

# Annex

# Public Redacted

We are writing with an update from our clients in the Bangladesh/Myanmar situation, in case this is of assistance to the Registry as it prepares its bi-annual update to the Pre-Trial Chamber.

As you know, [Redacted] has been providing six-monthly updates to VPRS, with the goal of setting out the main concerns being expressed by our Rohingya clients. The present update is based on our in-person contact with our clients in Bangladesh since our last update in December 2023, and our regular exchanges and contact with them, including a virtual meeting in early June 2024 to receive information for this purpose.

By way of an overview, enthusiasm for the ICC's investigation appears to us to be at an all-time low. Seven years after the crimes against them, our clients' focus has shifted almost entirely to their day-to-day survival in Bangladesh, and their overwhelming concerns arising from the ongoing conflict in Rakhine State, and its impact on the Rohingya in the camps. Our clients' confidence and trust in the ICC has also been impacted by (i) the November 2023 Pre-Trial Decision denying standing to their Legal Representative; (ii) the failure by the ICC Registry to open a Field Office; and (iii) the lack of outreach by the ICC apart from that facilitated by [Redacted]. As stated by one [Redacted] in June 2024:

*“Coming to Bangladesh in 2017, we started [Redacted], and a case was opened at the ICC, we hope we will get the justice, and it has been many years that we are not getting any justice. People in the camp are saying that ICC might not do anything for us. That's what people discuss, that's what people talk about. Unless we can see that Myanmar military who did all of these things will be prosecuted, people are saying the ICC might not do anything. We want to see that as soon as possible. It hasn't happened yet.”*

## **A. [Redacted] OUTREACH ACTIVITIES**

### **i. Facilitating an Exchange Between the Rohingya Community and the ICC**

[Redacted] has continued with its project aimed at facilitating an information exchange between the camp residents and the ICC, and the Independent Investigate Mechanism for Myanmar (IIMM), through the preparation and circulation of short “Q&A” videos. The goal of this exchange is not only to provide concrete information from the justice mechanisms to the Rohingya community in the camps, but to try to sustain confidence and collaboration on the part of Rohingya with those seeking justice on their behalf.

[Redacted] has continued to collect questions from Rohingya in the camps, which are then answered by staff of the ICC and IIMM by way of short videos, and translated into Rohingya language for circulation among the community. We are very grateful to the ICC staff for their cooperation in this project, and we have new questions to circulate from our recent visits to Bangladesh. We note that [Redacted] receives no funding or resources for these outreach activities.

## **ii. Supporting Women's Groups to Raise Awareness about the ICC and Justice Processes**

[Redacted] continues to work closely with [Redacted] women's groups in the camp, [Redacted]. While formal trainings are currently not running, the [Redacted] leaders of [Redacted] continue to be champions of sharing information in their community and networks. [Redacted] frequently share updates on justice mechanisms, processes and cases occurring on behalf of the Rohingya. This year, we initiated a quarterly news bulletin to summarise these developments. We share these with [Redacted] who are currently part of our membership.

## **B. CONCERNS OF [Redacted] CLIENTS**

### **i. Continued Deterioration of Security in Bangladesh and Rakhine State**

The overwhelming preoccupation of [Redacted] clients has shifted entirely from seeking justice for the events of 2017, to the daily and traumatic horror of the lack of security in the Cox's Bazar camps, and the conflict in Rakhine State in which Rohingya civilians are again being caught in the middle.

In concrete terms, the lack of security in the camps translates to violent conflict between competing armed groups, forced recruitment, including recruitment of Rohingya children under 15, by the Rohingya Solidarity Organisation ('RSO') to join the conflict in Rakhine State, abductions, torture, and killing of youth and human rights defenders. Human trafficking is an ongoing fear, with Rohingya being abducted and then held for ransom. For these reasons, Rohingya continue to take dangerous boat journeys to other ASEAN countries.

At an online discussion in early June 2024, when asked what information our clients would like [Redacted] to transmit to the ICC, a female CSO leader conveyed:

*"We definitely want to tell them about the situation, especially on security issues. People are being picked up, kidnapped in the camp, people are disappearing, no-one feels safe, and this is our big issue. There is no security in the camp. We are presently facing this situation every day and we want this to be known by the Judges."*

Civic space is also shrinking in the camps. A number of [Redacted] clients were arrested [Redacted]. Their phones and devices were taken and have not been returned. [Redacted] As stated by a different female civil society leader:

*"We as the women leaders and other leaders in the camp have organisations. We cannot talk in CIC office, in police or any other NGO office, we are not given chances. We have no human rights even here in the camps. Since 2017, only men were killed, but now in 2024, we are seeing women also being targeted. Women are harassed by these people. I would like to tell the Judges about what is going on."*

## **ii. SGBV Crisis**

[Redacted] clients are also sharing that the plight of women's security and safety in the camps in Bangladesh has deteriorated and intensified, marked by a surge in cases of SGBV. According to them, the entrenched patriarchy within the Rohingya community has grown more pronounced. Polyamorous marriages are becoming increasingly prevalent, perpetuating a cycle of harassment and abuse. Women are sharing that their husbands are taking multiple wives and forgetting about them and their children, leaving them alone and in financial distress. There is a normalisation of this practice occurring. It is also leading to husbands being more violent towards their wives. The dowries paid in advance of marriage in Rohingya culture, has been cited as a reason for this increase. As such, this is yet another consequence of the growing desperation of Rohingya in the camps for access to adequate food, shelter and resources. Many women, including civil society leaders, are grappling with mental health challenges as a consequence of their husbands' polygamous relationships.

## **iii. Health Care Crisis and Humanitarian Aid Shortage**

The current spread of viruses, fever, and disease has created a healthcare crisis in the Cox's Bazar camps, particularly affecting vulnerable populations like women. Many Rohingya have been diagnosed with conditions such as hepatitis and diabetes, which require costly medication for treatment. Hepatitis C medication can cost hundreds of dollars per month and is not covered by the response efforts, leaving individuals to bear the burden of these expenses out of pocket. Tragically, the consequences of inadequate healthcare has led to many reports of fatalities within the community, including family members of our clients.

Additionally, the World Food Programme (WFP) has also seen a decline in support. Initially, aid stood at USD 12 per person per month, but reductions saw this figure reduce to USD 8, with recent adjustments bringing it to USD 9. However, with inflation and rising costs, this increase offers little difference. The community is

struggling to secure basic necessities and often leads to the manifestation of other issues as people try to earn money to live.

### C. CONCLUSION

[Redacted] has been providing these updates to VPRS for five years, and has not observed any change in the Court's approach to the *Bangladesh/Myanmar* situation. The immediate security risk to victims continues to be the most pressing issue, with the horrors of 2017 becoming increasingly distant. It appears that the Court's continued focus on 2017 means that its relevance for our clients continues to fade.