



Burmese Rohingya Organisation UK

Starving to death: the latest phase of the Rohingya genocide

June 2025



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Executive summary

As Min Aung Hlaing's regime loses control of more and more territory in Myanmar, its brutality against its own people has increased exponentially. The grim milestones keep stacking up: the number of internally displaced persons (IDPs) has surpassed 3.5 million, and Myanmar has the highest number of landmine victims in the world. The regime has systematically suppressed information about 'one of the worst food crises on the planet'¹ in Myanmar by detaining food security researchers and warning senior aid workers against releasing data. At the same time, this humanitarian catastrophe is one of the most severely underfunded in the world.

The ongoing genocide against the Rohingya is a catastrophe within a catastrophe. The global indifference to their plight is a microcosm of the international community's inertia towards the mass suffering of people in Myanmar as whole.

More than five years have now passed since the International Court of Justice's 2020 legally binding provisional measures order to protect the Rohingya. It's also been three years since the UN Security Council passed Resolution 2669, which urged 'full, safe and unhindered humanitarian access' in Myanmar. Yet the regime continues to block life-saving humanitarian assistance for people across Myanmar, including Rohingya, without facing any consequences.

In the wake of the devastating earthquake that struck Myanmar on 28 March, killing at least 3,800 people, the regime restricted international aid distribution and hoarded aid for its own use. Volunteers who worked on earthquake recovery efforts late at night were forcibly conscripted into the Myanmar military. The junta's brutal campaign of airstrikes targeting civilian populations has continued unabated from the moment the earthquake struck, killing more than 200 civilians and making a travesty of its own 'humanitarian ceasefire' announced days after the disaster.

At the same time, the regime continues to commission the genocidal act of deliberately inflicting 'slow death' conditions of life on the Rohingya group – in essence, the junta continues to deny the basic necessities of life to members of the Rohingya group in Rakhine State. Rohingya are starving to death in the latest phase of the genocide.

Rohingya starving to death in central Rakhine State

Almost 145,000 Rohingya have been confined to internment camps in central Rakhine State by the Myanmar military since 2012, entirely dependent on international humanitarian assistance for their survival. The regime has repeatedly refused to allow food and medicine to be delivered to 25,000 Rohingya in Pauktaw township since it lost control of the area to the Arakan Army in January 2024. So far this year, 25 Rohingya adults are reported to have died from starvation, and a further seven died due to lack of medical care for other chronic conditions. 10 Rohingya children are known to have died of diarrhoeal disease in December last year, on top of dozens more who died earlier that year.

¹ Reuters, 'Myanmar junta intimidates aid groups in effort to hide hunger crisis' (16 December 2024) available at <<https://www.reuters.com/investigates/special-report/famine-data-myanmar/>> accessed 25 May 2025; The UN's 2025 Humanitarian Needs and Response Plan for Myanmar is currently less than 8 percent funded. UNOCHA, 'Myanmar: Humanitarian Update No. 46' (23 May 2025) 1.

Crippling cuts to humanitarian aid funding are compounding the suffering of Rohingya. In March, the World Food Programme (WFP) publicly announced it would be forced to cut off life-saving food assistance to people in Myanmar - including Rohingya confined to camps - due to a \$60 million funding shortfall. According to ground reports, the last time that all 112,000 Rohingya IDPs in the Sittwe camps received food rations was the last week in February.

By late April, as many as 70 percent of IDPs were reported to be facing starvation in some Sittwe camps. BROUK received multiple reports of people having to resort to scavenging for taro roots, radishes, water cress, and sweet potato remains left over in the fields after the harvest. In Ohn Taw Gyi North, the largest of the camps in Sittwe, a family of four attempted suicide after only eating taro roots for many days. The father tragically died, and his wife and children only survived after their neighbours managed to intervene in time to save their lives. This is not an isolated incident.

The camps are becoming increasingly coercive environments due to starvation, overcrowding, squalid conditions, military checkpoints, forced recruitment into the Myanmar military, and the ever-present threat of conflict intensifying in Sittwe. People are starving and desperate. BROUK has received reports that families are so hungry that they are going begging from camp to camp. Women from every camp are engaging in sex work purely for their survival, especially widows and women from female-headed households.

BROUK has continued to document the forced recruitment of Rohingya youth and men from the camps in Sittwe. It is very difficult to verify exactly how many Rohingya youth and men have been forcibly conscripted into the Myanmar military since the regime began its campaign in February 2024, but BROUK estimates that the total number is likely to have exceeded 5,000.

Rohingya IDPs in the Sittwe area report that conscription orders are accompanied by extortion demands. Instead of the regime paying salaries to the recruits, every month money is forcibly collected from all IDPs in the camps to pay money directly to the families of forced recruits. This scheme is apparently administered through the regime-appointed Camp Management Committees and village administrators. BROUK has received reports that some Rohingya men are so desperate to earn money to feed their families that they have expressed the desire to be selected for forced recruitment, simply so that their families will receive the money and avoid starvation.

BROUK understands from sources on the ground that WFP food rations will restart in June, but only until September due to ongoing funding shortfalls.

Starvation and ongoing atrocity crimes by the Arakan Army in northern Rakhine State

Rohingya in northern Rakhine State are also starving after living under the regime's trade and aid blockade for 18 months, since the resumption of armed conflict in the area in November 2023. BROUK conducted research in a total of 15 villages in Buthidaung and Maungdaw townships, with a total estimated population of 13,500. In Buthidaung, on average almost half of the population were IDPs, most of whom had been displaced for over a year.

BROUK's researchers collected information about the three pillars of food security - food access, food availability, and food use - as well as availability and adequacy of drinking water and sanitation facilities. They also asked respondents about public health challenges, such as outbreaks of diarrhoea, and signs of severe acute malnutrition among children. Children with severe acute malnutrition are at risk of dying without immediate treatment.

In Buthidaung township, respondents reported that they are eating just two meals a day of low-quality rice. Occasionally they ate curry usually made only from leaves – no oil, fresh vegetables, or sources of protein. In one village, two children and one elderly person died during a recent outbreak of diarrhoeal disease. Due to the regime's ban on importing medicines to Rakhine State, basic supplies

like oral rehydration salts are scarce and unaffordable for most. All respondents reported that multiple children in every location are extremely thin and showing signs of severe acute malnutrition. Although it was not possible to collect clinical data to confirm this, BROUK warns that severe acute malnutrition may already be prevalent among children in the areas surveyed.

In Maungdaw township, respondents all reported outbreaks of diarrhoea in the past three months, and many are suffering from skin diseases. Some also reported experiencing chronic weakness or fatigue, which is a sign of severe acute malnutrition in adults. Before being moved to their current locations, some respondents were corralled at Hla Poe Khaung transit camp by the Arakan Army for many months in overcrowded and unsanitary conditions before they were allowed to return home. At least 10 children died during an outbreak of diarrhoea there in 2025.

The AA's conduct towards the Rohingya in the context of the famine in northern Rakhine State is compounding their already dire situation and undermining their chances of survival, forcing many Rohingya to flee. BROUK has collected information about the Arakan Army's highly discriminatory policies and practices that are applied exclusively to the Rohingya on the grounds of their identity. These are iterations of very similar policies and practices applied by the regime and amount to policies of persecution. The AA is reported to have banned people from using the term "Rohingya" in the areas it controls in Rakhine State. AA officials have verbally warned that those who disobey this rule will face severe punishment. Movement restrictions imposed by the AA mean that Rohingya cannot fish, farm, go to mountain areas to cut firewood or forage for food. Rohingya need to pay for official permission from the AA to travel between villages and access the markets.

BROUK has continued to document numerous grave violations by the Arakan Army, including forced displacement, land-grabbing, acts of collective punishment, forced labour, forced recruitment, as well as abduction, incommunicado detention, and torture, amounting to atrocity crimes. The Arakan Army has denied thousands of Rohingya IDPs the right to return to their homes in Buthidaung township and has seized their land. At the same time, BROUK has received multiple reports of the Arakan Army profiteering from the Rohingya's desperation to flee. Only those who are close to the AA and pay bribes to the AA are reportedly allowed to operate as people smuggling groups and human trafficking gangs in both Buthidaung and Maungdaw townships.

118,000 Rohingya have fled to Bangladesh since November 2023, according to the government of Bangladesh. According to data compiled by the UN High Commissioner for Refugees (UNHCR), more than 7,800 Rohingya attempted to flee Myanmar by boat in 2024 – an 80 per cent increase compared to the previous year. Over 650 people died or were reported missing enroute in 2024. This year, 427 Rohingya are believed to have died at sea in the month of May alone in back-to-back incidents. Out of sheer desperation, more Rohingya are attempting this dangerous journey during the high seas of monsoon season.

BROUK warns that its findings likely represent the tip of the iceberg in terms of the prevalence of severe malnutrition and starvation among Rohingya in Rakhine State. The rolling communication blackouts imposed by the regime make it very difficult to collect data. An additional consequence of the regime's humanitarian access restrictions is that aid workers cannot conduct proper screening of severe acute malnutrition among Rohingya or mobilise the resources which are essential for saving lives. Humanitarian workers in Bangladesh have reported that new arrivals from Rakhine State exhibit visible signs of severe malnutrition, including uncontrollable shaking. Immediate humanitarian access, ready-to-use therapeutic food and food assistance is urgently needed to save lives in Rakhine State.

Key recommendations

- The UK as penholder on Myanmar at the UN Security Council (UNSC) must urgently convene a meeting of the UNSC to take action on the regime's continued obstruction of humanitarian aid in Rakhine State and Myanmar as a whole, which is in direct breach of UNSC Resolution 2669 as well as the International Court of Justice's provisional measures order.
- The US must immediately reverse its humanitarian aid cuts and urgently reinstate humanitarian assistance to the most vulnerable people in Myanmar, including the Rohingya, other internally displaced populations, and those affected by the earthquake.
- The United Nations must support Bangladesh to open an emergency humanitarian aid channel to Rakhine State to help end the famine. The international community must also increase their support to the government of Bangladesh to provide protection and humanitarian assistance, including food, medicine and shelter, to ensure the rights and dignity of Rohingya refugees are upheld.
- UN member states must exert maximum pressure on the Arakan Army to stop gross human rights violations against the Rohingya - including policies of persecution, forced displacement, land-grabbing, acts of collective punishment, forced labour, forced recruitment, abduction, incommunicado detention, and torture - and allow Rohingya IDPs to return to their homes in safety and dignity. UN member states must urgently impose targeted sanctions on the Arakan Army and its leadership for serious violations of international law against the Rohingya, which amount to atrocity crimes.

Introduction

“[Myanmar] has endured an increasingly catastrophic human rights crisis marked by unabated violence and atrocities that have affected every single aspect of life,” said UN High Commissioner for Human Rights Volker Türk on 26 May 2025.² A new report published ahead of the upcoming session of the UN Human Rights Council in July calls for a comprehensive approach to the crisis, including urgent humanitarian support and cross-border aid for displaced populations.

This report by BROUK is the eleventh in its series highlighting repeated, sustained breaches of the International Court of Justice's legally-binding order to protect the Rohingya as part of The Gambia's genocide case against Myanmar. With this latest report, BROUK seeks to contextualise the starvation and extreme deprivation faced by the Rohingya within the broader humanitarian crisis in Myanmar, created and perpetuated by the regime. The report covers the period **1 January – 23 May 2025**, up to the latest six-month deadline for the Myanmar State to comply with its reporting obligations to the International Court of Justice under the provisional measures order. The report also highlights gross human rights violations by the Arakan Army amounting to atrocity crimes - including its policies of persecution towards the Rohingya - which are compounding the risks of starvation and disease. It is primarily based on first-hand information collected from the ground in Rakhine State.³

² UN News, ‘UN warns of ‘catastrophic’ human rights crisis in Myanmar as violence and economic collapse deepen’ (26 May 2025) available at <<https://news.un.org/en/story/2025/05/1163706>> accessed 6 June 2025.

³ This includes BROUK's own sources. BROUK has carried out due diligence efforts to verify the incidents documented in this report. However, at present there are significant challenges and limitations with documenting, verifying, and reporting on human rights violations in Rakhine State due to the volatile security situation and rolling communication blackouts imposed by the regime. Given these significant challenges with collecting and verifying information, this report does not claim to provide a comprehensive account of alleged atrocity crimes perpetrated against the Rohingya from 1 January – 23 May 2025.

‘One of the worst food crises on the planet’

The starvation facing the Rohingya is at the most extreme end of the food crisis in Myanmar. A Reuters investigative report in December 2024 found that the regime suppressed information about a severe food crisis in Myanmar by detaining food security researchers and warning senior aid workers against releasing data.⁴ Due to these threats, the IPC – the global hunger watchdog, responsible for sounding the alarm about developing food crises so that humanitarian organisations can respond to prevent famine and mass starvation - never made public three detailed analyses that showed that Myanmar was ‘facing one of the worst food crises on the planet’.⁵ In private discussions with UN officials, junta representatives reportedly said they didn’t want Myanmar to be regarded as a failed State, or compared to war-torn places like Gaza.⁶ Indeed, it was the IPC that warned that famine was ‘imminent’ in northern Gaza in March 2024.⁷

According to Reuters, the IPC’s unreleased November 2024 report showed that a quarter of the population in Myanmar were experiencing acute food insecurity in September and October that year.⁸ The IPC also removed data on Myanmar from its website. The ‘harrowing environment’ in Myanmar means that aid agencies are afraid to publish their findings on malnutrition and food insecurity.⁹ According to the Reuters investigative report, WFP is one of the agencies that hasn’t published a situational report for Myanmar since June 2023, nor an annual country report since 2022, in order to protect its local staff and partners from security threats.¹⁰ This level of intimidation by the regime - and the resulting censorship of vitally important data about severe food shortages - hampers vital international fundraising efforts, because agencies like WFP can’t use their findings to publicly highlight the severity of the problem. The regime’s suppression of information about the severity of the food crisis in Myanmar is at least partly to blame for the country’s grave humanitarian crisis being one of the most severely underfunded in the world.¹¹ The UN’s 2025 Humanitarian Needs and Response Plan for Myanmar is currently less than 8 percent funded.¹²

According to the IPC’s unreleased November 2024 report viewed by Reuters, some of the most extreme food insecurity in Myanmar is among displaced people in Rakhine State. That same month, the United Nations Development Programme (UNDP) took the unusual step of unilaterally declaring that ‘acute famine’ was imminent in Rakhine State. The IPC is the body tasked with making such pronouncements.¹³ More than 2 million people are at risk of starvation. UNDP described the situation as ‘dire’ for the Rohingya population in northern Rakhine State.¹⁴

Crippling cuts to humanitarian aid

Despite the huge needs, 2025 has so far been characterised by abrupt, crippling cuts to humanitarian aid funding with both immediate and long-lasting consequences for people across Myanmar and its borderlands. US President Trump’s January executive order to temporarily freeze all foreign aid and immediately suspend programmes cut off life-saving support overnight for hundreds of thousands of

⁴ Reuters, (16 December 2024) *op. cit.*

⁵ *ibid.* The full name of the IPC is Integrated Food Security Phase Classification.

⁶ *ibid.*

⁷ IPC, ‘IPC Famine Review Committee: Gaza Strip, March 2024’ (18 March 2024) available at <https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Famine_Committee_Review_Report_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf> accessed 25 May 2025.

⁸ Reuters, (16 December 2024) *op. cit.*

⁹ *ibid.*

¹⁰ *ibid.*

¹¹ Norwegian Refugee Council, ‘Alarming drop in global funding to people in war and crisis’ (2 July 2024) available at <<https://www.nrc.no/news/2024/july/alarming-drop-in-global-funding-to-people-in-war-and-crisis>> accessed 3 June 2025.

¹² UNOCHA, ‘Myanmar: Humanitarian Update No. 46’ (23 May 2025) 1.

¹³ See Reuters, ‘An elaborate global system exists to prevent famine. It’s failing’ (4 December 2024) available at <<https://www.reuters.com/investigates/special-report/famine-response-overview/>> accessed 25 May 2025.

¹⁴ UNDP, ‘Rakhine: A Famine in the Making’ (November 2024) 1, 8.

people from Myanmar, particularly IDPs and refugees in border areas. Mobile health teams and other services for vulnerable IDPs in western Myanmar's remote Chin State ground to a halt. Similarly, humanitarian assistance for IDPs hiding deep in the jungle in eastern Karenni State was cut off, virtually overnight.¹⁵

The full extent of the harm caused by the order may take years to ascertain. However, the fact that it resulted in preventable deaths is irrefutable. 30-year-old Wah K'Ler Paw died of renal failure in a refugee camp on the Thai-Myanmar border on 16 February, after the US-funded International Rescue Committee (IRC) was forced to withdraw financial support for her dialysis treatment due to the 'stop work' order from the Trump administration.¹⁶ Wah K'Ler Paw's case is not unique; other deaths were reported as a result of IRC having to close its clinics and hospitals in the Thai refugee camps.¹⁷

Impact of aid cuts on the Rohingya

On 26 February, the Trump administration terminated more than 90 percent of the US Agency for International Development's (USAID) foreign aid contracts and began to dismantle USAID. The US is by far the world's largest donor and the ramifications are wide-ranging.¹⁸ The US has been the largest provider of aid to Rohingya refugees, contributing approximately half of all humanitarian aid to the camps in Bangladesh.¹⁹ Almost every type of service in the camps has been hit hard by the stop-work orders and cuts, including healthcare provision. Around 48 health facilities, including 11 primary care centres, are reported to have been affected by aid cuts according to the IRC.²⁰

Many Rohingya refugees have been left without access to life-saving healthcare services. In February 21-year-old mother Nur told the New Humanitarian, "I have a newborn baby, only four months old. I went to the nearby hospitals, but they said their services are closed now."²¹ Hospitals such as the International Red Cross hospital in Cox's Bazar are reduced to providing emergency assistance only.

By 5 March, WFP warned that it would have to cut monthly food rations to Rohingya refugees in Bangladesh from \$12.50 to \$6 the following month, unless additional funding could be found.²² Already 40 percent of children in the camps are stunted due to malnutrition. Tun Khin, President of the Burmese Rohingya Organisation UK (BROUK) challenged international donors, asking, "Will the international community, which refused to act to prevent genocide, now let starvation finish the genocide the Burmese military started?"²³

¹⁵ The New Humanitarian, 'Trump stop-work orders hit local aid and frontline communities' (31 January 2025) available at <<https://www.thenewhumanitarian.org/news/2025/01/31/trump-stop-work-orders-hit-local-aid-and-frontline-communities>> accessed 15 May 2025.

¹⁶ Bangkok Post, 'US aid halt can be deadly for some' (14 March 2025) available at <<https://www.bangkokpost.com/opinion/opinion/2979613/us-aid-halt-can-be-deadly-for-some>> accessed 15 May 2025.

¹⁷ The Telegraph, 'US aid freeze claims first victims as oxygen supplies cut off' (11 February 2025) available at <<https://www.telegraph.co.uk/global-health/climate-and-people/us-aid-freeze-claims-first-victims-as-oxygen-supplies-cut/>> accessed 15 May 2025.

¹⁸ AP, 'Trump's permanent USAID cuts slam humanitarian programs worldwide: 'We are being pushed off a cliff'', available at <<https://apnews.com/article/trump-usaid-aid-cut-doge-musk-dbaf0e89d72938caabee8251f7dfb4a7>> accessed 15 May 2025.

¹⁹ The New Humanitarian, 'For Myanmar's war victims and Rohingya refugees, US aid cuts are disastrous' (27 February 2025) available at <<https://www.thenewhumanitarian.org/news-feature/2025/02/27/myanmar-war-victims-rohingya-refugees-us-aid-cuts>> accessed 15 May 2025.

²⁰ The Diplomat, 'How US Aid Cuts Are Putting Millions of Lives at Risk' (2 May 2025) available at <<https://thediplomat.com/2025/05/how-us-aid-cuts-are-putting-millions-of-lives-at-risk/>> accessed 15 May 2025.

²¹ The New Humanitarian (27 February 2025) *op. cit.*

²² Reuters, 'Exclusive: UN plans to halve rations to Rohingya refugees without urgent funding' (5 March 2025) available at <<https://www.reuters.com/world/asia-pacific/un-slash-rations-rohingya-refugees-by-half-6-per-month-official-says-2025-03-05/>> accessed 15 March 2025.

²³ BROUK, 'Rohingya Rations Cuts Will Mean Refugees on Brink of Starvation' (5 March 2025) available at <<https://brouk.org/rohingya-rations-cuts-will-mean-refugees-on-brink-of-starvation/>> accessed 15 May 2025.

In mid-March, UN Secretary-General António Guterres visited the Rohingya refugee camps during the holy month of Ramadan. He described the cuts in humanitarian aid by the US and European countries as “a crime”.²⁴ At the same time, WFP warned that one million people in Myanmar would be cut off from lifesaving food assistance from April, due to a \$60 million shortfall for its food assistance programme. WFP stressed that the cuts would impact internally displaced people in central Rakhine who have zero access to food without WFP assistance, including Rohingya communities confined to camps.²⁵

Following the UN Secretary-General’s visit, UN agencies issued a fresh joint appeal for all countries to support displaced Rohingya and host communities.²⁶ The UN General Assembly adopted a resolution to hold a high-level conference on the situation of Rohingya Muslims and other minorities in Myanmar on 30 September 2025 and set out objectives for the conference.²⁷ By the end of March, the US agreed to provide \$73 million in new financial aid for Rohingya refugees in Bangladesh through WFP, overturning the need for ration cuts.²⁸ However, USAID funding cuts to other services in the refugee camps still stand. At the time of writing, WFP has stopped its provision of food rations to Rohingya IDPs in central Rakhine State. The devastating consequences are described in detail below.

During his visit to the Rohingya refugee camps, UN Secretary-General Guterres supported calls for a humanitarian aid corridor from Bangladesh to Myanmar, as well as dialogue with the Arakan Army.²⁹ BROUK has been calling for Guterres to visit Bangladesh and facilitate these two key demands since May 2024.³⁰ The Bangladeshi government is reported to have engaged with the Arakan Army and the junta and supports a UN-led humanitarian aid corridor ‘in principle’, provided that certain conditions are met.³¹ However, the Bangladeshi government has been met with political backlash over security concerns and at the time of writing, the status of negotiations is unclear.³²

²⁴ AP, ‘UN chief describes aid cuts as ‘a crime’ during visit to Rohingya refugee camps in Bangladesh’ (14 March 2025) available at <<https://apnews.com/article/bangladesh-un-rohingya-aid-cuts-guterres-da910b9c3de518a0817008c1c8039a99>> accessed 15 May 2025.

²⁵ WFP, ‘WFP warns one million in Myanmar to be cut off from food aid amid funding shortfall’ (14 March 2025) available at <<https://www.wfp.org/news/wfp-warns-one-million-myanmar-be-cut-food-aid-amid-funding-shortfall#>> accessed 18 May 2025.

²⁶ UN News, ‘“Don’t cut the aid”: Insecurity worsens for stateless Rohingya, says UNHCR’s Grandi’ (24 March 2025) available at <<https://news.un.org/en/story/2025/03/1161446>> accessed 15 May 2025.

²⁷ The objectives in full are ‘mobilize political support, sustain international attention on the crisis, review the overall crisis and address its root causes, including human rights issues, and share perspectives on the situation on the ground, including challenges faced by Rohingya and other minorities in Myanmar, as well as humanitarian issues within Myanmar and the region, in order to propose a comprehensive, innovative and concrete plan for a sustainable resolution of the crisis, including efforts to create a conducive environment for the voluntary, safe, sustainable and dignified return of Rohingya Muslims and other members of minority groups to Myanmar in a timely manner’. UNGA, ‘Scope, modalities, format and organization of the High-level Conference on the Situation of Rohingya Muslims and Other Minorities in Myanmar’ (27 March 2025) UNDOC ref A/RES/79/278 3[2].

²⁸ AP, ‘Rohingya refugees in Bangladesh welcome \$73 million in new U.S. financial aid’ (28 March 2025) available at <<https://apnews.com/article/bangladesh-rohingya-aid-myanmar-8c3f2a916b49d103ce7364c812d1d157>> accessed 15 May 2025.

²⁹ AFP, ‘UN considering humanitarian channel from Bangladesh to Myanmar’ (15 March 2025) available at <<https://www.france24.com/en/live-news/20250315-un-considering-humanitarian-channel-from-bangladesh-to-myanmar>> accessed 16 May 2025.

³⁰ BROUK, ‘200,000 Newly Displaced Rohingya Need Urgent Humanitarian Aid’ (30 May 2024) available at <<https://brouk.org.uk/200000-newly-displaced-rohingya-need-urgent-humanitarian-aid/>> accessed 16 May 2025.

³¹ Prothomalo, ‘Bangladesh decides to provide ‘humanitarian corridor’ to Rakhine, discussion with UN on conditions’ (29 April 2025) available at <<https://www.newagebd.net/post/country/263647/rohingya-crisis-bangladesh-engages-with-parties-in-rakhine-unhcr>>; New Age, ‘ROHINGYA CRISIS: Bangladesh engages with parties in Rakhine: UNHCR’ (29 April 2025) available at <<https://www.newagebd.net/post/country/263647/rohingya-crisis-bangladesh-engages-with-parties-in-rakhine-unhcr>> accessed 16 May 2025.

³² Myanmar Now, ‘Bangladesh backs UN aid corridor proposal to troubled Myanmar’ (30 April 2025) available at <<https://myanmar-now.org/en/news/bangladesh-backs-un-aid-corridor-proposal-to-troubled-myanmar/>>, accessed 16 May 2025.

Historic steps towards justice and accountability

Against this backdrop of the deepening humanitarian crisis for Rohingya in Bangladesh and Rakhine State, on 13 February a federal court in Argentina issued arrest warrants for 25 Myanmar military and civilian officials, including Commander-in-Chief Min Aung Hlaing and Deputy Commander-in-Chief Soe Win, for allegedly committing genocide and other atrocity crimes against the Rohingya.³³ “This is a historic step towards justice for Rohingya and everyone in Burma [Myanmar] suffering under the Burmese military,” said Tun Khin, President of BROUK. “This brings a ray of hope to Rohingya who have suffered through decades of genocide, watching their families and culture be destroyed with impunity. It is also a victory for international justice at a time of growing violations of international law worldwide.”³⁴

The universal jurisdiction case was opened following a petition filed in 2019 by BROUK and Tun Khin with the legal representation of Tomás Ojea Quintana, former UN Special Rapporteur for the human rights situation in Myanmar. Six courageous female Rohingya survivors have also joined the case as formal parties.³⁵

On 18 March, Bangladeshi authorities arrested Arakan Rohingya Salvation Army (ARSA) leader Ata Ullah, along with nine of his known associates, on charges of murder, illegal entry, sabotage and militant activities.³⁶ The Bangladeshi authorities have implicated Ata Ullah in the 2021 murder of prominent Rohingya human rights defender Mohib Ullah.³⁷ His arrest came the same day as a report published by Fortify Rights detailing killings, abductions, and torture carried out against Rohingya civilians by ARSA and other Rohingya armed groups in the refugee camps in Bangladesh.³⁸ Rohingya civil society has repeatedly denounced these groups as criminal gangs who do not represent Rohingya communities or fight on their behalf.³⁹

It is very difficult for Rohingya to speak out against ARSA and other groups operating in the camps, due to the very real risk of reprisal attacks. Some international media coverage chose to focus on a few dozen Rohingya refugees praying for the release of Ata Ullah – a tiny percentage among a

³³ Those named in the Court’s request include 22 Burmese military officials and three civilians, including Aung San Suu Kyi and former president Htin Kyaw. In December 2023 BROUK requested international arrest warrants against military officials only. BROUK did not present any evidence regarding Aung San Suu Kyi and Htin Kyaw. Subsequently, in June 2024 the Argentinian Prosecutor independently decided to include civilians, such as Aung San Suu Kyi, in his request to the Court for arrest warrants. In response BROUK made a formal request to the court to ask them to consider the current political context in Myanmar and whether issuing arrest warrants for Aung San Suu Kyi and Htin Kyaw serves the best interests of justice at this time. However, the court decided to dismiss BROUK’s request and issued arrest warrants for Aung San Suu Kyi and Htin Kyaw.

³⁴ BROUK, ‘Argentina court issues international arrest warrant for Min Aung Hlaing – A historic step towards justice for Rohingya genocide’ (14 February 2025) available at <<https://brouk.org.uk/argentina-court-issues-international-arrest-warrant-for-min-aung-hlaing-a-historic-step-towards-justice-for-rohingya-genocide-2/>> accessed 16 May 2025.

³⁵ Under the principle of universal jurisdiction, genocide, crimes against humanity, and war crimes can be investigated anywhere in the world regardless of where they were committed. For a comprehensive overview of the case and other international justice and accountability efforts for atrocity crimes alleged to have been committed by the Myanmar military, see Global Justice Center and BROUK, ‘Update: The Universal Jurisdiction Case Against Myanmar Officials’ (February 2025) available at <<https://brouk.org.uk/qa-the-universal-jurisdiction-case-against-myanmar-officials/>> accessed 16 May 2025.

³⁶ Reuters, ‘Bangladesh arrests leader of Rohingya insurgent group on criminal charges’ (19 March 2025) available at <<https://www.reuters.com/world/asia-pacific/bangladesh-arrests-leader-rohingya-insurgent-group-criminal-charges-2025-03-19/>> accessed 16 May 2025.

³⁷ RFA, ‘EXPLAINED: Arrested ARSA leader blamed for violence against Rohingya refugees’ (23 March 2025) available at <<https://www.rfa.org/english/asia/2025/03/23/bangladesh-rohingya-refugee-arsa-violence/>> accessed 16 May 2025.

³⁸ Fortify Rights, ‘Bangladesh: Hold Rohingya Militants Accountable for War Crimes, Cooperate with International Mechanisms’ (18 March 2025) available at <<https://www.fortifyrights.org/bgd-inv-2025-03-18/>> accessed 16 May 2025.

³⁹ See for example, Joint Statement, ‘Rohingyas call for justice, equality, peaceful coexistence and inclusive governance in Arakan’ (23 December 2024) available at <<https://brouk.org.uk/rohingyas-call-for-justice-equality-peaceful-coexistence-and-inclusive-governance-in-arakan/>> accessed 16 May 2025.

population of over one million.⁴⁰ Speaking to media outlet BenarNews, refugee camp resident Amin's views reflected those of the vast majority: "Ataullah sold the Rohingya people for his personal gain. We are happy for his arrest. We hope Bangladesh will give him tough punishment."⁴¹

Earthquake devastation

These positive steps towards justice and accountability have since been overshadowed by the devastating earthquake that struck Myanmar on 28 March, killing at least 3,800 people according to official figures. The true death toll is likely to be considerably higher, according to the UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews.⁴² Areas hit by the earthquake include Sagaing, Mandalay, Magwe, and Bago Regions, eastern and southern Shan State, and Naypyidaw. Five weeks after the disaster, more than 6.3 million people were reported to be in urgent need of humanitarian assistance, adding to the almost 20 million people already relying on aid.⁴³

Within days of the earthquake, 265 Myanmar civil society organizations, including BROUK, called for disaster emergency relief to be channelled through local community groups and frontline responders in collaboration with the National Unity Government (NUG) and others, instead of the regime.⁴⁴ Their analysis cited the military's long history of aid exploitation - including obstruction and manipulation of relief efforts in response to natural disasters – from Cyclone Nargis in 2008 to Cyclone Mocha in 2023.⁴⁵

In Sagaing town, in the heartland of the resistance in central Myanmar, hundreds of people are believed to have died needlessly due to the slow and inadequate response to the earthquake. For four days, Muslim volunteers tried to rescue worshippers from a collapsed mosque without any proper equipment. Volunteer Htoo Htoo told Frontier Myanmar, "We had to work on our own, using our hands, hammers and chisels. We didn't find anyone alive, only dead bodies."⁴⁶ Over 100 worshippers are believed to have died in that mosque alone.

In the weeks since the earthquake, numerous reports have emerged of regime restrictions on international aid distribution and administrative barriers imposed on local volunteer aid delivery.⁴⁷ The junta also hoarded aid, stockpiling perishable supplies at the Ministry of Social Welfare's warehouse in Naypyidaw.⁴⁸ At the same time, the regime's brutal oppression continued unabated.

⁴⁰ Reuters, 'Rohingya in Bangladesh pray for release of arrested insurgent leader' (20 March 2025) available at <<https://www.reuters.com/world/asia-pacific/rohingya-bangladesh-pray-release-arrested-insurgent-leader-2025-03-20/>> accessed 16 May 2025.

⁴¹ RFA (23 March 2025) *op. cit.*

⁴² UN Special Procedures, 'UN expert calls for emergency Security Council action to address ceasefire violations after devastating Myanmar earthquake' (10 April 2025) available at <<https://www.ohchr.org/en/press-releases/2025/04/un-expert-calls-emergency-security-council-action-address-ceasefire>> accessed 9 June 2025.

⁴³ UNOCHA, 'Myanmar: Earthquake Response Situation Report No. 5' (4 May 2025) 1.

⁴⁴ 'Press Statement: Civil society calls for disaster relief for earthquake survivors and affected communities in Myanmar' (30 March 2025) available at <<https://brouk.org.uk/press-statement-civil-society-calls-for-disaster-relief-for-earthquake-survivors-and-affected-communities-in-myanmar/>> accessed 16 May 2025.

⁴⁵ BROUK, 'New Report: Preventable deaths in Cyclone Mocha and the Rohingya genocide' (25 May 2023) available at <<https://brouk.org.uk/new-report-preventable-deaths-in-cyclone-mocha-and-the-rohingya-genocide/>> accessed 16 May 2025.

⁴⁶ Frontier Myanmar, 'We didn't find anyone alive': Earthquake buries the faithful at Sagaing religious sites' (4 April 2025) available at <<https://www.frontiermyanmar.net/en/we-didnt-find-anyone-alive-earthquake-buries-the-faithful-at-sagaing-religious-sites/>> accessed 16 May 2025.

⁴⁷ New York Times, 'Already Ravaged by War, Myanmar Now Longs for Earthquake Relief' (7 April 2025) available at <<https://www.nytimes.com/2025/04/07/world/asia/myanmar-earthquake-aid.html>> and Frontier Myanmar, 'New junta rules curb aid to Mandalay quake victims' (11 April 2025) available at <<https://www.frontiermyanmar.net/en/new-junta-rules-curb-aid-to-mandalay-quake-victims/>> accessed 16 May 2025.

⁴⁸ ABC, 'Myanmar junta accused of hoarding aid as local groups scramble to respond to earthquake' (30 April 2025), available at <<https://www.abc.net.au/news/2025-04-30/myanmar-earthquake-survivors-battle-heat-hunger-and-the-military/105231356>> accessed 16 May 2025.

Volunteers who worked on earthquake recovery efforts late at night were forcibly conscripted.⁴⁹ There has been no let-up in junta airstrikes since the moment the earthquake struck. The regime's temporary humanitarian ceasefire announced on 2 April and recently extended until the end of May has been widely denounced as non-existent.⁵⁰ According to the Office of the High Commissioner for Human Rights (OHCHR), in the month following the earthquake the military launched at least 243 attacks, including 171 air strikes, with over 200 civilians reportedly killed. "Amidst so many crises around the world, the unbearable suffering of the people in Myanmar cannot be forgotten," said High Commissioner Türk.

Overview of the current Rakhine State context

Meanwhile in Rakhine State the number of IDPs now stands at 570,000, including those displaced during past and present outbreaks of conflict between the Myanmar military and the Arakan Army, as well as Rohingya confined to internment camps in central Rakhine State since 2012. As noted by UN Special Rapporteur Tom Andrews, the true figure is likely much higher.⁵¹

After 18 months of the trade blockade and severe humanitarian access restrictions in Rakhine State imposed by the regime, the impact on civilian populations has been devastating. More than 2 million people are facing starvation.⁵² Tom Andrews has recently described the situation as 'an impending humanitarian catastrophe'.⁵³

Rakhine State is heavily dependent on trade with central Myanmar for essential goods, but the regime's trade blockade has caused severe shortages of all basic commodities, as well as skyrocketing prices. Some informal cross-border trade is taking place between Maungdaw township and Bangladesh, and between Kyauktaw township and India via the Kaladan river, which runs through AA-controlled Paletwa township in Chin State up to the Indian border. However, this is small scale and wholly inadequate to meet the needs of people in Rakhine State.

The regime has also shut down banking services, leading to cash shortages. The telecommunications blackout means that it is very difficult for people in Rakhine State to receive remittances from family members abroad, which many depend on for their survival. Throughout the crisis – including in the aftermath of Cyclone Mocha in 2023 – the junta has consistently blocked humanitarian access, with denial of travel authorisations for humanitarian workers and heightened scrutiny at checkpoints commonplace in Rakhine State.⁵⁴

The WFP's funding shortfall is compounding an already dire food security situation for Rohingya communities, with many already starving. Many Rohingya communities are almost entirely dependent on international humanitarian assistance for their survival. The conditions of life inflicted on the Rohingya group in Rakhine State by the military regime leave them uniquely vulnerable in the context of armed conflict in the region. Restrictions on their freedom of movement make it extremely difficult for Rohingya to flee. The particular impacts on the Rohingya group of the regime's trade blockade and severe humanitarian access restrictions are examined in the context of the provisional measures

⁴⁹ New York Times (7 April 2025) *op. cit.*, OHCHR, 'Myanmar: Military actions compound dire humanitarian situation in aftermath of deadly earthquake' (4 April 2025) available at <<https://www.ohchr.org/en/press-releases/2025/04/myanmar-military-actions-compound-dire-humanitarian-situation-aftermath>> accessed 16 May 2025.

⁵⁰ The Diplomat, 'Myanmar Military Announces Further Extension of Earthquake Ceasefire' (7 May 2025) available at <<https://thediplomat.com/2025/05/myanmar-military-announces-further-extension-of-earthquake-ceasefire/>> accessed 16 May 2025.

⁵¹ UNHRC, 'Report of the Special Rapporteur on the situation of human rights in Myanmar (12 March 2025)' UNDOC ref A/HRC/58/64 8[36].

⁵² UNDP, (November 2024) *op. cit.* 1.

⁵³ UNHRC, (12 March 2025) *op. cit.* 9 [45].

⁵⁴ UNOCHA, 'Myanmar: Humanitarian Update No. 44' (19 February 2025) 3.

order, under section **Provisional measure (2) – do not commit genocidal acts - Deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part.**

Armed conflict situation

In 2025, in addition to its operations in Rakhine and Chin States, the Arakan Army has extended its military operations into the neighbouring regions of Ayeyarwaddy, Bago, and Magway.⁵⁵ Intense fighting between the AA and allied Peoples’ Defence Forces and the Myanmar military has reportedly displaced tens of thousands of civilians.⁵⁶ In addition to trying to open up trade routes from central Myanmar to Rakhine State, analysts speculate that the AA is seeking to position itself as a ‘kingmaker’⁵⁷ to leverage maximum influence over Myanmar’s political future, which includes the long-term fate of the Rohingya.

The Arakan Army has also launched sporadic attacks on junta positions in Sittwe from a distance, keeping the city under siege.⁵⁸ Junta forces have blocked all exit routes from Sittwe, leaving Rakhine and Rohingya civilians who are trapped in the area extremely vulnerable.⁵⁹ Fierce clashes have also been reported in Kyaukphyu, where the regime has its largest naval base in Rakhine State. Kyaukphyu has several Chinese-backed mega projects, including oil and gas pipelines, a deep seaport and a special economic zone. The junta has responded with airstrikes, targeting Rakhine villages and forcing residents to flee.⁶⁰

In the northern Rakhine State townships of Buthidaung and Maungdaw, ARSA continues to operate, even after the arrest of its leader Ata Ullah. As BROUK has detailed in previous reports, the Myanmar military has collaborated with ARSA, as well as the Rohingya Solidarity Organisation (RSO) and the Arakan Rohingya Army (ARA). The junta has been accused of providing material support to such groups.⁶¹ The involvement of these groups in forced recruitment of Rohingya in Rakhine State and from the refugee camps in Bangladesh for the Myanmar military has been well-documented by BROUK and others, but appears to have stopped in recent months.

The regime’s divide-and-rule tactics have had a devastating impact on Rohingya communities. The junta’s ongoing genocidal intent towards the Rohingya can be inferred from these tactics, particularly when viewed through the lens of the provisional measures order. Instead of protecting the Rohingya – as it is legally bound to do - the regime has forcibly recruited thousands of Rohingya men,

⁵⁵ The Irrawaddy, ‘AA Reports Rapid Ayeyarwady Region Advances as Myanmar Junta Retreats’ (21 January 2025) available at <<https://www.irrawaddy.com/news/war-against-the-junta/aa-reports-rapid-ayeyarwady-region-advances-as-myanmar-junta-retreats.html>> and RFA, ‘Arakan Army captures junta camp on road to central Myanmar’ (28 January 2025) available at <<https://www.rfa.org/english/myanmar/2025/01/28/aa-rakine-state-bago/>> accessed 17 May 2025.

⁵⁶ See for example, The Irrawaddy, ‘Arakan Army Steps Up Ayeyarwady Attacks’ (21 March 2025) available at <<https://www.irrawaddy.com/news/war-against-the-junta/arakan-army-steps-up-ayeyarwady-attacks.html>> and Myanmar Now, ‘Junta forces retreat as escalating clashes with Arakan Army continue across Ayeyarwady Region’ (1 May 2025) available at <<https://myanmar-now.org/en/news/junta-forces-retreat-as-escalating-clashes-with-arakan-army-continue-across-ayeyarwady-region/>> accessed 17 May 2025.

⁵⁷ See for example, Asia Times, ‘Arakan Army holds the key to breaking Myanmar’s junta’ (26 March 2025) available at <<https://asiatimes.com/2025/03/arakan-army-holds-the-key-to-breaking-myanmars-junta/#>> accessed 17 May 2025.

⁵⁸ Myanmar Now, ‘The Arakan Army launches new offensive, closing in on Sittwe’ (20 February 2025) available at <<https://myanmar-now.org/en/news/the-arakan-army-launches-new-offensive-closing-in-on-sittwe/>> accessed 17 May 2025.

⁵⁹ RFA, ‘Arakan Army closing in on capital of Myanmar’s Rakhine state’ (18 February 2025) available at <<https://www.rfa.org/english/myanmar/2025/02/18/myanmar-sittwe-rakhine-fighting-arakan-army/>> accessed 17 May 2025.

⁶⁰ Myanmar Now, ‘AA, Myanmar junta engage in fierce fighting near Rakhine State’s largest naval base’ (24 February 2025) available at <<https://myanmar-now.org/en/news/aa-myanmar-junta-engage-in-fierce-fighting-near-rakhine-states-largest-naval-base/>> and The Irrawaddy, ‘Arakan Army Renews Attacks on Kyaukphyu Naval Base’ (1 March 2025) available at <<https://www.irrawaddy.com/news/war-against-the-junta/arakan-army-renews-attacks-on-kyaukphyu-naval-base.html>> accessed 17 May 2025.

⁶¹ IISS, ‘Competing armed groups pose new threat to Rohingya in Bangladesh’ (13 December 2023) available at <<https://myanmar.iiiss.org/analysis/rohingya>> and TNI, ‘A New Dimension to Armed Conflicts in Arakan?’ (20 September 2023) available at <<https://www.tni.org/en/article/a-new-dimension-to-armed-conflicts-in-arakan>> accessed 21 May 2025.

deliberately put them in harm's way on the frontlines of conflict, whilst at the same time inciting hatred and violence towards the group. The regime has sought to make Rohingya communities look 'guilty by association' – even though the overwhelming majority of Rohingya who fought alongside the Myanmar military and Rohingya armed groups were forcibly recruited. In many cases, they were abducted at gunpoint. The regime's actions paved the way for abuses by ARSA and other Rohingya armed groups in Rakhine State. They also set the stage for acts of collective punishment by the Arakan Army against entire Rohingya communities.

Tun Win, a Rohingya man from Buthidaung township, recently recounted how ARSA murdered his brother in 2024 for opposing their abuses, including forced marriage and arbitrary taxation. As a result, he and the rest of his family fled to Bangladesh. He told Frontier Myanmar, "We were very scared and it was very painful. They're bullying Rohingya people. They claim they're protecting our community, but that's just nonsense."⁶²

Rohingya villagers feel trapped, and fearful of the consequences of the presence of Rohingya armed groups in northern Rakhine. The regime's divide-and-rule tactics have torn apart the fabric of society in Rakhine State, causing deep rifts between Rakhine and Rohingya and a mutual breakdown of trust between the AA and Rohingya communities. Speaking anonymously to Frontier, a Rohingya man from Buthidaung said, "Rakhine people will misunderstand us. ARSA and RSO are coming from Bangladesh and we're the ones who are going to suffer the consequences. They don't represent us. They only oppress us."⁶³

In late March, the AA launched a major conscription drive in Rakhine State.⁶⁴ Their recruitment targets men aged 18 to 45 and women aged 18 to 35. After an initial period of training, conscripts are required to complete two years of service to protect towns and villages captured by the AA, according to the reports.⁶⁵ In January, BROUK received information that the AA had abducted dozens of ethnic Mro youths from seven villages in Maungdaw township for forced recruitment. Several were reported to be children as young as 13.⁶⁶ BROUK has documented how hundreds of Rohingya men and youth have either been forcibly recruited into the AA or forced to participate in the AA's military training across northern Rakhine State, and ordered to protect their villages from attacks by Rohingya armed groups.⁶⁷

Following the earthquake devastation in central Myanmar, along with its allies the AA announced a 30-day cessation of offensive operations on 1 April, a day before the regime's announcement.⁶⁸ Following the pattern across the country, the regime continued its attacks in Rakhine State. On 11 April, a regime fighter jet dropped two 500-pound bombs near a Rohingya village in Pauktaw township. On 13 May, the junta carried out a devastating airstrike on the Rakhine village of Htun Ya

⁶² Frontier Myanmar, "They don't represent us": Rohingya armed groups 'wreak havoc in Rakhine' (7 May 2025) available at <<https://www.frontiermyanmar.net/en/they-dont-represent-us-rohingya-armed-groups-wreak-havoc-in-rakhine/>> accessed 18 May 2025.

⁶³ Frontier Myanmar (7 May 2025) *op. cit.*

⁶⁴ RFA, 'Arakan Army to begin conscription in Myanmar's west' (27 March 2025) available at <<https://www.rfa.org/english/myanmar/2025/03/27/myanmar-arakan-army-conscription-rakhine/>> and AA, 'Public Notice and Restriction Order for Local Residents Attempting to Leave Arakan Amid Ongoing Intense Conflicts' (22 May 2025) available at <<https://t.me/aainfodesk/1376?single>> accessed 23 May 2025.

⁶⁵ Myanmar Now, 'Arakan Army launches conscription drive in Myanmar's Rakhine State' (26 March 2025) available at <<https://myanmar-now.org/en/news/arakan-army-launches-conscription-drive-in-myanmars-rakhine-state/>> accessed 18 May 2025.

⁶⁶ BROUK reference ICJ11-AA-RSC-FR.

⁶⁷ These incidents are documented in more detail under the section '**Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**'.

⁶⁸ 'Statement by the Three Brotherhood Alliance Announcing One Month Unilateral Humanitarian Pause, Refraining from Offensive Operations in Areas of Ongoing Conflict, to Enable Swift and Effective Post-Earthquake Rescue Efforts' (1 April 2025) available at <<https://t.me/threebrotherhoodalliance/1500>> accessed 18 May 2025.

Wai in Rathedaung township, killing at least 13 Rakhine civilians and injuring 20.⁶⁹ The following day, a regime airstrike on a residential ward of Kyauktaw township killed six civilians, including one Rohingya. 18 civilians were injured, four of whom were Rohingya.⁷⁰

Rohingya continue to flee to Bangladesh

Rohingya refugees who manage to reach Bangladesh cite the famine and ongoing serious human rights violations by the Arakan Army as their reasons for embarking on the extremely difficult journey to try and reach the relative safety of Bangladesh. Since December last year the Arakan Army has banned river traffic on the Naf River, Myanmar's border with Bangladesh, citing 'military necessities and public security concerns'.⁷¹ It is very risky to cross the river during the day, with several reports of the AA abducting Bangladeshi fishermen and even shooting at them on the river.⁷²

The Arakan Army routinely falsely accuses Rohingya civilians of harbouring ARSA fighters, as a pretext for conducting their own 'clearance operations' on Rohingya villages. "They are torturing us, evicting us from our homes, looting our rice, and forcing our men to build military barracks," said Abdul Gafur, who recently arrived in Bangladesh.⁷³ 118,000 Rohingya have fled to Bangladesh since November 2023, according to the government of Bangladesh. The highest number of people arrived in June and July last year.⁷⁴

There is also the risk of pushbacks by Border Guard Bangladesh (BGB). According to a source cited by Amnesty International, there were more than 5,000 cases of *refoulement* in 2024, where Bangladeshi border authorities forcibly returned Rohingya people fleeing the violence in violation of international law.⁷⁵ In April, BROUK documented a case where 12 Rohingya were arrested by the BGB and pushed back to Myanmar, where they were detained by the AA and had to meet AA's extortion demands to secure their release.

BROUK has documented numerous grave violations by the Arakan Army over the reporting period, including forced displacement, land-grabbing acts of collective punishment, forced labour, forced recruitment, as well as abduction, incommunicado detention, and torture. These are set out in detail under the section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**. BROUK has also collected information about the Arakan Army's policies of persecution that heavily restrict basic freedoms for the Rohingya. Many of these policies and practices mirror the measures adopted by the military regime.

Under international law, the State has the primary responsibility to prevent atrocity crimes, including by non-State armed actors such as the Arakan Army. States have the primary responsibility to prevent the commission of genocide, war crimes, and crimes against humanity, as well as *incitement* to

⁶⁹ RFA, 'Junta bombs rebel territory in western Myanmar, kills children, elderly' (13 May 2025) available at <<https://www.rfa.org/english/myanmar/2025/05/13/junta-bombs-western-myanmar/>> accessed 18 May 2025.

⁷⁰ BROUK reference ICJ11-OAC-SAC-AC-KTW-1. See also Myanmar Now, 'Airstrikes by Myanmar's military kill seven in Rakhine State, Mandalay Region' (15 May 2025) available at <<https://myanmar-now.org/en/news/airstrikes-by-myanmars-military-kill-seven-in-rakhine-state-mandalay-region/>> accessed 18 May 2025.

⁷¹ Arakan Army, 'Announcement Regarding the Indefinite Suspension of River Transportation in the Naf River (Arakan Side)' (8 December 2024) available at <<https://www.arakanarmy.net/post/announcement-regarding-the-indefinite-suspension-of-river-transportation-in-the-naf-river-arakan-si>> accessed 21 May 2025.

⁷² Dhaka Tribune, 'Arakan Army abducts three Bangladeshi fishermen from Naf River' (12 May 2025) available at <<https://www.dhakatribune.com/bangladesh/nation/381040/arakan-army-abducts-three-bangladeshi-fishermen>>, Anadalou Agency, 'Myanmar's Arakan Army captures 56 Bangladeshi fishermen' (6 March 2025) available at <<https://www.aa.com.tr/en/asia-pacific/myanmars-arakan-army-captures-56-bangladeshi-fishermen/3501685#>> accessed 21 May 2025.

⁷³ Prothomalo, '118,000 more Rohingya entered Bangladesh in last 1 year, registration completed' (5 May 2025) available at <<https://en.prothomalo.com/bangladesh/9nzkf9brov>> accessed 18 May 2025.

⁷⁴ *ibid.*

⁷⁵ Amnesty International, 'Myanmar/Bangladesh: Rohingya community facing gravest threats since 2017' (24 October 2024) available at <<https://www.amnesty.org/en/latest/news/2024/10/myanmar-bangladesh-rohingya-community-facing-gravest-threats-since-2017/>> accessed 21 May 2025.

commit these atrocity crimes. While the regime's role cannot absolve the Arakan Army of its own obligations under international law, the junta's own actions to incite hatred and violence towards the Rohingya and to deliberately intensify a hostile environment conducive to atrocity crimes must be front and centre in understanding the devastating violence in Rakhine State targeting the Rohingya.⁷⁶ The regime's failure to prevent the commission of alleged atrocity crimes by the Arakan Army and *its role in inciting such crimes* must be clearly understood by all stakeholders. In fact, the regime's ongoing genocidal intent towards the Rohingya group can be clearly inferred from such acts and omissions. This is particularly important in light of the Court's provisional measures order to protect the Rohingya from irreparable harm, and the fact that The Gambia has accused Myanmar of *continuing* to commit genocidal acts as part of its case before the Court.⁷⁷

Breaches of the ICJ's provisional measures by the Myanmar junta

This section of the report analyses breaches of the ICJ's provisional measures order by the Myanmar junta in accordance with the existing jurisprudence on genocide. In BROUK's view, the information compiled in this report demonstrates that the regime continues to commission genocidal acts: namely, deliberately inflicting conditions of life calculated to bring about the physical destruction in whole or in part of the Rohingya group, causing serious bodily or mental harm, and killings.

Provisional measure (1) – prevent genocide

'The Republic of the Union of Myanmar shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the members of the Rohingya group in its territory, **namely the order to take all measures within its power to prevent the commission of genocidal acts** within the scope of Article II of this Convention, in particular:

- a) killing members of the group;
- b) causing serious bodily or mental harm to members of the group;
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
- d) imposing measures intended to prevent births within the group.'⁷⁸

Provisional measure (1) is focused on the *prevention* of genocide and the ICJ instructs the Myanmar State to take 'all measures within its power' to do so.

Denial of identity, citizenship, and freedom of movement

The regime continues to deny the Rohingya their identity, consistently referring to them as 'Bengali'. The junta also persists with upholding the 1982 Citizenship Law, which was designed to strip Rohingya of citizenship.

⁷⁶ For more detailed analysis of risk factors for atrocity crimes in Rakhine State according to framework of analysis set out by the UN Office on Genocide Prevention and the Responsibility to Protect, see BROUK, 'The Genocide Never Stopped: Five years on from the World Court's order to protect the Rohingya' (23 January 2025) 12-15.

⁷⁷ See **Annex: Background to The Gambia v. Myanmar genocide case at the ICJ**.

⁷⁸ ICJ, 'Order: Request for the Indication of Provisional Measures' *The Gambia v. Myanmar* (23 January 2020) 25 [86].

Rohingya living in areas of Rakhine State under junta control (Manaung, Kyaukphyu and Sittwe townships) are subjected to wide-ranging restrictions on freedom of movement. Likewise, Rohingya living in areas under the control of the Arakan Army (with minor exceptions) also face tight restrictions on their freedom of movement, described in detail in the section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**. Together with the denial of citizenship, these restrictions have rendered Rohingya communities uniquely vulnerable among civilian populations in Myanmar and subject to exploitation by all parties to the conflict in Rakhine State.

The last publicly available data from September 2024 showed that there were almost 145,000 Rohingya confined to internment camps in central Rakhine State, of whom over 112,000 were in Sittwe township, which is still under the control of the regime at the time of writing.⁷⁹

When Rohingya attempt to flee from Rakhine State across areas under regime control, they face arrest and imprisonment by the junta authorities for travelling without documents or prior authorisation. There is currently no publicly available data about how many Rohingya are detained in prisons across Myanmar. In February, a total of 1,874 Rohingya were released from prison in two separate batches.⁸⁰ According to information received by BROUK, they were aged 15-40 and most were from Maungdaw, followed by Buthidaung, Kyauktaw and Sittwe, with smaller numbers from other townships.⁸¹

The regime transported all the released prisoners to Sittwe and rehoused them in the already overcrowded IDP internment camps. Immigration authorities issued released Rohingya prisoners with the National Verification Card (NVC) - documentation which denies their identity as Rohingya and forces them to accept the designation of 'Bengali', implying that the Rohingya are foreign interlopers from Bangladesh.⁸² Released Rohingya prisoners were also ordered to sign a statement, which said they agreed not to travel without regime authorisation again. According to information received by BROUK, the junta has completely stopped issuing Form 4 for Rohingya.⁸³ Form 4 is a temporary travel permit that Rohingya must obtain to get permission to travel beyond their township or Rakhine State, for example to seek medical treatment in Yangon. It was only available to Rohingya with documentation such as the NVC and required a costly and lengthy process of approvals by various administrative bodies.⁸⁴

Along with the other Rohingya IDPs held in internment camps in Sittwe, Rohingya released from prison are extremely vulnerable to forced recruitment by the Myanmar military.

Restricting international humanitarian access

The junta's long-standing restrictions on freedom of movement, access to livelihoods and healthcare for Rohingya communities have left them heavily dependent on international humanitarian assistance for their most basic needs. For this reason, the regime's wide-ranging restrictions on humanitarian access in Rakhine State have a disproportionate impact on extremely vulnerable Rohingya communities.

In the context of the provisional measures order, the regime's continued leveraging of its complex bureaucratic apparatus (Memoranda of Understanding that must be negotiated by UN agencies; INGO

⁷⁹ CCCM Camp Profiles, Central Rakhine, Myanmar September 2024, on file with BROUK.

⁸⁰ (1,355 male, 519 female). Incident ref ICJ11-PM1-1.

⁸¹ Minbya, Mrauk U, Rathedaung, Pauktaw, Kyaukphyu, and Myebon.

⁸² See BROUK's ten previous briefings on Myanmar's noncompliance with the ICJ's provisional measures order, as well as 'Annex 1 to the Report of the Special Rapporteur on the human rights situation in Myanmar to the UN General Assembly' (2 September 2021) UN Doc A/76/314 4 [19].

⁸³ Information provided by Research Consultant Kathy Win.

⁸⁴ Independent Rakhine Initiative 'Freedom of Movement in Rakhine State' (2020).

and NGO legal registration and reporting requirements; ad hoc travel authorisation procedures) must be understood in very simple terms: it denies the basic necessities of life to members of the Rohingya group in Rakhine State who are almost entirely dependent on humanitarian aid for their survival. The regime can threaten to revoke an MOU at any time. All non-governmental organisations must register with the authorities, or staff risk being imprisoned. They must also seek permission to carry out research, but authorisation is rarely granted, especially on food and nutrition-related topics.⁸⁵ This has serious implications for food security needs assessments, particularly in emergencies such as internal displacement.

Humanitarian aid workers and senior UN officials recently spoke to Fortify Rights about the junta authorities denying or ignoring travel authorisation requests for northern Rakhine State since November 2023. An international humanitarian aid worker explained:

So we have had to halt field activities. We applied for TAs [travel authorisations] several times to the [junta] state government, but each time, they rejected it. They did not provide a formal response, but that is their standard practice. If we do not receive a letter, it means our request has been denied. Later, we tried to approach the township-based military commander's office, but he did not respond either.⁸⁶

A senior UN official described a similar situation in Buthidaung:

In April 2024, we submitted a letter to the township junta Military Tactical Commander in Buthidaung Township requesting permission to provide life-saving humanitarian aid to civilians displaced. However, they never responded to the request, which meant it was rejected. There was no consideration of human suffering [of civilians] who lack the most basic survival needs.⁸⁷

The regime's wide-ranging access restrictions in Rakhine State continue to defy UN Security Council Resolution 2669, which urged 'full, safe and unhindered humanitarian access' as well as provisional measure (1) ordered by the ICJ.⁸⁸ The severe consequences of these humanitarian access restrictions are described in detail below. These consequences have been exacerbated by the crippling cuts to humanitarian aid, particularly to the World Food Programme, which has stopped food rations to Rohingya IDPs held in internment camps due to the funding shortfall.

Provisional measure (2) – do not commit genocidal acts

'The Republic of the Union of Myanmar shall, in relation to the members of the Rohingya group in its territory, ensure that its military, as well as any irregular armed units which may be directed or supported by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in point (1) above, or of conspiracy to commit genocide, of direct and public incitement to commit genocide, of attempt to commit genocide, or of complicity in genocide.'

This section of the report examines the Myanmar military's actions concerning the genocidal acts outlined in Article II of the Genocide Convention, specifically:

⁸⁵ Reuters, (16 December 2024) *op. cit.*

⁸⁶ Fortify Rights, 'Bangladesh, Arakan Army: Establish Humanitarian Corridor for War-Affected Civilians in Myanmar' (12 March 2025) available at <<https://www.fortifyrights.org/bgd-inv-2025-03-12/>> accessed 23 May 2025.

⁸⁷ *ibid.*

⁸⁸ UNSC Resolution 2669 (21 September 2022) *op. cit.*

- Deliberately inflicting conditions of life calculated to bring about the physical destruction of the Rohingya in whole or in part;
- Causing serious bodily or mental harm to Rohingya; and
- Killing members of the Rohingya group.

Deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part

The genocidal act of 'deliberately inflicting conditions of life on the group intended to bring about its physical destruction' addresses situations in which the perpetrator does not immediately kill the members of the group, but uses other methods intended to ultimately bring about their physical destruction. This concept, sometimes referred to as "slow death," is well-established in international jurisprudence, including cases before the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR).

Case law has identified various means by which such acts can be carried out, including:

- Subjecting the group to a subsistence diet;
- Failing to provide adequate medical care;
- Systematically expelling members from their homes;
- Depriving the group of basic necessities such as food, water, shelter, clothing, and sanitation.⁸⁹

The 2016 ICTY *Karadžić* judgment underscored that genocidal intent can be inferred from the objective probability that imposed conditions would lead to the physical destruction of the group in part. Factors such as the nature of imposed conditions, the length of exposure, and the group's vulnerability are critical to assessing intent.⁹⁰

This report - alongside previous briefings by BROUK - provides substantial evidence of the junta's ongoing commission of this genocidal act. The regime continues to impose dehumanizing, degrading, and life-threatening conditions on Rohingya communities, exacerbating their vulnerability. The latest findings highlight the impending humanitarian catastrophe as the famine conditions take hold.

Rohingya communities across Rakhine State are experiencing acute shortages of food and clean drinking water, inadequate sanitation facilities, and a scarcity of basic medicines. The conditions of life inflicted upon the Rohingya group are conducive to mass suffering and death.

'A subsistence diet' equals malnutrition

After living under conditions of indefinite arbitrary detention since 2012, it is highly likely that Rohingya children in both northern and central Rakhine State were malnourished even before the resumption of armed conflict in November 2023, although there is no publicly available data to confirm this. Undernutrition – a form of malnutrition - makes children much more vulnerable to disease and death.⁹¹

⁸⁹ ICTY, *Prosecutor v. Karadzic*, IT-95-5/18-T, Judgment, 24 March 2016, [547], with reference to the preceding cases ICTY, *Prosecutor v. Brdjanin*, IT-99-36-T, Judgment, 1 December 2004, [691]; ICTY, *Prosecutor v. Stakic*, IT-97-24-T, Judgment, 31 July 2003, [517]; ICTR, *Prosecutor v. Musema*, ICTR-96-13-T, Judgment, 27 January 2000, [157]; ICTR, *Prosecutor v. Kayishema and Ruzindana*, ICTR-95-1-T, Judgment, 21 May 1999, [115–116]; ICTR, *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment, 2 September 1998, [506].

⁹⁰ ICTY, *Prosecutor v. Karadzic*, *op. cit.* [548].

⁹¹ Undernutrition is a form of malnutrition. There are four sub-forms of undernutrition – wasting (low weight-for-height), stunting (low height-for-age), underweight (low weight-for-age), and deficiencies in vitamins and minerals. WHO, 'Factsheet: malnutrition (1 March 2024) available at <<https://www.who.int/news-room/fact-sheets/detail/malnutrition>>', accessed 25 May 2025.

In emergency situations such as conflict and internal displacement, young children and women who are pregnant or breastfeeding are the most vulnerable to severe acute malnutrition. Severe acute malnutrition (SAM) mainly involves macronutrient deficiency, which means that a person is not getting enough essential nutrients in the form of carbohydrates, protein, and fat.⁹² A person with SAM is at risk of dying without immediate treatment. SAM is frequently associated with medical complications due to its impact on metabolism and the immune system. These can include infections, severe anaemia, diarrhoea and dehydration, delayed wound healing, and hypothermia, among others. Children in particular are at the highest risk of dying from starvation, with SAM a major cause of morbidity and mortality in children globally.⁹³

Severe acute malnutrition encompasses a spectrum that has kwashiorkor at one end and marasmus at the other. Kwashiorkor in children typically presents as a distended belly and swollen legs or feet, while marasmus presents as severe muscle wasting and a skeletal appearance.⁹⁴ SAM in children is usually diagnosed via mid-upper arm circumference, which measures the degree of muscle wasting. A MUAC of less than 115 mm in children aged 6 - 60 months (up to 5 years old) indicates SAM and significant mortality risk.⁹⁵

Conditions of life in northern Rakhine State

Yet another far-reaching impact of the regime's humanitarian access restrictions is that aid workers cannot conduct MUAC screening to assess levels of severe acute malnutrition among Rohingya children in northern Rakhine State or mobilise the resources which are essential for saving lives, such as ready-to-use therapeutic food (RUTF).

In April and May 2025, BROUK conducted telephone surveys with Rohingya respondents in villages in Buthidaung and Maungdaw townships. This research was extremely difficult given the telecommunications challenges in these townships, and the surveys were necessarily limited in scope.⁹⁶ BROUK's researchers collected information about the three pillars of food security - food access, food availability, and food use⁹⁷ - as well as availability and adequacy of drinking water and sanitation facilities. They also asked respondents about public health challenges, such as outbreaks of diarrhoea, and signs of severe acute malnutrition (kwashiorkor and marasmus) among children.

Buthidaung township

BROUK researchers spoke with respondents in nine villages in Buthidaung township, with a total population of over 9,500. On average, 47 percent of the population were IDPs, and almost all had been displaced for over a year.

⁹² Sarah Bunker & Jyotsna Pandey, 'Educational Case: Understanding Kwashiorkor and Marasmus: Disease Mechanisms and Pathologic Consequences', in *Academic Pathology* Vol 8 (2021) available at <<https://www.sciencedirect.com/science/article/pii/S2374289521003316>> accessed 27 May 2025.

⁹³ WHO, 'Malnutrition: Emergencies and disasters' (20 January 2020) available at <<https://www.who.int/news-room/questions-and-answers/item/malnutrition-emergencies-and-disasters>>; MSF, 'MSF Medical Guidelines: Severe Acute Malnutrition' (February 2024) available at <<https://medicalguidelines.msf.org/en/viewport/CG/english/severe-acute-malnutrition-16689141.html#section-target-10>> accessed 27 May 2025.

⁹⁴ Bunker & Pandey, *op. cit.*

⁹⁵ MSF (February 2024) *op. cit.*

⁹⁶ Due to the security risks for all involved and the risk of reprisal attacks, BROUK is not publicly identifying these villages but will share the data collected with key international stakeholders as part of efforts to advocate for urgent international humanitarian assistance for Rohingya in northern Rakhine State.

⁹⁷ See for example, UNHCR, 'Emergency Handbook: Food security needs assessment' (29 May 2024) available at <<https://emergency.unhcr.org/emergency-assistance/food-security/food-security-needs-assessment>> accessed 24 May 2025.

All respondents reported that they are eating just two meals a day of low-quality rice. Occasionally they ate curry usually made only from leaves – no oil, fresh vegetables or sources of protein.⁹⁸ In two of the locations, some families are occasionally limited to eating just one meal a day.

When asked how this compared with their food consumption habits before the resumption of conflict in November 2023 and the aid and trade blockade, a respondent explained, “Before the war restarted, we could eat the three main food groups to provide us with energy, build our strength, and protect us. Now we are eating just to survive.”⁹⁹

Rohingya in these villages reported that basic commodity prices are extremely high and there is limited availability at the two markets they have access to, with items sometimes selling out. Food is unaffordable for many Rohingya families, as they have no income sources. Movement restrictions imposed by the AA mean that they cannot fish, farm, go to mountain areas to cut firewood or forage for food. Rohingya need to pay for official permission from the AA to travel between villages and access the markets.¹⁰⁰

Respondents in all the locations described shortages of clean drinking water. In some places, hand pumps were damaged during the conflict. In most places, Rohingya rely on pond water, which is very limited during the hot season. In one location, there is no water source at all, meaning that Rohingya must walk to the nearest village a mile away to collect water.¹⁰¹ Sanitation facilities at all locations are reported to be inadequate, with IDPs in particular lacking access to fly-proof latrines.

Outbreaks of diarrhoea were reported at all the locations except one over the past three months. In one village, two children and one elderly person died during a recent outbreak.¹⁰² Due to the regime’s ban on importing medicines to Rakhine State, basic supplies like oral rehydration salts are scarce and unaffordable for most.

All respondents reported that multiple children in every location are extremely thin and showing signs of marasmus. Although it was not possible to collect MUAC data to confirm this, given the macronutrient deficiencies indicated by the current food consumption at these nine locations, BROUK warns that SAM may already be prevalent among children in the areas surveyed and across Buthidaung township. Immediate humanitarian access, RUTF and food assistance is urgently needed to save lives.

Maungdaw township

BROUK conducted the same survey with Rohingya respondents in six villages in Maungdaw township, with a total population of over 4,000. On average, 12 percent were IDPs. Maungdaw township is less isolated than Buthidaung township. On the face of it, the availability of food is marginally better in the locations surveyed, because Rakhine traders travel to these villages to sell goods to Rohingya shopkeepers and some informal, small-scale cross-border trade with Bangladesh is also reported. However, the extremely high cost of commodities is a major barrier to accessibility. This is compounded by strict curfew and travel restrictions imposed by the AA, which limits access to markets, leaving villages dependent on traders visiting their locations. The AA also charges high levels of arbitrary taxation from Rohingya shopkeepers.¹⁰³

⁹⁸ BROUK reference ICJ11-PM2c-FS-BTD-1a-8.

⁹⁹ BROUK reference ICJ11-PM2c-FS-BTD-1a.

¹⁰⁰ These restrictions are described in more detail under in the section **Other atrocity crimes & the Arakan Army’s failure to comply with the provisional measures.**

¹⁰¹ BROUK reference ICJ11- PM2c-FS-BTD-2.

¹⁰² BROUK reference ICJ11- PM2c-FS-BTD-6.

¹⁰³ BROUK references ICJ11-PM2c-FS-MDW-1a-5.

Respondents mentioned the poor quality of food available, in some cases describing it as ‘expired’ or ‘scavenged’, yet still extremely expensive.¹⁰⁴ Most respondents described eating two meals a day of low- quality rice and stale vegetables, occasionally with fish if they can afford it. Due to the AA’s movement restrictions, Rohingya in Maungdaw township are also denied access to fishing and other livelihoods.

Latrines were reported to be damaged during the fighting at all six locations, with villagers unable to repair them due to the high costs and difficulties with obtaining the necessary materials. Respondents all reported outbreaks of diarrhoea in the past three months, and many are suffering from skin diseases.

Some also reported experiencing chronic weakness or fatigue, which is a sign of SAM in adults.¹⁰⁵ In March, a local Rakhine media outlet reported signs of kwashiorkor in children in Maungdaw township, while BROUK’s research also indicates possible signs of marasmus in children.¹⁰⁶ Before being moved to their current locations, some respondents were corralled at Hla Poe Khaung transit camp by AA for many months in overcrowded and unsanitary conditions with several thousand other IDPs before they were allowed to return home. At least 10 children died during an outbreak of diarrhoea there in 2025.¹⁰⁷

BROUK’s findings likely represent the tip of the iceberg in terms of the prevalence of severe malnutrition and starvation in northern Rakhine State. Humanitarian workers in Bangladesh have reported that new arrivals from Rakhine State exhibit visible signs of severe malnutrition, including uncontrollable shaking.¹⁰⁸ The regime is ultimately responsible for the conditions of life that have been inflicted on the Rohingya group over many years, with the humanitarian access restrictions, trade blockade and ban on importing medicines resulting in a sharp deterioration since November 2023. The junta has systematically deprived the Rohingya of the basic necessities of life needed for survival, with devastating consequences. For its part, the Arakan Army has largely replicated the same policies of persecution.

It is impossible to overstate the extreme vulnerability of Rohingya IDPs in northern Rakhine State. Many are survivors of alleged atrocity crimes by both the Myanmar military and AA soldiers and have been displaced multiple times since November 2023. Rohingya across northern Rakhine State also face many ongoing violations by the Arakan Army detailed in the section **Other atrocity crimes & the Arakan Army’s failure to comply with the provisional measures**, compounding the risks of starvation and disease.

Conditions of life in central Rakhine State

Forced displacement, confinement in camps

The Myanmar military has a decades-long history of employing divide-and-rule tactics and instigating violence against the Rohingya. The State-orchestrated violence of 2012-13 marked a critical juncture in the military authorities’ treatment of the group. A false narrative of ‘intercommunal violence’ constructed by the military authorities was used as a pretext to introduce draconian restrictions on

¹⁰⁴ BROUK reference ICJ11-PM2c-FS-MDW-1a.

¹⁰⁵ Bunker & Pandey, *op. cit.*

¹⁰⁶ BNI, ‘Many Malnourished Children in Maungdaw Township’ (18 March 2025) available at <<https://www.bnionline.net/en/news/many-malnourished-children-maungdaw-township>> accessed 30 May 2025.

¹⁰⁷ BROUK reference ICJ11-PM2c-FS-MDW-1a.

¹⁰⁸ UNHRC (12 March 2025) *op. cit.* 8 [38]. Uncontrollable shaking may be a symptom of hypothermia, a complication of SAM.

freedom of movement for the Rohingya across Rakhine State.¹⁰⁹ The UN Fact-Finding Mission on Myanmar concluded,

*The 2012 and 2013 violence in Rakhine State was pre-planned and instigated...the Myanmar security forces were actively involved and complicit. They participated in acts of violence... [This] actively instigated violence between the ethnic Rakhine and the Rohingya, with the involvement of State institutions and other figures of authority, result[ed] in mass arrests of Rohingya, policies of segregation and the mass displacement and confinement of Rohingya into squalid and barb-wired “displacement” sites and camps in central Rakhine, where they have been arbitrarily detained.*¹¹⁰

Rohingya in central Rakhine State have been subjected to indefinite arbitrary detention in camps for almost 13 years, in violation of international law.¹¹¹ Although best understood as detention or internment camps, the 24 sites in Sittwe, Kyauktaw, Kyaukphyu, Myebon and Pauktaw townships¹¹² are officially classified as temporary camps for IDPs. In previous briefings, BROUK has drawn on publicly available data published by humanitarian actors to analyse the conditions of life at the sites and the impact of the regime’s humanitarian access restrictions. However, the camp profiles for central Rakhine State no longer appear to be publicly available.¹¹³

The last publicly available data from September 2024 showed that there were almost 145,000 Rohingya in camps, of whom over 112,000 were in Sittwe township.¹¹⁴ Around 50 percent of Rohingya confined to camps are children; a generation of Rohingya who have only ever known the brutality of indefinite detention under squalid conditions. For the Rohingya in central Rakhine State now into their second decade of indefinite detention in the camps, the impact of WFP cutting off food rations due to funding shortfalls is truly devastating.

Sittwe township

According to information received by BROUK, the last time that all IDPs in the camps in Sittwe received food rations was the last week in February.¹¹⁵ IDPs did not receive any food aid in March or April. Cash assistance provided in March and April was reportedly only for nutritionally vulnerable IDPs, such as pregnant and lactating women, and those with disabilities. Beneficiaries received 45,000 MMK per month. According to a Rohingya woman interviewed by a local Rakhine media outlet,

“The price of rice, oil, meat, fish, and vegetables has gone through the roof. These days, even 50,000 MMK isn’t enough to cover two meals a day. People are really

¹⁰⁹ For a more detailed description, see BROUK, ‘Slow death’: ten years confined to camps for 130,000 Rohingya in Myanmar (22 May 2022).

¹¹⁰ UNFFMM, ‘Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar’ (17 September 2018) UN Doc A/HRC/39/CRP.2 [747-748].

¹¹¹ *ibid.*

¹¹² Out of these 24 sites, 19 are formal camps, 3 are integrated host communities, and 2 are officially closed camps where IDPs remain. In April 2017, the authorities announced that it would begin closing camps in response to the recommendations in an interim report from the Advisory Commission on Rakhine State led by the late Kofi Annan. Three camps (Kyein Ni Pyin in Pauktaw township, Nidin in Kyauktaw township, and Taung Paw in Myebon township) were officially declared ‘closed’ in 2018 and Kyauk Ta Lone camp in Kyaukpyu was officially ‘closed’ in May 2023 but its current status is unclear. As previously reported by BROUK, the ‘camp closure’ strategy is better understood as the permanent segregation and detention of Rohingya in flood-prone locations.

¹¹³ They were previously available here <<https://sheltercluster.org/hub/rakhine>>, accessed 30 May 2025.

¹¹⁴ CCCM Camp Profiles, Central Rakhine, Myanmar September 2024, on file with BROUK.

¹¹⁵ BROUK reference ICJ11-PM2c-SIT-1a-5.

struggling. Offshore fishing is completely banned now — and if anyone tries to fish in secret, the junta seizes their catch and even arrests them.”¹¹⁶

Due to the movement restrictions imposed by the regime, Rohingya are not allowed to visit the main market. If they are not provided with food rations by WFP’s partners and only receive cash assistance, they are left depending on petty traders who bring goods from the main market to the camps for access to food to buy. However, those traders need to meet arbitrary taxation demands at all the military checkpoints to reach the camps. Sometimes soldiers seize the goods for their own use.¹¹⁷

By late April, as many as 70 percent of IDPs were reported to be facing starvation in some camps.¹¹⁸ BROUK received multiple reports of people having to resort to scavenging for taro roots, radishes, water cress, and sweet potato remains left over in the fields after the harvest. In Ohn Taw Gyi North, the largest of the camps in Sittwe, a family of four attempted suicide after only eating taro roots for many days. The father tragically died, and his wife and children only survived after their neighbours managed to intervene in time to save their lives. In a separate case, an elderly man lay down in the road and waited to be run over. When community members tried to move him to safety, he expressed that he would be better off dead.¹¹⁹ These are not isolated incidents.

People are starving and desperate. BROUK has received reports that families are so hungry that they are going begging from camp to camp. In the highly coercive environment of the camps, which are surrounded by military checkpoints, people are extremely vulnerable. Women from every camp are engaging in sex work purely for their survival, especially widows and women from female-headed households.¹²⁰

According to reports from the ground, food assistance was provided again from 24 May in some camps, but only to nutritionally vulnerable groups.¹²¹ BROUK understands from sources on the ground that WFP food rations will restart in June, but only until September due to ongoing funding shortfalls.

Starvation is causing immense suffering and psychological distress in the camps. Desperation is forcing more and more people to risk their lives at the hands of human traffickers in order to escape. The camps are becoming increasingly dangerous environments due to starvation, overcrowding, squalid conditions, forced recruitment into the Myanmar military, and the ever-present threat of conflict intensifying in Sittwe.¹²²

Pauktaw township

There are five camps in Pauktaw township, where over 25,000 Rohingya IDPs are confined. According to UN data, almost 60 percent of the Rohingya population at four out of the five Pauktaw camps are children.¹²³ It is extremely difficult to contact people in Pauktaw township due to the rolling telecommunications blackout imposed by the regime.

¹¹⁶ BNI, ‘Sittwe Township Muslims Face Crisis’ (16 May 2025) available at <<https://www.bnionline.net/en/news/sittwe-township-muslims-face-crisis>> accessed 31 May 2025.

¹¹⁷ BROUK reference ICJ11-PM2c-SIT-3.

¹¹⁸ *ibid.*

¹¹⁹ BROUK reference ICJ11-PM2c-SIT-1.

¹²⁰ BROUK reference ICJ11-PM2c-SIT-5.

¹²¹ BROUK references ICJ11-PM2c-SIT-4 and ICJ11-PM2c-SIT-1.

¹²² In May, a fire broke out in Say Tha Mar Gyi camp, reportedly killing a three-year-old child and two women, one of whom was pregnant. 18 shelters were burnt down, leaving 180 families (around 1,400 people) homeless. BROUK reference ICJ11-PM2c-SIT-2.

¹²³ Percentages and estimated total number of IDPs based on last publicly available figures compiled by the UN Shelter cluster, which counted 26,961 Rohingya IDPs in Pauktaw township in September 2024.

The junta has consistently blocked humanitarian assistance to Pauktaw township since the AA claimed control of the area on 24 January 2024.¹²⁴ Earlier this year, Rohingya IDPs told BROUK that they had not received any food rations or any form of assistance since February 2024.¹²⁵ The Reuters investigative report also highlighted that the regime had prevented the delivery of food and medicine to severely malnourished children in an area gripped by cholera, which BROUK believes to be the camps in Pauktaw where Rohingya are detained.¹²⁶ BROUK's last briefing documented outbreaks of acute watery diarrhoea (AWD) in the Pauktaw camps in April, May, July, September and October 2024. BROUK was able to verify the deaths of 31 Rohingya but also received credible reports of an additional 56 deaths, making a total of 94 in 2024.¹²⁷ The majority of deaths were among children under five.

Speaking to RFA's Burmese language service in January this year, a Rohingya IDP reported, "The primary necessity is rice. Currently, people in the camp are starving. Due to insufficient rice for cooking, they rely on rice soup [just boiled rice water]. It has been nearly a year since we received support from international organizations."¹²⁸

In May, BROUK received information from one of the Pauktaw camps. In this camp alone, 10 more children died during an outbreak of diarrhoea in December 2024. So far this year, 25 adults are reported to have died from starvation, and a further seven died due to lack of medical care for other chronic conditions.¹²⁹ These deaths were entirely preventable.

Rohingya IDPs in Pauktaw are also extremely vulnerable. In March, BROUK documented the arrests of 23 Rohingya IDPs from Pauktaw by the Myanmar Navy near Sittwe. They had paid for travel permits from the AA to travel through AA-controlled areas to Kyauktaw to buy provisions for their camp. On their return, they had to make a detour to avoid the junta's airstrikes and were arrested by the navy. They are reportedly under investigation for alleged support of the Arakan Army and are at grave risk of being tortured in junta custody.¹³⁰

Kyauktaw township

Although some goods are being imported to Kyauktaw township from the India-Myanmar border via the Kaladan river, the food security situation in the area is still very challenging, especially for impoverished Rohingya communities. Unfortunately, BROUK was unable to collect data from Nidin IDP camp in Kyauktaw township.

An estimated 45 percent of Rohingya villagers in the Kyauktaw area try to get work as daily labourers. A quarter of Rohingya villagers are dependent on remittances from family members abroad, which are very difficult to receive because of the telecommunications blackouts. A small minority of Rohingya work as farmers or fishermen. Rohingya earn very little and cannot meet the rising costs of basic commodities.¹³¹

As a result, most Rohingya families in Kyauktaw township are reported to be eating rice just twice a day. The poorest families have resorted to feeding their young children rice soup [boiled rice water] when they don't have enough rice for all the family. Volunteer community health workers conducted MUAC screening of children in one Rohingya village tract in February and found 46 cases of severe

¹²⁴ Frontier Myanmar, 'Arakan Army claims control of port town in Rakhine State' (25 January 2024) available at <<https://www.frontiermyanmar.net/en/arakan-army-claims-control-of-port-town-in-rakhine-state/>> accessed 2 June 2025.

¹²⁵ BROUK, 'The Genocide Never Stopped' (23 January 2025) 21.

¹²⁶ Reuters, (16 December 2024) *op. cit.*

¹²⁷ Verification involves collecting the biodata of the deceased, including name, sex, age, and date and cause of death.

¹²⁸ English-language translation published by Rohingya activist Nay San Lwin on X. See <

<https://x.com/nslwin/status/1875163417629122971>> accessed 1 June 2025.

¹²⁹ BROUK reference ICJ11-PM2c-PKT-3.

¹³⁰ BROUK reference ICJ11-PM2c-PKT-2.

¹³¹ BROUK reference ICJ11-PM2c-KTW-1.

acute malnutrition and 161 cases of moderate acute malnutrition (MAM). They were able to treat the children with RUTF imported from India. Following treatment, there are currently 14 cases of SAM and 63 of MAM in the village tract, all showing signs of marasmus.¹³²

Water and sanitation facilities in Rohingya villages in the Kyauktaw area are wholly inadequate after years of systemic neglect by the authorities, damage from Cyclone Mocha, as well as during the heavy battles for control over Kyauktaw township. Villagers report that there are no proper sanitation systems and no fly-proof latrines. In March, two infants died during an outbreak of diarrhoea in one Rohingya village.¹³³ BROUK was unable to collect data about diarrhoea outbreaks from other villages.

Due to the rapidly deteriorating conditions of life in Kyauktaw township, approximately 2,000 Rohingya are estimated to have fled Kyauktaw township in 2025.¹³⁴ Young men and women are risking their lives in the hands of people smugglers and human traffickers every week, with the Arakan Army reported to be heavily involved.¹³⁵

Criminalisation of Rohingya fleeing the conditions of life inflicted on them

Rohingya who attempt to flee the appalling conditions of life inflicted upon them in Rakhine State are routinely arrested and imprisoned for travelling without identity documents and travel authorisations - which the State itself has made it so difficult to obtain. Cases against the Rohingya are usually brought under the 1949 Residents of Burma Registration Act (and 1951 Resident of Burma Registration Rules), which carries a maximum penalty of two years in jail with hard labour, or under Article 13(1) of the 1947 Burma Immigration (Emergency Provisions) Act) for a jail term of five years.¹³⁶ Under international law, the statelessness of a person resulting from the arbitrary deprivation of nationality cannot be invoked by a State as a justification for the denial of other human rights, including freedom of movement.¹³⁷ The Myanmar State's complex web of discriminatory laws and movement restrictions applied solely to members of the Rohingya group violate international human rights laws. Furthermore, they criminalise the Rohingya for attempting to flee the appalling conditions of life they are subjected to in Rakhine State.

Rohingya who flee Rakhine State are in danger of being picked up by the Myanmar Navy at sea or arrested onshore or inland. They are immediately detained and summarily sentenced without due process. Children are separated from their mothers and sent to child and youth detention centres. It is very difficult to know how many Rohingya men, women, and children are in prisons and other detention facilities across the country at any point in time. Conditions in these facilities are extremely harsh, and most prisoners depend on their families to provide them with nutritious food and medicines. But the families of many Rohingya don't know what has happened to them. Even if they learn what has happened to their loved ones, they are unable to visit them due to the very same restrictions on their freedom of movement.

Rohingya prisoners tend to be detained even after their unlawful sentences have ended, because the regime is reluctant to make arrangements to return them to their original townships. Rohingya prisoners released in February were transferred to the already overcrowded Sittwe internment camps, where they are at risk of being forcibly recruited into the Myanmar military. Rohingya in Rakhine State face a perpetual cycle of persecution, flight, criminalisation for fleeing, imprisonment, and

¹³² *ibid.*

¹³³ *ibid.*

¹³⁴ *ibid.*

¹³⁵ BROUK reference ICJ11-OAC-AA-TR-KTW-1. AA alleged involvement in people smuggling and human trafficking is detailed in the section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures.**

¹³⁶ Rohingya Communities Worldwide, 'Joint UPR Submission 2020' 11 [30]. Burma Human Rights Network, 'Nowhere to Run in Burma: Rohingya trapped between an open-air prison and jail' (26 August 2020).

¹³⁷ UNFFMM 2018 report *op. cit.* 119-120 [499-500].

return to those same conditions of life, where the cycle of persecution begins again. The regime's ongoing genocidal intent towards the Rohingya group should be inferred from its unrelenting use of these persecutory laws, policies, and practices.

Ever-increasing numbers of Rohingya are attempting to flee Rakhine State. According to data compiled by the UN High Commissioner for Refugees (UNHCR), more than 7,800 Rohingya attempted to flee Myanmar by boat in 2024 – an 80 per cent increase compared to the previous year. The proportion of women increased to almost a third, while children accounted for 44 percent of Rohingya fleeing by boat. Over 650 people died or were reported missing enroute in 2024.¹³⁸

This year, 427 Rohingya are believed to have died at sea in the month of May alone in back-to-back incidents.¹³⁹ High seas during the monsoon season make the journey even more perilous. In a joint statement, 26 Rohingya organisations said, “The drowning of Rohingya fleeing persecution and hunger has become a constant reality which the international community cannot ignore. The fact that it is happening during the monsoon season is a sign of just how desperate the situation for Rohingya has become.”¹⁴⁰ The few people who survived – including children - were picked up by junta authorities and detained.

Causing serious bodily or mental harm to members of the group

The jurisprudence of the ad hoc tribunals has clarified that the genocidal act of causing serious bodily or mental harm ‘need not cause permanent and irremediable harm, but it must involve harm that goes beyond temporary unhappiness, embarrassment or humiliation. It must be harm that results in a grave and long-term disadvantage to a person’s ability to lead a normal and constructive life’.¹⁴¹

According to the ICTY, ‘the bodily or mental harm caused must be of such a serious nature as to contribute or tend to contribute to the destruction of the group’ and ‘may include torture; rape; and non-fatal physical violence that causes disfigurement or serious injury to the external or internal organs’.¹⁴² The ICTY has further established that threats of death and ‘knowledge of impending death’ are examples of serious mental harm.¹⁴³

Ongoing forced recruitment into the Myanmar military

Against the backdrop of the appalling conditions of life inflicted on the Rohingya group in Rakhine State by the regime, the Myanmar military has routinely targeted Rohingya men and youth for forced recruitment for over a year now, since February 2024.¹⁴⁴ It is very difficult to verify exactly how many

¹³⁸ UNHCR, ‘Focus on saving lives, urges UNHCR as more Rohingya flee by sea’ (8 January 2025) available at <<https://www.unhcr.org/asia/news/press-releases/focus-saving-lives-urges-unhcr-more-rohingya-flee-sea>> accessed 3 June 2025.

¹³⁹ UNHCR, ‘UNHCR fears extreme desperation led to deaths of 427 Rohingya at sea’ (23 May 2025) available at <<https://www.unhcr.org/news/press-releases/unhcr-fears-extreme-desperation-led-deaths-427-rohingya-sea>> accessed 3 June 2025.

¹⁴⁰ Joint Statement, ‘Mass Drowning of Rohingya Refugees: A Tragedy Fueled by Arakan Army Brutality and Global Indifference’ (29 May 2025) available at <<https://brouk.org.uk/mass-drowning-of-rohingya-refugees-a-tragedy-fueled-by-arakan-army-brutality-and-global-indifference/>> accessed 3 June 2025.

¹⁴¹ ICTY, *Prosecutor v. Krstić*, Trial Chamber, Judgment, 2 August 2001, IT-98-33-T, [513]; ICTR, *Prosecutor v. Akayesu*, Trial Chamber, Judgment, 2 September 1998, ICTR-96-4-T, [502] stating that the bodily or mental harm need not be ‘permanent or irremediable’. Cited in Mark Klamberg, Jonas Nilsson and Antonio Angotti (eds.) *Commentary on the Law of the International Criminal Court: The Statute, Volume I* (2nd ed.) Torkel Opsahl Academic E-Publisher (2023).

¹⁴² ICTY, *Prosecutor v. Mladić*, Trial Chamber, Judgment, 22 November 2017, IT-09-92-T [3433]; *Prosecutor v. Karadžić*, Trial Chamber, Judgment, 24 March 2016, IT-95-5/18-T [543–545]. Cited in Klamberg eds. *op. cit.* 132.

¹⁴³ *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-A, ICTY A. Ch., Judgment, 8 April 2015 [206].

¹⁴⁴ BROUK first received reports that IDP Camp Management Committees in Sittwe had been ordered to recruit Rohingya for the Myanmar military on 20 January, a few weeks before the first batch of Rohingya men and youth were taken for conscription.

Rohingya youth and men have been forcibly conscripted into the Myanmar military, but the number is likely to have exceeded 5,000 by now.¹⁴⁵ After a short period of abusive military training, they are routinely deployed to the frontlines, where many are believed to have been killed.

In January, BROUK documented the forced recruitment of 80 Rohingya men from Darpaing village and IDP camp. Soldiers arrived in the area in four military vehicles and began arresting youth and young men in the street. They also forced their way into shelters and took away men they found.¹⁴⁶

At least three men who were among those forcibly recruited by the Myanmar military from Thae Chaung camp in January and February this year are believed to have been killed on the frontlines. Families of forced recruits do not get any official confirmation of their deaths, and their loved ones' bodies are not returned to them.¹⁴⁷

Rohingya IDPs and villagers in the Sittwe area also report that conscription orders are accompanied by extortion demands from the Myanmar military. Instead of the regime paying salaries to the recruits, every month money is forcibly collected from all IDPs in the camps to pay salaries directly to the families of forced recruits. This scheme is reportedly administered through the regime-appointed Camp Management Committees and village administrators.¹⁴⁸ Such demands are compounding the famine conditions prevalent in the camps and are particularly difficult for widows and single mothers to meet, as they have no regular source of income.¹⁴⁹ BROUK has received reports that some Rohingya men are so desperate to earn money to feed their families that they have expressed the desire to be selected for forced recruitment, simply so that their families will receive the money and avoid starvation. Rohingya women and men in Sittwe are faced with unthinkable choices on a daily basis, due to the highly coercive environment in the camps and the risk of starvation.

Killing members of the group

As described above, untold numbers of Rohingya men and youth forcibly recruited by the Myanmar military have been sent to their deaths on the frontlines in Rakhine State.

The regime's blockade and restrictions on humanitarian access in Rakhine State have exacerbated acute famine conditions, especially for Rohingya. Moreover, the ever-deteriorating conditions of life inflicted upon Rohingya by the regime in north and central Rakhine State have resulted in the preventable deaths of many more Rohingya, including young children.

In accordance with the *Karadzic* case law, the killings described above may amount to genocidal acts when intent to destroy the group in whole or in part can be inferred from the context and the actions of the perpetrators.

Due to factors such as the denial of international humanitarian access, lack of international scrutiny, security issues and rolling communication blackouts, BROUK is extremely concerned that killings of Rohingya amounting to genocidal acts may be more pervasive than documented in this report.

¹⁴⁵ HRW, 'Myanmar: Armies Target Ethnic Rohingya, Rakhine' (12 August 2024) citing local media reports, available at <<https://www.hrw.org/news/2024/08/12/myanmar-armies-target-ethnic-rohingya-rakhine>> accessed 3 June 2025.

¹⁴⁶ BROUK reference ICJ11-PM2b-FR-SIT-1.

¹⁴⁷ BROUK reference ICJ11-PM2c-SIT-4.

¹⁴⁸ *ibid.*

¹⁴⁹ Information about widows and single mothers kindly supplied by Research Consultant Kathy Win.

Provisional measure (3) – preserve evidence

‘The Republic of the Union of Myanmar shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide.’

The Myanmar State is obliged to comply with this provisional measure at all times. This includes during situations of internal armed conflict, as well as with reference to fresh allegations of genocidal acts since the provisional measures were ordered in January 2020.

In previous briefings, BROUK highlighted how the Myanmar regime continued to build infrastructure on Rohingya land razed during the ‘clearance operations’ of 2016-2017, including on sites of alleged mass killings and other serious crimes. BROUK’s research built on the findings of the UNFFMM’s 2019 report.¹⁵⁰ In many cases, the land razed was used to construct Border Guard Police (BGP) outposts or military camps.¹⁵¹ According to reports received from the ground, the Arakan Army now occupies many of those same BGP outposts and military camps. This potentially further compromises evidence relating to alleged genocidal acts committed by the Myanmar military during the 2016-2017 ‘clearance operations’.

Provisional measure (4) – report to the ICJ

‘The Republic of the Union of Myanmar shall submit a report to the Court on all measures taken to give effect to this Order within four months, as from the date of this Order, and thereafter every six months, until a final decision on the case is rendered by the Court.’

It is unclear whether Min Aung Hlaing’s regime met the 23 May 2025 deadline to submit its latest report on compliance with the provisional measures order to the Court. The first batch of Rohingya prisoners were released from prisons in Myanmar within days of the Argentinian court issuing arrest warrants for Min Aung Hlaing and others.¹⁵² It is likely the releases will feature in the regime’s report to the Court on its compliance with the provisional measures order, although this is impossible to verify as the reports are not publicly available.

The extensive evidence and analysis of the junta’s breaches of the ICJ’s provisional measures order presented in this report underscore – for the eleventh time – the urgent need for *contemporaneous* international scrutiny and transparency in the reporting process on compliance with provisional measures to the Court in this case. The military regime has routinely breached the provisional measures order for more than four years, without facing any consequences.

Under the Rules of the Court, the ICJ may of its own accord either issue further provisional measures or amend the existing order by providing more specific instructions.¹⁵³ If the Myanmar State were

¹⁵⁰ UNFFMM, ‘Detailed findings of the Independent International Fact-Finding Mission on Myanmar’ (16 September 2019) UN Doc A/HRC/42/CRP.5 [116-140].

¹⁵¹ UNFFMM *ibid* [126].

¹⁵² RFA, ‘Myanmar junta frees nearly 1,000 Rohingya from prison, group says’ (17 February 2025) available at <<https://www.rfa.org/english/myanmar/2025/02/17/rohingya-freed/>> accessed 22 May 2025.

¹⁵³ See International Court of Justice Rules of Court adopted on 14 April 1978 and entered into force on 1 July 1978, Rules 75 and 76. See also Prachiti Venkatraman and Ashley Jordana, UK Human Rights Blog, ‘Myanmar’s Compliance with the ICJ Provisional Measures Order & the Road Ahead’ (3 September 2020) available at <<https://ukhumanrightsblog.com/2020/09/03/myanmars-compliance-with-the-icj-provisional-measures-order-the-road-ahead/>> accessed 14 May 2024 and USHMM, Report#2, *op.cit.* 5. A change to the Internal Judicial Practice of the Court provided for the establishment of an ad hoc committee comprised of three judges to assist the Court in monitoring the implementation of provisional measures. The ad hoc committee reports periodically to the Court and can recommend potential options to the Court, which should include a recommendation to make Myanmar’s reports public. ICJ Press Release, ‘Adoption of a new Article 11 of the Resolution concerning the Internal Judicial Practice of the Court, on

legally obliged to make its compliance reports public *at the time of submission* to the Court as part of its *erga omnes* obligations to the international community on the prevention and punishment of genocide, this would give UN member states compelling reason to urge the UN Security Council to exercise its Chapter VII mandate and adopt a binding resolution on Myanmar in pursuit of peace and security in the country and wider region.¹⁵⁴ Such a resolution should include referral of the situation in Myanmar to the International Criminal Court.

Latest developments in the ICJ case

On 29 November 2024, the Republic of Slovenia submitted a declaration of intervention in the case, followed by the Democratic Republic of the Congo (DRC), Belgium, and Ireland on 10, 12, and 20 December 2024 respectively. According to the recently updated Rules of the Court, declarations of intervention must be filed not later than the date fixed for the filing of the last written pleading by State parties to the case.¹⁵⁵ This deadline was 30 December 2024, when Myanmar's Rejoinder was due to be filed with the Court.¹⁵⁶ At the time of writing, Canada, Denmark, France, Germany, the Netherlands, the United Kingdom and the Maldives have been confirmed as intervening States by the Court. The Court has yet to publicly issue its decision on the admissibility of the additional declarations filed by Slovenia, the DRC, Belgium and Ireland.¹⁵⁷

All of the above States filed their declarations of intervention under Article 63(2) of the ICJ Statute, as they are parties to the Genocide Convention. Read together with the Rules of the Court, this gives State parties to an international convention the right to intervene in a case where it concerns the 'construction' of a convention.¹⁵⁸ In brief, this means that intervening States can seek to clarify the interpretation of the Genocide Convention, and the Court's findings will be binding on them. In practice, the Court's order gives intervening States the right to participate in proceedings, on this basis.

Intervening States confirmed by the Court will be provided with copies of the written pleadings by The Gambia and Myanmar. The Court will then fix a deadline for intervening States to submit their written observations. These submissions must strictly address the subject matter of their intervention, focusing on the interpretation of the Genocide Convention in the context of the case. The Court will decide at a later date whether intervening States will be allowed to make observations during oral proceedings.¹⁵⁹

procedures for monitoring the implementation of provisional measures indicated by the Court' (21 December 2020) No. 2020/38.

¹⁵⁴ Article 77 of the Rules read with Article 41(2) of the Court's Statute provides that any provisional measures ordered by the Court are to be communicated to the UNSC. To date there is no indication that the reports on compliance with the orders have been provided to the UNSC. Erin Farrell Rosenberg, John Packer, Fernand de Varennes, 'Provisional Measures in The Gambia v. Myanmar Case Before the ICJ: The Case for Making Myanmar's Report Public' (22 May 2021), 11.

¹⁵⁵ EJIL! Talk 'The ICJ Changes the Rules for Intervention' (11 March 2024) available at <<https://www.ejiltalk.org/the-icj-changes-the-rules-for-intervention/>> accessed 3 January 2025.

¹⁵⁶ The first round of written proceedings concluded in August 2023, following Myanmar's submission of its case for the defence - known as the Counter-Memorial - in response to The Gambia's earlier submission of its case for the prosecution, the Memorial. Both parties to the case agreed that a second round of written pleadings was necessary before proceeding to oral hearings. According to the latest publicly available information, The Gambia submitted its Reply (written submission in response to Myanmar's Counter-Memorial) on 23 May 2024. The Court subsequently set the deadline of 30 December 2024 for the filing of Myanmar's Rejoinder (written submission in response to The Gambia's Reply).

¹⁵⁷ Following its practice with the earlier declarations of intervention, the Court will likely fix deadlines for the submission of written observations by the two parties to the case in response to the declarations - and for Slovenia, DRC, Belgium and Ireland in the event of an objection to their declarations by either party - after which the Court will issue its decision on the admissibility of these latest declarations of intervention.

¹⁵⁸ Article 63(2) ICJ Statute available at <<https://www.icj-cij.org/statute>> and Article 82(3) ICJ Rules of Court, available at <<https://www.icj-cij.org/rules>> accessed 5 June 2025.

¹⁵⁹ ICJ 'Order - Admissibility of the Declarations of Intervention' *op cit.* 10 [48].

Until the case concludes and the final judgment is issued, the State of Myanmar is obliged to continue reporting on compliance with the Court's provisional measures order every six months. The length of court proceedings mean that even greater public scrutiny must be afforded to Myanmar's compliance with the ICJ's provisional measures order, given that its purpose is to protect the Rohingya from irreparable harm. It is unclear whether intervening States will be provided with Myanmar's compliance reports and The Gambia's written observations in response to those reports as part of their participation in proceedings.

Next steps in the proceedings

- **Additional declarations of intervention:** The Court will rule on whether or not the additional declarations of intervention filed by Slovenia, the Democratic Republic of the Congo, Belgium and Ireland are admissible.
- **Completion of written observations:** Intervening States confirmed by the Court will be provided with copies of all written pleadings submitted by both The Gambia and Myanmar. The Court will then establish a deadline for intervening States to submit their written observations.
- **Oral hearings:** Following the completion of all written submissions, the Court will schedule oral hearings where both the Gambia and Myanmar will present their cases, respond to questions, and provide additional evidence.
- **Deliberations by the judges:** The ICJ judges will engage in private deliberations, reviewing all evidence and arguments to assess Myanmar's compliance with the Genocide Convention.
- **Final judgment:** The ICJ will issue a binding judgment on the merits of the case. If the Court finds in favour of The Gambia, it will determine Myanmar's responsibility under the Genocide Convention and set out legal obligations for reparations or guarantees of non-repetition.

The next section of this report examines other alleged atrocity crimes committed in Rakhine State over the reporting period; further breaches of the ICJ's provisional measures.

Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures

The International Court of Justice ordered the provisional measures in the context of The Gambia's genocide case against Myanmar. The legal basis for the case is the Genocide Convention, to which both States are a party. The Gambia has also accused Myanmar of *continuing* to commit genocidal acts and of violating its other obligations under the Convention by failing to *prevent* and *punish* genocide. The Myanmar State has the primary responsibility to prevent and punish the crime of genocide and to prevent the commission of *all atrocity crimes*, as well as *incitement* to those crimes.

The significance of the Court's provisional measures order therefore extends beyond the prevention of the crime of genocide and State responsibility. The Court described the Rohingya remaining in Myanmar as 'extremely vulnerable' and referred to the 'right of the Rohingya group in Myanmar and of its members to be protected from killings and other acts threatening their existence as a group'.¹⁶⁰ In simple terms, the order sets out that the Rohingya must be protected from further harm. Their right to exist as a group must be protected, and their rights respected. The order must be interpreted within the wider body of international law. All human rights violations perpetrated against the Rohingya cause grave harm, especially those amounting to atrocity crimes.

¹⁶⁰ ICJ, (23 January 2020) *op. cit.* 23[72], [70].

As the main powerholder in Rakhine State, the Arakan Army has both a legal and moral duty to respect and protect the rights of the Rohingya, including their right to exist as a distinct group. The Arakan Army must comply with the provisional measures and take concrete steps to protect the Rohingya, alongside all other civilians in Rakhine State. As a party to the conflict in Rakhine State, the Arakan Army must also uphold international humanitarian law.

International humanitarian law

One of the main purposes of international humanitarian law (IHL) is to protect non-combatants, people who are not taking part in hostilities – specifically, civilians, health workers and aid workers. Fundamental rules applicable in internal armed conflicts include the principle of distinction between combatants and civilians and between military and civilian objects. IHL requires all parties to a conflict to take precautionary measures to minimise harm to civilians and civilian objects, which includes providing effective warnings to civilian populations. Direct attacks against civilians and civilian objects are prohibited. Indiscriminate attacks (attacks which strike military objectives and civilians or civilian objects without distinction) are also prohibited. Reprisal attacks against civilians are prohibited in all circumstances, regardless of the behaviour of the other party to the conflict. All parties to internal armed conflicts must comply with IHL. Perpetrators of IHL violations may be held criminally liable under national and international law.

The UN Guiding Principles on Internal Displacement consolidate existing international human rights and humanitarian law relevant to the internally displaced.¹⁶¹ They reiterate that arbitrary displacement is prohibited in situations of armed conflict - unless the security of the civilians involved or imperative military reasons so demand – and should last no longer than required by the circumstances. They further clarify that displacement as a collective punishment is prohibited, as is displacement based on policies of apartheid, “ethnic cleansing” or similar practices.¹⁶² The right of return for internally displaced persons in safety to their homes or habitual places of residence is also part of customary international humanitarian law.¹⁶³

Customary international humanitarian law prohibits the use of weapons that are by nature indiscriminate.¹⁶⁴ Landmines are victim-activated weapons that cannot distinguish between civilians and combatants, and as such are inherently indiscriminate weapons. Although landmines are not yet enumerated as a specific prohibited weapon in the ICC Rome Statute, international human rights organizations are increasingly calling for the extensive use of landmines in civilian areas such as homes, villages, and farmland to be investigated as the war crime of directing attacks against civilians and civilian objects, a crime over which the ICC does have jurisdiction.¹⁶⁵

War crimes

War crimes are serious violations of international humanitarian law. Specific acts which are prohibited in the context of an internal armed conflict are described in Articles 8(2)(c) and 8(2)(e) of the Rome Statute of the International Criminal Court (ICC).¹⁶⁶ Such acts include (but are not limited to) murder, torture, cruel treatment, extrajudicial executions, sexual violence, rape, taking hostages, using,

¹⁶¹ UN Guiding Principles on Internal Displacement (1998) UN Doc E/CN.4/1998/53/Add.2.

¹⁶² *ibid* Principle 6(2)(3).

¹⁶³ Rule 132. Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist. See < <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule132>> accessed 6 June 2025.

¹⁶⁴ Rule 71. The use of weapons which are by nature indiscriminate is prohibited. See < https://ihl-databases.icrc.org/en/customary-ihl/v1/rule71#Fn_8ACA2B68_00035> accessed 6 June 2025.

¹⁶⁵ Amnesty International, ‘Myanmar: Military’s use of banned landmines in Kayah State amounts to war crimes’ (20 July 2022) available at < <https://www.amnesty.org/en/latest/news/2022/07/myanmar-militarys-use-of-banned-landmines-in-kayah-state-amounts-to-war-crimes/>> and accessed 6 June 2025.

¹⁶⁶ Articles 8 (2) (c) (i-iv) and 8 (2) (e) (i-xv). Rome Statute of the International Criminal Court (Rome Statute), adopted July 17, 1998, 2187 UNTS 90, U.N. Doc. A/CONF.183/9 (2002).

conscripting and enlisting children under the age of 15, pillaging, attacking civilians, attacking civilian objects. When perpetrated in the context of an internal armed conflict and with the necessary intent and knowledge of both the act and context, these acts amount to war crimes.¹⁶⁷ Ordering the displacement of a civilian population in the context of an internal armed conflict is also a war crime, unless the security of the civilians involved or imperative military reasons so demand, both of which are exceptional circumstances.¹⁶⁸

Torture constitutes a war crime when the perpetrator inflicted the pain or suffering for such purposes as obtaining information or a confession, punishment, intimidation or coercion, or for any reason based on discrimination of any kind.¹⁶⁹ Although forced labour is not specifically enumerated as a war crime, it can amount to cruel treatment. In its judgment in the *Simić* case, the ICTY found that:

*[C]ertain types of forced labor may amount to cruel and inhumane treatment if the conditions under which the labor is rendered are such as to create danger for the life or health of the civilians, or may arouse in them feelings of fear, and humiliation. . . . Forcing protected persons to work in life-threatening circumstances fails to meet the obligation for protection against acts of violence and may result in inflicting upon these persons physical and mental suffering. It has been held that placing detainees in life-threatening situations constitutes cruel and inhuman treatment.*¹⁷⁰

Crimes against humanity

The framework of analysis for atrocity crimes set out by the UN Office on Genocide Prevention and the Responsibility to Protect clarifies that different kinds of atrocity crimes can occur concurrently in the same situation, or one crime might be a precursor to another type of atrocity crime.¹⁷¹

Crimes against humanity are among the gravest crimes under international law, committed as part of a widespread or systematic attack against any civilian population. An ‘attack’ doesn’t need to be a military attack. It instead refers to a course of conduct involving the commission of prohibited acts.¹⁷² The attack must be either widespread *or* systematic in order to meet the legal threshold for a crime against humanity. The perpetrator must have knowledge that the conduct is part of a widespread or systematic attack against a civilian population. The ICC’s Pre-Trial Chambers decisions in the *Bemba* and *Katanga and Ngudjolo* cases clarified that a widespread attack entailed ‘an attack carried out over a large geographical area or an attack in a small geographical area directed against a large number of civilians.’¹⁷³ As for ‘systematic,’ the ICC has stated that this element refers to ‘the organized nature of the acts of violence and the improbability of their random occurrence.’¹⁷⁴ These contextual elements determine whether a set of prohibited acts reach the threshold of crimes against humanity. Such prohibited acts include (but are not limited to) murder, enslavement, rape, sexual

¹⁶⁷ Rome Statute, Article 30. See also International Criminal Court, *Elements of Crimes*, (2011) Articles 8(2)(c) and 8(2)(e).

¹⁶⁸ Klamberg, Nilsson and Angotti (eds.) *International Criminal Court: The Statute Volume 1*, (2023) 2nd edition Torkel Opsahl Academic E-Publisher 405.

¹⁶⁹ International Criminal Court, *Elements of Crimes*, (2011) Article 7 Introduction [3].

¹⁷⁰ *Prosecutor v. Simić*, ICTY, IT-95-17/1-T, Judgment (Trial) [91].

¹⁷¹ United Nations, ‘Framework of Analysis for Atrocity Crimes - a tool for prevention’ (2014) 6.

¹⁷² ICC Elements of Crimes, Article 8(2)(c)(i)-4.

¹⁷³ *Prosecutor v. Bemba*, ICC PT. Ch. II, ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, 15 June 2009 [83] and *Prosecutor v. Katanga and Ngudjolo*, ICC PT. Ch. I, ICC-01/04-01/07-717, Decision on the Confirmation of Charges, 30 September 2008 [395].

¹⁷⁴ *Prosecutor v. Katanga and Ngudjolo*, ICC PT. Ch. I, ICC-01/04-01/07-717, Decision on the Confirmation of Charges, 30 September 2008, [394] *Prosecutor v. Gbagbo*, ICC PT. Ch. I, Decision on the Confirmation of Charges against Laurent Gbagbo, ICC-02/11-01/11-656-Red, 12 June 2014, [223].

violence, imprisonment or other severe deprivation of physical liberty, torture, inhumane acts, persecution, and deportation or forcible transfer of population.

Deportation or forcible transfer of population refers to forced displacement.¹⁷⁵ Deportation is widely considered to involve forced displacement across an international border, while forcible transfer refers to internal displacement.¹⁷⁶ The ICC's elements of crimes further clarifies that, 'The term "forcibly" is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.'¹⁷⁷

The crime against humanity of persecution essentially criminalises mass violations of human rights, committed on discriminatory grounds.¹⁷⁸ The ICC's elements of crimes sets out that the perpetrator targeted such person or persons by reason of the identity of a group, and that the targeting was based on grounds that are universally recognized as impermissible under international law, such as race, ethnicity, religion, gender etc. The conduct also needs to have been committed in connection with any of the other enumerated prohibited acts, such as deportation or forcible transfer of population, or other crimes within the jurisdiction of the ICC such as war crimes.¹⁷⁹

Due to the rolling communication blackouts, the information presented below should not be considered a comprehensive account of serious violations of international law amounting to other atrocity crimes between 1 January – 23 May 2025. However, it demonstrates that the Arakan Army is also abjectly failing to comply with the provisional measures order to protect the Rohingya from irreparable harm.

Indiscriminate attacks, attacking civilians

The Myanmar military has continued to use airstrikes targeting civilian populations in Rakhine State to devastating effect. On 8 January, more than 40 Rohingya civilians were killed in an airstrike on Kyauk Ni Maw fishing village in Ramree township. Around 600 homes and other buildings were destroyed in fires caused by the airstrikes. Ramree township has been under the control of the Arakan Army since March 2024 and there was no fighting in the area or Arakan Army presence at the time.¹⁸⁰

On 20 February, junta Y-12 planes bombed several locations in Pauktaw township, including the Rohingya villages and IDP sites of Sin Tet Maw and Ah Nauk Ywe.¹⁸¹ On 11 April – during the so-called post-earthquake 'ceasefire' declared by the regime - a regime fighter jet dropped two 500-pound bombs, again near Ah Nauk Ywe village.¹⁸² BROUK has been unable to confirm if there were any Rohingya casualties in these incidents, due to the communication blackouts imposed by the

¹⁷⁵ ICC Elements of Crimes, Article 7(1)(d)(1), 6.

¹⁷⁶ Mark Klamberg, Jonas Nilsson and Antonio Angotti (eds.) *Commentary on the Law of the International Criminal Court: The Statute, Volume I* (2nd ed.) Torkel Opsahl Academic E-Publisher (2023) 132-133.

¹⁷⁷ ICC Elements of Crimes, Article 7(1)(d)(1), 6.

¹⁷⁸ Klamberg et al *op. cit.* 163.

¹⁷⁹ ICC Elements of Crimes, Article 7(1)(6)(1)-(6), 10.

¹⁸⁰ BROUK, 'Burmese Military Airstrike on Fishing Village Kills More Than 40' (9 January 2025) available at <<https://brouk.org.uk/burmese-military-airstrike-on-fishing-village-kills-more-than-40/>> and RFA, 'Myanmar junta bombs Rohingya Muslim village killing 41, rescuers say' (9 January 2025) available at <<https://www.rfa.org/english/myanmar/2025/01/09/rakhine-rohingya-village-bombed/>> accessed 7 June 2025.

¹⁸¹ Myanmar Now, 'Myanmar junta bombs villages in three states' (21 February 2025) available at <<https://myanmar-now.org/en/news/myanmar-junta-bombs-villages-in-three-states/>> accessed 7 June 2025.

¹⁸² Narinjara, 'Junta jet releases two 500-pound bombs near Muslim village in Pauktaw' (14 April 2025) available at <<https://www.narinjara.com/news/detail/67fd4bc0de7874443b1b7e8b>> accessed 7 June 2025.

regime. On 14 May, a regime airstrike on a residential ward of Kyauktaw township killed six civilians, including one Rohingya. 18 civilians were injured, four of whom were Rohingya.¹⁸³

Indiscriminate attacks by the AA have also caused Rohingya civilian deaths and injuries. On 3 February, the AA launched artillery attacks from the direction of Ponnagyun township towards Sittwe. The shelling killed one Rohingya civilian man and injured three other Rohingya men and three women at Ohn Taw Gyi village.¹⁸⁴

Use of landmines

Myanmar now has the highest number of people killed or maimed by landmines and explosive remnants (UXO) of war in the world.¹⁸⁵ Rakhine State is emblematic of the Myanmar-wide problem, with a Rakhine media outlet reporting that 71 people have been killed or maimed by UXO in 2025.¹⁸⁶ Both the Myanmar military and the Arakan Army are reported to have laid landmines in Rakhine State, including along the Myanmar-Bangladesh border fence in Maungdaw township. Rohingya villages that were occupied by either party to the conflict are believed to be contaminated with landmines and UXO, including peoples' homes and compounds. In January, a 7-year-old Rohingya boy lost his leg after stepping on a landmine near his home.¹⁸⁷ At least two Rohingya men suffered similar injuries in separate incidents in March and May.¹⁸⁸ The limited medical facilities in the area are not equipped to deal with such serious injuries, and Rohingya need to attempt the hazardous crossing into Bangladesh to seek treatment.

Policies of persecution by the AA

BROUK has collected information about the Arakan Army's highly discriminatory policies and practices that are applied exclusively to the Rohingya on the grounds of their identity. These are iterations of very similar policies and practices applied by the regime and amount to policies of persecution. The AA's conduct towards the Rohingya in the context of the famine is compounding their already dire situation and undermining their chances of survival, forcing many Rohingya to flee.

Firstly, the AA is reported to have banned people from using the term "Rohingya" in the areas it controls in Rakhine State. AA officials have verbally warned that those who disobey this rule will face severe punishment.¹⁸⁹ Secondly, the AA has imposed severe movement restrictions on Rohingya. Rohingya must pay for a letter of recommendation for permission to travel from the AA/ULA administration department. The permit is only valid for 7 days.¹⁹⁰ Rohingya in Buthidaung and Maungdaw townships are living under particularly tight restrictions, according to reports received by BROUK.

In January, while many Rohingya were still internally displaced and corralled into areas designated by the AA, BROUK received multiple reports of movement and other types of restrictions in Buthidaung

¹⁸³ BROUK reference ICJ11-OAC-SAC-AC-KTW-1. Myanmar Now, (15 May 2025) *op. cit.*

¹⁸⁴ BROUK reference ICJ11-OAC-SIT-AA1.

¹⁸⁵ ABC News (31 January 2025) *op. cit.*

¹⁸⁶ DMG, '71 Victims of UXO this Year in Arakan State' (12 May 2025) available at <<https://www.bnionline.net/en/news/71-victims-uxo-year-arakan-state>> accessed 7 June 2025.

¹⁸⁷ BROUK reference ICJ11-OAC-MDW-LM1.

¹⁸⁸ BROUK references ICJ11-OAC-MDW-LM2, ICJ11-OAC-MDW-LM3.

¹⁸⁹ BROUK reference ICJ11-OAC-AA-BUT-PP4.

¹⁹⁰ This policy is applied in Pauktaw, Mrauk U, Minbya and Myebon as well as Rathedaung, Maungdaw and Buthidaung. Information kindly supplied by Research consultant Kathy Win. According to information collected by BROUK, one exception appears to be Kyauktaw township, where Rohingya do not currently face restrictions on their movement and are able to access livelihoods and medical care. However, they face other restrictions under the AA. For example, Rohingya are not allowed to sign any kind of contract in their own names. If a Rohingya person wants to create a contract, they have to do it in the name of a local Rakhine person. Rohingya are not allowed to open shops in the market. They are also not allowed to build a house or any kind of building without express permission from the AA authorities.

township. The AA conducted operations in southern Buthidaung township, during which they prohibited Rohingya from leaving their villages under any circumstances and banned gatherings of more than three people. They also confiscated mobile phones with Bangladeshi SIM cards and warned that anyone found in possession of one would be shot on sight, and their family members taken into custody.¹⁹¹

Also in January, a Rohingya man living in Buthidaung town reported:

*We are not allowed to do our livelihood activities such as farming, fishing, or other economic activities. We have no jobs at all. We have no assistance from international organizations. We have no foreign income. We have no support from the AA. We also pay monthly contributions to the AA. We are living by buying basic food items at exorbitant prices. It is not easy to even survive. This is a violation of the basic human rights that a human being deserves.*¹⁹²

Another Rohingya man in Buthidaung town explained,

*We Rohingyas in Buthidaung Township are banned from traveling. Almost the entire town has been burned down and tens of thousands of Rohingyas are displaced. They are not allowed to go back to their villages. They have to wait at least four to five days for the letter of recommendation. If we need to get a letter of recommendation, we have to pay the AA officials from 10,000 to 20,000 Kyats. If we are caught traveling without a letter of recommendation, the AA members beat you up.*¹⁹³

BROUK also received reports that AA members destroyed land and other property ownership documents belonging to Rohingya.¹⁹⁴

In Maungdaw township, BROUK has received multiple reports of extortion and arbitrary taxation demands by the AA. In January, the AA summoned wealthier Rohingya to meetings and demanded exorbitant sums from them, ostensibly to pay for road and bridge repairs. They were threatened with arrest and detention if they did not comply.¹⁹⁵ In March, Rohingya villagers in one village tract described having to provide the AA with five bags of rice daily. The AA issues various threats to force them to comply, such as setting their village on fire, evicting people from the village, and detaining villagers under false accusations. In one case, the AA forcibly evicted Rohingya householders and looted all their possessions, leaving the houses stripped bare.¹⁹⁶ In other village tracts, shopkeepers reported high levels of arbitrary taxation demanded by the AA in May. The AA is only imposing such taxes on the Rohingya community.¹⁹⁷

The AA is currently reported to be enforcing a strict 6pm – 6am curfew in Maungdaw township, warning that anyone found outside their home during curfew will be shot on sight.¹⁹⁸ Rohingya are banned from fishing in the river and their access to markets is also restricted.¹⁹⁹

BROUK has received reports that Rohingya who have returned from Bangladesh have been arrested and detained by the AA. In one case, 12 returnees had been pushed back by Border Guard Bangladesh

¹⁹¹ BROUK reference ICJ11-OAC-AA-BTD-PP1.

¹⁹² BROUK reference ICJ11-OAC-AA-BTD-PP2.

¹⁹³ *ibid.*

¹⁹⁴ BROUK reference ICJ11-OAC-AA-BTD-PP3.

¹⁹⁵ BROUK references ICJ11-OAC-AA-MDW-PP1, ICJ11-OAC-AA-MDW-PP2.

¹⁹⁶ BROUK reference ICJ11-OAC-AA-BTD-PP4.

¹⁹⁷ BROUK references ICJ11-OAC-AA-MDW-PP7, ICJ11-OAC-AA-MDW-PP9, ICJ11-OAC-AA-MDW-PP10, ICJ11-OAC-AA-MDW-PP11.

¹⁹⁸ BROUK reference ICJ11-OAC-AA-MDW-PP5.

¹⁹⁹ BROUK references ICJ11-PM2c-FS-MDW-1a-5.

and were held by AA until they met their extortion demands.²⁰⁰ In a separate case, a family who had sought medical treatment in Bangladesh were detained by AA upon their return. They could not meet the AA's extortion demands and are believed to still be in AA custody.²⁰¹

However, the AA's detention of Rohingya returning from Bangladesh is not solely for the purpose of extortion. In May, BROUK received information that 70 Rohingya who had recently returned from Bangladesh were detained by the AA and are currently held in overcrowded conditions at a detention facility in Maungdaw town. At least 20 of the detainees are believed to be children under the age of five. All of the Rohingya detainees are reportedly receiving just one meal of rice per day. They only returned to Maungdaw township because their family members – IDPs recently returned by the AA – had secured permission from local AA leaders for them to return from Bangladesh. But they broke their promise and said that more senior AA officers had ordered that the returnees be investigated.²⁰²

Forced displacement by the AA

The AA's policies of persecution towards the Rohingya are closely linked to forced displacement carried out by the AA. Following the Arakan Army's attack on Buthidaung town on 17 May 2024 that displaced tens of thousands of people, BROUK received information that the AA corralled Rohingya IDPs in locations such as Sein Hnyin Pyar, Hpon Nyo Leik, and urban wards of Buthidaung town. A similar pattern unfolded in Maungdaw township later in the year, with Rohingya IDPs corralled in Hla Poe Khaung repatriation camp by the AA, as well as other locations such as Mingalar Gyi and Kyauk Hle Kha village tracts.²⁰³

The highly coercive environment created by the AA's policies of persecution and other human rights violations - alongside the famine created by the regime's trade blockade and humanitarian restrictions - has forcibly displaced thousands more Rohingya out of Buthidaung township in 2025. In January, a Rohingya man in Buthidaung town told BROUK, "The AA is using a new method of restricting movement and killing without spending bullets, causing the Rohingya from the town to gradually leave for abroad and Bangladesh via Maungdaw township."²⁰⁴

At the same time, BROUK began to receive multiple reports of the Arakan Army profiteering from the Rohingya's desperation to flee their campaign of persecution. Only those who are close to the AA and pay bribes to the AA are reportedly allowed to operate as people smuggling groups and human trafficking gangs in both Buthidaung and Maungdaw townships.²⁰⁵ Such groups allegedly pay bribes to AA officials at all levels, including the AA regional commander, tax chief, political chief, and area commander. The AA also collects 1 million kyats from each Rohingya who wants to flee and issues them a document with the signature of the AA area commander to allow them to travel through AA-controlled areas, according to a person from Buthidaung township who paid for the document himself. AA soldiers are also alleged to be directly involved in escorting Rohingya to border areas. People smuggling gangs working with the AA are reported to be involved in taking people by boat from coastal areas of Maungdaw township to Bangladesh.²⁰⁶

²⁰⁰ BROUK reference ICJ11-OAC-AA-MDW-PP6.

²⁰¹ BROUK reference ICJ11-OAC-AA-MDW-PP3.

²⁰² BROUK reference ICJ11-OAC-AA-MDW-PP8.

²⁰³ BROUK, 'The Genocide Never Stopped' *op. cit.* 36.

²⁰⁴ BROUK reference ICJ11-OAC-AA-BTD-PP2.

²⁰⁵ The key difference between people smuggling and human trafficking is that the former involves facilitated movement across an international border for profit, while the latter is for the purpose of exploitation such as prostitution, forced labour, slavery, or the removal of organs. While people smuggling may involve deception and/or abusive treatment, the purpose of migrant smuggling is to profit from the movement. On the other hand, human trafficking is about the recruitment, transportation, or transfer of persons by force or other forms of coercion, for the purpose of exploitation. See OHCHR, 'Fact Sheet No. 36: Human Rights and Human Trafficking' (2014).

²⁰⁶ BROUK references ICJ11-OAC-AA-BTD-FD1, ICJ11-OAC-AA-BTD-FD2, ICJ11-OAC-AA-MDW-FD1.

As Rohingya diaspora organisations recently pointed out,

*“[The Arakan Army’s] violence is systematic and deliberate, with every pattern of a campaign aimed at removing the Rohingya people from their land... The Arakan Army has turned these atrocities into lucrative business, displacing Rohingya and then extorting them through human trafficking, charging them to escape the very persecution it inflicts - while leaving all their belongings for them.”*²⁰⁷

In March, BROUK received reports that the Arakan Army had begun to restructure Buthidaung township. A Rohingya man recounted, “There are no Rohingya villages in Buthidaung township like before. The AA is constantly destroying, merging, and relocating villages.”²⁰⁸ Although the AA has allowed some Rohingya IDPs to return to their original places in downtown Buthidaung and rural areas of the township, they have also profited from this by charging them to return.²⁰⁹ Rohingya wards of Buthidaung town are reported to be very overcrowded.

In April and May, the AA ordered Rohingya IDPs in rural areas to relocate to other places, effectively consolidating Rohingya villages.²¹⁰ The AA is reported to have denied Rohingya IDPs the right to return to 41 different Rohingya villages. In most of these locations, the AA is believed to have occupied the sites and seized Rohingya agricultural land. To date, BROUK has confirmed that at least three of these Rohingya villages are locations where killings or arson attacks are alleged to have been perpetrated by the AA in 2024.²¹¹

In downtown Maungdaw, some Rohingya IDPs were allowed to return in April, but were also charged by the AA. They returned to find that their homes had been looted of all their possessions.²¹² Other Rohingya IDPs were allowed to return to their villages in January but also had to pay the AA. They described being transported by car and boat under armed guard, like prisoners. The AA filmed their return, apparently for propaganda purposes.²¹³ In other IDP locations in Maungdaw township, Rohingya await permission from the AA to return to their original villages.

Acts of collective punishment by the AA

BROUK received multiple reports of acts of collective punishment by the AA against Rohingya villages in Maungdaw township in the first week of April. The pretext for such acts was the alleged presence of ARSA in the area, amid reports of the murder of two civilians in separate incidents. Rohingya villagers have repeatedly told BROUK that they do not support ARSA. Many believe ARSA to be a proxy of the military regime and express that ARSA causes only suffering to Rohingya people. Regardless of whether or not ARSA is present in the area, there is no justification for acts of collective punishment against entire Rohingya communities by the AA.

Over several days, 50 AA soldiers are reported to have surrounded two Rohingya villages, ordering several thousand villagers out of their homes, including children and the elderly. The AA accused the villagers of harbouring ARSA members and subjected them to cruel and inhuman treatment, forcing them to stand outside under the hot sun for the whole day and denying them access to food and water. The AA arrested and detained two Rohingya men, accusing them of being members of ARSA and responsible for the murder of a 10-year-old Rohingya girl. Villagers report that the two men are

²⁰⁷ Joint statement, (29 May 2025) *op. cit.*

²⁰⁸ BROUK reference ICJ11-OAC-AA-BTD-FD2.

²⁰⁹ BROUK reference ICJ11-OAC-AA-BTD-FD3.

²¹⁰ BROUK references ICJ11-OAC-AA-BUT-FD4, ICJ11-OAC-AA-BUT-FD7.

²¹¹ BROUK references ICJ11-OAC-AA-BUT-FD8-10.

²¹² BROUK reference ICJ11-OAC-AA-MDW-FD1.

²¹³ BROUK reference ICJ11-OAC-AA-MDW-FD2.

known drug addicts who have nothing to do with ARSA or any other Rohingya armed group, and that ARSA has never entered the village.²¹⁴

In another village tract, the AA summoned village elders to a meeting where they told them that ARSA movements had been reported in the area, necessitating AA ‘clearance operations’. They warned the villagers not to have any contact with ARSA or offer them any kind of support, because if they did so their villages would be burned to the ground.²¹⁵

In a third village tract, AA soldiers’ conduct followed the same pattern. They entered the Rohingya village, ordered people out of their homes under the hot sun, and this time arrested four Rohingya men on suspicion of supporting ARSA. Villagers report that they have no connection with ARSA. Nobody has been able to contact the four men since they were taken away by the AA.²¹⁶

Abduction, incommunicado detention, torture by the AA

It is extremely difficult to track how many Rohingya men are currently in the custody of the AA and what happens to them after they are abducted by the AA, as they are held in incommunicado detention. BROUK believes they are at high risk of being tortured at the hands of AA soldiers.

In January, BROUK received information that AA soldiers in Maungdaw township abducted and tortured a Rohingya youth for wearing a Palestinian flag t-shirt. The soldiers reportedly began shouting and berating the youth, believing that by expressing his support for Palestinians, he was comparing the Israeli military’s treatment of Palestinian people with the AA’s treatment of Rohingya. The soldiers then raided the shop where the youth bought the t-shirt and subjected the shopkeeper to the same treatment. Their whereabouts is unknown.²¹⁷

In addition to the cases of AA arresting innocent Rohingya civilians on the false accusation of supporting ARSA²¹⁸, BROUK has also received reports of AA abducting Rohingya men for the purposes of extortion in both Maungdaw and Buthidaung townships.²¹⁹

Forced labour by the AA

BROUK has continued to receive reports of forced labour exacted from Rohingya by the AA in Buthidaung and Maungdaw townships. In January, the AA forced members of the Rohingya community to clear up the debris left behind after the arson attacks on Buthidaung town in April and May 2024. No other community was ordered to carry out this work.²²⁰ In May, BROUK documented forced labour demands by the AA in six Rohingya villages in different parts of Maungdaw township. Villagers reported that each family must send one member to perform forced labour at least four times per month. Rohingya are reported to be working in AA camps every day. The work is physically demanding and involves clearing away bushes in AA camps and the immediate surroundings, carrying water to the AA camps and cleaning the camp compound and latrines. The AA also forces Rohingya labourers to clear roadsides and carry out road renovation works.²²¹

Forced recruitment / ‘military training’ by the AA

²¹⁴ BROUK references ICJ11-OAC-AA-MDW-CP1, ICJ11-OAC-AA-MDW-CP2.

²¹⁵ BROUK references ICJ11-OAC-AA-MDW-CP3.

²¹⁶ BROUK reference ICJ11-OAC-AA-MDW-CP4.

²¹⁷ BROUK reference ICJ11-OAC-AA-MDW-AD1.

²¹⁸ BROUK references ICJ11-OAC-AA-MDW-CP1, ICJ11-OAC-AA-MDW-CP4, ICJ11-OAC-AA-BTD-AD1, ICJ11-OAC-AA-BTD-AD3.

²¹⁹ BROUK references ICJ11-OAC-AA-MDW-AD2, ICJ11-OAC-AA-BTD-AD2.

²²⁰ BROUK references ICJ11-OAC-AA-BTD-FL1, ICJ11-OAC-AA-BTD-FL2.

²²¹ BROUK references ICJ11-PM2c-FS-MDW-1a-5.

In early 2025, BROUK was still receiving reports of forced recruitment by the AA in Buthidaung township.²²² By March, the AA's rhetoric appeared to shift, and the group instead began demanding that Rohingya men and youth participate in their military training and form groups to protect their villages from attacks by Rohingya armed groups. In late April and May, the AA stepped up their demands. In one village tract of Maungdaw township, the AA has ordered that four or five men are required to participate in the 45-day military training from each village in the tract.²²³ In another village tract, the AA ordered that one man aged 18-40 from every family must participate in the training, affecting around 750 families.²²⁴ Rohingya villagers in other areas of Maungdaw township have also reported facing these demands.²²⁵

Recommendations

To the International Court of Justice:

- Urgently review Myanmar's compliance with the provisional measures and formally communicate its findings to the UN Security Council.
- Instruct Myanmar to make its reporting public at the time of submission to the Court due to the public interest nature of the case, and to ensure transparency and rigorous scrutiny of its compliance with the order.
- To prevent further irreparable harm to members of the Rohingya group, urgently amend the existing provisional measures order or indicate further provisional measures to include (but not limited to) requirements that Myanmar must immediately:
 - Allow international, national, and local humanitarian actors immediate, unrestricted, and sustained access to Rakhine State and Myanmar as a whole;
 - Cease and desist from conscripting Rohingya into its armed forces or allied armed groups;
 - Cease and desist from forcing the Rohingya to participate in public rallies in support of the Myanmar military;
 - End all arbitrary restrictions on freedom of movement, access to health and other resources indispensable for survival for the Rohingya;
 - Restore electricity and telecommunications to Rakhine State;
 - Implement policy and legislative changes as part of concrete measures it must take to comply, including the restoration of full citizenship to the Rohingya as a vital first step;
 - Allow access to the Independent Investigative Mechanism for Myanmar to enquire into the acts that are the subject of this case.

To the UN General Assembly, UN Human Rights Council, other UN bodies, human rights mandate-holders and mechanisms:

- Make concerted efforts to consistently refer to the ICJ's legally binding provisional measures order in public statements about the Rohingya, including urging all parties to the conflict in Rakhine State to fully comply with the order to protect the Rohingya from further harm.
- Robustly engage with the Arakan Army to demand an immediate end to all human rights violations against Rohingya in Rakhine State, including forced displacement, land-grabbing, denial of the right to return, and policies of persecution targeting the Rohingya in areas under their control.

²²² BROUK references ICJ11-OAC-AA-BTD-FR1, ICJ11-OAC-AA-BTD-FR2.

²²³ BROUK reference ICJ11-OAC-AA-MDW-MT2.

²²⁴ BROUK reference ICJ11-OAC-AA-MDW-MT1.

²²⁵ BROUK references ICJ11-PM2c-FS-MDW-1a-5.

- Increase diplomatic engagement with Myanmar's neighbours to facilitate humanitarian access and protection for Rohingya fleeing violence.
- Leverage the ICJ's provisional measures order within their own mandates to seek urgent protection for the Rohingya and end the cycle of impunity in Myanmar, including via public support for referral of the situation in Myanmar to the International Criminal Court or the creation of an ad hoc international tribunal.

To UN member states:

- The UK as penholder on Myanmar at the UN Security Council (UNSC) must urgently convene a meeting of the UNSC to take action on the regime's continued obstruction of humanitarian aid in Rakhine State and Myanmar as a whole, which is in direct breach of UNSC resolution 2669 as well as the International Court of Justice's provisional measures order.
- The US must immediately reverse its humanitarian aid cuts and urgently reinstate humanitarian assistance to the most vulnerable people in Myanmar, including the Rohingya, other internally displaced populations, and those affected by the earthquake.
- The United Nations must support Bangladesh to open an emergency humanitarian aid channel to Rakhine State to help end the famine. The international community must also increase their support to the government of Bangladesh to provide protection and humanitarian assistance, including food, medicine and shelter, to ensure the rights and dignity of Rohingya refugees are upheld.
- Exert maximum pressure on Myanmar to lift the trade and aid blockade on Rakhine State, and allow international, national, and local humanitarian actors immediate, unrestricted, and sustained access to Rakhine State and the rest of the country.
- Exert maximum pressure on the Arakan Army to stop gross human rights violations against the Rohingya - including policies of persecution, forced displacement, land-grabbing, acts of collective punishment, forced labour, forced recruitment, abduction, incommunicado detention, and torture - and allow Rohingya IDPs to return to their homes in safety and dignity. Urgently impose targeted sanctions on the Arakan Army and its leadership for serious violations of international law against the Rohingya, which amount to atrocity crimes.
- Urge Myanmar to restore electricity and telecommunications in Rakhine State, and end all arbitrary restrictions on freedom of movement, access to health and other resources indispensable for survival for the Rohingya.
- Publicly support calls from Rohingya communities for the International Court of Justice to make Myanmar's reports on compliance with the provisional measures order publicly available at the time of submission to the Court.
- Exert maximum pressure on Myanmar to cooperate with the International Criminal Court investigation and provide access to ICC, Argentinian and IIMM investigators.
- Publicly support the referral of the situation in Myanmar to the International Criminal Court or support the creation of an ad hoc international tribunal.
- Exercise universal and other forms of jurisdiction to investigate any individual from Myanmar – irrespective of affiliation, position, or rank - who may be responsible for committing genocide, war crimes, and crimes against humanity under international law. Ensure such individuals are brought to justice in fair trials.
- Coordinate multilateral efforts to impose arms embargoes on Myanmar, including on the transfer of aviation fuel to the military as well as targeted economic sanctions on the Myanmar military, its leaders, and its sources of revenue.

To the Arakan Army:

- Immediately cease all violations of international humanitarian and human rights law and ensure accountability for alleged atrocity crimes committed by its forces.
- Facilitate humanitarian access by allowing unrestricted aid to reach all communities in need, ensuring that assistance is delivered equitably and without discrimination.
- Publicly recognise the Rohingya as an integral part of Arakan State's diverse communities.
- Guarantee the rights and security of all communities including Rohingya by protecting civilians from all forms of violence and discrimination, ensuring freedom of movement, and providing equal access to livelihoods and essential services for everyone.
- Adopt and enforce a public code of conduct for Arakan Army fighters to ensure the protection of civilians and investigate alleged violations of the code.
- Publicly support independent investigations into allegations of human rights violations committed by the Burmese military, Arakan Army, and Rohingya armed groups. Allow UN human rights agencies, including the OHCHR, Special Rapporteur, IIMM as well as independent human rights organisations to have access to Rakhine State to investigate all alleged violations.
- Establish an interim consultative committee which includes representatives of all ethnic and religious people in Arakan State, so that all voices can be heard, and all can work together to rebuild the future Arakan State. There must be integration of Rohingya and other minority communities into decision-making processes and administrative structures at all levels. Equal representation is essential to building trust and promoting inclusivity.
- Engage in regular, meaningful dialogue with Rohingya leaders, within Arakan State, in the refugee camps in Bangladesh, and in the diaspora, to address grievances, rebuild trust, and foster understanding.
- End restrictions on internet and communications, such as confiscation of mobile phones, and banning the use of satellite dishes which can be used to access the internet. Independent media should also be given access to operate freely.

Annex: Background to The *Gambia v. Myanmar* genocide case at the ICJ

In 2016 and 2017, BROUK and many other human rights organisations documented gross human rights violations perpetrated by the Myanmar military and its proxies during 'clearance operations' in Myanmar's Rakhine State, resulting in significant loss of life and severe mental and physical harm to the Rohingya.²²⁶ These included mass rape of Rohingya women, children burned alive, machete attacks, shooting at fleeing villagers, the use of rocket launchers to raze entire Rohingya villages to the ground, coordinated massacres, as well as landmines laid at the border to target those fleeing the violence.²²⁷

²²⁶ See for example, US Holocaust Memorial Museum and Fortify Rights, '“They Tried to Kill Us All”: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar' (15 November 2017); Fortify Rights, '“They Gave Them Long Swords”: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar' (19 July 2018); Physicians for Human Rights, '“Please Tell the World What They Have Done to Us”: The Chut Pyin Massacre: Forensic Evidence of Violence against the Rohingya in Myanmar' (19 July 2018).

²²⁷ BROUK, 'Burned, Stabbed, and Shot: Physical evidence of atrocities committed against the Rohingya' (May 2017) 13-27. BROUK, '“I Thought I Would Die”: Physical evidence of atrocities against the Rohingya' (1 November 2017) 12-31.

In March 2017, the Independent International Fact-Finding Mission on Myanmar (UNFFMM) was established by the UN Human Rights Council.²²⁸ In 2018, the UNFFMM found that Myanmar had committed four out of the five underlying acts of genocide enumerated in the Genocide Convention, namely killings members of the Rohingya group, causing serious bodily or mental harm to members of the group, deliberately inflicting conditions of life calculated to bring about its physical destruction in whole or in part, and imposing measures intended to prevent births within the group.²²⁹ It further concluded that genocidal intent to destroy the Rohingya people in whole or in part could be inferred from the State's pattern of conduct.²³⁰

On 11 November 2019, The Gambia filed a case against Myanmar before the International Court of Justice (ICJ), alleging that Myanmar has committed genocide against the Rohingya people. The ICJ is the principal judicial organ of the United Nations. It deals with disputes between States, *not* the individual criminal responsibility of particular perpetrators. The legal basis for the case is the Genocide Convention, to which both States are a party. The Gambia has also accused Myanmar of *continuing* to commit genocidal acts and of violating its other obligations under the Convention by failing to *prevent* and *punish* genocide.

Establishing that genocide has taken place under the Genocide Convention requires demonstrating both the commission of genocidal acts and genocidal intent – namely the intent to destroy a national, ethnic, racial, or religious group in whole or in part. The Gambia's initial filing primarily focused on the first three genocidal acts enumerated in the Convention perpetrated by the Myanmar military and other State actors with the intent to destroy the Rohingya in whole or in part: 1) killing members of the group; 2) causing serious bodily or mental harm to members of the Rohingya group; and 3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part by destroying or otherwise denying access to food, shelter and other essentials of life.²³¹

The Gambia's case against Myanmar marks the first time that a State without a direct connection to the alleged crime of genocide has brought a case before the ICJ under the Genocide Convention.²³² In doing so, The Gambia has emphasised the importance of the legal concepts of *erga omnes* obligations (owed to the international community as a whole) and *erga omnes partes* obligations (owed by any State party to all the other States parties to a convention), both of which apply to the crime of genocide.²³³

The ICJ's provisional measures order

Provisional measures are the equivalent of a legal injunction or court order, instructing a State to immediately take certain steps prior to a final ruling on the case.²³⁴ As part of its original case filing,

²²⁸ UN Human Rights Council Resolution 34/22, adopted 24 March 2017 (3 April 2017) UN Doc A/HRC/RES/34/22. The UNFFMM mandate was to “establish the facts and circumstances of the alleged recent human rights violations by military and security forces...in Myanmar, in particular in Rakhine State...with a view to ensuring full accountability for perpetrators and justice for victims.” The UNFFMM published two seminal reports of its detailed findings in 2018 and 2019.

²²⁹ Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 1 January 1951) 78 UNTS 277 art II.

²³⁰ UNFFMM (17 September 2018) *op. cit.* 364 [1441].

²³¹ *The Gambia v. Myanmar*, International Court of Justice ‘Application Instituting Proceedings and Request for Provisional Measures’ (11 November 2019) 38 [113] 4 [2] 55-56 [99-110] 58 [114].

²³² The case was brought with the support of the other 56 States belonging to the Organisation of Islamic Cooperation. Final Communiqué of the 14th Islamic Summit Conference (31 May 2019) 10 [47] OIC/SUM-14/2019/FC/FINAL.

²³³ The ICJ has held that “the rights and obligations enshrined by the [Genocide] Convention are rights and obligations *erga omnes*”. See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Preliminary Objections, Judgment, 11 July 1996 [31].

²³⁴ Global Justice Center and Global Centre for the Responsibility to Protect, ‘Q&A: The Gambia v. Myanmar - Rohingya Genocide at the International Court of Justice’ (May 2020).

The Gambia included an urgent request for the Court to order provisional measures in light of ‘the ongoing, severe and irreparable harm being suffered by members of the Rohingya group.’²³⁵

On 23 January 2020, the ICJ issued a relatively rare unanimous order on provisional measures. The Court described the Rohingya remaining in Myanmar as ‘extremely vulnerable’. As part of its rationale for issuing the order, the ICJ made it clear that, ‘Myanmar has not presented to the Court concrete measures aimed specifically at recognizing and ensuring the right of the Rohingya to exist as a protected group under the Genocide Convention.’²³⁶ In short, the provisional measures order recognises that Myanmar’s actions prior to the order were wholly inadequate to protect the Rohingya. It creates an expectation that Myanmar must take concrete measures in order to meet its obligations under the Genocide Convention.²³⁷

Without prejudging the merits of the case - i.e. whether or not genocide has already taken place - the ICJ ordered Myanmar to ‘take all measures within its power’ to prevent irreparable harm against the Rohingya. The Court emphasised that the Myanmar State must fulfil its obligations to prevent and punish the crime of genocide, regardless of the internal armed conflict situation in Rakhine State.²³⁸ In brief, the provisional measures imposed by the Court require Myanmar to prevent the commission of genocidal acts, ensure security forces and those under its influence do not commit or incite genocide, preserve evidence of alleged genocidal acts, and report back within four months on its compliance with the order and every six months thereafter until the case concludes.²³⁹ Under the UN Charter, all member States must comply with ICJ decisions.²⁴⁰ Critically assessing Myanmar’s compliance with the order is therefore of the utmost importance.

To date, the State of Myanmar has not been under any legal obligation to make its reports public, despite consistent calls for this from a broad range of actors, including BROUK along with a coalition of Rohingya organisations. At the time of publication of BROUK’s May 2023 briefing, two of Myanmar’s compliance reports and The Gambia’s observations on four of the reports had been made published on the Court’s website. However, they are no longer available and may have been published in error.²⁴¹

²³⁵ *The Gambia v. Myanmar*, ICJ ‘Application Instituting Proceedings and Request for Provisional Measures’ (11 November 2019) [113].

²³⁶ *The Gambia v. Myanmar*, ICJ provisional measures order *op. cit.* 22 [73].

²³⁷ USHMM, ‘Practical Prevention - How the Genocide Convention’s Obligation to Prevent Applies to Myanmar - Report #2: The Denial of the Right to Citizenship and the Right to Participate in Public Affairs’ (October 2020) 5.

²³⁸ *The Gambia v. Myanmar*, ICJ provisional measures order *op. cit.* 22 [74].

²³⁹ *The Gambia v. Myanmar*, ‘Application’ (11 November 2019) *op. cit.* 46 [86] 58 [113].

²⁴⁰ United Nations, Charter of the United Nations (1945) 1 UNTS XVI Art 94(1).

²⁴¹ The reports were previously mentioned but not linked on the main case page <<https://www.icj-cij.org/case/178/other-documents>>, and were previously available at the following links <<https://www.icj-cij.org/node/106112>> (Myanmar’s first report); <<https://www.icj-cij.org/node/106113>> (The Gambia’s observations on the first report); <<https://www.icj-cij.org/node/106115>> (The Gambia’s observations on the second report); <<https://www.icj-cij.org/node/106117>> (The Gambia’s observations on the third report); <<https://www.icj-cij.org/node/106118>> (Myanmar’s fourth report only available in French); and <<https://www.icj-cij.org/node/106119>> (The Gambia’s observations on the fourth report), accessed 23 May 2023.



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