

Annex

Public Redacted

[Redacted] has been providing six-monthly updates to VPRS for several years, which have aimed to set out the main concerns being expressed by our Rohingya clients. None of the areas of concern previously communicated have improved, in any way, in the past six months. By contrast, in many aspects, the situation for our clients has deteriorated, as set out in more detail below.

Moreover, our clients are more regularly vocalising an additional concern, which arises primarily from the passing of six years since the 2017 clearance operations in Myanmar. This new concern, is a fear that the plight of the Rohingya is dropping further and further down the list of international priorities, and that the hope and enthusiasm expressed in 2019 from the various international justice mechanisms for seeking accountability for the horrific crimes against them, has now dissipated.

As such, much of our work with our clients, explained below, is directed towards mitigating the feelings of abandonment and disappointment being experienced within the wider Rohingya community, and taking concrete steps to encourage their continued involvement in and support for the justice being sought on their behalf.

A. [Redacted] OUTREACH ACTIVITIES

(i) Facilitating an Exchange Between the Rohingya Community and the ICC

In the second half of 2023, [Redacted] has continued with a 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. [Redacted] collects questions from Rohingya in the camps, which are then answered by staff of the ICC and IIMM and translated into Rohingya language for circulation among the victim community. We are very grateful to the ICC staff for their cooperation in this project.

We see a continued need for this program, given the wide range misconceptions and misunderstandings about the work of the justice processes for the Rohingya, including the ongoing ICC investigation. Most notably, the widely held view that the ICC cases are a path to a safe and dignified return of the Rohingya to their former homes in Myanmar. We have also noticed an increased disillusionment with the ICC in the context of what is viewed as the Prosecution’s focus on investigations in Ukraine, and what was viewed as the rapid issuance of arrest warrants in that situation, and the opening of a Field Office. As such exchanges of accurate information remain vital, and [Redacted] will continue to facilitate these with the help of Court staff.

Of course, the ideal mechanism for a regular exchange of information between the Court and the Rohingya community is a dedicated ICC Field Office in Cox's Bazar. [Redacted] was able to meet in person with the previous Registrar in 2022 to discuss the benefits of a Field Office, and express the enthusiasm of our clients for a place where they could receive and provide regular updates from the Court about its work and progress. In 2023, [Redacted] has also sought to meet with the current Registrar, along with other Legal Representatives of Victims, to advocate for the opening of a Field Office, and to convey the views and concerns of our clients.

(ii) Supporting Women's Groups to Raise Awareness about the ICC and Justice Processes

[Redacted] have continued to run their information campaigns on the justice process at the ICC. Early in 2022, [Redacted] spent three months training the leaders of these groups on these processes, and conducted a training of trainers program conveying how to effectively share accurate information about justice processes. These women's groups have now trained hundreds of women, and men, on the Bangladesh/Myanmar situation at the ICC. Pre and post-test exercises continue to demonstrate the efficacy of the trainings, and their importance in ensuring realistic expectations about the work of the Court and the outcomes of any investigations and eventual trials.

[Redacted], within a larger discussion of the meaning of justice for Rohingya women, and the failures thus far to include their perspectives in the design and functioning of accountability processes. [Redacted] to further discuss and engage with this important research.

B. ONGOING CONCERNS OF [Redacted] CLIENTS

(i) Continued deterioration of the Security Situation

Violence and security incidents inside the Cox's Bazar Rohingya refugee camp have risen exponentially since the beginning of 2022. We receive almost daily reports of attacks, killings and other insecurity within the camps. Our clients regularly report feeling unsafe, and recounting extortion, threats, and harassment, and that criminal groups, including the Arakan Rohingya Salvation Army (ARSA) and the Rohingya Solidarity Organisation (RAO) are permitted to terrorize the Rohingya community living in the camp with relative impunity. These groups engage in the drug trade, human trafficking, and other criminal activities. These groups terrorize the Rohingya population and conduct abductions, torture and assassinations of camp residents who

do not support them. Gun fights between the different groups have resulted in deaths and serious injuries to the involved parties and those who simply find themselves in the way. Volunteer “night guards” – Rohingya civilians who stay up through the night in an attempt to protect their shelters from external threats, such as gangs and the regular arson attacks – are particularly vulnerable.

This insecurity has an additional tragic consequence, being that it has prompted many Rohingya to leave Bangladesh in search of a safer existence, particularly through dangerous and sometimes fatal maritime journeys to Malaysia or Indonesia.

(ii) Restrictions on Employment and Livelihood

In addition to security concerns, our clients remain extremely concerned about receiving enough food to sustain their families. It is illegal for the Rohingya to seek work either inside or outside of the camps, with previously functioning shops and markets having now been destroyed and bulldozed. The restrictions on paid work means that the Rohingya are almost entirely dependent on humanitarian assistance. The UN World Food Programme announced in May 2023 that the monthly rations per Rohingya would be cut to USD 8 per month, from USD12 at the beginning of 2023 . WFP acknowledged that “with less food to get by, refugees have little choice but to resort to negative coping mechanisms”, such as child marriage, risks of exploitation and abuse through illegal employment, tensions in the refugee camps, and risking perilous journeys.

(iii) Restrictions on Education

Our clients remain extremely concerned about the impact of education restrictions on their children, and future generations of Rohingya children. In Kutapalong camp, all education for Rohingya beyond basic, primary-level classes which are taught by humanitarian groups, is banned. As such, the children growing up in the camps have extremely limited access to education, which inhibits opportunities for advancement or a professional self-sustaining life of any kind. This in turn exacerbates the vulnerability of the Rohingya community and perpetuates negative cycles, including the marrying of children at earlier ages.

(iv) Coping with natural disasters

The location of the Rohingya camps in Bangladesh means that our clients are exposed to cyclonic weather, which often results in extensive floods, landslides and the

destruction of shelters. The impact of these conditions is exacerbated by bans on building permanent structures in the camps, and on Rohingya from congregating in shelters made for the Bangladeshi community during cyclones. The Rohingya in the camps are also exposed to fires, many of which appear to be deliberately lit. The response to the fires has been to put in place approximately 30 kilometres of barbed wire fencing around parts of the camp. A joint statement from the UN, and local and international aid agencies noted that this fencing hampers rescue efforts during the ongoing fires. These natural conditions appear to place additional stress on the Rohingya population as a whole.