Bazar District, Bangladesh, January 27, 2023; Fortify Rights interview with C.C., Cox’s Bazar District, Bangladesh, February 22, 2023; Fortify Rights interview with C.F., Cox’s Bazar District, Bangladesh, March 22, 2023.

<sup>61</sup> Humanitarian organization data on file with Fortify Rights, July 2024.

<sup>62</sup> Before fleeing to Bangladesh, Mohib Ullah worked as an administrator and teacher in Myanmar. Following the genocide, Mohib Ullah led a project collecting the names of Rohingya killed in Rakhine State. Fortify Rights, “Bangladesh: Investigate Assassination of Rohingya Human Rights Defender Mohib Ullah,” September 29, 2021, <https://www.fortifyrights.org/bgd-inv-2021-09-29/>; Hannah Beech, “Mohib Ullah, 46, Dies; Documented Ethnic Cleansing of Rohingya,” *The New York Times*, October 2, 2021, <https://www.nytimes.com/2021/10/02/world/asia/mohib-ullah-dead.html>.

<sup>63</sup> U.S. Secretary of State Antony Blinken, “On the Killing of Rohingya Muslim Advocate Mohib Ullah,” press statement, September 30, 2021, <https://www.state.gov/on-the-killing-of-rohingya-muslim-advocate-mohib-ullah/>.

On October 9, 2021, during a visit to the location of Mohib Ullah's assassination, Bangladesh Foreign Minister A.K. Abdul Momen told reporters that the government would "take stern action against those who were involved in the killing," adding, "No one will be spared."<sup>64</sup> However, the Government of Bangladesh continued to deny ARSA's existence in the camps, let alone implicate the militant group in the killing of Mohib Ullah.<sup>65</sup>

Although ARSA leader Ata Ullah denied the armed group's involvement in the killing, a former high-ranking ARSA commander told Fortify Rights that ARSA leaders had discussed assassinating Mohib Ullah during the commander's tenure at ARSA.<sup>66</sup> According to the commander, senior ARSA commanders discussed an assassination plan in 2019 to be carried out after Mohib Ullah returned to Bangladesh from a highly publicized meeting with then-U.S. President Donald Trump at the White House in Washington, D.C. He said:

Mr. Mohib Ullah went to the United States and when he came back, there was a discussion [among ARSA leaders] to kill Mohib Ullah. There [in the meeting], I told [the ARSA commanders] that if you kill him, then you will kill the entire Rohingya community. ... [I asked], "Why are you doing this?" They said, "Mohib Ullah is destroying [ARSA]." They tried their best to bring me under their control [to convince me to kill him], but their efforts were in vain.<sup>67</sup>

The former ARSA commander said he left the group some months later. He has since faced his own death threats from ARSA.<sup>68</sup>

After visiting the site of the assassination at the ARSPH offices in Cox's Bazar in December 2021, U.N. Special Rapporteur on the situation of human rights in Myanmar Tom Andrews referenced ARSA's likely role in the killing, saying: "I visited his office and stood in the very spot where he was murdered. ... I have received credible reports that members of ARSA have killed, tortured, abducted, and threatened Rohingya refugees."<sup>69</sup>

Although the Government of Bangladesh recommitted itself to investigating the killing after a visit to ARSPH's offices by the U.N. Special Rapporteur on the situation of human rights in Myanmar Tom Andrews on December 2021, it was not until the day before the March 2022 publication of the U.N. Special Rapporteur's report to the U.N. Human Rights Council that the Government of Bangladesh publicly acknowledged the existence of ARSA and ARSA's potential involvement in Mohib Ullah's assassination.<sup>70</sup> That month, Bangladesh's Armed Police Battalion (APBn) arrested Zokoria, a leading member of ARSA's Ulama Council—an associate religious body of ARSA—on the charge of issuing a *fatwa* for

64 "Bangladesh Vows 'Stern Action' Against Killers of Rohingya Leader," *Reuters*, October 2, 2021, <https://www.reuters.com/world/asia-pacific/bangladesh-vows-stern-action-against-killers-rohingya-leader-2021-10-02/>.

65 For example, an APBn official told *Daily Star* in November 2021, "There is no ARSA presence in the camps. Those who say otherwise should be identified. It's a blatant lie. They have an evil agenda to portray the Rohingyas as criminals." Mohammad Al-Masum Molla, "ARSA Presence at Rohingya Camps: Everybody Knows Few Dare Speak," *Daily Star*, November 20, 2021, <https://www.thedailystar.net/rohingya-influx/news/arsa-presence-rohingya-camps-everybody-knows-few-dare-speak-2233966>.

66 In an October 2021 video message, Ata Ullah said: "ARSA wants Rohingya repatriation and Mohib Ullah wanted the same. So Rohingya can return to Arakan with their rights. This is the policy of ARSA too. So, there shouldn't be any question if ARSA killed [Mohib Ullah]." "Abu Ammar Jununi Message to Who Killed Mr Muhib Ullah," *YouTube*, October 11, 2021, <https://www.youtube.com/watch?v=oVjygzNZx2I>.

67 Fortify Rights interview with C.Z., Bangladesh, October 10, 2021.

68 *Ibid.*

69 Office of the High Commissioner for Human Rights (OHCHR), "Mission to Bangladesh 13–19 December 2021," End of Mission Statement, December 2021, <https://www.ohchr.org/en/statements/2022/03/mission-bangladesh-13-19-december-2021>.

70 *Ibid.* See, "Insurgents Murdered Rohingya Leader," *The Daily Star*, March 16, 2022, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/insurgents-murdered-rohingya-leader-2984026>;

the assassination of Mohib Ullah.<sup>71</sup> One month later, in June 2022, Bangladesh authorities submitted to a court in Cox's Bazar an investigative report recommending charges against 29 suspected members of ARSA believed to be implicated in Mohib Ullah's killing.<sup>72</sup>

In 2022, Bangladesh authorities arrested more than a dozen named suspects, four of whom have confessed to participating in the killing.<sup>73</sup> More recently, in October 2023, Bangladesh authorities arrested high-level ARSA camp commander Noor Kamal, also known as Somi Uddin, for the killing of Mohib Ullah.<sup>74</sup> Spokesperson Khandaker Al Moin of the Rapid Action Battalion (RAB)—an elite anti-crime and anti-terrorism unit of the Bangladesh police comprising members from the military, police, and other law enforcement agencies—explained Noor Kamal's involvement in Mohib Ullah's assassination, saying: “[Noor] Kamal assigned the different responsibilities to the ARSA members two days before the murder. He was among three people who first stormed into Mohib Ullah's office to kill him. He opened fire on the Rohingya leader first.”<sup>75</sup>

In the months and years leading up to the assassination, Mohib Ullah expressed concern about increasing threats to his life from ARSA to Fortify Rights as well Bangladesh authorities and UNHCR.<sup>76</sup> In August 2021, a month before his assassination, Mohib Ullah sent a letter to the RRRC, copying the CiC as well as the Special Branch Police in Cox's Bazar. Mohib Ullah said in the letter, “I would like to request you to take the necessary action on ARSA group members [who] are threatening me and ARSPH members in everywhere [in] the camps.”<sup>77</sup> Prior to sending a letter to the RRRC, Mohib Ullah wrote to the UNHCR protection unit in Cox's Bazar District in April 2020, saying: “I was threatened several times by the bad group in the camp. ... Now, my life and ARSPH members living in different camps lives are on terrible [sic] situation at night.”<sup>78</sup>

Explaining these threats, Mohib Ullah's wife Nasima Khatun told Fortify Rights in 2021: “Recently, he received threats often because he was successful in organizing people [in the camps] and, all the people are supporting him. ... [ARSA] threatened him to resign from his work.”<sup>79</sup>

71 “ARSA Leader Held in Rohingya Leader Mohib Ullah Murder Case,” *New Age*, March 6, 2022, <https://www.newagebd.net/article/164592/arsa-leader-held-in-rohingya-leader-mohib-ullah-murder-case>.

72 Kamran Reza Chowdhury and Abdur Rahman, “Police Reports: ARSA Rebel Chief Ordered Rohingya Leader Muhib Ullah Gunned Down,” *Radio Free Asia*, June 14, 2022, <https://www.rfa.org/english/news/myanmar/rohingya-arsa-06142022173448.html>.

73 *Ibid.*

74 Fortify Rights communication with a researcher in Cox's Bazar District, Bangladesh, March 23, 2024. *See also*, “Noor Kamal Led the Killing Mission,” *The Daily Star*, October 17, 2023, <https://www.thedailystar.net/news/bangladesh/news/noor-kamal-led-the-killing-mission-3445446?amp=>.

75 “15 ARSA Members Took Part in Murder of Rohingya Leader Mohib Ullah: RAB,” *BD News 24*, October 16, 2023, <https://bdnews24.com/bangladesh/awbmx2ehd>.

76 Mohib Ullah communicated his security concerns with Fortify Rights in the months before his assassination. He said: “It is [a] bad night for me in the camps. When will you come to Bangladesh?” In a separate communication, he wrote, “I am fine, but still in fear of ARSA.” Furthermore, Mohib Ullah showed a text message from WhatsApp to *Reuters* years before he was assassinated, reading, “Mohib Ullah is a virus of the community. . . Kill him wherever he is found.” John Quinley, “Remembering Mohib Ullah and the Need for Refugee Protection,” *Daily Star*, October 15, 2022, <https://www.thedailystar.net/opinion/views/news/mohib-ullahs-killers-remain-large-3143376>; Simon Lewis, Poppy McPherson, and Ruma Paul, “In Rohingya Camps, a Political Awakening Faces a Backlash,” *Reuters*, April 24, 2019, <https://www.reuters.com/article/us-myanmar-rohingya-politics-insight-idUSKCN1S000D>.

77 Letter on file with the Fortify Rights, August 2021. *See also*, Hannah Beech, “They Warned Their Names Were on a Hit List. They Were Killed,” *New York Times*, November 14, 2021, <https://www.nytimes.com/2021/11/14/world/asia/rohingya-refugees-bangladesh.html>.

78 Letter on file with the Fortify Rights, April 2020.

79 Nasima Khatun told Fortify Rights that Mohib Ullah raised his security concerns with Bangladesh authorities and UNHCR. She said: “[Mohib Ullah] already told me in the past that he had informed both UNHCR and the authorities that he was not safe.” Fortify Rights interview with Z.C., Cox's Bazar District, Bangladesh, October 5, 2021.

The assassination continues to instill great fear among Rohingya throughout the camps, especially human rights defenders. On the day of the killing, an eyewitness told Fortify Rights: "If someone can shoot Mohib Ullah, they can easily shoot and kill me. I am now in hiding."<sup>80</sup>

The assassination of Mohib Ullah—following a wave of international outrage at his killing—is among the few cases documented by Fortify Rights where the Bangladeshi authorities carried out a serious investigation and arrested suspects following a killing of a Rohingya refugee in the camps. However, the fact that the Bangladeshi authorities identified and arrested several ARSA members involved in Mohib Ullah's death demonstrates their intelligence and capacity to investigate and bring to justice the perpetrators of such killings—and lack the will to do so in most other cases.

\* \* \*

Since the assassination of Mohib Ullah, a prominent Rohingya human rights defender (see text box above), the camps have seen more and more killings. The year 2024 got off to an especially deadly start. On January 1, 2024, Mohammad Faisal—a community teacher, father, and poet—wrote a poem about violence in the camps and shared it on Facebook:

Darkness makes me afraid.  
 Fearing the fire,  
 Fearing the robbers.  
 When it's day,  
 I am afraid of kidnapers.  
 ...  
 Hearing the gunshot.<sup>81</sup>

Three days later, on January 4, 2024, unidentified assailants abducted Mohammad Faisal from Camp-4 extension in the night and later shot him dead.<sup>82</sup>

A Rohingya woman who saw Mohammed Faisal's dead body in the hospital told Fortify Rights: "I went [to the hospital] and saw that he had been shot in his head. ... His brain was exposed."<sup>83</sup>

Prior to his killing, Mohammad Faisal was actively assisting Bangladesh authorities in investigating crimes in the camp.<sup>84</sup> One of his close colleagues told Fortify Rights: "In Camp-4 extension, there are a lot of [criminal] groups. He was reporting about robberies and criminal activities in the camps [to] UNHCR [U.N. High Commissioner for Refugees], NSI [National Security Intelligence], and DGFI [Directorate General of Forces Intelligence]."<sup>85</sup>

Another Rohingya who knew Mohammad Faisal told Fortify Rights that Mohammad Faisal wrote and published critical posts on Facebook about the violence in the camps:

<sup>80</sup> Fortify Rights, "Bangladesh: Investigate Assassination of Rohingya Human Rights Defender Mohib Ullah," September 29, 2021, <https://www.fortifyrights.org/bgd-inv-2021-09-29/>.

<sup>81</sup> Mohammad Faisal, "No One Cares," Facebook message, January 1, 2024, [https://www.facebook.com/story.php?story\\_fbid=3541390602779549&id=100007259312912&mibextid=qj2Omg](https://www.facebook.com/story.php?story_fbid=3541390602779549&id=100007259312912&mibextid=qj2Omg).

<sup>82</sup> Fortify Rights interview with H.I., Cox's Bazar District, Bangladesh, January 9, 2023. See also, "Rohingya Man Abducted and Shot Dead in Cox's Bazar," *Bd News 24*, January 5, 2024, <https://bdnews24.com/bangladesh/lusnbpoy6m/>.

<sup>83</sup> Fortify Rights interview with A.A.D., Cox's Bazar District, Bangladesh, August 6, 2024.

<sup>84</sup> Rohingya associate of Mohammad Faisal confirmed to Fortify Rights he was not part of any militant activity, saying "He is not from the ARSA or RSO." See, Fortify Rights interview with A.A.D., Cox's Bazar District, Bangladesh, August 6, 2024.

<sup>85</sup> Fortify Rights interview with H.H., Cox's Bazar District, Bangladesh, January 9, 2023.

I believe that it was ARSA who killed [Mohammad Faisal]. ... [He] raised his voice on Facebook about the situation [in the camp], mentioning that the parents were not allowing their children to come to class because of the fear of kidnappings, rape, and other atrocities. ... ARSA are [sic] committing atrocities in the refugee camps. Due to [Mohammad Faisal's] Facebook posts about the situation in the refugee camps, they killed him.<sup>86</sup>

At the time of writing, Fortify Rights is not aware of any ongoing official investigations by Bangladesh authorities into the killing of Mohammad Faisal. Mohammed Faisal's close associate told Fortify Rights: "I have not seen any investigation into the killing. No police are searching for the criminals."<sup>87</sup>

\* \* \*

In the early hours of May 29, 2024, men believed to be RSO gunmen shot at a group of young Rohingya men serving as camp volunteer night-security guards in Camp-17. One objective of these security guards is to protect refugees from armed militant groups involved in abducting and forcibly conscripting young men.<sup>88</sup> The shooting killed two of the men—Nur Absar, 22, and Nur Faisal, 21—and severely injured another two young men. Fortify Rights spoke with seven people, including a survivor of the shooting, witnesses, and relatives.<sup>89</sup> The survivor of the shooting who was hospitalized with gunshot wounds told Fortify Rights:

We were assigned night security by the CiC [Camp-in-Charge official] in the camp, and we sat at a shop. ... There were five of [us] acting as night security in the shop that night. Two people died, but the other three, including myself, are still alive. ... Afsar and Nur Faisal are dead, and they both were teachers. It was dark that night.<sup>90</sup>

He continued to explain:

[The armed men] were wearing masks. They asked us, "What are you doing here?" As soon as Mr. Absar replied that we were the night security assigned by the CiC, they began firing their guns at us. ... I can firmly say that they were members of the RSO, because there are no members of ARSA in our block.<sup>91</sup>

He explained the assailants' weapons:

There were almost 30 people. They all had guns, swords, knives, and sticks. The guns I saw were hand-made guns and rifles, and they were long guns. I saw six or seven of them had swords. Two of them had wooden [homemade] guns. Only one of them had a rifle. They all were wearing masks at that time.<sup>92</sup>

He continued: "As soon as a bullet hit my thigh, I fell into the drain. They ran away after firing the guns. I became unconscious soon after the bullet hit me."<sup>93</sup>

A Rohingya woman relative of the survivor injured by the shooting by RSO told Fortify Rights: "When I got to the spot, I saw my [relative] was lying down in the drain of the road. The drain is just adjacent to the shop [where they were shot]. There were about 20 to 30 members running away after shooting."<sup>94</sup>

<sup>86</sup> Fortify Rights interview with J.M.F., Cox's Bazar District, Bangladesh, August 6, 2024.

<sup>87</sup> Fortify Rights interview with H.H., Cox's Bazar District, Bangladesh, January 9, 2023.

<sup>88</sup> Fortify Rights, "Myanmar/Bangladesh: End Abduction, Forced Conscripted of Rohingya Civilians," July 26, 2024, <https://www.fortifyrights.org/bgd-inv-2024-07-26/>.

<sup>89</sup> Fortify Rights interviews with I.G., I.H., I.I., A.Z.Z., and A.Z.A., Cox's Bazar District, Bangladesh, June 15, 2024; Fortify Rights interview with A.Z.G., Cox's Bazar District, Bangladesh, June 15, 2024; Fortify Rights interview with A.Z.H., Cox's Bazar District, Bangladesh, July 26, 2024.

<sup>90</sup> Fortify Rights interview with A.Z.H., Cox's Bazar District, Bangladesh, June 26, 2024.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> Fortify Rights interview with A.Z.H., Cox's Bazar District, Bangladesh, June 26, 2024.

<sup>94</sup> Fortify Rights interview with I.I., Cox's Bazar District, Bangladesh, June 15, 2024.

Describing the perpetrators, the woman said:

I saw them running away from about 20 feet. They were wearing masks on their face and wearing short pants. ... I saw about 10 members [carrying guns]. Some were holding [short] guns in their hands, and others were carrying long guns on their shoulders. Some wore T-shirts, and some were in formal shirts.<sup>95</sup>

The woman also described rescuing the injured man before she and other relatives took him to the hospital. She said: "We took [him] to my shelter first and kept him for 20 minutes. The bullet hit his leg above the knee. It hit from one side and moved out from another side of his leg. He was bleeding heavily from his leg. ... I just fastened a cloth on his wound."<sup>96</sup>

Fortify Rights also spoke to a relative of Nur Absar who said he found Nur Absar gravely wounded after the militants shot him and rushed him to Chattogram Hospital in Chattogram city (previously known as Chittagong), where Nur Absar later died from his injuries. Nur Absar was conscious on the more than two-hour drive to Chattogram and shared what happened with his relative. The relative told Fortify Rights:

[Nur Absar] was talking as if he was a healthy young man. His brain seemed sharp at the time. He explained to me the whole story. He described every detail to me. ... The man who ordered the shooting is named Anam. [Nur Absar] told me his name before he died. [He] saw everyone and knew everyone [who perpetrated the killing].<sup>97</sup>

The relative continued: "RSO emerged in [the area] about four or five months ago. They were patrolling the camp with guns."<sup>98</sup>

The relative told Fortify Rights about reporting the incident to the police, saying: "[Nur Absar] passed away at 7:55 p.m. [on May 29]. ... On May 30, the police took me from the hospital to the police station. They asked me why he died; who killed him? I replied to them, 'There is a group called RSO, and they killed [Nur Absar].'"<sup>99</sup>

The investigating police again called the relative on June 2, 2024. The relative said:

On June 2, [2024], we were called by the [Bangladesh] police. It was me and [name withheld] who went to the police station. ... We were instructed by the police to say, "An unknown group of people came and killed [them]." Yes, this is what the police told us to say. ... When I was told not to mention the group RSO name by police. I told the police, "Sir, [Nur Absar] was not killed by an unknown group. [Nur Absar] told me who they were and what group killed him before he died. I noted down the names of the RSO members. ... This is happening every day. People are killed, abducted, and extorted every day. It is RSO."<sup>100</sup>

Speaking to the media on the incident, a police spokesperson in Cox's Bazar said, "One died on the spot, another died in hospital," without identifying the RSO as the suspected killers.<sup>101</sup>

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On February 16, 2023, Abdul Rahim, a 38-year-old Rohingya *majhi*, was traveling to the CiC office in Camp-12 to attend a meeting with other *majhis*. While waiting for his colleagues, around 11:30 a.m., Rohingya militants shot him, critically injuring him.<sup>102</sup> A witness to the shooting told Fortify Rights:

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> Fortify Rights interview with I.H., Cox's Bazar District, Bangladesh, June 15, 2024.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

<sup>101</sup> "Gunmen Murder Rohingya Teacher and Student in Bangladesh," *Agence France Presse*, May 30, 2024, <https://myanmar-now.org/en/news/gunmen-murder-rohingya-teacher-and-student-in-bangladesh/>.

<sup>102</sup> Fortify Rights interview with D.H., Bangladesh, March 22, 2023. D.H. said: "It's been almost five years since [Abdul Rahim] has been leading as the head *majhi*. He was working with the community. If there is any fighting between

"I suddenly heard the sound of a gunshot. I immediately turned around and saw [Abdul Rahim] lying down, and I rushed to the place where he was."<sup>103</sup>

The witness told Fortify Rights that the men who attacked Abdul Rahim were wearing *longyis*—a traditional Myanmar garment worn around the waist that extends to the feet—and had their faces covered with black scarves. Some had handheld firearms.<sup>104</sup>

"The bullet struck the right side of his jaw, near his ear," the witness told Fortify Rights.<sup>105</sup> Photographs of Abdul Rahim taken after the shooting show him bleeding from his jaw and being carried away.<sup>106</sup>

The witness rushed Abdul Rahim to the hospital for treatment of the wound.<sup>107</sup> According to a close associate of Abdul Rahim, he was first brought to a hospital in Kutupalong and later transferred to Cox's Bazar and then to Chattogram for treatment. The associate of Abdul Rahim said: "First, [on February 16, 2023], he was taken to the government hospital. There, they didn't provide an X-ray. They just put stitches on his face. In the private hospital, they found [the bullet] after one day [on February 18, 2023]."<sup>108</sup>

The associate later went with Abdul Rahim to Chattogram, saying, "He was referred to Chittagong [officially known as Chattogram] for better treatment. His situation was severe."<sup>109</sup>

More than a week after the shooting, Abdul Rahim died from the gunshot injury.<sup>110</sup> Abdul Rahim is remembered for his leadership and assistance to Rohingya refugees in need.<sup>111</sup>

This incident was not the first time militants attacked or threatened Abdul Rahim. Members of ARSA abducted and beat Abdul Rahim multiple times prior to his killing, according to his associate.<sup>112</sup> Although he informed the Bangladesh authorities of these attacks, Fortify Rights is unaware of any actions taken by the authorities to protect Abdul Rahim or to investigate his killing.

The associate of Abdul Rahim told Fortify Rights that in 2022, ARSA members tried to persuade Abdul Rahim to give up his *majhi* position, and when he refused, ARSA took action against him:

[Abdul Rahim] was threatened very badly and taken several times, and he was beaten badly. It happened multiple times. He was taken by the gangs and beaten for being a *majhi*. They asked him to resign from working as a *majhi*, and he didn't do that. So, he was taken and beaten. [ARSA] wanted to stop his work and wanted someone else to be a *majhi* who would listen to them and follow their directions. They called [him] several times to join [the militant group], and he refused to go. These threats started two years back. It mostly increased since 2022.<sup>113</sup>

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the community people, he helped them to sort it out, and he had some major responsibilities. Like if people needed documentation from CiC and authorities, [Abdul Rahim] used to do that for the people. If someone had issues getting food or had issues with their smart card, he used to help them with that. If there was an announcement for people to collect gas for cooking, he used to ensure that people received all these services. After he came to Bangladesh, he started this work when he was living in the camp. Almost five and a half years back."

<sup>103</sup> Fortify Rights interview with C.F., Cox's Bazar District, Bangladesh, February 22, 2023.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> Photographs on file with Fortify Rights, February 2023.

<sup>107</sup> Fortify Rights interview with C.F., Cox's Bazar District, Bangladesh, February 22, 2023.

<sup>108</sup> Fortify Rights interview with D.H., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> Following Abdul Rahim's murder, San Thai Shin, a Rohingya refugee in Bangladesh, wrote in an op-ed that Abdul Rahim's "contribution to the Rohingya community is immeasurable and inexpressible. He devoted his life to serving the Rohingya community. It is not just a mere incident, to kill such a great contributor to the Rohingya. His absence is a tragic loss for the Rohingya community." See, San Thai Shin "Where is Our Protection?" *Dhaka Tribune*, February 22, 2023, <https://www.dhakatribune.com/op-ed/2023/02/22/where-is-our-protection>.

<sup>112</sup> Fortify Rights interview with D.H., Bangladesh, March 22, 2023.

<sup>113</sup> *Ibid.*

The associate also shared how the Bangladesh authorities ignored Abdul Rahim's request to stop working as a *majhi* after ARSA threatened to kill Abdul Rahim days before the attack. The associate said:

This was five or six days before the attack. [Abdul Rahim] reported to the CiC and the police about the threats. [Abdul Rahim] didn't tell me how they responded but said that the CiC and the police were aware of the situation. [Abdul Rahim] said he wanted to stop working as a *majhi* [and asked] if this would be a big problem, but the CiC didn't let him. They didn't let him be free [from his duties as *majhi*].<sup>114</sup>

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In another killing that happened in Camp-2 on March 8, 2023, members of an unknown group killed Mohammed Hossain, a *majhi* known as Kala Bodda.<sup>115</sup> Fortify Rights was unable to identify the militant group to which the assailants belonged but spoke to two eyewitnesses to the killing.<sup>116</sup> One eyewitness told Fortify Rights:

He died on the spot. First, they shot at him in [the] shop outside my house, and they left him. Again, they came and, at that time, the *majhi* was trying to save himself and enter the house and escape through another way. ... The [attackers] came again and hit him with a hammer, and he was killed. They shot his abdomen, his chest, and under his ear.<sup>117</sup>

The witness recalled that, at the time of the attack, the perpetrators told the *majhi*: "[W]e were looking for you."<sup>118</sup>

The witness also spoke further about the brutality of the attack: "He was also hit on his leg with a hammer. I remember three shots, but there were more. They hit his head with a hammer, and his brain was coming out of his head."<sup>119</sup>

Describing the men who attacked Kala Bodda, the witness said: "They were wearing T-shirts and long pants. They were wearing masks and covering their faces. It was difficult to recognize them because they were not wearing any uniforms."<sup>120</sup>

The same witness said that members of an unknown group previously attacked Kala Bodda during Ramadan in April 2022.

Another eyewitness to the shooting of Kala Bodda said: "I saw four shots hit Kala Bodda. After the shooting, I could see four bullets had penetrated him, one on his ear, one on his neck, one on his belly, and one on his rib cage. Four shots were fired in front of me."<sup>121</sup> The eyewitness continued:

While they were shooting, they were wearing masks. They were covering their whole face. You could only see their eyes. They were covered with a black cloth. They had caps on. ... I was

<sup>114</sup> *Ibid.*

<sup>115</sup> An eyewitness to the killing told Fortify Rights about *majhi* Kala Bodda's role in the community: "As a community leader, [Kala Bodda] used to help people. He supported people to get their food properly. He ensured that in any distribution, people get their share. If there were issues within the camp or block, he solved the problem. He always used to solve any fights or complaints. He would mitigate problems. If people had issues with their shelter, he raised it with authorities as a *majhi*, as a leader." See, Fortify Rights interviews with D.I., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>116</sup> Also in 2023, Médecins Sans Frontières noted a rise in the "severity of the injuries sustained as a result of violence, including targeted gun violence and stabbings by criminal groups." Their team found an increase in gunshot wound treatments from 38 people treated in 2022 to 67 people in 2023. See, Médecins Sans Frontières, *Behind the Wire: Impact of State Containment and Exclusion Strategies on the Rohingya*, August 2024, , p. 28, <https://doctorswithoutborders-apac.org/sites/default/files/2024-08/MSF-Behind-the-Wire-Report-2024.pdf>.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

<sup>121</sup> Fortify Rights interview with C.C., Cox's Bazar District, Bangladesh, March 22, 2023.

standing there until the shooting was done. As soon as they were gone and [after] they fired four shots at [Kala Bodda], the main shooter kicked me.<sup>122</sup>

The eyewitness then fled the area and went into hiding.<sup>123</sup> No one has been held accountable for the killing of Kala Bodda and, at the time of writing, Fortify Rights is unaware of any investigation by Bangladesh authorities into the incident.

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In October 2022, unidentified men stabbed and shot Mohammed Joshim to death in Camp-10. An eyewitness to the killing told Fortify Rights, “They came to [his] home to kill him in the middle of the night at 12:30 a.m.”<sup>124</sup> According to the witness, more than 20 men carrying sticks, knives, and pistols arrived at his house, pulled Mohammed Joshim out of the house, and beat him. He said:

[Mohammed Joshim] was beaten so much that he couldn’t move, and he became motionless. ... [The unidentified men] shot him with their gun. They shot three bullets into him. In the beginning, [Mohammed Joshin] said to them, “I never did wrong to you, so why are you going to kill me? Please let me talk to you.”<sup>125</sup>

The witness also described the lack of accountability for the death of Mohammed Joshim, saying: “The authorities took his corpse for a post-mortem to Cox’s Bazar. However, [the authorities] did not bring us justice for [his] murder.”<sup>126</sup>

Fortify Rights was unable to identify the group.

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In another killing, militants believed to be ARSA killed a Rohingya sub-block *majhi* named Shobbir in broad daylight in the first quarter of 2022.<sup>127</sup> A relative of the *majhi* told Fortify Rights: “[Shobbir] was killed by ARSA when they called and took him away from home at 2 p.m. ... If any problems occurred in the refugee camp, the police called [him] to interpret the issues. [ARSA] told [him] that he worked for the police [when they came to abduct him].”<sup>128</sup>

The relative continued:

In my opinion, he was killed because he reported the issues of the refugee camp to the police. He was also proposed by the ARSA to work with them, but he refused. I went to the place where [Shobbir] was killed to see him, and I discovered that he had been stabbed so many times that I couldn’t count. I didn’t see him alive there, and I arrived there when he was already dead.<sup>129</sup>

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On October 22, 2021, in the middle of the night, armed Rohingya militants—identified in an internal Bangladesh intelligence report as ARSA members—killed six men and tortured others in a *madrasa* in Camp-18 in Balukhali. Those killed were Mohamed Ibrahim Hossain, aged 22; Azizul Haque, 26; Mohamed Amin, 32; Idris, 32; Mohamed Nur Alam Halim, 45; Hamidullah, 55.<sup>130</sup> Fortify Rights spoke

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> Fortify Rights interview with G.I., Cox’s Bazar District, Bangladesh, October 18, 2023. See also, “Rohingya Dead at Camp,’ *New Age*, October 26, 2022, <https://www.newagebd.net/article/184698/rohingya-man-shot-to-death-at-ukhia-camp>.

<sup>125</sup> Fortify Rights interview with G.I., Cox’s Bazar District, Bangladesh, October 18, 2023.

<sup>126</sup> *Ibid.*

<sup>127</sup> Fortify Rights interview with H.C., Cox’s Bazar District, Bangladesh, October 18, 2023.

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*

<sup>130</sup> “6 Rohingyas Killed in Ukhia Madrasa Last Year: 1 Arrested in Cox’s Bazar,” *Daily Star*, April 15, 2022, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/6-rohingyas-killed-ukhya-madrasa-last-year-1-arrested-coxs-bazar-3005281>.

with five witnesses and survivors of the attack, reviewed photographs of the crime scene and media reports, and found that the militants killed the six men using swords, guns, and knives.<sup>131</sup>

A *mullah* who was present at the *madrasa* during the killings told Fortify Rights:

The attack took place on October 22, 2021, a month after Mohib Ullah was murdered. When they came to attack us, I was also inside the room in the *madrasa*. We did not realize anything at first because all were in a deep sleep, and it was 4 a.m. when they came to attack the *madrasa*. ... Those who entered the *madrasa* had knives, sticks, and guns. They entered the *madrasa*, fired their weapons, and killed the students with gunshots ... Whoever got hit by a bullet, fell and died. Three teachers and three students were killed.<sup>132</sup>

A relative of a man killed in the attack said: "I saw the men with knives, swords, sticks, and pistols in their hands. ... [The armed attackers] finished the killing mission, and I could see six dead bodies slaughtered on the ground. ... I saw [my relative's] dead body. ... I saw blood everywhere."<sup>133</sup>

In the aftermath of the attack, another Rohingya refugee who saw some of the bodies of those killed told Fortify Rights, "We saw the *mullahs* who were killed inside the *madrasa* when we went into the *madrasa* with the police."<sup>134</sup> The same man told Fortify Rights in another interview, "I saw two men [who had been] killed. ... They were hacked with swords."<sup>135</sup>

According to a member of the *madrasa* and an internal Bangladesh intelligence report, the militants targeted religious leaders whom they believed were opposed to ARSA's rule in the refugee camps and cooperating with Bangladesh authorities.<sup>136</sup> A head *mullah* told Fortify Rights, "The teachers who worked for my religious school were highly educated people, and they didn't want to follow the rules and regulations of ARSA."<sup>137</sup>

The *mullah* told Fortify Rights that the religious leaders were cooperating with Bangladesh authorities, saying:

The authorities, like the CiC [Camp-in-Charge] or the police, would hold meetings with the people and *mullahs* in the *madrasa*. Besides, the DB [Detective Branch], DGFI [Directorate General of Forces Intelligence], and other higher-level officers had meetings in the *madrasa*. ... After Mohib Ullah's murder in the camp, the APBn police officer [name withheld] formed a camp committee comprising people from all categories, like teachers, *mullahs*, village elders, and volunteers.<sup>138</sup>

He further explained how the Bangladesh security forces regularly used the *madrasa* compound during security sweeps in the camp:

The security forces go to the camp to chase the gang members and bad people and arrest them. They arrest the bad people and bring them to the *madrasa*. We can't refuse [the security forces] to sit in the *madrasa* compound since this is their country and laws. They arrest the accused from the camp, bring them there, and then take them away with their vehicle. So, this place becomes a [temporary] center for [Bangladesh security forces]. ... [ARSA] assumed that the *madrasa* people were bringing and inviting the police and the authorities here.<sup>139</sup>

<sup>131</sup> Fortify Rights interviews with B.G. and B.H., Cox's Bazar District, Bangladesh, November 1, 2021; Fortify Rights interview with B.F., November 2 and 17, 2021; Fortify Rights interview with B.I., Cox's Bazar District, Bangladesh, November 18, 2021; Fortify Rights interview A.E. Cox's Bazar District, Bangladesh, 18, 2021 and October 6, 2022.

<sup>132</sup> Fortify Rights interview with A.E., Cox's Bazar District, Bangladesh, October 6, 2022.

<sup>133</sup> Fortify Rights interview with B.H., Cox's Bazar District, Bangladesh, November 1, 2021.

<sup>134</sup> Fortify Rights interview with B.F., Cox's Bazar District, Bangladesh, November 17, 2021.

<sup>135</sup> Fortify Rights interview with B.F., Cox's Bazar District, Bangladesh, November 2, 2021.

<sup>136</sup> See, for example, Fortify Rights interview with A.E., Cox's Bazar District, Bangladesh, October 6, 2022.

<sup>137</sup> *Ibid.*

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*

During the October 2021 attack, in addition to killing the religious leaders, the militants also beat and wounded other Rohingya refugees in the area.<sup>140</sup> For example, one man told Fortify Rights how men believed to be members of ARSA maimed him. He said:

They cut off two of my fingers and hit me on my head, and they thought I was dead and left me. My home is close by, and I somehow crawled and managed to get to my shelter [to escape]. ... They had long swords and knives. Some had guns in hand. ... I was hit five times on my head. [I] also got hit on my arm, and I am severely injured. ... The doctors at [name withheld for security] hospital wrapped a bandage on the wounds.<sup>141</sup>

Fortify Rights reviewed mobile phone photographs of the severed fingers.<sup>142</sup>

Another Rohingya survivor of the attack told Fortify Rights how he saw the man's finger after the attack: "One of the men had his hand cut, and his finger was cut off. The man whose finger was cut was from our block. I have photographs of the cut finger."<sup>143</sup>

The man described how he himself was attacked and injured: "The [assailants] hit me with an iron rod on my chest and a sword hit my head. When I was first hit with the sword, I ran away and soon fainted unconscious. I fell down. The other people helped me and carried me to a place to recover."<sup>144</sup>

Later, the man was taken to a hospital outside of the camp to treat his wounds.<sup>145</sup>

A survivor of the *madrassa* attack in October 2021 in Camp-18 told Fortify Rights that ARSA threatened him before the killings. He said: "They have told us before to follow them and join their group. ... ARSA members said, 'You have to join us, support us. We have to be able to use the *madrassa* for meetings.'"<sup>146</sup>

After the attack on the *madrassa*, Bangladesh police increased their security patrols in the area, but this did not stop ARSA militants from continuing to threaten people. The survivor told Fortify Rights: "Even now, [ARSA] have been threatening me, saying, 'Eat well while you are with the police. Once they are gone, you will be finished.' I feel I may be killed any moment."<sup>147</sup>

In April 2022, APBn reportedly arrested at least one suspect in the attack on the *madrassa*.<sup>148</sup>

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In an attempted killing in early January 2023, men believed to be affiliates of ARSA attacked a *majhi* because they suspected him of cooperating with Bangladesh authorities to arrest ARSA members.<sup>149</sup> According to the *majhi*, approximately one week after a senior ARSA member threatened him over the phone, ARSA members opened fire at him in a refugee camp in broad daylight. The man told Fortify Rights that he was at a teashop near his shelter when ARSA members confronted him: "[F]our [ARSA] members wearing face masks arrived; three among them had guns. Two among these four were from my block, and one of them shot at me while I was seated on a chair [in the teashop]. ... One bullet hit my thigh on my right leg. The gun was a pistol."<sup>150</sup>

<sup>140</sup> For more information on torture and ill-treatment of Rohingya, see the chapter in this report, "Abductions, Torture, and Ill-Treatment."

<sup>141</sup> Fortify Rights interview with B.I. Cox's Bazar District, Bangladesh, November 18, 2021.

<sup>142</sup> Photographs on file with Fortify Rights, October 2021.

<sup>143</sup> Fortify Rights interview with B.F., Cox's Bazar District, Bangladesh, November 2, 2021.

<sup>144</sup> *Ibid.*

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.* Fortify Rights also spoke to B.F. on November 17, 2021, in a follow up interview.

<sup>147</sup> Fortify Rights interview with B.F., Cox's Bazar District, Bangladesh, November 2, 2021

<sup>148</sup> "6 Rohingyas Killed in Ukhiya Madrasa Last Year: 1 Arrested in Cox's Bazar," *Daily Star*, April 15, 2022, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/6-rohingyas-killed-ukhiya-madrassa-last-year-1-arrested-coxs-bazar-3005281>.

<sup>149</sup> Fortify Rights interview with B.Z., Cox's Bazar District, Bangladesh, January 27, 2023.

<sup>150</sup> *Ibid.*

The man told Fortify Rights that he knew the identity of the shooter, whose name is on record with Fortify Rights, saying: "The shooter was from my block, and the police arrested him from my block."<sup>151</sup> An eyewitness to the shooting confirmed the man's account, stating: "I was sitting with a group of people when he was shot. ... [He] got hit with a bullet on his thigh. ... [The] members were wearing face masks."<sup>152</sup>

Fortify Rights reviewed a medical certificate showing the date of the man's admission to the hospital. The medical certificate confirms that the *majhi* was treated for a "gunshot injury over [his] right thigh with a suspected vessel injury."<sup>153</sup> The *majhi*'s relative also told Fortify Rights: "[He] lost blood on the way to the hospital. [He was] in the hospital for nearly 15 days."<sup>154</sup>

The *majhi* told Fortify Rights that senior ARSA members threatened him before the attack, saying:

[ARSA] used to make phone calls to threaten me, saying, "We cannot enter the [refugee] camp to do our activities because of you. We are going to kill you if we cannot work in the camp." ... We, *majhis* and head *majhis*, were instructed by [Bangladesh] authorities not to allow criminals to enter the block, collect taxes, or commit any violations.<sup>155</sup>

Following the attack, the *majhi* went into hiding.<sup>156</sup>

## Abductions, Torture, and Ill-Treatment

Rohingya militant groups operating in refugee camps in Bangladesh have abducted, tortured, and otherwise abused untold numbers of Rohingya with impunity for years. Throughout the camps, militant groups attempt to collect "taxes" from refugees and businesses to fund their militant activities. Armed militant groups use abductions and torture to threaten and intimidate camp residents who refuse to pay these "taxes" and to extort ransom payments in exchange for releasing their victims.<sup>157</sup> Militants have also abducted Rohingya refugees for refusing to join or collaborate with them and for opposing militant groups in the camps.<sup>158</sup>

Data from a humanitarian organization working in the refugee camps providing services to Rohingya, including healthcare treatment, shows that, between January and June 2024, they treated 246 patients for "blunt injury."<sup>159</sup>

In October 2023, a 23-year-old Rohingya man told Fortify Rights how militants he believed to be ARSA killed one of his brothers. They then abducted, tortured, dismembered him and left him to die—but he survived. He told Fortify Rights: "I was caught from my home and taken to the refugee

<sup>151</sup> *Ibid.*

<sup>152</sup> Fortify Rights interview with F.A., Cox's Bazar District, Bangladesh, August 29, 2023.

<sup>153</sup> Medical certificate on file with Fortify Rights, 2023.

<sup>154</sup> Fortify Rights interview with C.B., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>155</sup> Fortify Rights interview with B.Z., Cox's Bazar District, Bangladesh, January 27, 2023.

<sup>156</sup> *Ibid.*

<sup>157</sup> A 2023 report by the International Institute for Strategic Studies says: "ARSA activities included "taxation of informal shopkeepers and NGO volunteers at rates as high as 40% of their earnings." IISS, "Competing armed groups pose new threat to Rohingya in Bangladesh," December 11, 2023, <https://myanmar.iiss.org/analysis/rohingya>. There were even some claims that ARSA issued "receipts" for the taxes from refugees in the camps. Verena Hölzl "As Violence Soars in Refugee Camps, Rohingya Women Speak Up," *The New Humanitarian*, August 2, 2021, <https://www.thenewhumanitarian.org/news/2021/8/2/as-violence-soars-in-refugee-camps-rohingya-women-speak-up>. Furthermore, according to the International Crisis Group, more than 700 abductions took place in the camps in the first nine months of 2023. International Crisis Group, "Crisis Mounts for Rohingya Refugees in Bangladesh," December 6, 2023, <https://www.crisisgroup.org/asia/south-asia/bangladesh/355-crisis-mounts-rohingya-refugees-bangladesh>.

<sup>158</sup> See, for example, Fortify Rights interview with C.D., Cox's Bazar District, Bangladesh, March 22, 2023 and Fortify Rights interview with G.B., Cox's Bazar District, Bangladesh, September 14, 2023.

<sup>159</sup> Humanitarian organization data on file with Fortify Rights, July 2024. Typically, blunt impact injuries result from direct contact of a blunt object with the body and can include incidents of attacks or torture.

camp at gunpoint. ... [T]hey blindfolded me and tied my arms and legs. In addition to that, I was hit with an iron stick and with their guns, so much so that I was made unconscious.”<sup>160</sup>

The survivor told Fortify Rights how he was taken to a shelter and beaten, “First of all, my arms and legs were tied, and I was blindfolded, and then they put a cloth in my mouth so that I was unable to scream or shout.”<sup>161</sup> He said:

[T]hey cut off my leg first. I was able to hear the sound that they were cutting off the bones of my leg with a big knife. I told them “Please leave me, and I will give you whatever you demand.” They replied to me, “We never leave you, and we will kill you because you always report to NGOs and the authorities of Bangladesh against us.” ... [The militants] took half an hour to cut me. My arm was cut just above my elbow. I was admitted to the hospital in Chittagong [known officially as Chattogram].<sup>162</sup>

After dismembering the man, the Rohingya militants dumped his body and left him for dead. He explained: “[ARSA] intended to kill me, and they kicked me on my back when I was thrown in the farm, but I didn’t move so that they thought that I was dead. I heard some of them say, ‘He is dead,’ and ‘Leave him here.’”<sup>163</sup>

The man told Fortify Rights how ARSA previously ordered him and one of his two brothers to join the militant group, but they refused to do so.<sup>164</sup> “[ARSA] invited us to work with them, but we disagreed with them. That’s why they killed my brother and tried to kill me as well,” he said.<sup>165</sup>

Another brother of the survivor who was dismembered told Fortify Rights:

ARSA accused my brother of working with the government [of Bangladesh]. They said, “You are supporting the government.” They kidnapped my brother from his shelter [around] 2 a.m. His arm and leg were cut off. ... He was kidnapped on September 12, [2022]. ... He went out to pee during the night, and the ARSA kidnapped him from the shelter. It was raining heavily on that day. After the mutilation, ARSA threw his body and left him.<sup>166</sup>

The brother told Fortify Rights that he witnessed ARSA abduct his brother:

The ARSA members did not ask my brother any questions but said, “You are an agent of the government. Don’t say a single word, otherwise we will shoot you.” ... My house is only about 20 feet from his house. I saw he was being taken through a road, and I followed them shouting. They began firing, and we could not move forward and came back.<sup>167</sup>

He further described seeing him at the clinic the same night after the abduction:

When I went to the clinic, I saw one of his legs and arm were cut. The arm was totally separated. There was a stab near his eyebrow. They also stabbed his lower abdomen and there was a cut of two inches. There is also a stab on his leg that was not cut. He was so badly beaten that his entire body got injured resulting in black scars on the body. The left arm was cut off from above the elbow. It was also the left leg cut from four inches below the knee. When I saw him both, the leg and the hand were connected by the skin only. The bone was cut. It was in the clinic. The clinic wrapped the bandage over the cut of the leg and hands. He was then referred to [another medical facility] in Kutupalong.<sup>168</sup>

<sup>160</sup> Fortify Rights interview with G.F., Cox’s Bazar District, Bangladesh, October 18, 2023.

<sup>161</sup> *Ibid.*

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> *Ibid.*

<sup>166</sup> Fortify Rights interview with I.A., Cox’s Bazar District, Bangladesh, March 20, 2024.

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*

His brother said, "I was there in the hospital for about a month to take care of him."<sup>169</sup> The man and his family have since resettled to a third country.<sup>170</sup>

In March 2023, the *Washington Post* also documented the abduction and beating of the man.<sup>171</sup>

\* \* \*

In another case, members of ARSA abducted a Rohingya man, 25, in 2022 for refusing to join the armed militant group. He told Fortify Rights that he was "invited by [ARSA] to join them," so he met with members of the group, after which the group abducted and tortured him for six consecutive days.<sup>172</sup> He told Fortify Rights:

They tied me up and put me in the bathroom. There were five people, including one [ARSA] commander. The other four were obeying orders from the commander. They said, "You must join us." ... I said, "I have a wife and kids. I cannot work for you." They said, "You need to leave your wife and kids and join us. If we can liberate [Myanmar], you can bring your family back to Myanmar." Then they said, "If you don't join, we will kill you." They then tied me up and locked me in the bathroom.<sup>173</sup>

The Rohingya man identified the ARSA commander and said he lived in a nearby block in the refugee camps.<sup>174</sup> The man drew for Fortify Rights the layout of the area where ARSA detained him, explaining that the bathroom was approximately five steps away from a shop and next to the shop was a room in a shelter where they beat him.<sup>175</sup> He said, "I was taken to the room next to the shop and beaten and after taken back to the bathroom [where I was locked up]."<sup>176</sup>

They detained him for six days and tortured him almost daily. He said: "I was beaten badly. They got a cane, and they started beating me. I tried to block the cane from hitting me with my arm, and that's how I got the scar on my arm. They put my face down and beat me on my butt and thigh. I have a scar on my thigh."<sup>177</sup>

He told Fortify Rights that ARSA wanted him to monitor the camps. He explained:

They wanted me to be the night shift worker and footman to patrol in the camps from 8 p.m. to 3 a.m. ... They provide sticks to people who patrol. ... After a while, they would invite us to *Tashkil* ["going towards God's path" or "go for an operation/mission" in English] in Myanmar for six months. ... I told them I didn't want to join, and I could not beat my fellow brothers being Muslim. They said, "If we can beat someone being a Muslim, why can't you do it like us?"<sup>178</sup>

He added: "[ARSA members] don't care if you are educated or an average person. As long as you are a man, they will try to recruit you. They want to rob people, steal lights, and beat people. They don't have support in the community, but they want to expand their organization."<sup>179</sup>

\* \* \*

In mid-2023, men believed to be ARSA but who claimed to be RSO abducted a Rohingya man in his twenties. He said:

<sup>169</sup> *Ibid.*

<sup>170</sup> Fortify Rights communication with G.F., August 23, 2024.

<sup>171</sup> Rebecca Tan, "The Rohingya Fled Genocide. Now, Violence Stalks Them as Refugees," *Washington Post*, March 7, 2023, <https://www.washingtonpost.com/world/2023/03/07/rohingya-refugees-targeted-killings-cox-bazar/>.

<sup>172</sup> Fortify Rights interview with C.D., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>173</sup> *Ibid.*

<sup>174</sup> *Ibid.*

<sup>175</sup> Hand-drawn map by C.D., on file with Fortify Rights, March 22, 2023.

<sup>176</sup> Fortify Rights interview with C.D., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid.*

Very recently [in 2023], I was beaten by the bad people here. They wore masks. They were members of Ata Ullah's group [ARSA]. ... They blindfolded me and tied my hands behind my back. They said, "We are from RSO, and we are beating you because you are a member of ARSA." They beat my back, and I still have pain.<sup>180</sup>

The man said the men who abducted him later claimed to be members of ARSA, saying: "We are from ARSA, but we are claiming to be RSO to malign them. We want to destroy the name of RSO."<sup>181</sup> Fortify Rights was unable to independently verify the perpetrators' affiliation.

The man also described to Fortify Rights how his captors took him to a hillside near the camps to beat him: "They made me kneel, put my hands behind my back, and kicked my back. They beat me on the knees with an iron rod. They punched my face and kicked my chest. I could hardly eat rice for several days because they hit me so hard. ... I was beaten so badly."<sup>182</sup>

The man told Fortify Rights: "I need [medical care]. I can't eat well or work, really. My back still hurts where they kicked me."<sup>183</sup>

\* \* \*

In another incident in September 2023, a group of armed men abducted a Rohingya writer and human rights defender. He said:

I was on my way home. ... At that moment, an armed group came and kidnapped me. Four people had face masks on and took me. They detained me for two days. Their reason for abducting me was to halt my activism, and they wanted me to join their team and write for them. I am a human rights activist. ... I can't write for criminals that will harm my community.<sup>184</sup>

The man explained, "[The abductors] said when I was detained, 'We need an intellectual person like you. We need a writer like you to join us.'"<sup>185</sup>

He told Fortify Rights that he believed the men who abducted him were from RSO.<sup>186</sup> Fortify Rights was unable to independently verify the group's affiliation.

## No Man's Land Clashes

On January 18, 2023, Bangladesh authorities together with RSO entered "No Man's Land"—a narrow strip of land between the international border between Myanmar and Bangladesh, also known as "Zero Point" in Tumbru [Taungpyol], Bandarban District, Bangladesh. The area was previously "home" to several thousand Rohingya refugees but became a stronghold for ARSA.<sup>187</sup> During the operation on January 18, 2023, Bangladesh authorities and RSO attacked suspected ARSA positions.

<sup>180</sup> Fortify Rights interview with F.B., Cox's Bazar District, Bangladesh, August 29, 2023.

<sup>181</sup> *Ibid.*

<sup>182</sup> *Ibid.*

<sup>183</sup> *Ibid.*

<sup>184</sup> Fortify Rights interview with G.B., Cox's Bazar District, Bangladesh, September 14, 2023.

<sup>185</sup> *Ibid.*

<sup>186</sup> *Ibid.*

<sup>187</sup> See, e.g., Mahbubur Rahman, Refugee Research Online, *The Rohingyas in No Man's Land Have Fled to Bangladesh*, February 21, 2023, <https://refugeereseearchonline.org/the-rohingyas-in-no-mans-land-have-fled-to-bangladesh/>; Tofayel Ahmad, *Rohingya Living in 'No Man's Land' Insist They Will Stay*, Associated Press, March 10, 2018, <https://apnews.com/general-news-b1473a0b231c4fdd845c569e248326c8>.

After the clash, RSO and Bangladesh authorities worked together to question detained men about their possible affiliation with ARSA.<sup>188</sup> One man who was detained by RSO told Fortify Rights: "[The detained Rohingya] were checked by DGFI [Directorate General of Forces Intelligence], NSI [National Security Intelligence], and RAB [Rapid Action Battalion], and they interrogated the people who may have supported ARSA. The authorities had a list of ARSA members that they were checking against the people they arrested."<sup>189</sup>

The man described how RSO was present together with Bangladeshi authorities when he was being questioned, saying: "The RSO people were working with the RAB, NSI, and DGFI but wearing plain clothes. I recognized some of the RSO people. ... I saw [an RSO member] during the clash with a [RSO] uniform, and then later, during the questioning, he was cooperating with the authorities without his uniform."<sup>190</sup>

An RSO spokesperson confirmed RSO's cooperation with the authorities, saying:

We cooperate with the government. This proves that we are not abusers. If we abused people, why would the authorities work with us? We arrest ARSA members and hand them over to the government. We hand them over to APBn. We also inform NSI and DGFI.<sup>191</sup>

Mohammed Ayyub Khan, the commander-in-chief of the armed wing of RSO, told Fortify Rights that RSO did, in fact, carry out the security sweep on No Man's Land, saying: "I commanded the attack on Zero Point. ... Before the Zero Point attack, we warned ARSA for a year to stop drug trafficking, human trafficking, and the killings in the camps. Finally, we warned them that we would seize their location."<sup>192</sup>

Another RSO member confirmed with Fortify Rights that the group carried out the operation in No Man's Land to remove ARSA from the area.<sup>193</sup> The RSO spokesperson said: "[O]ur aim is to destroy [ARSA's] outpost and remove them from living among the innocent refugees [in] No Man's Land. We have done it successfully."<sup>194</sup> Also, on February 1, 2023, RSO confirmed in a statement that it "surrounded and conducted a suppression of a terrorism campaign" in No Man's Land.<sup>195</sup>

During the attack in No Man's Land, RSO members abducted and, in some cases, tortured Rohingya who they believed to be ARSA members. Describing the attack and abductions, one eyewitness said:

When RSO entered Zero Point, they were wearing uniforms. ... [The logo] says "R.S.O." They were a leaf-green color. ... [RSO] started beating people and detaining them. They would tie their hands. They caught about 30 people, and the rest of the men, like myself, fled through the barbed-wire fencing to the Myanmar side of the border. ... ARSA fled to the Myanmar side, and the RSO took over Zero Point. When I moved to the Myanmar side, we were watching what was happening in Zero Point.<sup>196</sup>

<sup>188</sup> Fortify Rights interview with F.C., Cox's Bazar District, Bangladesh, August 31, 2023.

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

<sup>191</sup> Fortify Rights interview with B.D., Bangladesh, January 30 and August 27, 2023.

<sup>192</sup> Fortify Rights interview with F.E., location withheld, Bangladesh, 2023.

<sup>193</sup> Fortify Rights interview with B.D., Bangladesh, January 30 and February 6, 2023.

<sup>194</sup> Fortify Rights interview with B.D., Bangladesh, January 30, 2023.

<sup>195</sup> RSO statement February 1, 2023, on file with Fortify Rights.

<sup>196</sup> Fortify Rights interview with F.C., Cox's Bazar District, Bangladesh, August 31, 2023.

Mohammed Ayyub Khan, confirmed to Fortify Rights that the RSO detained Rohingya men in No Man's Land, saying: "We destroyed all the drugs and seized weapons. ... We arrested some Rohingya men."<sup>197</sup>

A Rohingya man, 23, arrested by RSO told Fortify Rights: "RSO detained me. ... They tied me and kept me. ... After an hour and a half, we were blindfolded. ... The RSO detained around 45 people along with me."<sup>198</sup>

During his detention, he witnessed RSO members beating other abducted men: "Where we were detained, RSO members tortured five or six Rohingya in front of me. They said, 'You are keeping ARSA here by providing food and territory.' The men were being kicked, and their hair was pulled."<sup>199</sup>

Another Rohingya man, 18, abducted in the same group from No Man's Land, said: "RSO blindfolded and detained us in a place on the Bangladesh side. [They] didn't give us any food until the afternoon. ... [RSO] caught us and brought us toward Bangladesh. We were tied up from morning until about 4 p.m."<sup>200</sup>

After his release, he went into hiding: "We fled because there have been many incidents. People have been killed, burned to death, houses have been set on fire."<sup>201</sup>

The violent clash in No Man's Land reportedly displaced Rohingya refugees from No Man's Land.<sup>202</sup> Later, Bangladesh authorities moved some of the refugees displaced from No Man's Land into a transit center operated by UNHCR and the government and later relocated them to different camps.<sup>203</sup>

On January 19, 2023, a day after the attack on No Man's Land, men believed to be associated with RSO detained Dil Mohammed—a prominent Rohingya leader whom RSO suspected of being associated with ARSA—along with others.<sup>204</sup>

A man who was with Dil Mohammad on the Myanmar-side of the border told Fortify Rights how Dil Mohammed returned to Bangladesh to negotiate with RSO and the Bangladesh authorities:

RSO was occupying all of Zero Point, and they started burning all the shelters. RSO members announced on loudspeakers, "You people who are in Zero Point, go to Bangladesh side." ... Dil Mohammad and his two sons ... approached the RSO, after it was announced on the loudspeaker, to talk to them. Dil Mohammad and his two sons came to the Bangladesh side to speak to RSO

<sup>197</sup> Fortify Rights interview with F.E., location withheld, Bangladesh, 2023.

<sup>198</sup> Fortify Rights interview with B.A., Bandarban District, Bangladesh, January 28, 2023.

<sup>199</sup> *Ibid.*

<sup>200</sup> Fortify Rights interview with A.I., Bandarban District, Bangladesh, January 26, 2023.

<sup>201</sup> *Ibid.*

<sup>202</sup> "Rohingya Settlement on Bangladesh-Myanmar Border Torched Amid Fighting," *Radio Free Asia*, January 18, 2023, <https://www.rfa.org/english/news/myanmar/rohingaycampfighting-01182023153549.html>.

<sup>203</sup> See, Fortify Rights interview with F.C., Cox's Bazar District, Bangladesh, August 31, 2023; Fortify Rights interview with F.I., Cox's Bazar District, Bangladesh, September 5, 2023. See also, "Tamburu Border: Govt to Send Zero-line Rohingyas to Transit Camp," *Daily Star*, February 1, 2023, <https://www.thedailystar.net/rohingya-influx/news/tamburu-border-govt-send-zero-line-rohingyas-transit-camp-3235716>.

<sup>204</sup> Associates of Dil Mohammed have denied claims that he is affiliated with ARSA. One man who knew him told Fortify Rights "Dil Mohammad did not work with anyone. He worked with various organizations—Rohingya rights organizations and human rights groups as a politician—but did not work with armed groups. If ARSA ever called Dil Mohammad, he would have to go, but even if he did, he would disagree [with them]." Fortify Rights interview with E.D., Bangladesh, May 22, 2023. Fortify Rights has been unable to verify Dil Mohammad's affiliations with Rohingya militant groups.

because we had nothing to eat in Myanmar and requested the RSO to stop looting. They wanted to negotiate with RSO. ... I saw young members of RSO grab Dil Mohammad and pull him. We saw the way they were treating our leader Dil Mohammad, and we became more afraid of RSO.<sup>205</sup>

According to another eyewitness to Dil Mohammad's detention, "[Dil Mohammad] was kidnapped from No Man's Land. ... As he was detained unofficially by [RSO], we still haven't communicated with [him] except hearing rumors that he was sent to Bandarban jail."<sup>206</sup>

A RSO spokesperson told Fortify Rights via text communication in August 2024, "[W]e handed over him to the law enforcers. ... According to my information, he is in government custody."<sup>207</sup>

Fortify Rights has requested information about the whereabouts of Dil Mohammed from Bangladesh authorities but has received no information.

Dil Mohammad's family submitted a submission to the U.N. Working Group on Arbitrary Detention in 2024, seeking information on his whereabouts. Dil Mohammad's son said, "I want freedom for my father, and I want these false and baseless charges against him to be dismissed."<sup>208</sup>

## Threats and Intimidation

ARSA, RSO, and other militant groups in the camps are responsible for threatening Rohingya refugees and Rohingya human rights defenders, both in person and online.<sup>209</sup> In Bangladesh, militant groups intimidate, threaten, and harass Rohingya refugees to forcibly recruit new members, prevent them from reporting abuses to the authorities, and gain political control of the camps.<sup>210</sup>

A Rohingya refugee described how ARSA members threatened him, saying:

They're sending people and saying, "If you go to the police and do anything against us, we'll also see you and not let you live in this world." ... Previously, I didn't have a smartphone, but they called me [on the phone]. ... People came [personally] to threaten me. They said that some people are looking to kill you. ARSA is the group threatening me. This is the same group that killed [the *majhi*]. I know some names of the group members, but there are a lot of people.<sup>211</sup>

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A Rohingya youth activist told Fortify Rights how ARSA and RSO have both approached him separately to recruit him. Describing one incident in February 2023, he said:

[A]round 10 p.m., ARSA members came to my shelter, asking me to join [their group]. They asked me to come to join them for three months and go to Myanmar. They told me, "We came from *al Yaqin*." I know the commander by name. He tried to convince me, saying I had a good reputation as an activist in Myanmar. He told me I should join because I could influence many people in the camps. He said, "We know many youths are listening to you here [in Bangladesh]." I was so scared. They were holding long guns, the three of them.<sup>212</sup>

<sup>205</sup> *Ibid.*

<sup>206</sup> Fortify Rights interview with E.F., Bandarban District, Bangladesh, June 6, 2023.

<sup>207</sup> Fortify Rights communication with RSO spokesperson, August 12, 2024.

<sup>208</sup> "Breaking News: Submission to UN Calls for Release of Rohingya Leader Dil Mohammed," *Rohingya Refugee News*, September 25, 2024, <https://www.rohingyarefugee.news/p/breaking-news-submission-to-un-calls>.

<sup>209</sup> According to academic and author Ronnie Lee, ARSA runs "a dual-track communications strategy. Publicly available communications aimed at legitimising the group in the eyes of outsiders, while private messages and face to face training were used to encourage Islamic religious observance and to project the group's capacity to undertake violence." See, Lee, "Myanmar's Arakan Rohingya Salvation Army (ARSA)," *Perspectives on Terrorism*, p. 69.

<sup>210</sup> See, for example, Fortify Rights interview with Z.D., Cox's Bazar District, Bangladesh, October 21, 2021; Fortify Rights interview with B.Z., Cox's Bazar District, Bangladesh, January 27, 2023; and Fortify Rights interview with E.I., Cox's Bazar District, Bangladesh, August 27, 2023.

<sup>211</sup> Fortify Rights interview with D.H., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>212</sup> Fortify Rights interview with D.Z., Cox's Bazar District, Bangladesh, March 25, 2023.

A month later, when he had still not joined ARSA, an ARSA commander told the man's relatives: "Now, [he] is not following our orders.' They told [my relative], 'When we find [him], we will not forgive him.' They told [my relative], 'All your family members will be at risk.'"<sup>213</sup>

The youth activist told Fortify Rights that he reached out to UNHCR but did not get a response: "I have sent an email to UNHCR. I have gotten no response. I called the [UNHCR] focal protection person in my camp, but he didn't pick up. I have tried calling at least five times, but he has not picked up the phone."<sup>214</sup>

He told Fortify Rights he fears reporting the incidents: "Recently, our head *majhi* was beaten badly by ARSA members, and [they] accused [him] of informing the police. Similarly, if I go to tell the authorities, I'll have the same fate as my *majhi*."<sup>215</sup>

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A *majhi* told Fortify Rights about incident in January 2023. He said: "[ARSA] came to my shelter and surrounded it by holding guns to look for me, but they couldn't find me as I was hiding outside the camp. ... That terrified me."<sup>216</sup>

He went on to say that a few days later: "[ARSA] came to my shelter again looking for me. They kicked on the shelter wall angrily. They [also] spread messages on social media, saying they will kidnap my son and my young daughter."<sup>217</sup>

Speculating on the reasons ARSA targets Rohingya leaders and *majhis*, he said: "[ARSA members] are targeting camp chairmen and *majhis* because they know we are cooperating with the [Bangladesh] authorities all the time. They think the authorities will know about [ARSA] movements through *majhis*."<sup>218</sup>

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In early October 2021, Bangladesh police ordered a Rohingya *majhi* to accompany them to the crime scene where refugee community leader Mohib Ullah was assassinated to share information with them about ARSA.<sup>219</sup> Afterward, ARSA threatened him by phone, forcing him into hiding.<sup>220</sup> He told Fortify Rights:

On that call, a person asked me, "Do you know me?" I replied, "I don't know you." Then he told me that he was a commander of ARSA, and he told me that they have evidence and reports against me saying that I'm helping the police apprehend [ARSA members]. ... I'm the senior [*majhi*] of my camp; that's why [ARSA members] are threatening me.<sup>221</sup>

"They even killed our leader [Mohib Ullah]," he told Fortify Rights, explaining that no one is safe from ARSA retaliation.<sup>222</sup>

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<sup>213</sup> *Ibid.*

<sup>214</sup> *Ibid.*

<sup>215</sup> *Ibid.*

<sup>216</sup> *Ibid.*

<sup>217</sup> *Ibid.*

<sup>218</sup> *Ibid.*

<sup>219</sup> Fortify Rights interview with Z.D., Cox's Bazar District, Bangladesh, October 21, 2021.

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> *Ibid.*

A Rohingya man and former village administrator in Rakhine State was threatened by ARSA in both Myanmar and Bangladesh.<sup>223</sup> He told Fortify Rights about his experience in Bangladesh:

[ARSA members] called me here [in Bangladesh] and said, "You still have links with the military there [in Rakhine State]. Be straight." Of course, I don't have links with the military. Now, they tell me, "You have been a village administrator, and you have linkages with the authorities." They say, "We will cut you here." I stay in my shelter now and don't really go out.<sup>224</sup>

He continued:

About a year ago [2022], [ARSA] would call me and tell me they would kill me. Around 15 members of ARSA came to my shelter to bring me to a meeting. I didn't see guns in their hands, but they had sticks. They brought me to a mosque in a block nearby. It was a meeting with their leader. They told me not to be a military informant [for the Myanmar junta] or for authorities in Bangladesh.<sup>225</sup>

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Fortify Rights also documented threats against refugees by members of the Arakan Rohingya Army (ARA), a separate armed militant group formally led by Nobi Hossain.<sup>226</sup> The group allegedly threatened a Rohingya sub-block *majhi* for collaborating with the APBn to stop drug trafficking in his camp.<sup>227</sup> The sub-block *majhi* said he has been living in hiding for more than 11 months because of threats from ARA, saying:

[ARA] is targeting me. This group was not able to get a stronghold in my block. I have a close tie [sic] with the police, and if there is a murder in the block or drugs being smuggled, I can easily call the police. They are targeting me, because they can't come to my block because I have been informing the authorities about them.<sup>228</sup>

\* \* \*

In another case documented by Fortify Rights, ARA threatened and tried to get a young Rohingya man to join their group in 2022. The Rohingya man in his twenties told Fortify Rights: "I could see ARA doing some criminal activities [in our camp]. I saw that [the commander of ARA] was working to arrest ARSA and beat some people. I don't know if these people [who were beaten] are ARSA or not."<sup>229</sup>

<sup>223</sup> Fortify Rights also collected testimony on ARSA threats against Rohingya in Rakhine State in 2016 and 2017. For example, the Rohingya former village administrator who fled to Bangladesh in 2017 told Fortify Rights about threats from ARSA in his village in May and June 2017 before the major attacks in Rakhine State. He said: "Sometimes [ARSA] would come and meet me. Sometimes they would threaten me. They told me once over the phone, 'We will slit your throat if you inform the military.' They called me two or three times a day. It was in May and June 2017 before the major violence." Fortify Rights interview with E.I., Cox's Bazar District, Bangladesh, August 27, 2023.

<sup>224</sup> *Ibid.*

<sup>225</sup> *Ibid.*

<sup>226</sup> According to ARA, the group was founded to protect the "homeland" and uphold "race and religious identity" as well as ensure "freedom from oppression and human rights abuses." See, Arakan Rohingya Army, "Press Statement: Document Reference 1/2020," on file with Fortify Rights, 2020 (unofficial translation). Nobi Hossain had led the group since Bangladesh authorities arrested the former leader, Nasrullah, in February 2020. In September 2024, police in Cox's Bazar reportedly arrested Nobi Hossain, the current leadership of ARA is unclear. Before Nobi Hossain's arrest, Bangladesh authorities announced that anyone with information leading to arrest of Nobi Hossain would receive an award of million Bangladeshi Taka [approximately US\$8,370]. See, Fortify Rights communication with D.C., September 2023; "Rohingya Smuggler Nabi Hossain Arrested," *Dhaka Tribune*, September 1, 2024, <https://www.dhakatribune.com/bangladesh/356841/rohingya-smuggler-nabi-hossain-arrested>; "Is Nabi Hossain Main Behind Violence at Rohingya Camp?," *Prothomalo*, March 8, 2023, <https://en.prothomalo.com/bangladesh/crime-and-law/xih7742scd>. See also, ARA official X account: [https://x.com/army\\_rohingya](https://x.com/army_rohingya).

<sup>227</sup> *Ibid.*

<sup>228</sup> Fortify Rights interview with F.A., Cox's Bazar District, Bangladesh, August 29, 2023.

<sup>229</sup> Fortify Rights interview with I.Z., Cox's Bazar District, Bangladesh, December 28, 2023.

The man continued:

[A] commander [of ARA] suspected I was informing and documenting his bad activities. He thought I was reporting to the government. He searched my mobile phone. He searched my WhatsApp, photo gallery, and Facebook [on my phone]. ... He asked me to support ARA. I told him I didn't know anyone against him. I told him I couldn't join ARA, because I am a humanitarian worker. ... [ARA commander] said, "No, you are living here [in the camp]. You are respected and educated. You have to support ARA."<sup>230</sup>

Later, the man said the threats persisted, saying: "In June [2023], the leader of ARA tried to abduct me for not joining their group."<sup>231</sup>

The Rohingya man said he negotiated with members of ARA to stop the threats. He said: "It is not easy to talk to UNHCR and get protection. I don't want to leave the camp. I have work to do here. ... It is better to negotiate myself with some of the armed group leaders."<sup>232</sup>

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<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.*

## II. Responses by Rohingya Militant Groups

Both the Rohingya Solidarity Organisation (RSO) and Arakan Rohingya Salvation Army (ARSA) have consistently denied any wrongdoing in both the camps in Bangladesh and Myanmar, despite the widespread documentation and reporting of such abuses. They both purport to be fighting to liberate the Rohingya people in Rakhine State from the Myanmar military and the Arakan Army (AA). However, through firsthand testimony, Fortify Rights established that, in 2024, the Myanmar junta and RSO are collaborating in armed conflict against the AA, representing a shift in Rohingya militant allegiances.<sup>233</sup>

“The RSO and the [Myanmar junta] military have mutual contact and movement in broad daylight,” said one Rohingya resident from Maungdaw Township. “The military junta and the RSO were fighting against the AA.”<sup>234</sup>

On May 15, 2024, after at least a year away from public view, Ata Ullah—the commander-in-chief of ARSA—released a video message pledging allegiance to an armed struggle for Rohingya rights while barely mentioning the Myanmar military junta but instead focusing on combatting the AA.<sup>235</sup> In August 2024, two ARSA members interviewed by Fortify Rights said they were actively fighting against AA.

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<sup>233</sup> Fortify Rights interview with A.A.Z., Cox’s Bazar District, Bangladesh, August 15, 2024. See also, Fortify Rights, “International Criminal Court: Investigate Arakan Army Massacre of Rohingya Civilians, Hold Perpetrators Accountable,” August 27, 2024, <https://www.fortifyrights.org/mya-inv-2024-08-27/>. Furthermore, RSO later confirmed to *Reuters*, “When [the Myanmar junta] are not attacking us, why do we make two targets at the same time? This has become an understanding by nature.” See, Devjyot Ghoshal, “Exclusive: On Myanmar’s Frontline, Rohingya Fighters and Junta Face a Common Enemy,” *Reuters*, September 6, 2024, <https://www.reuters.com/world/asia-pacific/myanmars-frontline-rohingya-fighters-junta-face-common-enemy-2024-09-06/>.

<sup>234</sup> Fortify Rights interview with A.A.Z., Cox’s Bazar District, Bangladesh, August 15, 2024. See also, Fortify Rights, “International Criminal Court: Investigate Arakan Army Massacre of Rohingya Civilians, Hold Perpetrators Accountable.”

<sup>235</sup> In the video, Ata Ullah said: “Thanks to Allah Almighty, I and other ARSA commanders and members are in good condition. ... We will never leave or abandon Arakan under any circumstances until we achieve the rights of the oppressed Rohingya nation. ... As [the Arakan Army] aim to create a Rakhine country by depriving the Rohingya of their rights, prepare yourselves fully and join us. We will provide the necessary weapons to fight. ... From the beginning, we have declared ourselves as servants of Arakan [Rakhine State]. We did not enter this struggle to attain positions of power. ... Our fight has always been solely to restore the rights of the Rohingya.” Video from ARSA on file with Fortify Rights, 2024.

“We are fighting [the] AA. ... Before, AA didn’t attack us. They got power now, and now they attack us. They have hatred in their hearts,” one ARSA member told Fortify Rights.<sup>236</sup>

Before the major uptick in violence in the refugee camps, Ata Ullah said in 2017 that ARSA was not a “terrorist” group: “Atrocity, violence, and injustice against any innocent civilians is not in the principles or policy of [ARSA].”<sup>237</sup> However, a senior leader within ARSA confessed to Fortify Rights that ARSA members were responsible for abuses, saying:

[Some senior ARSA leaders] would extort our people when they were in ARSA. They extorted, killed, and abused. When we senior commanders got reports of misconduct in the organization, we investigated it. We punished those who committed the crimes. They kidnapped, they raped, they killed people, and we found it and removed them.<sup>238</sup>

He provided no evidence of such investigations and punishments. Continuing, he said:

So, [people accusing ARSA] are misguiding the people by saying we are doing those things in the camps. We didn’t conduct killings. ... ARSA is powerful in the camps. So, if you do something wrong in the camps, like murder, the murderers will use the name of ARSA. We have a hierarchy in the camps and control people. ... Some ARSA members did wrong [in the camps]. If this happens, ARSA commanders will remove them from the organization, and sometimes those people form new organizations. ... We have removed former ARSA members who committed crimes. ... Ata Ullah and ARSA, who are in Myanmar, are fighting to restore our [Rohingya] citizenship. That’s why we also train our people with weapons to fight. We are freedom fighters.<sup>239</sup>

The senior leader also told Fortify Rights that he had organized meetings between ARSA and Bangladesh authorities, including the National Security Intelligence (NSI), in 2021, saying: “The NSI chief promised the ARSA commander that they would protect us. But NSI broke this promise. Two ARSA commanders were killed by RAB [Rapid Action Battalion]. It was in 2022 when RAB killed two ARSA commanders. I was an organizer of the meeting where NSI and ARSA met.”<sup>240</sup>

On July 11, 2023, ARSA released a statement on Twitter condemning “the recent killings of innocent Rohingya” and demanding “justice,” saying:

It is our belief that any form of violence or extrajudicial killings ... is deplorable and should be unequivocally condemned. ... There are irrefutable allegations of members of RSO perpetrating acts of violence against fellow Rohingya under the supposed protection of the Bangladeshi law [e]nforcement agency, APBn. These acts include brutal beatings and inhumane disposal of the mutilated bodies.<sup>241</sup>

Despite ARSA members denying responsibility for crimes, a former ARSA member told Fortify Rights in November 2023: “[ARSA] didn’t work with humanity and according to the humanitarian principles for our whole community. They found a man and killed him without checking whether the person committed any sin. They kill people without a reason. ... Many are kidnapped and extorted for money.”<sup>242</sup>

<sup>236</sup> Fortify Rights interview with A.A.B., location withheld, August 2024.

<sup>237</sup> Rebecca Wright and Ivan Watson, “Inside the Rohingya Resistance: The Rebels Who Provoked Myanmar’s Crackdown,” CNN, February 3, 2017, <https://edition.cnn.com/2017/02/03/asia/myanmar-rohingya-resistance/index.html>.

<sup>238</sup> Fortify Rights interviews with D.B., Bangladesh, March 25, 2023.

<sup>239</sup> *Ibid.*

<sup>240</sup> *Ibid.*

<sup>241</sup> ARSA official X account (formally known as Twitter), “ARSA Closely Condemns the Recent Killings of Innocent Rohingya and Demands Justice,” July 11, 2023, [https://twitter.com/ARSA\\_Official/status/1678746120346845186?s=20](https://twitter.com/ARSA_Official/status/1678746120346845186?s=20).

<sup>242</sup> Fortify Rights audio communication with H.D., Bangladesh, November 2023.

In 2023, Fortify Rights interviewed Mohammed Ayyub Khan, the commander-in-chief of RSO's military wing, who confessed to abuses by RSO members, saying: "There are maybe some RSO people beating refugees. ... Suppose we do more violence in the camps, we will get a bad name. So, we are not doing the kind of violence as ARSA."<sup>243</sup>

He continued:

We are not doing any taxing of refugees in the camps. If you have evidence against us, we will take action. ... We follow the law. We have a jail, and we have a chain of command. We have an established military command. If anyone does abuses, we have a law committee. ... We have a jail for criminals.<sup>244</sup>

In response to Fortify Rights's evidence of abuses, including abductions and killings, by RSO, the commander said:

RSO is not killing, kidnapping, running drugs, or trafficking. In our whole history, we have remained blameless. For example, in Zero Point [also known as No Man's Land], we arrested ARSA members. If it were ARSA who arrested us, they would have killed us. But we arrested the people and didn't kill any person. We handed them over to the government authorities.<sup>245</sup>

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<sup>243</sup> Fortify Rights interview with F.E., Bangladesh, exact date withheld, 2023.

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*



### III. Responses by the Former Government of Bangladesh and the U.N. Refugee Agency

Under the authoritarian government of the now-deposed Sheikh Hasina, impunity long reigned in the camps, partly due to the former government's protracted denial of the existence of Rohingya militants in the camp.<sup>246</sup> Exacerbating the protection concerns, Bangladesh authorities have also been responsible for committing human rights violations against Rohingya refugees in Cox's Bazar District.<sup>247</sup> The avoidable gaps in the government and humanitarian responses have further left Rohingya refugees without adequate protection.

#### Failure by Bangladesh to Acknowledge the Existence of Militant Groups in the Camps

For years, the Government of Bangladesh refused to publicly acknowledge the existence or activities of the Rohingya militant groups in Bangladesh territory.<sup>248</sup> This denial resulted in a lack of any response by Bangladesh authorities to attacks on Rohingya refugees by Rohingya militants.

In December 2021, the U.N. Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, conducted a weeklong monitoring trip to the refugee camps in Bangladesh, after which he reported on the Arakan Rohingya Salvation Army (ARSA)'s involvement in crimes against Rohingya in the camps. He told journalists, "I have received credible reports that members of ARSA

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<sup>246</sup> Furthermore, Fortify Rights documented other violations outside the refugee camps. In July and August 2023, Fortify Rights documented the involvement of Bangladesh's security forces and members of the then-ruling Awami League—the political party of the ousted Prime Minister Sheikh Hasina—in protest-related killings and violence in Bangladesh. See, "Bangladesh: Ensure Accountability for Protest Killings and Violence, Support Survivors," November 12, 2024, <https://www.fortifyrights.org/bgd-inv-2024-11-12/>.

<sup>247</sup> Fortify Rights, "Bangladesh: Investigate Refugee-Beatings by Police, Lift Restrictions on Movement," May 26, 2022, <https://www.fortifyrights.org/bgd-inv-2022-05-26/>;

<sup>248</sup> "There is no existence of ARSA or any other terrorist outfits in the Rohingya camps," said Masud Hossain, the superintendent of police in Cox's Bazar in 2020. "Govt Officials: No Existence of ARSA in Rohingya Camps," *Dhaka Tribune*, August 18, 2020, <https://archive.dhakatribune.com/bangladesh/rohingya-crisis/2020/08/18/govt-officials-no-existence-of-arsa-in-rohingya-camps>. See also, "ARSA Presence at Rohingya Camps: Everybody Knows Few Dare Speak," *Daily Star*, November 20, 2021, <https://www.thedailystar.net/rohingya-influx/news/arsa-presence-rohingya-camps-everybody-knows-few-dare-speak-2233966>. "Bangladesh Denies ARSA Militants' Presence at Rohingya Camps," *The New Indian Express*, October 30, 2019, <https://www.newindianexpress.com/world/2019/Oct/30/bangladesh-denies-arsa-militants-presence-at-rohingya-camps-2054832.html>.

have killed, tortured, abducted, and threatened Rohingya refugees.”<sup>249</sup> Special Rapporteur Andrews also reported on ARSA’s likely responsibility for the assassination of prominent Rohingya refugee leader Mohib Ullah in the camps.<sup>250</sup>

Despite the Special Rapporteur’s findings and the Bangladesh government’s public commitment to investigate Mohib Ullah’s assassination, the government continued to deny the existence of ARSA. In response to the Special Rapporteur’s report, the former Bangladesh Foreign Minister A.K. Abdul Momen said: “[Tom Andrews] talked about ARSA, but we did not see any presence of ARSA here. ... If he identified any ARSA member and shared the information with us, we will send them to their country. We want to see the ARSA people [he is talking about].”<sup>251</sup>

On March 16, 2022, the Special Rapporteur published a country report to the Human Rights Council that included a lengthy annex highlighting his Bangladesh mission findings, including details on human rights abuses by ARSA in the refugee camps and other violations against Rohingya in Bangladesh as well as the government’s refusal to acknowledge ARSA.<sup>252</sup> The report states:

When the Special Rapporteur brought these security concerns to the Bangladesh Government, highlighting the dangers that the Rohingya claimed that ARSA was creating, senior officials were often dismissive of the claim and attributed security issues in the Cox’s Bazaar [sic] camps to unspecified criminal gangs and miscreants. These officials insisted that there is no ARSA presence in the refugee camps.<sup>253</sup>

As per the protocol of the U.N. special procedures, the Government of Bangladesh would have been briefed on these findings in advance of the publication of the Special Rapporteur’s report on March 16. On the same day of the Special Rapporteur’s report publication, the former Government of Bangladesh officially, and finally, acknowledged ARSA and its involvement in the assassination of Mohib Ullah.<sup>254</sup> A Bangladesh official stated, “[ARSA] thought Mohib Ullah and his organization had become more organized and popular than ARSA. So they killed him.”<sup>255</sup>

Despite its failure to publicly acknowledge the existence of ARSA, evidence suggests that the Bangladesh government was previously aware of ARSA and its activities inside the camps. For example, Fortify Rights reviewed a memo from the Bangladesh Army marked “confidential” and dated February 15, 2022, citing the presence of ARSA and an “increase in terrorist activities in the FDMN [Forcibly Displaced Myanmar Nationals] camps.”<sup>256</sup> The memo also cites incidents of ARSA activities in 2021.<sup>257</sup>

The confidential memo further details actions by Bangladesh security forces to combat ARSA, including “special operations in coordination with joint forces to apprehend identified terrorists and recover illegal weapons.”<sup>258</sup> The memo outlines three raids on “ARSA” or “ARSA terrorists” in 2021 and 2022.<sup>259</sup>

<sup>249</sup> UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, “Mission to Bangladesh 13 - 19 December 2021,” End of Mission Statement, <https://www.ohchr.org/en/statements/2022/03/mission-bangladesh-13-19-december-2021>.

<sup>250</sup> *Ibid.*

<sup>251</sup> “U.N. Rapporteur: Rohingya Militants Kill, Abuse Refugees in Bangladesh Camps,” *Radio Free Asia*, December 20, 2021, <https://www.rfa.org/english/news/myanmar/un-rohingya-12202021171519.html>.

<sup>252</sup> OHCHR, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Thomas H. Andrews, A/HRC/49/76, June 13, 2022.

<sup>253</sup> *Id.* at p. 23.

<sup>254</sup> “Insurgents Murdered Rohingya Leader,” *Agence France Press*, March 16, 2022, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/insurgents-murdered-rohingya-leader-2984026>.

<sup>255</sup> *Ibid.*

<sup>256</sup> “FDMN” is a euphemism for “refugees,” reflecting Bangladesh’s refusal to acknowledge Rohingya as refugees. Confidential Bangladesh Army memo reviewed by Fortify Rights, February 15, 2022.

<sup>257</sup> *Ibid.*

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*

Another confidential intelligence memo by the Bangladesh authorities, dated 2022 with no month, reviewed by Fortify Rights further confirms the Bangladesh government's awareness of ARSA's abuses against Rohingya refugees in camp. The memo states:

When any Rohingya protest against the ARSA activities complaint [*sic*] to the camp in charge of the police or inform intelligence agencies about the group, the ARSA issues death threats and, in some cases, kill them. ... [O]ver 150 active extremists of ARSA are targeting volunteers or general Rohingya helping the Bangladeshi law enforcement and intelligence agencies.<sup>260</sup>

In October 2022, a senior officer of a police unit in Cox's Bazar—who wished to remain anonymous—told the media that ARSA was responsible for the killings of *majhis*, saying: "These are targeted killings by ARSA. The internal clashes in Myanmar are impacting the security situation in the camps."<sup>261</sup>

The next month, Farouk Ahmed, spokesperson for Bangladesh's Armed Police Battalion (APBn)—a specialized police unit mandated to protect the refugee camps—told the media that ARSA was involved in the "murder, extortion, kidnapping, drug peddling, and human trafficking" of Rohingya refugees.<sup>262</sup> That same month, Bangladesh police reportedly launched "Operation Root Out," resulting in the arrest of more than 830 people for criminal and militant activity in or surrounding the refugee camps.<sup>263</sup> Around this same time, Bangladesh authorities appear to also have cooperated with the Myanmar military junta in countering ARSA. A 45-page internal document from the Myanmar junta's Central Anti-Terrorism Department obtained by Fortify Rights states:

The ARSA terrorist group were positioned along the Myanmar-Bangladesh border during the year 2022 and there were fights with the [Myanmar] security forces four times in northern Rakhine State. Myanmar in coordination with BGB [Border Guard Bangladesh] and Bangladesh special forces conducted a clearance operation in the refugee camps where [ARSA] were hiding in early December 2022.<sup>264</sup>

More recently, just months before the resignation of Prime Minister Sheikh Hasina following the student-led protests and crackdown by Bangladesh security forces, spokesperson Arafat Islam of Bangladesh's Rapid Action Battalion (RAB) stated in a press conference: "We conducted several operations and arrested 110 ARSA members and recovered a huge amount of explosives and weapons from their possessions."<sup>265</sup>

## Violations Against Rohingya Refugees by Bangladesh Authorities

In addition to confirming the existence of ARSA and their problematic activities in Bangladesh, the confidential memo from the Bangladesh Army dated February 15, 2022, and obtained by Fortify Rights also mentions friction between APBn and the Army, citing "unprofessional behavior" by APBn in "carrying out their duties" in the camps.<sup>266</sup> Although the memo fails to provide further details to clarify APBn's "unprofessional behavior," Fortify Rights has documented beatings,

<sup>260</sup> *Ibid.*

<sup>261</sup> "Two Rohingya Camp Leaders Killed in Bangladesh," *Al Jazeera*, October 16, 2022, <https://www.aljazeera.com/news/2022/10/16/two-rohingya-camp-leaders-killed-in-bangladesh>.

<sup>262</sup> Tanbirul Miraj Ripon, "Targeted Killings Spread Terror in Rohingya Refugee Camps," *The Diplomat*, November 15, 2022, <https://thediplomat.com/2022/11/targeted-killings-spread-terror-in-rohingya-refugee-camps/>.

<sup>263</sup> *Ibid.*; "Bangladesh Police Arrest 'Most Wanted' ARSA Member at Rohingya Camp," *Benar News*.

<sup>264</sup> Internal document issued by the Myanmar junta's Central Anti-Terrorism Department on file with Fortify Rights. See also, "Myanmar Bangladesh Joint Offensive Cracks Down on Rohingya," *Southeast Asia Globe*, February 16, 2023, <https://southeastasiaglobe.com/leaked-papers-reveal-joint-myanmar-bangladesh-offensive-against-rohingya/>.

<sup>265</sup> "RAB Drives Against ARSA 'Criminals' Continue," *UNB*, May 17, 2024, <https://unb.com.bd/category/Bangladesh/rab-drives-against-arsa-criminals-continue/135755>.

<sup>266</sup> Confidential Bangladesh Army memo, February 15, 2022, on file Fortify Rights.

torture, extortion, and other violations against Rohingya refugees by the APBn dating back to 2022. Fortify Rights found that APBn beat with batons, choked, and used other torture methods against Rohingya refugees to extort payments, sometimes amounting to the equivalent of thousands of U.S. dollars.<sup>267</sup> Fortify Rights also documented how APBn detained Rohingya refugees, including children, in the camps.<sup>268</sup>

More recently, Fortify Rights documented an incident of sexual assault by APBn in 2024. A Rohingya woman described how three APBn officers entered her camp shelter and a senior-level officer sexually assaulted her in 2024. She said: “[The senior officer] was trying to hold my breast, so I said, ‘If you want to check my body, call a female member.’”<sup>269</sup> The woman identified the officer responsible.

On May 29, 2024, Fortify Rights submitted a 10-page memo to the National Human Rights Commission of Bangladesh outlining APBn abuses against refugees. At the time of writing, Fortify Rights has not received a response.

In response to evidence of official wrongdoing published by Fortify Rights, Bangladesh government officials have claimed, without evidence, to have taken action. For example, Amir Zafar, a deputy inspector general at APBn, said during a media interview: “We take such allegations very seriously. If any police official gets involved in unethical activities, we take action after conducting an investigation.”<sup>270</sup> Another APBn deputy inspector general, Molla Nazrul Islam, similarly told a media outlet, “We must investigate if we receive any formal complaint [of official wrongdoing].”<sup>271</sup>

At the time of writing, no available information indicates that APBn officers have been held accountable for human rights violations against Rohingya refugees in the camps in Cox’s Bazar District. Moreover, APBn is not mandated to take case reports or to investigate crimes, creating gaps in policing and access to justice for Rohingya refugees.<sup>272</sup>

### Protection Concerns in the Jointly-Operated Transit Centers

One of the few protection options available for Rohingya refugees is to relocate to one of several “transit centers” jointly operated by Bangladesh authorities and the U.N. High Commissioner for Refugees (UNHCR)—the U.N. agency mandated to protect refugees. An emergency handbook published by UNHCR describes the transit centers as temporary shelters intended for a “period of two to five days.” UNCHR guidance says, “Given the short-term, temporary nature of transit centres, there is no longer-term standard. A transit centre should be designed for short stays ranging from two to five days on average, with a foreseen high turnover rate.”<sup>273</sup> According to UNHCR, transit centers have doubled up as safe houses “used at the very onset of an emergency” by refugees facing threats until safer accommodation can be secured.<sup>274</sup>

The largest transit center opened in October 2017 following the Myanmar military-led attacks in Rakhine State and was meant to provide temporary shelter, immediate lifesaving assistance, and

<sup>267</sup> Fortify Rights, “Bangladesh: Ensure Accountability for Police Corruption, Torture of Rohingya Refugees,” August 10, 2023, <https://www.fortifyrights.org/bgd-inv-2023-08-10/>.

<sup>268</sup> Fortify Rights, “Bangladesh: Investigate Refugee-Beatings by Police, Lift Restrictions on Movement,” May 26, 2022, <https://www.fortifyrights.org/bgd-inv-2022-05-26/>.

<sup>269</sup> Fortify Rights interview with A.Z.I., Cox’s Bazar District, Bangladesh, January 15, 2024.

<sup>270</sup> Arafatul Islam, “Bangladesh Police Accused of Abusing Rohingya Refugees,” *Deutsche Welle*, August 19, 2023, <https://www.dw.com/en/bangladesh-police-accused-of-abusing-rohingya-refugees/a-66551647>.

<sup>271</sup> “Accountability for Police Corruption, Torture of Rohingyas Demanded,” *New Age*, August 11, 2023, <https://www.newagebd.net/article/209169/accountability-for-police-corruption-torture-of-rohingyas-demanded>.

<sup>272</sup> The International Institute for Strategic Studies, “Competing Groups New Threat to Rohingya in Bangladesh,” December 2023, <https://myanmar.iiss.org/analysis/rohingya>.

<sup>273</sup> UNHCR, “Emergency Handbook,” section on “Transit centres,” July 25, 2024, <https://emergency.unhcr.org/emergency-assistance/shelter-camp-and-settlement/transit-centers/transit-centres>.

<sup>274</sup> *Ibid.*

services for newly arriving Rohingya refugees fleeing atrocity crimes in Myanmar.<sup>275</sup> The transit centers in Bangladesh, including the main center that opened in October 2017, now holds an untold number of Rohingya who are living there indefinitely due to continuing security concerns in the camps.

Fortify Rights spoke with Rohingya refugees currently living in and who spent time in the transit centers. Residents and former residents of the transit centers reported experiencing protection concerns, overcrowding, inadequate access to basic resources, and restrictions on movement and contact with family members in the transit centers.<sup>276</sup> For example, a Rohingya human rights defender residing in the main transit center told Fortify Rights how four or five RSO members broke into the transit center on March 27, 2024 and found him. He said:

[The RSO members] came inside on March 27, [2024]. One member had a gun. He had a pistol when he was talking to me. I could see it. One of the RSO men told me, "You have to come with me." They brought me to the RSO members at the back of the transit center. They kept telling me, "You have to work with us." They said, "If you don't work or give us money, we will kidnap you."<sup>277</sup>

On April 1, 2024, the man wrote an appeal letter outlining the incident to the UNHCR office in Cox's Bazar. The letter, which is on file with Fortify Rights, reads: "I am not safe totally inside the Transit Center. ... RSO members [are threatening to kill me]."<sup>278</sup> The letter also urges "UNHCR to investigate the matter."<sup>279</sup>

Recalling his interaction with a UNHCR protection officer following the incident, the man said:

UNHCR staff is not available. I told the UNHCR staff, "I am not feeling safe here in the transit center." I asked him, "Please give me security here." He told me, "My boss is not responding to me." He told me, "Send me the details about your threat in WhatsApp, and I will send them to my boss." ... Still, UNHCR has yet to respond [after months].<sup>280</sup>

More than two weeks after submitting the appeal letter to UNHCR, the man told Fortify Rights: "The armed group of RSO members is still threatening me."<sup>281</sup>

A Rohingya refugee community leader living in a transit center for more than four months also told Fortify Rights about the lack of information from UNHCR. He said:

I have not received any information from UNHCR regarding the duration of my stay and the measures [UNHCR] are taking to ensure my safety. ... It would be beneficial for UNHCR to ensure the safety of vulnerable individuals, such as myself, by implementing measures to prevent criminals from approaching us or hiring individuals [who may] harm us [in the transit center]. ... Additionally, the transit center's fence is currently broken.<sup>282</sup>

The man also said: "[I]t is not easy to talk to those who are protection focal [officers] of UNHCR here [in the transit center]."<sup>283</sup>

<sup>275</sup> UNHCR, "Bangladesh: Thousands of New Arrivals Assisted at Transit Centre, Camp," October 20, 2017, <https://www.unhcr.org/ph/12830-bangladesh-thousands-new-arrivals-assisted-transit-centre-camp.html>. UNHCR, "Bangladesh Refugee Emergency: Transit Centre Factsheet," December 2018.

<sup>276</sup> See, for example, Fortify Rights interview with I.D., Cox's Bazar District, Bangladesh, April 16, 2024; Fortify Rights interview with Z.G., Cox's Bazar District, Bangladesh, November 19, 2022; Fortify Rights interview with A.D., Cox's Bazar District, Bangladesh, September 19, 2022.

<sup>277</sup> Fortify Rights interview with I.D., Cox's Bazar District, Bangladesh, April 16, 2024.

<sup>278</sup> Appeal letter to UNHCR on file with Fortify Rights, April 1, 2024.

<sup>279</sup> *Ibid.*

<sup>280</sup> Fortify Rights interview with I.D., Cox's Bazar District, Bangladesh, April 16, 2024.

<sup>281</sup> *Ibid.*

<sup>282</sup> Fortify Rights interview and communication with Z.D., Cox's Bazar District, Bangladesh, March 11, 2023.

<sup>283</sup> Fortify Rights follow-up communication with Z.D., Cox's Bazar District, Bangladesh, May 19, 2023.

In addition to physical protection concerns, Rohingya refugees reported a lack of access to services, including mental health services.<sup>284</sup> Refugees residing in the transit centers can only access mental health practitioners who visit the centers on weekdays or through referrals to treatment outside the transit centers.<sup>285</sup> A Rohingya human rights defender forced to move to a transit center in November 2022 due to threats by ARSA described the challenges in obtaining mental health support, saying: “As we cannot go out, where is psychosocial support available? I cannot find any mental health facility here. So, I requested if UNHCR can help to get access [to] psychological support for [my] mother and sister, but it [has been] more than three months now [without any referral].”<sup>286</sup>

A 56-year-old Rohingya refugee woman and mother of seven children living in the transit center for two months told Fortify Rights: “I have a daughter in Balukhali Camp. I cannot go to visit her. ... [W]e cry and lose all the water in our eyes by crying every day about what will happen in our future.”<sup>287</sup>

## Third-Country Resettlement

In September 2024, a month after being sworn in as the chief advisor to Bangladesh’s interim government, Dr. Muhammad Yunus expressed a vision for a “resettlement process” for refugees in Bangladesh that would be “easy, regular, and smooth.”<sup>288</sup>

Under the former Sheikh Hasina regime, despite offers from governments to accept Rohingya refugees, Dhaka refused to permit refugees to resettle to third countries—an apparent misguided strategy to prevent drawing refugees to Cox’s Bazar.<sup>289</sup> However, in 2021, Hasina’s government committed to the Global Compact on Refugees (GCR)—a U.N. framework to promote sustainable solutions to refugee situations through “more predictable and equitable responsibility-sharing” among U.N. member states.<sup>290</sup> Part of the GCR objectives includes expanding access to third-country resettlement.

Following this commitment, Hasina’s government allowed the resettlement of Mayyu Ali, a Rohingya poet and human rights defender who worked with Fortify Rights and other international human rights groups as a consultant, and his wife and child—the first known official resettlement of a Rohingya refugee to take place since 2010. Fortify Rights and other human rights groups advocated for his resettlement for years, given increased threats to his safety by ARSA.<sup>291</sup> Other refugees seeking resettlement have since followed, but in limited numbers.<sup>292</sup> According to UNHCR resettlement data, between 2022 and 2024, Bangladesh authorities, UNHCR, and governments with resettlement programs have facilitated third-country resettlement for more than 3,500 Rohingya refugees. The data from 2021 does not display on the data finder, however, Fortify Rights is aware of Rohingya being resettled that year.<sup>293</sup>

<sup>284</sup> Fortify Rights interview with Z.G., Cox’s Bazar District, Bangladesh, November 19, 2022; Fortify Rights interview with Z.D., Cox’s Bazar District, Bangladesh, March 13, 2023; Fortify Rights communication with Bangladesh researcher, Cox’s Bazar District, Bangladesh, March 10, 2023.

<sup>285</sup> Fortify Rights communication with UNHCR, March 2023.

<sup>286</sup> Fortify Rights interview with Z.G., Cox’s Bazar District, Bangladesh, November 19, 2022.

<sup>287</sup> Fortify Rights interview with A.C., Cox’s Bazar District, Bangladesh, September 6, 2022.

<sup>288</sup> Ruma Paul, “Bangladesh Calls for Faster Resettlement Process for Rohingya,” *Reuters*, September 8, 2024, <https://www.reuters.com/world/asia-pacific/bangladesh-calls-faster-resettlement-process-rohingya-2024-09-08/>.

<sup>289</sup> UNHCR, “Resettlement Data Finder,” website, <https://rsq.unhcr.org/en/>. See also, John Quinley, “A Roadmap to Protect Refugees,” *Dhaka Tribune*, December 15, 2023, <https://www.dhakatribune.com/opinion/op-ed/333931/a-roadmap-to-protect-refugees>.

<sup>290</sup> The Global Compact on Refugees, “About,” website, <https://globalcompactrefugees.org/about-digital-platform/global-compact-refugees>.

<sup>291</sup> Fortify Rights communication with Mayyu Ali, August 2021.

<sup>292</sup> “14 More Family Members of Mohib Ullah Going to Canada,” *Dhaka Tribune*, September 27, 2022, <https://www.dhakatribune.com/bangladesh/2022/09/26/14-more-family-members-of-mohib-ullah-going-to-canada>.

<sup>293</sup> UNHCR, “Resettlement Data Finder,” website, <https://rsq.unhcr.org/>. On December 13, 2022, the U.S. government announced the establishment of a resettlement program for Rohingya refugees in collaboration with Bangladesh and UNHCR as part of its global U.S. Refugee Admissions Program. United States Department of State, “Resettlement

Year	Country of origin	Country of asylum	Country of resettlement	Persons
2022	Myanmar	Bangladesh	Canada	48
	Myanmar	Bangladesh	United States of America	62
2023	Myanmar	Bangladesh	Canada	84
	Myanmar	Bangladesh	United States of America	152
2024	Myanmar	Bangladesh	Canada	937
	Myanmar	Bangladesh	United States of America	1844
	Myanmar	Bangladesh	Australia	339
	Myanmar	Bangladesh	New Zealand	68
	Myanmar	Bangladesh	Finland	5

## Lack of Protection by the U.N. Refugee Agency

Other protection gaps exist due to a lack of appropriate responses by UNHCR. In most cases where Rohingya faced threats to their lives, they told Fortify Rights they had been unable even to contact UNHCR protection staff or had not received any protection even when they did manage to reach UNHCR protection staff to report the threats. For example, a Rohingya man told Fortify Rights about how he attempted to report threats against his life by ARSA in 2023 to UNHCR and the Bangladesh authorities. He said:

There is a separate office for UNHCR in the CiC [Camp-in-Charge] office. I went to report the case [to UNHCR]. I could not meet UNHCR, and a volunteer met with us and only took our name and some brief details. The second time I tried to report the case, I waited until the afternoon. We could not meet CiC or any UNHCR people.<sup>294</sup>

ARSA threatened the man for supporting a *majhi*, who was also a relative, that ARSA had shot and wounded. ARSA members came to his shelter after the man had returned to the camp from bringing the *majhi* to the hospital.<sup>295</sup> He said:

[ARSA] came around 12 midnight. They asked us to open the door. My wife did not open the door. ... They directly told my wife, "We are from *al-Yaqin* [ARSA]." ... They were wearing pants, black t-shirts, and a black cloth COVID mask. ... They said, "Why did you help [the *majhi*]? Do you want to lose your life? We could not kill your [relative], but we will cut you down."<sup>296</sup>

Initiative for Vulnerable Rohingya Refugees in Bangladesh," December 13, 2022, <https://www.state.gov/resettlement-initiative-for-vulnerable-rohingya-refugees-in-bangladesh/>. Other governments, including Canada, are also now working with the Bangladesh authorities to provide third-country resettlement. Fortify Rights meeting notes with donor governments, Dhaka Bangladesh, March 2023.

<sup>294</sup> Fortify Rights interview with C.B., Cox's Bazar District, Bangladesh, March 22, 2023.

<sup>295</sup> *Ibid.*

<sup>296</sup> *Ibid.*

The man went into hiding after the incident. He remains in hiding and, at the time of writing, has not heard from UNHCR.<sup>297</sup>

A Rohingya refugee working with a Rohingya-led organization in the camps shared a similar experience after he reported to UNHCR how ARSA accused him of being a government informant and threatened his life in December 2023. He said: “I met with a UNHCR protection in person. I told them everything. [The UNHCR focal point] didn’t try to give me any solution. He said, ‘Stay aware ... [and] please try to protect yourselves.’ ... Now the [UNHCR] focal point is not answering my calls.”<sup>298</sup>

A Rohingya human rights defender also failed to receive an appropriate response from UNHCR after an unknown Rohingya group abducted and held him for two days in September 2023. He said:

I went to the [UNHCR] protection focal point [in my camp]. I shared all the details about my abduction with them. They said they could transfer me to a different camp. The UNHCR’s focal point asked, “Which camp is safe for you?” I told them there were no camps that were safe, because the armed groups are looking for me [and are present in all of the camps].<sup>299</sup>

As of October 2024, more than a year later, UNHCR failed to follow up on his case after providing no other alternatives to the man.<sup>300</sup> The man said, “There is no response [from UNHCR]. ... The situation in the camp has become worse than before. I’m always entangled by fear.”<sup>301</sup>

A documentary film by the BBC in December 2023 spotlighted cases of unanswered appeals for protection by Bangladesh nationals working with UNHCR.<sup>302</sup> In response to the documentary, UNHCR acknowledged the allegations and said: “They are unacceptable and in no way reflect our values and principles. We encourage anyone with relevant information to contact our senior management and/or the Inspector General’s Office to report any type of misconduct so appropriate action can be taken.”<sup>303</sup>

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<sup>297</sup> *Ibid.*

<sup>298</sup> Fortify Rights interview with H.G., Cox’s Bazar District, Bangladesh, December 21, 2023.

<sup>299</sup> Fortify Rights interview with G.B., Cox’s Bazar District, Bangladesh, September 14, 2023.

<sup>300</sup> Fortify Rights communication with G.B., Cox’s Bazar District, Bangladesh, October 21, 2024.

<sup>301</sup> *Ibid.*

<sup>302</sup> A Rohingya UNHCR protection field team member told the BBC that he referred protection cases to his UNHCR Bangladesh managers, but they failed to act. He told the BBC: “[The UNHCR managers] just dismiss people, simply saying, ‘It isn’t my job.’ I’ve rarely witnessed anyone receive protection from the UNHCR Protection Unit. The local [Bangladesh] staff don’t employ respect or dignity when communicating with people. That’s the reason for these issues. [As someone] working with the protection team I’ve personally experienced mistreatment. I can only imagine how they treat other Rohingya. I would like to point out that there is a lack of effective supervision of field-level staff by those at the senior level. When the protection unit just displays a signboard but doesn’t offer any real protection what is the point of having a protection unit?” See, “Our World – The Rohingya Camps – Let Down by the UN,” BBC, December 2, 2023, <https://www.bbc.co.uk/iplayer/episode/m001t72d/our-world-the-rohingya-camps-let-down-by-the-un>.

<sup>303</sup> UNHCR, “Statement on UNHCR’s Protection Response in Bangladesh,” December 2, 2023, <https://www.unhcr.org/asia/news/press-releases/statement-unhcr-protection-response-bangladesh>.

## IV. Legal Framework

This report considers treaty-based and customary international law frameworks concerning human rights law, international humanitarian law, and international criminal law, as well as domestic Bangladeshi law to examine the legal implications of the violence perpetrated by militant groups against Rohingya refugees in Bangladesh.

### International Human Rights Law

International human rights law primarily governs States, especially how States treat and govern individuals. Individuals are granted certain human rights under international law, but the obligation under human rights law falls to the States to ensure those rights are upheld. Under international human rights law, Bangladesh is obligated to uphold rights guaranteed under customary international law as well as core human rights treaties to which Bangladesh is a party, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), and the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT).<sup>304</sup> Bangladesh is also a signatory to the Universal Declaration of Human Rights (UDHR), "parts of which have clearly become customary international law."<sup>305</sup>

The U.N. Human Rights Committee has recognized that the ICCPR should apply "without discrimination between citizens and aliens," including to refugees.<sup>306</sup>

In line with its commitments under international human rights law, Bangladesh has a responsibility to ensure rights to life and liberty, security, non-discrimination, protection from torture or ill-treatment, freedom of movement, access to justice, and an adequate standard of living.

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<sup>304</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316, acceded by Bangladesh on September 6, 2000; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316, acceded by Bangladesh on October 5, 1998; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. Res. 34/180, U.N. Doc. A/34/46, acceded by Bangladesh November 6, 1984; International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), adopted on December 21, 1965, G.A. Res. 1514 (XV), U.N. Doc. A/RES/2106, ratified by Bangladesh on June 11, 1979; Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT), adopted December 10, 1984, G.A. Res. 3452 (XXX), U.N. Doc. A/RES/44/144, acceded by Bangladesh on October 5, 1998.

<sup>305</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810, voted in favor by Bangladesh; Philip Alston and Ryan Goodman, *International Human Rights: The Successor to International Human Rights in Context* (Oxford: Oxford University Press, 2012), p. 532.

<sup>306</sup> Human Rights Committee, *General Comment 15: The Position of Aliens under the Covenant*, U.N. Doc. HRI/GEN/1/Rev.6, April 11, 1986.

Non-state armed groups are also bound by international human rights law and customary international law and are subject to the laws of the country where they operate.<sup>307</sup>

## Right to Life and Security

The right to life and security is enshrined in the UDHR, ICCPR, and CAT, all of which Bangladesh is a party.<sup>308</sup> Article 32 of the Constitution of Bangladesh states: “No person shall be deprived of life or personal liberty save in accordance with law.”

In addition to the right to life and liberty, Article 3 of the UDHR and Article 9(1) of the ICCPR guarantee everyone “security of person.”<sup>309</sup>

Although there is no definition of arbitrary detention, Fact Sheet No. 26 of the Working Group on Arbitrary Detention set guidelines to identify situations that constitute arbitrary detention. These include situations where individuals are detained:

Because, having been unable to benefit from the fundamental guarantees of the right to a fair trial, they have been imprisoned without an arrest warrant and without being charged or tried by an independent judicial authority, or without access to a lawyer; detainees are sometimes held incommunicado for several months or years, or even indefinitely.<sup>310</sup>

In General Comment 35, the U.N. Human Rights Committee further clarified the meaning of the terms, “security of person,” and “everyone” in the following terms:

Security of person concerns freedom from injury to the body and the mind, or bodily and mental integrity. ... Article 9 guarantees those rights to everyone. “Everyone” includes, among others, girls and boys, soldiers, persons with disabilities, lesbian, gay, bisexual and transgender persons, aliens, refugees and asylum seekers, stateless persons, migrant workers, persons convicted of crime, and persons who have engaged in terrorist activity.<sup>311</sup>

Therefore, the right to security of person applies to everyone regardless of their legal status and country of nationality or residence.<sup>312</sup>

Bangladesh also acceded to the ICERD. Article 5(b) of the treaty upholds the “right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by an individual group or institution.”<sup>313</sup>

Rohingya in Bangladesh have the right to life and security against violence and bodily harm committed by anyone, including non-state actors, under Bangladesh’s domestic laws. Article 32 of the Bangladesh Constitution provides that “No person shall be deprived of life or personal liberty save in accordance with law.”<sup>314</sup>

Members of militant groups have systematically and egregiously violated the rights of Rohingya to life and security by committing killings, abductions, torture, and other violations against Rohingya refugees in the camps as documented in this report.

<sup>307</sup> Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), *General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19*, U.N. Doc CEDAW/C/GC/35, July 26, 2017, para. 25.

<sup>308</sup> See, e.g., ICCPR, Art. 6(1): “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

<sup>309</sup> UDHR, Art. 3; ICCPR, Art. 9(1).

<sup>310</sup> OHCHR, “Fact Sheet No. 26, The Working Group on Arbitrary Detention,” February 14, 2024, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet26en.pdf>.

<sup>311</sup> Human Rights Committee, *General Comment No. 35: Article 9 Liberty and Security of Person*, para. 3.

<sup>312</sup> Human Rights Committee, *General Comment No. 15: The Position of Aliens Under the Covenant*, CCRP/C/21/Rev.1/Add.9, 1999.

<sup>313</sup> ICERD, Art. 5.

<sup>314</sup> Constitution of the People’s Republic of Bangladesh, 1972, Art. 32.

## Prohibition Against Torture and Other Forms of Ill-Treatment

The right to be free from torture and other forms of ill-treatment is protected by treaty-based law and customary international law.<sup>315</sup> Under the ICCPR, States are legally bound to "respect and to ensure to all individuals" the right to be free from torture and other forms of ill-treatment.<sup>316</sup>

Bangladesh, specifically, is a state party to the CAT, ICCPR, and a signatory to the UDHR, all of which—among many other applicable regimes—uphold *everyone's* right to be free from torture. The U.N. Committee against Torture maintains that the absolute prohibition of torture applies to all citizens and "non-citizens" under the territory of any state party.<sup>317</sup> The U.N. Human Rights Committee has further clarified this point, saying:

Aliens thus have an inherent right to life, protected by law, and may not be arbitrarily deprived of life. They must not be subjected to torture or to cruel, inhuman or degrading treatment or punishment; nor may they be held in slavery or servitude. Aliens have the full right to liberty and security of the person.<sup>318</sup>

Torture is defined as "severe pain or suffering, whether physical or mental," intentionally inflicted for a specific purpose, such as punishment, intimidation, or coercion, "or for any reason based on discrimination of any kind."<sup>319</sup> Under CAT, torture is committed "when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."<sup>320</sup>

The Rome Statute provides that torture entails the intentional infliction of severe physical or mental pain or suffering upon a person, where that person was in the perpetrator's custody or control.<sup>321</sup> While international tribunals have limited torture to pain or suffering inflicted for particular purposes, including to obtain information, punish, or coerce, the Rome Statute and the International Criminal Court's (ICC) *Elements of Crimes* notably omit a purpose requirement.<sup>322</sup>

When discussing the severity of the pain and suffering inflicted, tribunals take into account both the objective harshness of the actions and the subjective effect on the particular victim, including "the victim's age, sex, or state of health."<sup>323</sup> All surrounding circumstances are relevant, including the victim's position of subordination, the time period of mistreatment, and the institutionalization of the mistreatment.<sup>324</sup> Permanent injury is not necessary.<sup>325</sup>

The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the The Istanbul Protocol, includes

<sup>315</sup> UDHR, Art. 5; ICCPR, Art. 7; CAT, Art. 1. For an in-depth discussion of torture as a violation of customary international human rights law, see *Prosecutor v. Anto Furundzija*, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-95-17/1-T, Judgment (Trial), December 10, 1998, paras. 143–146.

<sup>316</sup> ICCPR, Art. 21(1). See also, for example, UDHR, Art. 5; ICCPR, Art. 7; CAT, Art. 1.

<sup>317</sup> Committee Against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, U.N. Doc. CAT/C/GC/2, January 24, 2008, para. 7.

<sup>318</sup> Human Rights Committee, *General Comment No. 15: The Position of Aliens Under the Covenant*, para. 7.

<sup>319</sup> CAT, Art 1(1).

<sup>320</sup> *Ibid.*

<sup>321</sup> Rome Statute, Art. 7(2)(e); ICC, *Elements of Crimes*, Art. 7(1)(f).

<sup>322</sup> Rome Statute, Art. 7(2)(e); ICC, *Elements of Crimes*, Art.7(1) fn.14 (stating that "no specific purpose need be proved"). See also, *Prosecutor v. Akayesu*, International Criminal Tribunal for Rwanda (ICTR), Case No. ICTR-96-4-T, September 2, 1998, para. 593–94; *Prosecutor v. Kunarac, Kovac, and Vukovic*, ICTY, Case No. IT- 96-23-T and IT-96-23/1-T, Judgment (Trial), February 22, 2001, para. 497; *Prosecutor v. Krnojelac*, ICTY, IT-97-25-T, Judgement (Trial), March 15, 2002, para. 179. These purposes "need not be the predominant or sole purpose," and the list of prohibited purposes is not exhaustive. *Prosecutor v. Mucić, et al.*, ICTY, Case No. IT-96-21-T, Judgment (Trial), February 20, 2001, para. 470.

<sup>323</sup> *Prosecutor v. Kvocka*, ICTY, Case No. IT-98-30/1-T, Judgment (Trial), November 2, 2011, para. 143.

<sup>324</sup> *Krnojelac*, Case No. IT-97-25-T, para. 182.

<sup>325</sup> *Kvocka*, Case No. IT-98-30/1-T, para.148.

a non-exhaustive list of methods of torture including “threats of death, harm to family, further torture, imprisonment.”<sup>326</sup>

In addition to right to freedom from torture, freedom from ill-treatment includes a prohibition against “cruel, inhuman or degrading treatment.”<sup>327</sup> As the Istanbul Protocol, notes:

While the term “cruel, inhuman or degrading treatment or punishment” is not defined in the Convention against Torture or other international (or regional) instruments, under international standards it “should be interpreted so as to extend the widest possible protection against abuses.”<sup>328</sup>

Article 35(5) of the Constitution of the People’s Republic of Bangladesh also prohibits torture stating, “No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.”<sup>329</sup> Following the accession to the CAT, Bangladesh also enacted the Torture and Custodial Death (Prohibition) Act in 2013, which lays down the procedure for investigating torture complaints, punishment, witness protection, and compensation.<sup>330</sup>

This report documents several instances of torture of Rohingya refugees at the hands of armed militant groups, including by severing body parts and through beatings, shootings, stabbings, and issuing death threats.<sup>331</sup>

## Right to Effective Remedies

Article 8 of the UDHR and Article 2 of the ICCPR guarantee the right to an effective remedy for violations of fundamental rights.<sup>332</sup> As expressed by Article 2 of the ICCPR, State Parties are legally obligated to “guarantee to all individuals within their territories and subject to their jurisdiction the rights recognized in the Covenant without discrimination.”<sup>333</sup> General Comment 15 further elaborated that the enjoyment of rights under the ICCPR is not limited to citizens of State Parties but must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party.<sup>334</sup>

The ICCPR further obligates State Parties to secure human rights through legislative, judicial, administrative, educational, and other appropriate measures to fulfill their obligations.<sup>335</sup> In considering the right to an effective remedy, the U.N. General Assembly stated that it includes the right to file complaints, attend public hearings, and access international bodies to communicate

<sup>326</sup> OHCHR, Istanbul Protocol, *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2004, para. 145.

<sup>327</sup> ICCPR, Art. 7.

<sup>328</sup> OHCHR, Istanbul Protocol, para. 7 (quoting the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 6, footnote). The footnote in the Body of Principles of all Persons under Any Form of Detention or Imprisonment, as passed by the U.N. General Assembly, reads in full: “The term ‘cruel, inhuman or degrading treatment or punishment’ should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.”

<sup>329</sup> Constitution of the People’s Republic of Bangladesh, Art. 35(5).

<sup>330</sup> Torture and Custodial Death (Prohibition) Act, 2013.

<sup>331</sup> See for example, Fortify Rights interview with C.D., Cox’s Bazar District, Bangladesh, March 22, 2023; Fortify Rights interview with F.B., Cox’s Bazar District, Bangladesh, August 29, 2023; and Fortify Rights interview with G.F., Cox’s Bazar District, Bangladesh, October 18, 2023.

<sup>332</sup> UDHR, Art. 8; ICCPR, Art. 2.

<sup>333</sup> ICCPR, Art. 2.

<sup>334</sup> Human Rights Committee, *General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, U.N. Doc CCPR/C/21/Rev.1/Add.13, May 26, 2004, para. 10.

<sup>335</sup> *Id.* at fn. 27, para. 7.

matters of human rights concerns.<sup>336</sup> Additionally, states are required to conduct a prompt and impartial investigation where there are reasonable grounds to believe that a human rights violation occurred on its territory.<sup>337</sup> The investigation must be effective and thorough and conducted by an independent and impartial body.<sup>338</sup>

Under international law, the obligation of a state to ensure effective remedy extends to violations committed by a non-state actor operating independently of the state.<sup>339</sup> As clarified by the Human Rights Committee:

There may be circumstances in which a failure to ensure Convention rights as required by article 2 would give rise to violations by State Parties of those rights, as a result of the State Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.<sup>340</sup>

The Committee against Torture also further noted how states have due diligence obligations to address abuses committed by non-state actors, reasoning:

Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission.<sup>341</sup>

As such, if a state fails to take steps to protect individuals from human rights abuses by non-state actors, then that state may have failed to fulfill its human rights obligations because the victims would be left without a remedy.<sup>342</sup>

## The Rights of Human Rights Defenders

International human rights law has specifically articulated the legal obligation of states to protect human rights defenders. Recognizing this duty, Article 12 of the Declaration on Human Rights Defenders states:

The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.<sup>343</sup>

<sup>336</sup> U.N. General Assembly, "Declaration on Human Rights Defenders," A/RES/53/144, 1998, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders>.

<sup>337</sup> ICCPR, Art. 9.

<sup>338</sup> European Court of Human Rights, *Isayeva, Yusupova and Bazayeva v Russia*, Judgment, fn 77, February 24, 2005, paras. 209–213.

<sup>339</sup> Tatyana Eatwell, Geneva Academy, *State Responsibility for Violations Committed by Armed Non-State Actors*, December 2018, p. 24.

<sup>340</sup> Human Rights Committee, *General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, fn 27, para. 8.

<sup>341</sup> Committee Against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, para. 18.

<sup>342</sup> Geneva Academy, *State Responsibility for Violations Committed by Armed Non-State Actors*, p. 21. The state's obligation to protect individuals from the harmful acts of non-state actors has also been recognized by the African Commission on Human and Peoples' Rights (ACHPR), the Inter-American Commission on Human Rights (IACtHR), and the European Court of Human Rights (ECtHR). See, *Commission Nationale des Droits de l'Homme et Libertés v Chad*, ACHPR No. 74/92, 1995, para. 20; *Velasquez Rodriguez v Honduras*, IACtHR (Judgment), July 29, 1988, para. 172; and *Odievre v France*, ECtHR (Judgment, Appeal No. 42326/98, February 13, 2003, para. 40.

<sup>343</sup> The Declaration is not binding but provides guiding principles and represents the general agreement among U.N. Member States on the interpretation and meaning of various human rights standards contained in other internationally binding instruments, such as the UDHR and the ICCPR. Declaration on the Right and Responsibility

Article 9 of the Declaration further outlines the State’s duty to ensure effective remedies for human rights defenders, stating:

This obligation entails that the State ensures, without undue delay, a prompt and impartial investigation into the alleged violations, the prosecution of the perpetrators regardless of their status, the provision of redress, including appropriate compensation to victims, as well as the enforcement of the decisions or judgements. Failure to do so often leads to further attacks against human rights defenders and further violates their rights.<sup>344</sup>

In the case of *Velásquez-Rodríguez v. Honduras*, the Inter-American Court of Human Rights noted:

States should prevent violations of the rights of defenders under their jurisdiction by taking legal, judicial, administrative and all other measures to ensure the full enjoyment by defenders of their rights; investigating alleged violations; prosecuting alleged perpetrators; and providing defenders with remedies and reparation.<sup>345</sup>

In her 2022 report, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, recommended that governments should:

Take all measures necessary to ensure that human rights defenders are protected from violence, retaliation, threats, discrimination and other kinds of pressure or arbitrary action by State and non-State actors as a consequence of their work. Condemn publicly all instances of violence, discrimination, intimidation or reprisals against them and emphasize that such practices can never be justified.<sup>346</sup>

The former Special Rapporteur Margaret Sekaggya further emphasized state responsibility in protecting human rights defenders under their jurisdiction, saying:

In cases involving non-State actors—including private companies and illegal armed groups—it is paramount that prompt and full investigations be conducted and perpetrators brought to justice. Failure by States to prosecute and punish such perpetrators is a clear violation of article 12 of the Declaration on Human Rights Defenders. Addressing the issue of impunity is a key step to ensuring a safe environment for defenders.<sup>347</sup>

Article 31 of the Constitution of Bangladesh guarantees every person, for the time being within Bangladesh, the “inalienable” right to enjoy the protection of the law.<sup>348</sup>

This report documents that the Bangladesh government not only failed to protect Rohingya refugees but also failed to provide effective remedies to the survivors and relatives of victims. The pattern of Bangladesh authorities’ under former Prime Minister Sheikh Hasina repeatedly failing to swiftly investigate and prosecute human rights violations committed against Rohingya refugees demonstrates a violation of the right to effective remedy under international and domestic law.

of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders), U.N. Doc. A/RES/53/144, March 8, 1999, art 12.

<sup>344</sup> U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/65/223, August 4, 2010, para. 44, <https://www2.ohchr.org/english/issues/defenders/docs/a-65-223.pdf>.

<sup>345</sup> See, *Velásquez-Rodríguez*, IACtHR (Judgment), para. 172. See also, Human Rights Committee, *General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, para. 8.

<sup>346</sup> U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/77/178, July 18, 2022, pg. 22.

<sup>347</sup> U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/13/22, December 30, 2009, para. 42.

<sup>348</sup> Constitution of the People’s Republic of Bangladesh, Art. 31.

## International Criminal Law

International criminal law is a body of law designed to hold individuals accountable for particularly serious violations of international law. International criminal law not only proscribes specific categories of crimes—namely, war crimes, crimes against humanity, genocide, and the crime of aggression—but also establishes criminal liability against individuals responsible for such conduct.<sup>349</sup> Like international human rights law, international criminal law is necessarily viewed as a constellation of treaty, customary international law, and domestic law frameworks. The criminal dimensions of international criminal law are evaluated based on standards set forth in the Rome Statute of the ICC as well as *ad hoc* tribunals established by the U.N. Security Council, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).<sup>350</sup>

ICC jurisdiction is limited to when a crime is committed within a country or by a national of a country that is a party to the Rome Statute; when a state agrees to ICC jurisdiction; or when a situation is referred to the Office of the Prosecutor by the Security Council.<sup>351</sup> Notably, Bangladesh acceded to the Rome Statute on September 16, 1999.

Crimes under contemporary international criminal law can be broken down into four categories: (1) war crimes, (2) crimes against humanity, (3) genocide, and (4) aggression. In relation to international criminal law, evidence documented in this report suggests that non-state militants may have committed war crimes against Rohingya refugees in Bangladesh in direct relation to the armed conflict in Myanmar.

### War Crimes

The laws governing armed conflict are variously referred to as the law of armed conflict, international humanitarian law, the laws of war, or war crimes. There is no material distinction between these concepts. Like international human rights law, these laws consist of treaty law, customary international law, and domestic law frameworks. As a matter of treaty law, the Geneva Conventions and Additional Protocol I identifies certain “grave breaches” as international crimes or “war crimes” that states parties are obligated to recognize.<sup>352</sup> Bangladesh is a party to all four Geneva Conventions and Additional Protocol I.

Article 8 of the Rome Statute of the ICC further criminalized “grave breaches of the Geneva Conventions,” which it summarily describes as certain enumerated “acts against persons or property protected under the provisions of the relevant Geneva Convention.”<sup>353</sup> These acts include willful killing, torture or inhuman treatment, willfully causing great suffering or serious injury to body or health, compelling a prisoner of war or other protected person to serve in the forces of a hostile

<sup>349</sup> Antonio Cassese, *International Criminal Law* (Oxford: Oxford University Press, 2008), Ch. 1.1.

<sup>350</sup> See, for example, the International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda.

<sup>351</sup> See, Rome Statute of the International Criminal Court (Rome Statute), adopted July 17, 1998, 2187 U.N.T.S. 90, U.N. Doc. A/CONF.183/9, 2002, arts. 5(2), 12(b), 12(3), 13(b).

<sup>352</sup> See Article 3 to each of: Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 31, entered into force October 21, 1950, signed by Bangladesh on December 20, 1988; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 85, entered into force October 21, 1950, signed by Bangladesh on December 20, 1988; Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 135, entered into force October 21, 1950, not signed by Bangladesh; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, signed by Bangladesh on April 4, 1972; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1125 U.N.T.S. 3, entered into force June 8, 1977, signed by Bangladesh on June 8, 1977.

<sup>353</sup> Rome Statute, Art. 2(a).

power, and other acts.<sup>354</sup> More specifically in the context of non-State actors, the Rome Statute criminalizes certain acts “committed against persons taking no active part in the hostilities;” when such hostilities comprise “an armed conflict not of an international character.”<sup>355</sup> These acts include violence to life and person, in particular killing of all kinds, mutilation, cruel treatment, and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment; taking of hostages; rape and any other form of sexual violence; the passing of judgments or carrying out of executions without due process; and other acts.<sup>356</sup>

Three essential elements must be present to establish a war crime: *first*, there must be an armed conflict; *second*, one of the prohibited acts must be committed against a protected person; and *third*, there must be a nexus between the armed conflict and the act committed. Protected persons include all individuals who are not actively involved in the armed conflict.

In the context of the violence perpetrated by non-state actors in the Bangladesh refugee camps, Fortify Rights has reasonable grounds to believe that all such elements are satisfied, and that, as a result—at the very least—further investigation into the possibility of ongoing war crimes should be pursued.

First, there is reason to believe an ongoing armed conflict exists in Myanmar involving non-State actors, the Myanmar military junta, and others. The U.N. Independent International Fact-Finding Mission on Myanmar (FFM) found in September 2018 that it had “reasonable grounds to consider that the conflict between the Myanmar government forces and ARSA [Arakan Rohingya Salvation Army] amounts to a non-international armed conflict at least since 25 August 2017.”<sup>357</sup> Since the FFM’s determination in September 2018, ARSA has split into varying factions, resulting in the rise of various armed Rohingya groups opposing or cooperating with the Myanmar military junta in Rakhine State, chief among them the re-immersion of the RSO.<sup>358</sup>

Fortify Rights has interviewed several ARSA and RSO members who spoke in great detail of armed conflict and a command structure within the militant groups. For example, one ARSA senior leader told Fortify Rights in August 2024: “The commander-in-chief is Atta Ullah. ... We fight in Myanmar. Atta Ullah is in Myanmar.”<sup>359</sup> There are several senior leaders and commanders below Atta Ullah, including Haled, a senior commander; Mullah Mustak, a commander involved in intelligence; and Shek Borhan, a senior spokesperson and commander.<sup>360</sup> Similarly, a leadership structure exists within the RSO, with senior leaders including Ayub Khan (also known as Saiful), the commander-in-chief of the military; RSO’s political spokesperson Ko Ko Linn; and many others.<sup>361</sup>

A video distributed by the RSO in 2021 showed the RSO conducting military training and declaring to “fight the [Myanmar military] regime for the rights of the Rohingya people.”<sup>362</sup> In a television interview in 2024, Ayub Khan told the Bangladesh media outlet *Jamuna TV*:

<sup>354</sup> *Ibid.*

<sup>355</sup> *Id.* at Art. 8(c).

<sup>356</sup> *Ibid.* Rome Statue, Art. 8(e)(vi).

<sup>357</sup> Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/CRP.2, September 17, 2018, para. 59.

<sup>358</sup> Naing Lin, Transitional Institute, *A New Dimension to Armed Conflicts in Arakan?: Core Tactics of Myanmar Military’s ‘Divide and Contain’ Strategy*, September 20, 2023, <https://www.tni.org/en/article/a-new-dimension-to-armed-conflicts-in-arakan>; International Crisis Group, *Rohingya Refugees in Bangladesh: Limiting the Damage of a Protracted Crisis*, October 4, 2023, p. 2, <https://icg-prod.s3.amazonaws.com/s3fs-public/2023-10/wl-rohingya-04x23.pdf>; Patrick Dupont, “ARSA After the Myanmar Coup: Between a Rock and a Hard Place,” *The Diplomat*, January 24, 2022, <https://thediplomat.com/2022/01/arsa-after-the-myanmar-coup-between-a-rock-and-a-hard-place/>; “Rohingya Armed Groups Active Again in Western Myanmar,” *The Irrawaddy*, September 20, 2021, <https://www.irrawaddy.com/news/burma/rohingya-armed-groups-active-again-in-western-myanmar.html>.

<sup>359</sup> Fortify Rights interview with A.A.B., exact location withheld, Bangladesh, August 2024.

<sup>360</sup> See, Fortify Rights interviews with A.A.B. and A.A.C., exact location withheld, Bangladesh, August 2024.

<sup>361</sup> See, Fortify Rights interview with B.D., location withheld, Bangladesh, May 6, 2024 and Fortify Rights interview with E.F., location withheld, Bangladesh, October 3, 2023.

<sup>362</sup> “Rohingya Armed Groups Active Again in Western Myanmar,” *The Irrawaddy*, September 20, 2021, <https://www.irrawaddy.com/news/burma/rohingya-armed-groups-active-again-in-western-myanmar.html>.

We have already seized control of 10 to 15 outposts from [the military junta], praise be to God. We will not lose confidence despite facing persecution. ... We are not finding solutions anywhere; that is why we have chosen to fight. We will continue fighting with weapons until we reclaim our rights. ... We have enough weapons, praise be to God. We have members who are trained. Everyone undergoes training before we entrust them with arms.<sup>363</sup>

Ayub Khan told Fortify Rights in 2023 about hostilities between ARSA and RSO in the refugee camps, saying: "We fight with ARSA in the camps. ... Four or five got killed by us. This was in defense."<sup>364</sup> Later in 2024, Fortify Rights further documented RSO's engagement with the Myanmar junta. For example, one Rohingya resident from Maungdaw Township told Fortify Rights:

The RSO and the military have mutual contact and movement in broad daylight. The leaders of the RSO were brought to the [Myanmar military's] Na Kha Ka-5 Battalion for the meeting. It was happening in broad daylight. ... The military junta and the RSO were fighting against the AA [Arakan Army].<sup>365</sup>

The same man had direct contact with RSO leadership on multiple occasions and told Fortify Rights that the military junta provided RSO with "a three-story building" in the Myoma Ka Nyin quarter in Maungdaw town, Maungdaw Township, Rakhine State, adding that it "was given to the RSO by the junta military to make their office."<sup>366</sup> He said Rohingya people questioned how RSO could align with the same military that committed genocide against them and explained that RSO is framing the newfound allegiance as strategic.<sup>367</sup>

According to testimony, RSO members sometimes refer to themselves as the "Maungdaw militia" to avoid criticism from "the international community" about its alignment with the junta's military.<sup>368</sup> The same man told Fortify Rights: "The RSO supported the junta forces. Therefore, in [the AA's] point of view, [Rohingya] are no longer civilians but have become their enemies."<sup>369</sup>

Another Rohingya told Fortify Rights:

The RSO members wore military [junta] uniforms and stayed together [with the military junta]. I saw about eight to ten military [junta] soldiers who were the senior officers then. They trained the [Rohingya] people from different villages recruited on the school campus. They recruited about 400 to 500 people from the Maungdaw territories. I saw guns with the RSO members when they came out of the school. [RSO members] had G-3 and AK-47 [guns]. They said that they received these guns from the military junta.<sup>370</sup>

There is a need for further investigation into the evolved command structures of RSO and ARSA and its factions as well as the level of sustained violence between them, the Myanmar military junta, and others in Rakhine State—including the AA—to determine the existence of an ongoing armed conflict of a non-international character. However, there is sufficient evidence of a history of armed conflict between these groups as well as an intention by these groups to engage the Myanmar military and each other.

Second, Fortify Rights documentation demonstrates that non-state actors, including ARSA, RSO, and others, committed many of the underlying acts constituting war crimes against protected persons.

<sup>363</sup> "Jamuna TV in Rebel Base in Rakhine!" *Jamuna TV*, March 31, 2024, <https://www.youtube.com/watch?v=Yas8yIWDvEM>.

<sup>364</sup> Fortify Rights interview with F.E., location withheld, Bangladesh, 2023.

<sup>365</sup> Fortify Rights interview with A.A.Z., Cox's Bazar District, Bangladesh, August 11, 2024.

<sup>366</sup> *Ibid.*

<sup>367</sup> *Ibid.*

<sup>368</sup> Fortify Rights, "International Criminal Court: Investigate Arakan Army Massacre of Rohingya Civilians, Hold Perpetrators Accountable," August 27, 2024, <https://www.fortifyrights.org/mya-inv-2024-08-27/>.

<sup>369</sup> Fortify Rights interview with A.A.Z., Cox's Bazar District, Bangladesh, August 11, 2024.

<sup>370</sup> Fortify Rights interview with A.A.A., Cox's Bazar District, Bangladesh, August 15, 2024.

This report shows instances of, among other acts, torture, killings, threats, and conscription by non-state actors. Non-state actors have perpetrated most, if not all, of these acts against civilian Rohingya refugees not actively taking part in the hostilities between ARSA, the RSO, and the Myanmar military.

Third, there may be a nexus between some of these criminal acts and the background armed conflict. To be clear, Fortify Rights does not maintain that all such acts demonstrate such a nexus—but many do. The notion of a specific “nexus,” as it is commonly known, is not a clear-cut concept. Indeed, “[i]t is true that the notion of a nexus cannot be found in international humanitarian law treaties and has been mainly developed in international criminal case law for the purpose of...establishing whether a war crime has been committed.”<sup>371</sup> However, case law and practice have created the nexus to discern between ordinary crimes and war crimes.

Arguably, the “relevant standard” for determining whether such a nexus is present can be found in the *Kunarac* Appeals Chamber Judgment from the ICTY.<sup>372</sup> The standard asks whether an armed conflict “play[s] a substantial part in the perpetrator’s ability to commit” or “decision to commit [the act], the manner in which it was committed or the purpose for which it was committed.”<sup>373</sup> Even at its strictest, narrowest definition, the nexus is understood to require a “direct connection between the alleged crimes,” meaning the act is committed “in direct conjunction with the armed conflict.”<sup>374</sup>

In the acts committed by non-state actors in the Bangladesh refugee camps, perpetrators have themselves directly linked their acts with the armed conflict, essentially confessing that the purpose of the act was to further armed conflict in Myanmar. For example, one man told Fortify Rights:

There were five people, including one [ARSA] commander. The other four were obeying orders from the commander. They said, “You must join us.”... I said, “I have a wife and kids. I cannot work for you.” They said, “You need to leave your wife and kids and join us. If we can liberate the country [Myanmar], you can bring your family back to Myanmar.” Then they said, “If you don’t join, we will kill you.” They then tied me up and locked me in the bathroom.<sup>375</sup>

ARSA members subsequently tortured the man for days in a direct attempt to get him to join the armed conflict in Myanmar. This torture has a direct link, a tangible nexus, to the ongoing armed conflict in Myanmar. Assuming the presence of an armed conflict between ARSA, the Myanmar military, and others, this satisfies, on at least a *prima facie* basis, the test for all war crimes.

In other cases documented in this report, RSO and ARSA threatened, tortured, or killed Rohingya refugees on the alleged basis that they were working with or supporting the Myanmar military—in other words, RSO and ARSA targeted Rohingya refugees because of alleged support for the enemy in an armed conflict. These violations occurred before credible allegations emerged of ARSA and RSO cooperating with the Myanmar junta.<sup>376</sup>

Although all acts documented in this report do not satisfy the nexus requirement, many may, and those acts should not be ignored.

<sup>371</sup> Oona Hathaway et al., *What Is a War Crime?*, Yale Journal of International Law, Vol. 44, No. 53, 2019, p. 84 (quoting Gloria Gaggioli, *Armed Conflicts: A Violation of International Humanitarian Law and Human Rights Law*, International Review of the Red Cross, Vol. 96, 2014, p. 503, 514).

<sup>372</sup> See generally, *Prosecutor v. Kunarac*, ICTY, Case No. IT-96-23 and IT-96-23/1-A, Appeals Chamber Judgment, June 12, 2002.

<sup>373</sup> *Id.* at para. 58. See also, Oona Hathaway et al., *What Is a War Crime?*, Yale Journal of International Law, Vol. 44, No. 53, 2019, p. 110 n.316 (noting that other tribunals have essentially endorsed this standard as the relevant one to satisfy).

<sup>374</sup> *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgment, May 21, 1999.

<sup>375</sup> Fortify Rights interview with C.D., Cox’s Bazar District, Bangladesh, March 22, 2023.

<sup>376</sup> Fortify Rights interview with A.A.Z., Cox’s Bazar District, Bangladesh, August 11, 2024; Fortify Rights interview with A.A.A., Cox’s Bazar District, Bangladesh, August 15, 2024. For information about the links between RSO and the Myanmar military junta, see Fortify Rights, “International Criminal Court: Investigate Arakan Army Massacre of Rohingya Civilians, Hold Perpetrators Accountable,” August 27, 2024, <https://www.fortifyrights.org/mya-inv-2024-08-27/>.

Moreover, Common Article 3 of the Geneva Conventions notes unequivocally that war crimes are war crimes if the above elements are satisfied regardless of place; they "remain prohibited at any time and in any place whatsoever."<sup>377</sup> Bangladesh's neutrality to the armed conflict in Myanmar also does not shield individuals or groups within the neutral state from being held accountable for war crimes.

The issue of whether humanitarian law can apply in the territory of another State—such as Bangladesh—when the hostilities are taking place in a different State—Myanmar—is a seemingly novel question. However, the ICTY's decision on war criminal Dusko Tadi's appeal on jurisdictional ground supports the proposition that Common Article 3 should be interpreted literally and widely to "apply outside the narrow geographical context of the actual theatre of combat operations."<sup>378</sup> The *Tadić* Court cited Article 2(2) of Protocol II of the Geneva Convention Relating to the Protection of Victims of Non-International Armed Conflicts, which states:

[A]t the end of the conflict, all the persons who have been deprived of their liberty or whose liberty has been restricted for reasons related to such conflict, as well as those deprived of their liberty or whose liberty is restricted after the conflict for the same reasons, shall enjoy the protection of Articles 5 and 6 until the end of such deprivation or restriction of liberty.<sup>379</sup>

Analyzing the scope of that provision, the *Tadić* Court held that:

[T]he temporal scope of the applicable rules clearly reaches beyond the actual hostilities. Moreover, the relatively loose nature of the language 'for reasons related to such conflict,' suggests a broad geographical scope as well. The nexus required is only a relationship between the conflict and the deprivation of liberty, not that the deprivation occurred in the midst of battle.<sup>380</sup>

Especially relevant for the case of Rohingya in Bangladesh, the court found that:

International humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached; or, in the case of internal conflicts, a peaceful settlement is achieved. Until that moment, international humanitarian law continues to apply...<sup>381</sup>

The International Committee on Red Cross (ICRC) Commentary on Common Article 3 similarly alludes to a wide application of international humanitarian law "[o]nce the threshold of a non-international armed conflict has been crossed."<sup>382</sup> The ICRC notes that instead of geographical location, the issue as to whether a war crime is or can be committed is the nexus.<sup>383</sup> Specifically:

The object and purpose of common Article 3 supports its applicability in non-international armed conflict reaching beyond the territory of one State. Given that its aim is to provide persons not or no longer actively participating in hostilities with certain minimum protections during intense armed confrontations between States and non-State armed groups or between such groups, it is logical that those same protections would apply when such violence spans the territory of more than one State.<sup>384</sup>

Based on a review of the applicable elements to establish a war crime, the Rohingya militants' acts of killings and torture against Rohingya refugees in direct relation to armed conflict in Myanmar should be investigated by the relevant authorities as potential war crimes. The Geneva Conventions

<sup>377</sup> See, e.g., Third Geneva Convention, Art. 3.

<sup>378</sup> *Prosecutor v. Tadić*, ICTY, Case No. IT-94-1, Judgement (Appeal), October 2, 1995, paras 67–70.

<sup>379</sup> *Id.* at para 69 (citing Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of NonInternational Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978).

<sup>380</sup> *Ibid.*

<sup>381</sup> *Id.* at para 70.

<sup>382</sup> International Committee of the Red Cross, *Commentary of 2020: Convention (III) Relative to the Treatment of Prisoners of War*, 2020, para. 493.

<sup>383</sup> *Id.* at paras. 493–498.

<sup>384</sup> *Id.* at para. 501.

in particular obligates Bangladesh to investigate these potential crimes, stating: “Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.”<sup>385</sup>

Given the evidence that war crimes may have been committed in the camps in Cox’s Bazar, Bangladesh is obligated to investigate or ensure such crimes are appropriately investigated. The crimes documented in this report further merit attention by the ICC, which has already established jurisdiction and is investigating atrocities against Rohingya occurring in Bangladesh and Myanmar, including potential atrocity crimes committed by ARSA and similar groups.<sup>386</sup>

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<sup>385</sup> See, First Geneva Convention, Art. 49; Second Geneva Convention, Art. 50; Third Geneva Convention, Art. 129; Fourth Geneva Convention, Art. 146.

<sup>386</sup> See, Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, ICC Doc. No. ICC-01/19, November 14, 2019, para. 72 (authorizing the investigation requested by the Prosecutor, which noted “[T]here is information about acts of violence allegedly committed by ARSA and of armed confrontations between ARSA and the Tatmadaw [Myanmar military]”; and the Prosecutor “will keep these allegations under review, to determine whether crimes within the jurisdiction of the Court were committed in the territory of a State Party”) and para. 126 (stating, “The Chamber authorises the commencement of the investigation in relation to any crime within the jurisdiction of the Court committed at least in part on the territory of Bangladesh, or on the territory of any other State Party or State making a declaration under article 12(3) of the Statute, if the alleged crime is sufficiently linked to the situation as described in this decision. ... Similarly, the Prosecutor is also not restricted to the persons or groups of persons identified in the Request.”)

# Recommendations

## To the Government of Bangladesh

- **INVESTIGATE** fully the killings, torture, abductions, and other human rights violations against Rohingya *majhis*, Rohingya community leaders, human rights defenders, and other Rohingya refugees and hold those responsible to account in line with international fair-trial standards.
- **INVESTIGATE** potential war crimes committed by non-state actors in the refugee camps and hold those responsible to account in line with international fair-trial standards.
- **COOPERATE** with international justice mechanisms and human rights monitors, including the International Criminal Court, the International Court of Justice, Universal Jurisdiction cases, the Independent Investigative Mechanism for Myanmar, the U.N. Special Procedures, and others to ensure accountability for crimes committed against Rohingya and to protect Rohingya witnesses of such crimes.
- **COOPERATE** with the U.N. refugee agency and humanitarian actors to increase protective spaces in the refugee camps, including safe houses, and third-country resettlement for at-risk Rohingya refugees and their families.
- **COORDINATE** with refugee-receiving countries to increase resettlement numbers for Rohingya refugees, especially those at risk.
- **PREVENT** the forced return of Rohingya refugees to Myanmar, where they face ongoing genocide and persecution. Ensure any future discussions about potential returns include the meaningful participation of Rohingya refugees and that returns are not facilitated until such time that returns are safe, dignified, and voluntary in accordance with international standards.
- **ACKNOWLEDGE** and directly engage the National Unity Government of Myanmar as the sovereign representative of the people of Myanmar.
- **RATIFY** the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, the optional protocols to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other key human rights treaties.

## To the Arakan Rohingya Salvation Army, the Rohingya Solidarity Organisation, and other Militant Groups in Bangladesh

- **CEASE** abducting, killing, torturing, forcibly recruiting, extorting, exploiting, or otherwise harming Rohingya refugees and immediately and unconditionally release abducted or detained Rohingya refugees.
- **COOPERATE** with Bangladesh authorities to investigate and hold to account any Arakan Rohingya Salvation Army members, Rohingya Solidarity Organisation members, or other militants responsible for committing human rights abuses in line with fair-trial standards.
- **COOPERATE** with international justice mechanisms to ensure accountability for crimes committed against Rohingya and to protect Rohingya witnesses of such crimes.
- **ISSUE**, make publicly available, and enforce codes of conduct that align with human rights standards.
- **FACILITATE** regular training on human rights standards and the laws of war for all members.

## United Nations High Commissioner for Refugees

- **EXPAND** protective spaces in the refugee camps, including safe houses, for at-risk Rohingya refugees and improve conditions, security measures, and access to essential goods and services in these spaces.
- **IMPROVE** protection response mechanisms to minimize delays in facilitating access to critical information and effective protections for at-risk Rohingya refugees.
- **COORDINATE** with refugee-receiving countries to increase resettlement numbers for Rohingya refugees, especially those at risk.
- **PREVENT** the forced return of Rohingya refugees to Myanmar, where they face ongoing genocide and persecution. Ensure any future discussions about potential returns include the meaningful participation of Rohingya refugees and that returns are not facilitated until such time that returns are safe, dignified, and voluntary in accordance with international standards.

## To United Nations Member States

- **SUPPORT** international accountability mechanisms and initiatives to hold perpetrators of mass atrocity crimes in Myanmar accountable, including the Independent Investigative Mechanism for Myanmar.
- **REFER** the situation in Myanmar to the International Criminal Court through the U.N. Security Council or via Article 14 of the Rome Statute. Alternatively, establish an *ad hoc* international criminal tribunal to investigate and prosecute genocide, crimes against humanity, and war crimes.
- **IMPOSE** bilateral sanctions on Myanmar-based entities involved in supplying the military with aviation fuel and impose bans on the supply of aviation fuel that can be used by the military for military assets attacking civilians.
- **RECOGNIZE** the National Unity Government as the legitimate Government of Myanmar. Continue to support the National Unity Government's existing credentials at the United Nations and other international organizations.
- **SUPPORT** the mandate and recommendations of the U.N. Special Rapporteur on the situation of human rights in Myanmar.
- **ACKNOWLEDGE**, through formal determinations, the Rohingya genocide and other international crimes perpetrated in Myanmar, including war crimes and crimes against humanity since the coup of February 1, 2021.

## To the Association of Southeast Asian Nations

- **ACCEPT** Rohingya refugees fleeing attacks by the Myanmar junta and non-state actors in Bangladesh and provide support and protection in accordance with international standards.
- **REFRAIN** from providing any legitimacy to the Myanmar military junta, including through invitations to Association of Southeast Asian Nations meetings and summits.
- **IMPOSE** targeted sanctions prohibiting investment in Myanmar military-controlled enterprises, weapons or dual-use technology transfers, and the transfer and sale of jet fuel, and support efforts to prevent the transfer of payments to the military junta, including payments related to natural gas sales.
- **ACKNOWLEDGE** the National Unity Government as the sovereign representative of the people of Myanmar and engage it directly.

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*Based on 116 interviews with Rohingya refugees in Bangladesh, Rohingya civilians in Rakhine State, Rohingya militants, U.N. officials, humanitarian aid workers, and others, "I May Be Killed Any Moment:" Killings, Abductions, Torture, and Other Serious Violations by Rohingya Militant Groups in Bangladesh documents how Rohingya armed groups killed, abducted, tortured, and committed other violations against Rohingya refugees with impunity in Cox's Bazar District Bangladesh.*

The report shows how the Bangladeshi authorities under the now-ousted government of Prime Minister Sheikh Hasina largely failed to protect Rohingya refugees in Bangladesh from these violent groups. This report provides the transitional Government of Bangladesh with documentation of years-long, government-tolerated, unmitigated violence against Rohingya in the camps and detailed recommendations to improve protection and justice for Rohingya refugees in the country and beyond.