

HUMAN RIGHTS WATCH

"An Island Jail in the Middle of the Sea"

Bangladesh's Relocation of Rohingya Refugees to Bhasan Char



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Map of Bangladesh/CXB/Bhasan Char



Summary

Since December 2020, the Bangladesh government has moved nearly 20,000 Rohingya refugees to Bhasan Char, a remote silt island in the Bay of Bengal. With the approaching monsoon season, refugees and humanitarian workers alike fear that inadequate storm and flood protection could put those on the island at serious risk. This, alongside food shortages, unreliable water sources, lack of schools and health care, and severe restrictions on freedom of movement, makes many refugees fear they are stuck on "an island jail in the middle of the sea," as one child described it.

The Bangladesh government has touted Bhasan Char as a solution to the severe overcrowding in the refugee camps in Cox's Bazar where nearly one million Rohingya refugees from Myanmar live. The government aims ultimately to relocate 100,000 refugees to the island.

But there are serious concerns that Bhasan Char is not safe for settlement. Formed only in the last 20 years by silt deposit in the delta, its shape and shorelines have repeatedly shifted. Three to five hours from the mainland by boat, inaccessible in high winds, and lacking an airstrip for fixed-winged planes, Bhasan Char has limited capacity for evacuation in the event of a cyclone. During severe weather, the island is cut off from the rest of the world.

Since infrastructure development started on Bhasan Char in 2017, humanitarian experts have been raising the alarm about safety, pointing out that it would be difficult, if not impossible, to support refugees' humanitarian and protection needs on the island. The Bangladesh government had promised the United Nations and donors that no refugees would be relocated to the island until independent humanitarian and technical experts had the chance to assess its emergency preparedness, habitability, and safety. But the government reneged on those pledges, moving ahead with relocations while refusing to allow an independent assessment.

In doing so, it has presented the United Nations and international donors with a *fait accompli*, putting pressure on them to start supporting the refugees on Bhasan Char or take responsibility for the consequences. Meanwhile, Bangladesh officials insist the

island has been secured with embankments, and that the homes and cyclone shelters are better than anything available to millions of Bangladeshis.

After a four-day visit to the island by an 18-member team of UN officials in March 2021 organized by the government, the UN in Bangladesh said that it recognized "the humanitarian and protection needs" of the refugees in Bhasan Char and was prepared to discuss "future operational engagement." Refugees told Human Rights Watch the authorities had warned them against complaining and only a selected few were allowed to meet the team. During a follow up UN visit in May 2021, thousands of refugees gathered, insisting that they wanted to meet the officials, and said they were "badly beaten" by security forces.

The United Nations and donors should recognize that the hurried relocation to the island presents serious concerns to the rights of the refugees, including their lives and livelihoods. This is particularly urgent because during the monsoon season there is grave risk that the refugees, as well as several thousand Bangladeshi officials and volunteers, could end up confined on the island in cyclone-prone waters without adequate food, water, or medical care when transportation is severely limited due to weather conditions.

Experts are concerned that current embankments around the island are inadequate to withstand a category three storm or worse. Storm surges in the Bay of Bengal are some of the highest in the world, frequently exceeding 5 meters—at least 27 times in the last 60 years—and sometimes even topping 10 meters. Climate change modelling predicts that cyclones in the Bay of Bengal are likely to increase in frequency and intensity.

The government says the relocation to the island is needed because the mainland refugee camps are getting more and more crowded, and that only those refugees who volunteer are being moved. "In heavily congested Cox's Bazar refugee camps they face many hardships," Foreign Minister A.K. Abdul Momen said. "They will certainly find life more comfortable in Bhasan Char." He even described the island as a "beautiful resort." In a December 8, 2020 letter to Human Rights Watch, Bangladesh authorities noted that the relocation process had been carried out in a fully transparent and voluntary manner after "a number of Rohingya representatives undertook a 'go and see' visit to Bhasan Char to survey the facilities and make an independent and informed choice":

The Government of Bangladesh has worked hard to ensure that all modern amenities are provided to Rohingya on Bhasan Char, including health care. The 13,000-acre island has year-round fresh water, an uninterrupted supply of electricity, agricultural plots, cyclone shelters, two hospitals, four community clinics, mosques, warehouses, telecommunication services, a police station, recreation and learning centers, playgrounds and more.

This report, based on 167 interviews with refugees along with humanitarian experts, finds that the government has misled the Rohingya refugee community and donors about conditions on Bhasan Char. Some refugees described being forced to relocate without informed consent. Others agreed that the shelters are superior to those in the camps and that there is plenty of open space, but also reported food shortages, inadequate health services, no access to education, onerous restrictions on movement, and a lack of livelihood opportunities.

Azara, 65, told Human Rights Watch:

They lured us with the promise of good food and good healthcare facilities. We are old people. We came here so we could work and earn a living and would no longer need others to support us. But after coming here I find that we are not given proper health care, good medication, or proper utilities. Even the rice we are provided is not enough. The health center is far away from our shelter where we need to go on foot. I have gone to the health center more than four times, but they don't prescribe proper medication.

Instead of addressing these problems, Bangladesh authorities are increasingly cracking down on refugees who speak out or try to leave the island. Some refugees alleged that their relatives were arbitrarily detained and beaten for attempting to leave, countering Bangladesh government claims that all relocations are voluntary. Refugees also said they were beaten for moving outside their compound. In April 2021, witnesses say a Bangladeshi sailor beat a group of children with a hard-plastic PVC pipe for crossing into another block to play with other children.

The UN and concerned governments should take a strong stand so that Bangladesh ensures that individuals are not at risk on the island, that the rights of refugees are respected, and that security force personnel who commit abuses are held to account. The UN has told Human Rights Watch and confirmed in the recently launched Joint Response Plan that it has sought discussions with the Bangladesh government on any future humanitarian operational engagement on Bhasan Char.

The Bangladesh government often stalls and delays such engagement with the UN and should instead immediately hold these consultations both at the policy and technical level. It should follow through on its promises for an independent assessment of the habitability and emergency preparedness of the island and make any necessary adjustments, including returning refugees to Cox's Bazar if it is deemed unsafe or unsustainable. In the meantime, any refugees who wish to return to Cox's Bazar should be allowed to do so immediately.

The Rohingya: A History of Suffering

While the burden of dealing with this mass influx of Rohingya refugees has mostly fallen on Bangladesh, responsibility for the crisis lies with Myanmar. The Myanmar military's large-scale campaign of killings, rape, arson, and other abuses amounting to crimes against humanity and acts of genocide caused the ongoing humanitarian crisis. And Myanmar's failure to take any meaningful actions to address either recent atrocities against the Rohingya or put an end to the decades-long discrimination and repression against the population, including the crimes against humanity of apartheid and persecution, is at the root of delays in refugee repatriation.

Since 2017, the Bangladesh government has demonstrated a commitment to the principle of nonrefoulement—not returning refugees to a place where they would face persecution. Refugees who have spoken to Human Rights Watch overwhelmingly express a desire to return to their homes in Myanmar once it is safe, they have citizenship and freedom of movement, and there is genuine accountability for atrocities. "Bangladesh is not my country," said Kadir Ahmed, 24. "I want to go back to our land. If the Myanmar government had not killed and tortured us, we would not have left."

Since the military coup in Myanmar on February 1, 2021, the country is fully controlled by the same generals who led the campaign of mass atrocities against the Rohingya in 2017, making the prospect of a safe and dignified return ever more distant.

Quarantined on Bhasan Char, Separated from Families

The first refugees to be housed on Bhasan Char were brought there after they were rescued at sea. In May 2020, the Bangladesh navy responded to international calls to rescue two boats carrying 306 Rohingya refugees that had been lost at sea. Bangladesh, Myanmar, Thai, and Malaysian authorities had earlier refused to allow the refugees to land.

That Bangladesh rescued the refugees while its neighbors ignored them is both commendable and characteristic of Bangladesh's efforts to provide safe haven to Rohingya refugees. A month earlier, the Bangladesh coast guard had rescued another 390 Rohingya refugees on a boat that had reportedly been turned away by Malaysia. The refugees were starving, dehydrated, and ill after drifting at sea for months before ending up back at the Bangladesh coast. Several had died, their bodies dumped into the sea.

Yet, after bringing the 306 ashore, instead of reuniting the refugees with their families in Cox's Bazar as they had done earlier, the authorities brought them to Bhasan Char. Officials initially said that the refugees were only being held temporarily to quarantine from any potential spread in the camps of the virus that causes Covid-19. But a full year later, the refugees are still being held on the island against their will. Yusuf Ali, 43, who lives in Cox's Bazar and whose two daughters are being held on Bhasan Char, said, "the CiC [Camp-in-Charge official] told us that our daughters would never be returned to us here. They said, 'You still have time to choose to go there [to Bhasan Char], otherwise forget about your children.'"

After pleading for months to be returned to their families in Cox's Bazar, a group of refugees went on hunger strike in September 2020. In video accounts received by Human Rights Watch, one Rohingya woman on hunger strike said: "We don't want food, what we want is to go back to our families.... It's better to die than to live here." In response, Bangladesh authorities beat some of the refugees with tree branches and rubber sticks.

On April 28, 2021, the Bangladesh authorities sent another 30 Rohingya refugees to Bhasan Char after rescuing them at sea instead of reuniting them with their families in Cox's Bazar.

Relocation from Cox's Bazar

After bringing the first group of refugees who had been rescued at sea to Bhasan Char, the Bangladesh government began mass relocations of refugees from the camps in Cox's Bazar to the island. Since December 2020, thousands of other refugees have been transferred to Bhasan Char from the camps in Cox's Bazar. The Bangladesh government informed Human Rights Watch that it had "ensured adequate supply of food along with proper sanitation and medical facilities for Rohingyas on Bhasan Char." The government also told Human Rights Watch:

[T]he relocation was preceded by adequate preparations and consultations with stakeholders. Several rounds of discussions, based on the queries of the United Nations, were also arranged and we hope that the international community and the United Nations, as per its mandate, will be involved in the process soon.

In a statement on December 2, the United Nations, however, had said that it had not been involved and that "any relocations to Bhasan Char should be preceded by comprehensive technical protection assessments," reiterating that the UN stood ready to proceed with such assessments "if permitted by the Government." The UN also said that the government should respect commitments to ensure any relocation is voluntary.

Though the government has said that all relocations have been based on informed consent, some of the refugees told Human Rights Watch that they had not willingly volunteered.

Some refugees even fled the Cox's Bazar camps out of fear of forced relocation. Kobir, 53, who went into hiding, told us:

My name appeared on the list so now the CiC has threatened me, saying that since my name is there, I must go. He said, even if I die, they will take my body there [to Bhasan Char]. I don't want to go to that island.

Others said they were provided with misleading information and incentives to move. Anjul, 40, said:

They trapped us with plenty of promises. They said we would have good food and plenty of livelihood opportunities, like tending livestock, fishing, or going to the mainland. Most importantly, when we boarded the bus they gave us 5,000 taka [US\$60] each, promising that we would be given 5,000 taka each month. But after arriving there are no such opportunities and now we are facing a food shortage crisis.

Several refugees on Bhasan Char said their freedom of movement was being denied and that security forces deployed on the island were often abusive. Others complained that they did not have enough food and that people with illnesses, including children, were dying due to a lack of adequate health care. Many refugees complained that they were only given paracetamol (acetaminophen) for health issues including ulcers, chest pain, diabetes, and asthma. Those in need of emergency medical care had to pay for and obtain permission from authorities to be transported to the nearest mainland hospital, which was at least five hours away by sea and road. Such transportation is nearly impossible by either boat or helicopter in inclement weather.

Human Rights Watch interviewed 14 people who sought medical care on the island, all of whom said that the facilities and care they received were inadequate. In four cases, when Human Rights Watch later checked, family members said that their relatives had died, which they believed was because of grossly inadequate access to emergency health care, including a woman who died in childbirth. Anjul, 40, said: "In the camp [in Cox's Bazar], if any of us became sick at least we would be able to go to a doctor or hospital or the NGOs [nongovernmental organizations] could arrange better treatment, but here when our people are dying, no one cares."

Refugees also said their families received irregular and insufficient food rations. Yousuf, 47, said,

The food ration varies every month and sometimes the quantity and quality of the ration we are given varies a lot. Families often get rotten onions, ginger, or garlic which they can't even use for cooking. Quantity of rice is distributed per person, but for other items the quantity remains the same per family no matter how big your family is.

After experiencing the conditions on the island, hundreds of refugees have tried to leave. Human Rights Watch spoke with 17 Rohingya refugees who escaped to Cox's Bazar. Shah Alam, 32, told Human Rights Watch that he left because "there is no security of life on that island."

On April 6, 2021, authorities detained a group of refugees, including children, attempting to escape. The families of two of the detained Rohingya said that they had no information about the whereabouts of their relatives. Faruk, 17, the brother of one of the detained children, told Human Rights Watch on April 12, "A few days back my brother called me from a police officer's phone and told me that they had been removed from the island, but my brother could not tell where he was. Since then, we have not been able to contact him again."

They also said that unidentified people claiming to be from the police had demanded a bribe to provide information. Taslima, 40, the mother of one of the detained refugees, said that someone claiming to be a police officer threatened to kill her son in "crossfire," a euphemism in Bangladesh for an extrajudicial execution, unless the family paid a bribe. "He threatened us, saying that we should keep ready cash, or they would target my son in a crossfire," she said. "We said we could not afford to pay and asked where my son was now. The man said, 'Pay the money first, then your son will be safe.""

Witnesses said that security forces beat the refugees during interrogation in the newly built police station on the island and that, during the interrogation, a police officer said: "Tell your Rohingyas that if they think to escape their fate will be the same." The authorities also raided Bhasan Char housing to identify those missing, and beat residents

demanding information. One witness, Jorina, said that one of the officers conducting the raid threatened the refugees, saying, "'You have no hope to return to Cox's Bazar. Your families will be brought here too. Don't even dream of going back."

Role of the United Nations and Donors

Bangladesh authorities arranged a visit for foreign heads of mission to showcase Bhasan Char on April 3, 2021.

The visit was highly orchestrated, and the officials were not able to mix freely with the refugees. The diplomats who visited the island did not make any public comment, although one embassy official told Human Rights Watch they were able to meet only about 40 "selected" Rohingya refugees and were only able to talk to them in the presence of Bangladeshi officials.

One refugee on the island later told Human Rights Watch: "We were not allowed to meet with the delegation. If we had been able to meet them, we would have had so many things to share and we would have requested their help to allow us to go back to the camps in Cox's Bazar."

The Bangladesh government, however, capitalized on this visit to claim that diplomats had no concerns. In a press release on April 3, the Bangladesh Ministry of Foreign Affairs said, "The Ambassadors freely interacted with the Rohingya representatives and shared their thoughts and hopes."

An 18-member UN team also visited the island from March 17-20. Refugees told Human Rights Watch that they were only allowed to speak in the presence of Bangladesh officials, and that they were compelled to provide testimony to make it appear as though there were no problems on the island. One refugee, Roshid, 38, said:

Before the UN team arrived here on March 17, the authorities called some of the refugees in my cluster and ordered us to say we are regularly getting 5,000 taka each month, the food we are receiving here is much more than in the camps, and that the health facilities are very modern.

The UN team appeared to take these claims at face value, recommending that "any future relocations are undertaken in a gradual and phased manner, which would help to ensure that the governance structure, facilities and services available on Bhashan Char are commensurate to the needs of Rohingya refugees living there."

This contradicts previous statements from the UN and embassies when they repeatedly stressed to the Bangladesh government that no refugees should be relocated to Bhasan Char until there had been an independent expert technical assessment of its habitability. After visiting the island in January 2019, then-UN special rapporteur on Myanmar Yanghee Lee said, "there are a number of things that remain unknown to me even following my visit, chief among them being whether the island is truly habitable."

On May 18, 2021, UNHCR launched its 2021 Rohingya Joint Response Plan which said that the during its visit to Bhasan Char "The UN team looked at the current situation and facilities on Bhasan Char and the feasibility of establishing humanitarian operations there" and that "Based on the preliminary findings of the visit, the UN and the Government of Bangladesh have agreed to further discussions regarding future UN operational engagement on Bhasan Char, including on the framework that governs the life and wellbeing of Rohingya refugees on the island."

Methodology

This report is based largely on interviews with 167 Rohingya refugees conducted between May 2020 and May 2021; 135 identified as men and 32 as women, and 14 were children. We spoke with 117 refugees on Bhasan Char island and 50 in Cox's Bazar, 30 of whom later relocated to Bhasan Char. Some people were interviewed multiple times. We also interviewed 10 humanitarian workers, 5 Bangladeshis from Noakhali (the closest port city to Bhasan Char), and 4 members of the Bangladesh host community in Cox's Bazar. We also held informal consultations with UN officials and diplomats.

Human Rights Watch received a letter from the Bangladesh ambassador to the United States Mohammad Ziauddin on December 8, 2020 in response to our press release on the relocations to Bhasan Char titled "Bangladesh: Halt Rohingya Relocations to Remote Island." That letter appears in Appendix I.

Human Rights Watch also wrote to Bangladesh Foreign Minister A.K. Abdul Momen regarding the findings and recommendations of this report on May 7, 2021. As of time of writing, we have received no reply.

Additionally, Human Rights Watch has engaged extensively with UNHCR, the UN refugee agency in Bangladesh, and other UN officials.

Human Rights Watch also sent letters on May 14, 2021 to HR Wallingford and Sinohydro, two companies reportedly involved in the development of storm protection infrastructure on the island. We received a reply from HR Wallingford on May 25, 2021. As of time of writing, we have received no reply from Sinohydro.

Because refugees have faced serious abuses by security forces as retribution for speaking out about conditions on the island, we have withheld identifying information and used pseudonyms for all of the refugees and humanitarian workers.

¹ "Bangladesh: Halt Rohingya Relocations to Remote Island," Human Rights Watch news release, December 3, 2020, https://www.hrw.org/news/2020/12/03/bangladesh-halt-rohingya-relocations-remote-island.

In all cases, we informed interviewees who was conducting the interviews, why, and how the interviews would be used, that they could choose whether or not to participate, could stop or leave the interview at any time, and would not be remunerated or receive additional humanitarian assistance for participating.

While Human Rights Watch uses the spelling "Bhasan Char," spelling used in quotes are kept as used in the original quote, reflecting varying transliterations of the Bangla word. These include Bhashan Char, Vashanchar, and Bashon Char.

I. Bangladesh's Response to the Rohingya Refugee Crisis

Starting in late August 2017, over 700,000 ethnic Rohingya crossed into Bangladesh fleeing atrocities by the Myanmar military. Bangladesh was already hosting between 300,000 to 500,000 mostly undocumented Rohingya refugees who had fled previous waves of persecution in Myanmar. The Kutupalong-Balukhali Expansion Camps in Cox's Bazar, built quickly and haphazardly on a hilly jungle, is now the world's largest refugee settlement.

The settlement has taken up not only thousands of acres of forested land but put a strain on already tight national resources. At the same time, tension has increased between the Bangladeshi host population and refugees in the camps. The government has imposed numerous restrictions on the Rohingya refugee population—building fences, arbitrarily cutting internet access, denying formal education—that appear designed at least in part to demonstrate that the settlement in Cox's Bazar is only temporary.⁴

At the same time, both Bangladeshis and Rohingya refugees are on the frontlines of another crisis: climate change. Situated in the world's largest river delta, a three-foot (91 centimeter) sea-level rise could submerge almost 20 percent of Bangladesh and displace

² Human Rights Watch, *Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli*, December 19, 2017, https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli; Human Rights Watch, *"All of My Body Was Pain": Sexual Violence against Rohingya Women and Girls in Burma*, November 16, 2017, https://www.hrw.org/report/2017/11/16/all-my-body-was-pain/sexual-violence-against-rohingya-women-and-girls-burma; "Burma: Military Commits Crimes Against Humanity," Human Rights Watch news release, September 25, 2017, https://www.hrw.org/news/2017/09/25/burma-military-commits-crimes-against-humanity; "Burma: Scores of Rohingya Villages Bulldozed," Human Rights Watch news release, February 23, 2018, https://www.hrw.org/news/2018/02/23/burma-scores-rohingya-villages-bulldozed.

³ Human Rights Watch, *"Bangladesh is Not My Country": The Plight of Rohingya Refugees from Myanmar,* August 5, 2018, https://www.hrw.org/report/2018/08/05/bangladesh-not-my-country/plight-rohingya-refugees-myanmar.

⁴ Human Rights Watch, "Bangladesh is Not My Country"; Human Rights Watch, "Are We Not Human?" Denial of Education for Rohingya Refugee Children in Bangladesh, December 3, 2019, https://www.hrw.org/report/2019/12/03/are-we-not-human/denial-education-rohingya-refugee-children-bangladesh; "Bangladesh: Halt Plans to Fence-In Rohingya Refugees," Human Rights Watch news release, September 30, 2019, https://www.hrw.org/news/2019/09/30/bangladesh-halt-plans-fence-rohingya-refugees; "Bangladesh: Internet Ban Risks Rohingya Lives," Human Rights Watch news release, March 26, 2020, https://www.hrw.org/news/2020/03/26/bangladesh-internet-ban-risks-rohingya-lives; "Bangladesh: Internet Blackout on Rohingya Refugees," Human Rights Watch news release, September 13, 2019, https://www.hrw.org/news/2019/09/13/bangladesh-internet-blackout-rohingya-refugees.

millions. More than 10 percent of coastal land—such as Cox's Bazar—is predicted to be under water in the next 30 years. When those living on the coasts or along rivers are displaced by flooding, erosion, and salinization of farmland, they often move inland to the cities—up to 2,000 people move to Dhaka, the capital, every day. The relocation of refugees to the low-lying island of Bhasan Char is occurring as millions of Bangladeshis are retreating inland to escape rising waters.

Crimes against Humanity in Myanmar

The Rohingya in Myanmar are effectively denied citizenship under the country's 1982 Citizenship Law, leaving them and their children stateless and highly vulnerable to human rights violations.

The 600,000 Rohingya remaining in Myanmar's Rakhine State face severe repression and violence, confined to camps and villages without freedom of movement, and cut off from access to adequate food, medical care, education, and livelihoods. The squalid and oppressive conditions imposed on the Rohingya amount to the crimes against humanity of persecution, apartheid, and severe deprivation of liberty.9

⁵ Robert Glennon, "The Unfolding Tragedy of Climate Change in Bangladesh," *Scientific American*, April 21, 2017, https://blogs.scientificamerican.com/guest-blog/the-unfolding-tragedy-of-climate-change-in-bangladesh/ (accessed April 16, 2021).

⁶ Sarah Marsh, "On the Frontline of the Climate Emergency, Bangladesh Adapts," *The Guardian*, January 8, 2020, https://www.theguardian.com/world/2020/jan/08/on-the-frontline-of-the-climate-emergency-bangladesh-adapts (accessed April 20, 2021). Understanding the impact of climate change isn't just a predictive exercise in Bangladesh— the Association for Climate Refugees found that six million Bangladeshis had already been displaced by climate hazards as of 2019. See UNICEF, *A Gathering Storm: Climate Change Clouds the Future of Children in Bangladesh*, April 2019, https://www.unicef.org/rosa/reports/gathering-storm (accessed April 20, 2021).

⁷ Poppy McPherson, "Dhaka: The City Where Climate Refugees are Already a Reality," *The Guardian,* December 1, 2015, https://www.theguardian.com/cities/2015/dec/o1/dhaka-city-climate-refugees-reality (accessed April 20, 2021).

^{8 &}quot;A remote home for the Rohingya," Reuters Graphics, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 28, 2021).

⁹ A Human Rights Watch report based on over 60 interviews with Rohingya, Kaman Muslims, and humanitarian workers documented the inhuman conditions in the 24 camps and camp-like settings in central Rakhine State where approximately 130,000 Rohingya are currently being held. See Human Rights Watch, "An Open Prison without End": Myanmar's Mass Detention of Rohingya in Rakhine State," October 8, 2020, https://www.hrw.org/report/2020/10/08/open-prison-withoutend/myanmars-mass-detention-rohingya-rakhine-state.

In September 2019, a UN-backed International Independent Fact-Finding Mission found that the 600,000 Rohingya remaining in Myanmar "may face a greater threat of genocide than ever." 10

These conditions undermine any claims by the Myanmar government that it is safe for refugees to return. "We know that thousands of Rohingya back in Myanmar are still in detention camps," said a Rohingya refugee in Bangladesh. "If those people are released and return to their villages, then we will know it's safe to return, and we'll go back home." ¹¹

The International Court of Justice (ICJ) in January 2020 ordered Myanmar not to commit and to prevent genocide against the Rohingya while it adjudicates alleged violations of the Genocide Convention. The International Criminal Court (ICC) in November 2019 began an investigation into Myanmar's alleged forced deportation of Rohingya and related crimes against humanity. Myanmar has not permitted the United Nations to investigate grave crimes inside the country. Repatriation attempts by the Bangladesh government have failed because refugees are unwilling to return, saying they feared persecution in Myanmar. In March 2020, the UN High Commissioner for Human Rights (UNHCR), the UN refugee agency, said that conditions in Rakhine State are not yet conducive to voluntary, safe, and dignified return of the Rohingya.

Myanmar has made claims since November 2017 about its readiness to repatriate Rohingya refugees, yet has shown no willingness to ensure safe, dignified, or voluntary

¹⁰ "Genocide Threat for Myanmar's Rohingya Greater than Ever, Investigators Warn Human Rights Council," *UN News*, September 16, 2019, https://news.un.org/en/story/2019/09/1046442 (accessed April 16, 2021).

¹¹ Human Rights Watch, An Open Prison Without End.

¹² Reed Brody, "International Court of Justice Orders Burmese Authorities to Protect Rohingya Muslims from Genocide," *Democracy Now!* January 27, 2020, https://www.hrw.org/news/2020/01/27/international-court-justice-orders-burmese-authorities-protect-rohingya-muslims (accessed April 15, 2021).

¹³ International Criminal Court, "ICC judges authorise opening of an investigation into the situation in Bangladesh/Myanmar," November 14, 2019, https://www.icc-cpi.int/Pages/item.aspx?name=pr1495 (accessed April 15, 2021).

¹⁴ "Myanmar: Court Martial Latest Accountability Sham," Human Rights Watch news release, July 3, 2020, https://www.hrw.org/news/2020/07/03/myanmar-court-martial-latest-accountability-sham.

¹⁵ "Myanmar/Bangladesh: Halt Rohingya Returns," Human Rights Watch news release, August 20, 2019, https://www.hrw.org/news/2019/08/20/myanmar/bangladesh-halt-rohingya-returns.

¹⁶ "Greater progress needed to ensure safe return of displaced Rohingya: UN refugee agency chief," *UN News*, March 3, 2020, https://news.un.org/en/story/2020/03/1058521 (accessed April 15, 2021).

returns. In March 2020, the UN refugee agency confirmed that conditions in Rakhine State were not yet conducive to returns.¹⁷

Refugees in Bangladesh say that they want to return once it is safe. "I want to go back to Myanmar but only when we will be given our rights there," said Sadek Hossen. "We deeply want to go back to our country ... but it is impossible since we can't find justice," said Azara, 65, who used to farm the family land in Myanmar. "9

The Rohingya are at even greater risk since the February 1, 2021 military coup in Myanmar, given that the country is now under the full authority of the commander-in-chief, Sr. Gen. Min Aung Hlaing, who oversaw the military responsible for crimes against humanity and genocidal acts against them.²⁰

Lack of Support from Regional Governments

Other governments in South and Southeast Asia have often ignored the plight of Rohingya refugees, violating international obligations not to return anyone to a place where their life or freedom would be at risk and leaving Bangladesh to shoulder the weight of the crisis.

Malaysian authorities have repeatedly pushed back boats of Rohingya asylum seekers, leaving hundreds in life-threatening conditions. Although Malaysia currently hosts more than 100,000 Rohingya refugees registered with UNHCR, the current government has stated that the country will take no more. In the past 12 months, when refugees have reached Malaysian soil, the authorities have detained them, denied them access to the UN refugee agency, and prosecuted some for illegal entry. In June 2020, Malaysian

¹⁷ "Greater progress needed to ensure safe return of displaced Rohingya: UN refugee agency chief," *UN News*, March 3, 2020, https://news.un.org/en/story/2020/03/1058521 (accessed April 15, 2021).

¹⁸ "Myanmar: Rohingya Await Justice, Safe Return 3 Years On," Human Rights Watch news release, August 24, 2020, https://www.hrw.org/video-photos/video/2020/08/21/376184.

¹⁹ Human Rights Watch interview with Azara, Bhasan Char, February 22, 2021.

²⁰ "Myanmar: Military Coup Kills Fragile Democracy," Human Rights Watch news release, February 1, 2021, https://www.hrw.org/news/2021/02/01/myanmar-military-coup-kills-fragile-democracy.

²¹ Rozanna Latiff, "Malaysia can't take any more Rohingya refugees, PM says," Reuters, June 26, 2020, https://www.reuters.com/article/us-myanmar-rohingya-malaysia/malaysia-cant-take-any-more-rohingya-refugees-pm-says-idUSKBN23X19Y (accessed May 13, 2021).

²² Nisha David, Hadi Azmi, and Pimuk Rakkanam, "Rohingya Boat is Off Thailand, Has Been at Sea 4 Months: Malaysia Official," *Benar News*, June 10, 2020, https://www.benarnews.org/english/news/malaysian/Rohingya-boats-06102020150325.html (accessed April 15, 2021); "Malaysia: Stop Treating Rohingya Refugees as Criminals," Human Rights

authorities detained 269 Rohingya asylum seekers whose boat arrived damaged near Langkawi, an island off the coast of northwestern Malaysia. ²³ The chief of the Malaysian Maritime Enforcement Agency told the media that 70 percent of those refugees "could not walk properly because they had been sitting and squatting for months aboard the boat." ²⁴ In July 2020, a Malaysian court sentenced 40 Rohingya to seven months in jail for entering the country without a valid immigration pass or permit. ²⁵

Thailand has also refused entry to Rohingya refugees or holds them in indefinite detention. When a group of Rohingya arrived in Thailand by land, crossing from Myanmar on May 20, 2020, Thai authorities arrested at least 12 people and sent them to the Mae Sot immigration detention facility. Approximately 200 to 300 Rohingya are being held in immigration detention and other facilities across Thailand.²⁶

In February 2021, at least 81 Rohingya were found crammed in a fishing boat that had been drifting in the Andaman Sea after its engine failed on the way to Malaysia. They were suffering severe hunger and dehydration; eight people died. After the refugees sent their GPS location to relatives, the Indian navy and coast guard located the boat and provided food, medical, and technical aid. But the Indian government wanted to send the refugees back to Bangladesh, which refused to accept them.²⁷ Indian leaders have also threatened to deport an estimate 40,000 Rohingya refugees in the country.

Bangladesh authorities say that the crisis is testing their patience. "Has Bangladesh been given the global contract and responsibility to take and rehabilitate all the Rohingya or

Watch news release, July 22, 2020, https://www.hrw.org/news/2020/07/22/malaysia-stop-treating-rohingya-refugees-criminals

²³ "Malaysia/Thailand: Allow Rohingya Refugees Ashore," Human Rights Watch news release, June 12, 2020, https://www.hrw.org/news/2020/06/12/malaysia/thailand-allow-rohingya-refugees-ashore.

²⁴ Nisha David, Hadi Azmi, and Pimuk Rakkanam, "Rohingya Boat is Off Thailand, Has Been at Sea 4 Months: Malaysia Official," *Benar News,* June 10, 2020, https://www.benarnews.org/english/news/malaysian/Rohingya-boats-06102020150325.html (accessed April 15, 2021).

²⁵ "Malaysia: Stop Treating Rohingya Refugees as Criminals," Human Rights Watch news release, July 22, 2020, https://www.hrw.org/news/2020/07/22/malaysia-stop-treating-rohingya-refugees-criminals.

²⁶ "Thailand: Let UN Refugee Agency Screen Rohingya," Human Rights Watch news release, May 21, 2020, https://www.hrw.org/news/2020/05/21/thailand-let-un-refugee-agency-screen-rohingya.

²⁷ "India: Halt all Forced Returns to Myanmar," Human Rights Watch news release, March 10, 2021, https://www.hrw.org/news/2021/03/10/india-halt-all-forced-returns-myanmar.

boat people of the world?" said Foreign Minister A.K. Abdul Momen in February. "No, not at all." ²⁸

In 2015, governments from the region had pledged to collectively address the risks of irregular boat migration and protect the rights of migrants and trafficking victims under the auspices of the Association of Southeast Asian Nations (ASEAN), the Asia and the Pacific Regional Meeting of the International Labour Organization (ILO), and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.²⁹ The pushbacks since and forced returns of Rohingya asylum seekers demonstrate little effort to follow through on those commitments.

Dire Conditions and Abuses in the Cox's Bazar Camps

The main refugee settlement in Cox's Bazar is severely overcrowded, with risks of communicable diseases, fires, community tensions, and domestic and sexual violence. Access to essential reproductive, maternal, and newborn health services remains a significant concern.³⁰ Refugees in Cox's Bazar have faced tightened restrictions on their rights to information, movement, access to education, and health, and some have been unlawfully killed by Bangladeshi security forces.³¹

²⁸ Ruma Paul, "Exclusive: Bangladesh Under 'No Obligation' to Accept Stranded Rohingya Refugees, Says Minister," Reuters, February 26, 2021, https://www.reuters.com/article/us-bangladesh-rohingya-un-exclusive-idUSKBN2AR08E (accessed May 22, 2021).

²⁹ The Bali Process, "Comprehensive Approaches for Addressing Irregular Movements of People by Sea," Workshop Facilitation Guide, January 2015,

https://www.baliprocess.net/UserFiles/baliprocess/File/Facilitation%2oGuide%2oon%2oComprehensive%2oApproaches %2ofor%2oAddressing%2oIrregular%2oMovements%2oof%2oPeople%2oby%2oSea_FINAL_101017.pdf (accessed April 15, 2021); International Labour Organization, "The Bali Declaration" Adopted at the 16th Asia and the Pacific Regional Meeting in Bali, Indonesia, on December 9, 2016, APRM. 16/D.6, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_537445.pdf (accessed April 15, 2021); "East Asia Summit Declaration on Strengthening Responses to Migrants in Crisis and Trafficking in Persons," September 2016, https://asean.org/storage/2016/09/EAS-Declaration-on-Strengthening-Responses-to-Migrants-in-Crisis-and-TIP1.pdf (accessed April 15, 2021).

³⁰ Malabika Sarker et al., "Effective maternal, newborn and child health programming among Rohingya refugees in Cox's Bazar, Bangladesh: Implementation challenges and potential solutions, "*PLoS One, vol.* 15, no. 3 (2020), accessed May 13, 2021, doi: 10.1371/journal.pone.0230732.

³¹ Brad Adams, "Spate of Bangladesh 'Crossfire' Killings of Rohingya," Human Rights Watch dispatch, September 18, 2019, https://www.hrw.org/news/2019/09/18/spate-bangladesh-crossfire-killings-rohingya; Human Rights Watch, "'Are We Not Human?' Denial of Education for Rohingya Refugee Children in Bangladesh," December 3, 2019,

https://www.hrw.org/report/2019/12/03/are-we-not-human/denial-education-rohingya-refugee-children-bangladesh; "Bangladesh: Halt Plans to Fence-In Rohingya Refugees," Human Rights Watch news release, September 30, 2019, https://www.hrw.org/news/2019/09/30/bangladesh-halt-plans-fence-rohingya-refugees; "Bangladesh: Internet Ban Risks Rohingya Lives," Human Rights Watch news release, March 26, 2020, https://www.hrw.org/news/2020/03/26/bangladesh-internet-ban-risks-rohingya-lives.

Bangladesh authorities, donors, and international agencies often point to the poor conditions in the refugee camps as evidence that the relocation of refugees to Bhasan Char is a viable solution. However, many of these same problems are replicated, and even exacerbated, on the island. Bangladesh has a history of eschewing steps that would make camp conditions truly hospitable, thereby increasing pressure on refugees to return to dangerous conditions in Myanmar, or, in this case, to relocate to Bhasan Char.³²

The authorities, for example, have refused to allow refugees in the Cox's Bazar camps to build permanent structures that would protect against mudslides and flooding during monsoon season.³³ According to the Inter Sector Coordination Group (ISCG), during the 2020 monsoon season there were more than 600 landslides and over 30 floods in the camps, affecting more than 118,000 refugees. Among those, over 8,700 refugees were displaced and over 24,000 shelters were partially or completely destroyed. The monsoon season also reduces availability of services—over 1,000 learning facilities were affected, latrines and water access points were flooded, and one health facility was damaged.³⁴

The Bangladesh government's insistence that the refugees will soon return to Myanmar has also led it to deny access to any accredited education to the over 450,000 Rohingya children in the camps and prohibit humanitarian groups from constructing permanent, brick-and-mortar school buildings in the camps.³⁵ Barred from opening schools, nongovernmental organizations (NGOs) have since 2017 constructed about 3,000 "learning centers": small, temporary bamboo structures that can accommodate up to 40 children at a time. Many learning centers "have rotted already and need to be replaced, since the little worms have been doing their work on the bamboo," as a humanitarian official noted.³⁶

³² More than 200,000 Rohingya sought refuge in Bangladesh in 1977-78, and 280,000 fled from forced labor, rape, and religious persecution by the Myanmar military in 1991-92. On both occasions, Bangladesh carried out large-scale forced returns. In the 1970s, some 9,000 people starved to death when Bangladesh cut their food rations to pressure them to leave. See Jeff Crisp, "'Primitive People': The untold story of UNHCR's Historical Engagement with Rohingya Refugees," October 2018, Humanitarian Practice Network / Overseas Development Institute, https://odihpn.org/magazine/primitive-people-the-untold-story-of-unhcrs-historical-engagement-with-rohingya-refugees/ (accessed April 26, 2021); Human Rights Watch, *Bangladesh is Not My Country*, p. 13.

³³ "Bangladesh: Rohingya Face Monsoon Floods, Landslides," Human Rights Watch news release, July 12, 2019, https://www.hrw.org/news/2019/07/12/bangladesh-rohingya-face-monsoon-floods-landslides (accessed April 15, 2021).

³⁴ ISCG, "Monsoon Response in Rohingya Refugee Camps: 12 June to 15 October 2020" https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/final_monsoon_summary_2020_12_june_to_15_oct.pdf (accessed April 26, 2021).

³⁵ Human Rights Watch, "Are We Not Human?"

³⁶ Ibid.

Authorities have increasingly cracked down on refugees' rights to information and peaceful assembly in Cox's Bazar. In response to a peaceful demonstration in Kutupalong in 2019 demanding the right to safe return, Bangladesh authorities shut off all internet access for an entire year, directed mobile phone carrier companies to stop selling SIM cards to Rohingya, and confiscated thousands of SIM cards from refugees.³⁷

This broad restriction on communication was neither necessary nor proportionate, as international human rights law requires. Instead, aid workers said the shutdown seriously hampered their capacity to provide emergency health services, give timely and accurate information about Covid-19, and rapidly coordinate essential measures to prevent the spread of the novel coronavirus and other communicable diseases in the camps.³⁸ The internet shutdowns affected refugees' ability to get information and to communicate outside the camps, including with relatives and friends still in Myanmar.

In 2019, the Bangladesh Parliamentary Standing Committee on Defense recommended building a security fence around the camps "so that no one can come out of the camps and no one can enter inside the camps." ³⁹ Soon after, the authorities started fencing the camps. However, instead of making the refugees safe, the fencing denied them freedom of movement and placed them at serious risk. ⁴⁰ Refugees expressed fears that the fencing would restrict their ability to obtain essential services, make it impossible to flee in case of emergency, and create significant barriers for contacting relatives in other camps.

³⁷ "Bangladesh: Internet Blackout on Rohingya Refugees," Human Rights Watch news release, September 13, 2019, https://www.hrw.org/news/2019/09/13/bangladesh-internet-blackout-rohingya-refugees; Muktadir Rashid, "2,000 SIMs Seized in Rohingya Camps in Bangladesh," *New Age*, December 7, 2019, http://www.newagebd.net/article/92885/12000-sims-seized-in-rohingya-camps (accessed April 15, 2021); "No SIM Card for Rohingya," *The Daily Star*, September 3, 2019, https://www.thedailystar.net/frontpage/no-bangladeshi-sim-card-for-rohingyas-1794595 (accessed April 15, 2021); "Genocide Day': Thousands of Rohingya rally in Bangladesh camps," *Al Jazeera*, August 25, 2019, https://www.aljazeera.com/news/2019/8/25/genocide-day-thousands-of-rohingya-rally-in-bangladesh-camps (accessed April 16, 2021).

³⁸ "Bangladesh: Internet Ban Risks Rohingya Lives," Human Rights Watch news release, March 26, 2020, https://www.hrw.org/news/2020/03/26/bangladesh-internet-ban-risks-rohingya-lives (accessed April 15, 2021).

³⁹ "The armed forces want to build a barbed wire fence in the Rohingya camp, with the consent of the parliamentary committee," *Dhaka Tribune*, September 4, 2019, https://bit.ly/2QHHkcP (accessed April 28, 2021).

⁴⁰ "Bangladesh: Halt Plans to Fence-In Rohingya Refugees," Human Rights Watch news release, September 30, 2019, https://www.hrw.org/news/2019/09/30/bangladesh-halt-plans-fence-rohingya-refugees (accessed April 15, 2021).

On March 22, 2021, these fears came true when barbed wire fencing trapped thousands of refugees inside while a massive fire spread through Rohingya refugee camps.⁴¹ At least 15 people, including 6 children, were killed in the fire, and over 50,000 people were displaced.⁴² Hundreds were injured, some while trying to escape the blaze by climbing over or cutting through barbed wire fencing.⁴³ Witnesses reported that the fencing blocked fire trucks and other emergency vehicles. Hamid, 29, a refugee from Camp 10, said "We saw that firefighters were delayed due to the fencing because they needed to use different routes to reach to the fire."⁴⁴

Human Rights Watch interviewed 17 people, including some refugees who lost family members during the fire, who said that people—in particular, older people, children, and people with disabilities—were unable to quickly escape because of the barbed wire fencing that authorities built around the camps. Khaled, 38, who lost his 5-year-old son in the fire, told Human Rights Watch that the fencing left refugees with only one option to escape through the camp's main entrance:

Everyone was rushing to the main entrance of the camps, which is the only exit route. Other sides are surrounded by fencing. When my son got separated from us, he tried to go back to our shelter searching for us. This is where we found his burned body. We were able to identify him only by his red pants. If there had been no fence, people could have escaped using different routes.⁴⁵

⁴¹ "Bangladesh: Refugee Camp Fencing Cost Lives in Blaze," Human Rights Watch news release, March 25, 2021, https://www.hrw.org/news/2021/03/25/bangladesh-refugee-camp-fencing-cost-lives-blaze.

^{42 &}quot;Bangladesh Probes Deadly Fire at Rohingya Camp, 400 Missing," *Al Jazeera*, March 23, 2021, https://www.aljazeera.com/news/2021/3/23/bangladesh-probes-deadly-fire-at-rohingya-refugee-camphttps:/www.aljazeera.com/news/2021/3/23/bangladesh-probes-deadly-fire-at-rohingya-refugee-camp (accessed April 15, 2021); Refugees International, "Immediate Assistance Needed as Fire Devastates Rohingya Camp in Bangladesh," March 22, 2021, https://www.refugeesinternational.org/reports/2021/3/22/immediate-assistance-needed-as-fire-devastates-rohingya-camp-in-bangladesh (accessed April 15, 2021); Ruma Paul and Emma Farge, "'Devastating' Fire at Rohingya Camp in Bangladesh Kills 15, Leaves 400 Missing," Reuters, March 23, 2021, https://www.reuters.com/article/us-bangladesh-rohingya-fire-idUSKBN2BFoG1 (accessed April 15, 2021).

^{43 &}quot;Bangladesh Probes Deadly Fire at Rohingya Camp, 400 Missing," *Al Jazeera*, March 23, 2021, https://www.aljazeera.com/news/2021/3/23/bangladesh-probes-deadly-fire-at-rohingya-refugee-camp (accessed April 15, 2021).

⁴⁴ Human Rights Watch interview with Hamid, Cox's Bazar, Bangladesh, March 23, 2021.

⁴⁵ Human Rights Watch interview with Khaled, Cox's Bazar, Bangladesh, March 23, 2021.

Save the Children, a nongovernmental organization working in the camps, reported that the fires have affected the mental health of children living in the camps. Onno van Manen, the Save the Children country director in Bangladesh, said, "the Rohingya refugees have already fled their burning villages in Myanmar, only to see what little they have left go up in flames again. This is more than any human—and certainly any child— should have to deal with in a lifetime." 46

The fire on March 22 was the biggest in the camps since refugees fled to Bangladesh in 2017, but the number of fires in the camps has been increasing at a disturbing rate—in just the first four months of 2021 there were 84 fires in the camps, according to data from the ISCG, more than in all of 2020.⁴⁷ This raises concerns that rather than implement safety measures in the camps in Cox's Bazar like building less flammable, more permanent structures, adding water reservoirs, and taking down fencing, Bangladesh authorities are making use of the fires to pressure refugees to relocate to Bhasan Char.

As of April 1, at least 497 refugees whose shelters were burned down in the March 22 blaze had reportedly been sent to Bhasan Char. 48 Abdul Hakim, 38, who relocated along with five members of his family, told Human Rights Watch: "After the fire burned my shelter on March 22, a *majhi* (a Rohingya leader selected by the camp authorities to serve as an intermediary between authorities and the refugee population) and some CiC office volunteers told me that my name is on the list to relocate to Bhasan Char and I have no option but to follow their instruction."49

⁴⁶ Save the Children, "Rohingya Refugees Fear 'Another Disaster Waiting to Happen' After 84 Fires in Four Months," April 15, 2021, https://www.savethechildren.net/news/rohingya-refugees-fear-%E2%80%98another-disaster-waiting-happen%E2%80%99-after-84-fires-four-months (accessed April 16, 2021).

⁴⁷ Ibid

^{48 &}quot;The 6th Transfer of Rohingyas was Delayed," Ukiya news, April 1, 2021, https://bit.ly/3e3iSeW (accessed April 15, 2021).

⁴⁹ Human Rights Watch interview with Abdul Hakim, Cox's Bazar, Bangladesh, March 30, 2021.

II. Bangladesh's Bhasan Char "Solution"

The Bangladesh government has invested up to US\$300 million to develop infrastructure for refugee relocation on Bhasan Char.⁵⁰ The immense political and financial investment has likely solidified official support for the project, despite serious concerns raised by donors, the United Nations, humanitarian agencies, and nongovernmental organizations.⁵¹

As recently as 1999, Bhasan Char did not even exist. Formed by river silt, the island has been unstable with a rapidly shifting shoreline for the past 20 years. 52 About 30 kilometers off the coast, the island is at least a three-hour boat-ride from Chairman Ghat—the closest port on the mainland—and about five hours by boat from Chittagong. In rough seas, it is inaccessible by boat, and in high winds or heavy rain, inaccessible by helicopter. The island has no airstrip for fixed-wing planes and no regular telecommunications infrastructure, meaning in rough weather the island is frequently cut off from the rest of the world.53

Bhasan Char's location in the Bay of Bengal makes it particularly vulnerable to deadly cyclones. According to a comprehensive academic study of storm surges worldwide, of the world's 45 storms since 1930 with surges higher than five meters, 27 (60 percent) have occurred in the Bay of Bengal. 54 The consequences have been deadly. The study found that "the deadliest storm surges in world history have consistently occurred in the Bay of

⁵⁰ "Bangladesh is moving Rohingyas to a remote island," *Economist,* December 10, 2020, https://www.economist.com/asia/2020/12/12/bangladesh-is-moving-rohingyas-to-a-remote-island (accessed April 28, 2021).

⁵¹ Ministry of Foreign Affairs, Government of Bangladesh, "Press Release on Vashanchar," December 30, 2020, https://mofa.gov.bd/site/press_release/b4c48065-f1ba-466c-8d8f-f3dc9b324c5c (accessed April 28, 2021).

⁵² "A Remote Home for the Rohingya," Reuters, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 15, 2021).

⁵³ A "*char*," a Bangla word used to describe silt or sand islands formed by sediments from currents from Bangladesh's rivers, are widely known to be transitory geographical formations, which after forming can shift location or shape, or even later disappear. In one well known case, a char appeared off the coast of India and Bangladesh in 1970 after a major cyclone; each country claimed it as their territory, which led to arbitration at a court in the Hague. Shifting currents, due to gradually rising sea levels, then caused the island to disappear around 2010. See "Rising Sea Levels Settle Border Dispute," *Sydney Morning Herald*, March 25, 2010, https://www.smh.com.au/environment/climate-change/rising-sea-level-settles-border-dispute-20100324-qwum.html (accessed May 13, 2021).

⁵⁴ Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts," *Reviews of Geophysics*, vol. 53, iss. 2 (2015) accessed April 28, 2021, doi: 10.1002/2014RG000477.

Bengal" with about 90 percent of worldwide fatalities from tropical cyclones occurring in this basin. 55 The Weather Underground has documented that 26 of the 35 known deadliest tropical cyclones have occurred in the Bay of Bengal. 56

Higher waters can also be exacerbated by the monsoon season, which lasts from about June to September and can bring up to 600 millimeters of rain in peak months, and which has previously caused flooding in Bhasan Char and similar islands nearby.⁵⁷ The tidal channels across the island indicate that entire areas of the island are at times submerged, according to the USGS Innovation Center.⁵⁸

Climate change will further exacerbate these risks. Climate scientists predict that this area will receive higher rainfall during monsoon season and that typhoons will be stronger and more frequent.⁵⁹

When the government started building infrastructure on the island in 2017, Golam Sarwar, an environmental specialist at Bangladesh's Ministry of Land, warned that "a strong cyclone during a high tide would likely leave the entire island submerged." Residents from nearby Hatiya Island expressed similar concerns: "Part of the island is eroded by the monsoon every year," one man said. "In that time, we never dare go to that island, so how will thousands of Rohingya live there?" In June 2018 the Special Branch of Bangladesh's police submitted a report to the Prime Minister's office warning against the relocation of refugees to the island given concerns over humanitarian and climate risk. 62

⁵⁵ Ibid.

⁵⁶ Soutik Biswas, "Amphan: Why Bay of Bengal is the World's Hotbed of Tropical Cyclones," *BBC*, May 19, 2020, https://www.bbc.com/news/world-asia-india-52718531 (accessed April 27, 2021).

⁵⁷ "Quarterly Newsletter of the Center for Environmental and Geographic Information Services (CEGIS)," Issue 54, October-December 2017, https://www.cegisbd.com/Documents/Newsletters/NL20171012.PDF (accessed April 28, 2021).

⁵⁸ "A Remote Home for the Rohingya," Reuters, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 27, 2021).

⁵⁹ Moazzem Hossain, "Climate Hazards and the Bay of Bengal Delta," *South Asia Journal* (2011), oai: research-repository.griffith.edu.au:10072/44977.

^{60 &}quot;Bangladesh's Island Solution," Reuters, September 5, 2017, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010050PD1KP/index.html#:~:text=Some%20nearby%20islands%20have%20a,of%20Bangladesh's%20Ministry %200f%20Land. (accessed April 27, 2021).

⁶¹ Brad Adams, "For Rohingya, Bangladesh's Bhasan Char 'Will Be Like a Prison,'" Human Rights Watch Dispatch, March 14, 2019, https://www.hrw.org/news/2019/03/15/rohingya-bangladeshs-bhasan-char-will-be-prison.

^{62 &}quot;Bangladesh rules out UN concern over Rohingya relocation to Bhasan Char," *New Age*, March 13, 2019, http://www.newagebd.net/article/67265/bangladesh-rules-out-un-concern-over-rohingya-relocation-to-bhasan-char (accessed April 15, 2021).

Inadequate Disaster Response Strategy

According to the Bangladesh government, the navy has built up embankments and cement cyclone shelters on Bhasan Char with the help of Chinese construction company Sinohydro and British civil engineering company HR Wallingford in order to protect against the region's frequent cyclones and monsoons. 63 "We have finished 43 percent of the reinforced dam," project director Commodore Rashed Sattar told AFP in April. 64

But experts are concerned that the levee would not protect the island in the Bay of Bengal, where the highest storm surges in the world occur. ⁶⁵ The waters near Bhasan Char have a tidal range of up to 6 meters and storm surges in the bay have often exceeded 5 meters, with one reaching 13.7 meters. ⁶⁶ There have been 27 storms in the Bay of Bengal in the last 60 years with storm surges greater than 5 meters. ⁶⁷ HR Wallingford stated in a letter to Human Rights Watch on May 25, 2021 that its design uses cyclone modeling that "allows a robust prediction of extreme cyclone conditions," and that its "work meets internationally adopted best practice and the scheme has been subject to rigorous, state-of-the-art modelling." ⁶⁸

⁶³ HR Wallingford informed Human Rights Watch in a letter on May 25, 2021 that the company is "providing independent, impartial consultancy services for the Bangladesh Navy to design a coastal stabilisation and flood protection scheme for the island of Bhasan Char." See also Mohammad Al-Masum Molla, "Bhasan Char: 4-layer protection for key island," *Dhaka Tribune*, November 4, 2020, https://www.thedailystar.net/backpage/news/bhasan-char-4-layer-protection-key-island-1988921 (accessed April 28, 2021); Ruma Paul, Clare Baldwin, Andrew R.C. Marshall, "Floating Island: New Home for Rohingya Refugees Emerges in Bay of Bengal," Reuters, February 21, 2018, https://www.reuters.com/article/us-myanmar-rohingya-island/floating-island-new-home-for-rohingya-refugees-emerges-in-bay-of-bengal-idUSKCN1G603T (accessed April 15, 2021); Burma Campaign, "HR Wallingford," https://burmacampaign.org.uk/take-action/hr-wallingford/ (accessed April 22, 2021); https://www.ecowatch.com/rohingya-refugees-bhasan-char-2649541601.html.

⁶⁴ "Cyclone Season Awaits Thousands of Rohingya on Bangladesh Island," *Al Jazeera,* April 1, 2021, https://www.aljazeera.com/news/2021/4/1/cyclone-season-awaits-thousands-of-rohingya-on-bangladesh-island (accessed April 27, 2021).

⁶⁵ Soutik Biswas, "Amphan: Why Bay of Bengal is the World's Hotbed of Tropical Cyclones," BBC, May 19, 2020, https://www.bbc.com/news/world-asia-india-52718531 (accessed April 27, 2021); Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts," *Reviews of Geophysics*, vol. 53, iss. 2 (2015) accessed April 28, 2021, doi: 10.1002/2014RG000477.

⁶⁶ Human Rights Watch interview with Hal Needham, storm surge scientist, founder and president of Marine Weather and Climate, Galveston, Texas, April 28, 2021; see also "A review of tropical cyclone-generated storm surges."" "A remote home for the Rohingya," Reuters Graphics, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 28, 2021).

⁶⁷ Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts," *Reviews of Geophysics*, vol. 53, iss. 2 (2015) accessed April 28, 2021, doi: 10.1002/2014RG000477.

⁶⁸ Letter from Dr. Bruce Tomlinson, Chief Executive Officer, HR Wallingford, to Human Rights Watch, May 25, 2021.

While humanitarian and storm experts question whether the island is habitable and safe, officials say its embankments, homes, and cyclone shelters are better than anything available to millions of Bangladeshis. 69 State Minister for Foreign Affairs Shahriar Alam told *The Guardian* in 2019 that "a category 10 cyclone will not just impact them [the refugees moved to the island], it will impact 20% of our population … We are vulnerable anyway, so they won't be any more vulnerable."70

Statements like these are highly disingenuous. Bangladesh's emergency management system relies primarily on effective mass evacuation, which would be impossible from Bhasan Char during rough weather when evacuation would be most critical. For example, when category 5 cyclone Amphan was initially heading directly for Bangladesh in May 2020, India and Bangladesh evacuated over two million people from the coasts.⁷¹ However, Bangladesh authorities left those living on Bhasan Char—at that point 306 refugees and approximately 300 Bangladesh security officials—to fend for themselves.⁷²

Bangladesh government officials have sought to assuage concerns by pointing to the larger cement buildings on the island, which are meant to serve as storm shelters. While these shelters may be able to withstand a storm, the government has not explained how they will ensure refugees have access after a storm to safe shelter, food, water, and medical supplies. All of these could be destroyed or compromised in a cyclone, especially if the storm surge overtakes the island's embankment. Project director Sattar told AFP that there are currently three months' worth of supplies on the island in case of a disaster, but it remains unclear what precautions authorities have taken to secure those supplies, or protect water sources, which would almost certainly be compromised in the event of major seawater flooding.⁷³

^{69 &}quot;Dr. Enamur Rahman," Deutsche Welle, May 3, 2020, https://bit.ly/3uwmAlZ (accessed April 15, 2021).

⁷⁰ Sarah Marsh, "Bangladesh Prepares to Move Rohingya to Island at Risk of Floods and Cyclones," *The Guardian*, July 19, 2019, https://www.theguardian.com/global-development/2019/jul/19/bangladesh-prepares-to-move-rohingya-to-island-atrisk-of-floods-and-cyclones (accessed April 27, 2021).

⁷¹ International Charter Space and Major Disasters, "Cyclone Amphan in Bangladesh," May 18, 2020, https://disasterscharter.org/web/guest/activations/-/article/flood-large-in-bangladesh-activation-652- (accessed April 27, 2021).

⁷² "Bangladesh: Cyclone Endangers Rohingya on Silt Island," Human Rights Watch news release, May 20, 2020, https://www.hrw.org/news/2020/05/20/bangladesh-cyclone-endangers-rohingya-silt-island.

⁷³ "Cyclone Season Awaits Thousands of Rohingya on Bangladesh Island," *Al Jazeera*, April 1, 2021, https://www.aljazeera.com/news/2021/4/1/cyclone-season-awaits-thousands-of-rohingya-on-bangladesh-island (accessed April 27, 2021).

Moreover, in the event of a storm, those on the island would be cut off for days, and possibly weeks, from new shipments of food, medicine, and other essentials, due to damage to coastline infrastructure and restricted transportation capacities. "With the cyclone season fast approaching, people on Bhashan Char could become stranded with a shortage of food when major storms strike," Sanjeev Kafley, head of the International Federation of the Red Cross delegation in Bangladesh, told *Al Jazeera*. During storms in the Bay of Bengal, boats and helicopters are frequently grounded. This means not only would evacuation be impossible but, according to Kafley, this could cut off "the delivery of relief, medicines and other vital supplies."⁷⁴ This would also impede transport of refugees who urgently require specialized health care, for example, pregnant women needing emergency obstetric care.

Bangladesh authorities have often pointed out that Bhasan Char withstood Cyclone Amphan in 2020 as proof that the island is safe and that humanitarian concerns are unfounded, stating that the cyclone's damage to the island was less than predicted. But Amphan, while initially charted to hit Bhasan Char, in fact missed it entirely, and significantly weakened as it approached the coast and made landfall in India. Even so, outside the area of predicted storm surges and highest winds, the island sustained flood damage, demonstrating that damage and flooding could have been far worse had the cyclone come closer. If anything, Amphan foreshadowed the disaster that could be wrought on the island in future storms—particularly given the island's location, the Bay of Bengal's meteorological history, and climate change.

Instead of recognizing the close call with Amphan and making adjustments, however, the government has been forcing residents to parrot their false narrative. Some refugees told Human Rights Watch that Bangladesh navy officials threatened them after Amphan to tell visitors that they felt safe throughout the storm. Sultana, 19, said,

⁷⁴ Ibid.

^{75 &}quot;After Cyclone Hits India and Bangladesh, the Waiting Begins," New York Times, May 21, 2020,

https://www.nytimes.com/2020/05/20/world/asia/cyclone-amphan-india-bangladesh-map.html (accessed May 24, 2021).

⁷⁶ Copernicus, "[EMSR439] Bashan Char: Delineation Product, Monitoring 1, version 1, release 1, RTP Map #01" May 22, 2020,

https://emergency.copernicus.eu/mapping/system/files/components/EMSR439_AOIo1_DEL_MONITo1_r1_RTPo1_v1.pdf (accessed May 28, 2021).

After returning to our cluster from the cyclone shelter we saw clear signs of water on the balconies. The navy officials threatened us to say that during Amphan we were safe and we were not frightened at all. They filmed us and forced us to say that we are living in good conditions on this island.⁷⁷

The implications of the government's actions are staggering. By refusing to acknowledge the meteorological and environmental risks on the island, which are likely to worsen because of climate change, and withholding the details of their emergency prevention and response plan for the island, the Bangladesh government is risking catastrophic losses of life in the event of a major storm.

First Arrivals on Bhasan Char: Boat Rescues Held Captive

Bangladesh authorities brought the first group of refugees to Bhasan Char somewhat opportunistically. In May 2020, the navy rescued two boats carrying a total of 306 Rohingya refugees after Malaysia and Thailand authorities had repeatedly pushed them back to sea.⁷⁸ The refugees had fled the camps in Cox's Bazar months earlier. However, instead of reuniting them with their families, Bangladesh authorities took these refugees to Bhasan Char, saying they were being temporarily quarantined there to prevent a Covid-19 outbreak in the camps.

Soon after the refugees were brought to Bhasan Char, UN Secretary-General Antonio Guterres urged Bangladesh authorities to allow the refugees to return to Cox's Bazar where they would have access to humanitarian services:

While those rescued at sea may be quarantined for public health purposes, they must also be extended the protection they deserve as refugees. I trust that they too, will benefit from the humanitarian services offered to the Rohingya in Bangladesh and that, at the end of their quarantine period ... they will be allowed to rejoin their families in Cox's Bazar.79

⁷⁷ Human Rights Watch interview with Sultana, Bhasan Char, Bangladesh, May 21, 2020.

^{78 &}quot;Bangladesh: Rohingya Refugees in Risky Covid-19 Quarantine," Human Rights Watch news release, May 5, 2020, https://www.hrw.org/news/2020/05/05/bangladesh-rohingya-refugees-risky-covid-19-quarantine.

^{79 &}quot;UN's Guterres asks Bangladesh to move Rohingya to refugee camps," *Al Jazeera,* May 18, 2020, https://www.aljazeera.com/news/2020/5/18/uns-guterres-asks-bangladesh-to-move-rohingya-to-refugee-camps (accessed April 15, 2021).

In response, however, Foreign Minister A.K. Abdul Momen stated, "We don't want any more Rohingya. We don't have any other place to keep them. If they [other countries] don't like Bhashan Char, let them take them back to their countries. [Or] else, let them return to Myanmar."80 A full year later, the refugees are still being held on the island, despite desperate pleas to be allowed to return to their families in Cox's Bazar.81 This group was held separately from others for a year until they were integrated into the other camps in May 2021.

The refugees had been stuck at sea for months facing illness, dehydration, and starvation, and were in serious need of emergency medical attention by the time they were finally brought to Bhasan Char. There were also reports that some women and girls had experienced sexual violence and needed urgent support. ⁸² At the time, Bangladesh authorities and UNHCR staff were repeatedly made aware of these allegations. One woman told Human Rights Watch that some of the refugees being transported to Bhasan Char reported to the navy officers that one of the women in their group had been gang-raped, but the officers threatened them to be quiet. "They threatened to send us to jail or back to the sea if we opened our mouths to anyone about what happened," one woman said. ⁸³

Currently, there are no psychosocial (mental health) or medical services for survivors of sexual violence available on Bhasan Char. A healthcare worker in Cox's Bazar explained that "If there were any rape cases or other sexual or gender-based violence [on Bhasan Char], they will not be able to access much needed medical treatment or psychosocial counselling."84

The Bangladesh government repeatedly promised to allow UN officials to conduct a mission to the island to ensure appropriate measures were in place to protect the health and safety of the rescued refugees. That did not happen. Instead, this group of refugees was not even allowed to meet with the UN team that was escorted to island in March 2021

⁸⁰ Ibid.

⁸¹ Humanyun Kabir Bhuiyan and Ali Asif Shawon, "Rohingyas Rescued from Sea Sent to Bhasan Char," *Dhaka Tribune,* May 2, 2020, https://www.dhakatribune.com/bangladesh/rohingya-crisis/2020/05/02/unspecified-number-of-rohingyas-rescued (accessed April 15, 2021).

⁸² Medecins Sans Frontiers, "Rohingya Refugees Left to Starve at Sea," April 22, 2020, https://www.msf.org/rohingya-refugees-left-starve-sea (accessed April 15, 2021).

⁸³ Human Rights Watch interview with Sultana, Bhasan Char, Bangladesh, May 17, 2020.

⁸⁴ Human Rights Watch interview, details withheld, Cox's Bazar, Bangladesh, May 7, 2020.

to evaluate conditions on the island. The refugees rescued at sea and family members in Cox's Bazar told Human Rights Watch that those on the island were being confined in prison-like conditions without freedom of movement or adequate access to food, water, or medical care. ⁸⁵ Some alleged that Bangladesh security forces have beaten refugees when they complain. One refugee, Yusuf Ali, 43, whose daughters are on Bhasan Char, said his daughters told him it feels like they are living in "an island jail in the middle of the sea." ⁸⁶ Bangladesh government officials have told the refugees that they have no choice but to remain on the island. A refugee on Bhasan Char, Jomir Hussain, said that military officials told him, "Don't even think to go back to the camps. Your whole family will be brought over here." ⁸⁷

Desperate Plea to Return During "Go and See" Visit

In early September 2020, the government organized a "go and see" visit to Bhasan Char for three days in which 40 refugees from the settlements in Cox's Bazar, including community leaders and some family members of those being held on the island.⁸⁸ Human Rights Watch interviewed 20 Rohingya refugees from the visiting delegation after they returned to Cox's Bazar on September 8. All of them said people detained on the island had pleaded to be allowed to return home with their relatives.⁸⁹

The visitors were allowed to meet with their relatives on the island only once. Two visiting delegation members said that when one woman became frantic, demanding to seeing her brother again, Bangladesh navy officers beat her, causing her head to hit a wall. Her brother, Arifula, 42, who was part of the delegation, said: "When we met, they were all begging and crying, asking us to bring them back to their families. I felt helpless, leaving my sister on that prison-like island alone." One woman from the delegation, Maymuna, 27, said: "Most of the women I talked to said that their only wish was leave Bhasan Char

⁸⁵ "Bangladesh: Cyclone Endangers Rohingya on Silt Island," Human Rights Watch news release, May 20, 2020, https://www.hrw.org/news/2020/05/20/bangladesh-cyclone-endangers-rohingya-silt-island (accessed April 16, 2021).

⁸⁶ Human Rights Watch interview with Yusuf Ali, Cox's Bazar, Bangladesh, May 4, 2020.

⁸⁷ Human Rights Watch interview with Jomir Hussain, Cox's Bazar, Bangladesh, May 18, 2020.

⁸⁸ Abdul Aziz, "First Rohingya Team on the way to Bhasan Char," *Dhaka Tribune*, September 5, 2020, https://www.dhakatribune.com/bangladesh/nation/2020/09/05/first-rohingya-team-on-the-way-to-bhashan-char (accessed April 19, 2021).

⁸⁹ "Bangladesh: Reunify Rohingya Refugee Families," Human Rights Watch news release, September 15, 2020, https://www.hrw.org/news/2020/09/15/bangladesh-reunify-rohingya-refugee-families (accessed April 16, 2021).

⁹⁰ Human Rights Watch interview with Arifula, Cox's Bazar, Bangladesh, September 10, 2020.

and return to their families."⁹¹ Another delegation member, Azizullah, 55, said the Bangladesh authorities "entertained [the visitors] with the highest hospitality during the entire trip, with good food and nice living spaces."⁹² But members said it felt like a show to make voluntary relocation attractive, when those already on the island had reported ill-treatment. "Our people who were there complained to us that they have never been treated well," Azizullah said. "Now [after the delegation left] those brothers and sisters are being treated like they were before."⁹³

Visitors corroborated that those on the island were being denied freedom of movement. "You will not find the 'jail' word over there, but everything looks like a jail," said Kolimullah, a delegation member. "Most of the refugees held at Bhasan Char said to us that they weren't allowed to move freely on the island and most of the time they have to remain inside shelters that look like jail cells." 94

⁹¹ Human Rights Watch interview with Maymuna, Cox's Bazar, Bangladesh, September 10, 2020.

⁹² Human Rights Watch interview with Azizullah, Cox's Bazar, Bangladesh, September 9, 2020.

⁹³ Ibid.

⁹⁴ Human Rights Watch interview with Kolimullah, Cox's Bazar, Bangladesh, September 10, 2020.

III. Unprepared, Haphazard Relocations to Bhasan Char

On December 3, 2020, Bangladesh authorities began relocating thousands of refugees to Bhasan Char, reneging on promises that they would wait for an independent technical assessment. In a statement on December 2, the United Nations said that it had not been involved in preparation for this transfer and that "any relocations to Bhasan Char should be preceded by comprehensive technical protection assessments." ⁹⁵ The UN also said the government should ensure that any relocation is voluntary. ⁹⁶

There are currently 38 Bangladeshi nongovernmental groups working on the island to support the refugees, but their staffing and resources are limited, and they have nowhere near the capacity to serve the refugees properly.⁹⁷ But without an independent assessment of the safety and habitability of the island, international humanitarian agencies are limited in their ability to provide services on the island. "The refugees are in need of protection, which is our mandate," said a UN official. "But there have to be discussions on policy framework and then operational safety on Bhasan Char." ⁹⁸

Refugees have reported serious concerns about their rights on the island. In particular, they described forced relocations, no formal education, a lack of adequate medical care, food shortages, a lack of promised livelihood, severe restrictions on freedom of movement, and abuses by security forces.

Lack of Free and Informed Consent

Though the government has repeatedly claimed that any relocation to Bhasan Char will be voluntary, some refugees said they were forced or threatened by camp authorities, while others said they were given false information about conditions on the island.99

⁹⁵ UNHCR, "United Nations Statement on the Relocation of Rohingya Refugees to Bhasan Char," December 2, 2020, https://bangladesh.un.org/en/103285-press-statement (accessed April 16, 2021).

⁹⁶ Ibid.

⁹⁷ Shehab Sumon, "UN completes first review of Bangladesh's 'Rohingya island," *Arab News*, March 22, 2021, https://www.arabnews.com/node/1829456/world (accessed April 20, 2021).

⁹⁸ Human Rights Watch interview with UN official (details withheld), Dhaka, Bangladesh, April 29, 2021.

⁹⁹ Sarah Marsh, "Bangladesh Prepares to Move Rohingya to Island at Risk of Floods and Cyclones," *The Guardian*, July 19, 2019, https://www.theguardian.com/global-development/2019/jul/19/bangladesh-prepares-to-move-rohingya-to-island-atrisk-of-floods-and-cyclones (accessed April 27, 2021).

Some refugees even attempted to escape upon realizing the living conditions on Bhasan Char were inadequate. Those discovered making the attempt were detained and beaten by security forces, undermining Bangladesh's insistence that relocations are voluntary. In fact, when Human Rights Watch reported on the detentions, the officer-in-charge of Bhasan Char police station, Mahe Alam, denied the allegations of torture but acknowledged that the refugees are not allowed to leave: "It's a false allegation. Sometimes some Rohingyas try to leave and we take them back to the camp. No one was detained for that," he said. 100

Witnesses said that those caught escaping were held, verbally abused for being "ungrateful," and beaten with rubber sticks in the newly built police station on the island. According to one witness, during the interrogation a police officer said, "Tell your Rohingyas that if they are thinking of escape, their fate will be same." 101

After the first group of refugees was rounded up to relocate to Bhasan Char in early December 2020, Human Rights Watch spoke with members of 12 families in the group who said they had not volunteered to relocate. Some refugees on the list went into hiding out of fear of forced relocation. Kobir, 53, whose name was on the list, said:

I did not put my name on that list. I only learned I was on the list after the Camp-in-Charge called me to his office and told me. After that, I fled from my shelter. I am hearing now that the CiC volunteers and majhis are looking for me and my family. I am afraid that if they find me, they will force me to go.¹⁰²

Others said they were threatened. Sayed Amin, 35, said, "My name appeared on the list so now the CiC has threatened me, saying that since my name is there, I must go. He said, even if I die, they will take my body there [to Bhasan Char]. I don't want to go to that island." 103

¹⁰⁰ "Rohingyas tortured for trying to flee Bangladesh island, HRW says," *La Prensa Latina*, April 27, 2021, https://www.laprensalatina.com/rohingyas-tortured-for-trying-to-flee-bangladesh-island-hrw-says/ (accessed April 27, 2021).

¹⁰¹ Human Rights Watch interview with Harun, Bhasan Char, Bangladesh, April 12, 2021.

¹⁰² Human Rights Watch interview with Kobir, Cox's Bazar, Bangladesh, November 30, 2020.

¹⁰³ Human Rights Watch interview with Sayed Amin, Cox's Bazar, Bangladesh, November 30, 2020.

Some refugees said that once their names were added to the list to be relocated to Bhasan Char, Bangladesh authorities took away their Smart Cards (UNHCR identity document) so that it would be impossible for them to stay in Cox's Bazar and access aid. 104 The Smart Cards were returned once the refugees left for Bhasan Char. One refugee, Jummul Hoque, 36, said:

I never provided my name for the list. Last Wednesday [March 2021], while I was out of my home for some work, they took away my Smart Card from my wife. Then they said that we have to go to Bhasan Char. Now I'm worrying about how we will get food. 105

Another refugee, Osman, 29, said:

They said that my name had appeared in the list, so I must give them my Smart Card. I still don't know how my name appeared in that list as I had never volunteered. I heard that the CiC ordered every majhi to provide names of residents that would be relocated to Bhasan Char. In my block no one was willing, but now so many of them are in Bhasan Char. 106

Some refugees alleged that the authorities offered misleading information and incentives to move there. One refugee, Habib, said that he put his name on the list because camp leaders told him that those on the list would be given priority to repatriate to Myanmar, and would be given a stipend. 107

Refugees interviewed by Human Rights Watch all said that they were given 5,000 taka (US\$60) per person initially and were promised further payments on the island. However, they said that this additional money never materialized. Ali Johar, 37, said, "We were not given any single [additional] taka as promised." Fatema, 33, said, "We were given 5,000

¹⁰⁴ A Smart Card is biometric identity card issued to the refugees by the Bangladesh Ministry of Home Affairs with procedural support from UNHCR. A Smart Card is required to obtain aid and services, and to move freely within the camps.

¹⁰⁵ Human Rights Watch interview with Jummul Hoque, Cox's Bazar, Bangladesh, March 11, 2021.

¹⁰⁶ Human Rights Watch interview Osman, Cox's Bazar, Bangladesh, March 13, 2021.

¹⁰⁷ Human Rights Watch interview Habib, Cox's Bazar, Bangladesh, December 1, 2020.

¹⁰⁸ Human Rights Watch interview with Ali Johar, Bhasan Char, Bangladesh, January 13, 2021.

taka and were promised that they would give 10,000 taka more in two instalments, but now there is no sign of it." 109

Some refugees said that they had volunteered to go to Bhasan Char because they were misled by the majhis and CiC volunteers that there would be livelihood opportunities, such as fishing or farming, that they would have better access to health facilities, and that their children would get an education. One refugee on the island, Anjul, 40, said:

They trapped us with promises of good food and plenty of livelihood opportunities, like tending livestock or fishing. Most importantly, when we boarded the bus they gave us 5,000 taka each, promising that we would be given 5,000 taka each month. But after arriving, there are no such opportunities, and now we are facing a food shortage.¹¹⁰

He said that when they left for Bhasan Char, some officials falsely assured the refugees that they would be able to travel freely between the island and mainland, but that is not happening. "My older parents are in the camps. I would at least want to attend their funeral," he said. "But even that will not be possible as long as I am held here." 111

For those refugees in Cox's Bazar who have family on Bhasan Char that were brought there after being rescued at sea, authorities insist that the way to reunify families is for them shift to the island. Taslima, who is living in Cox's Bazar but whose 13-year-old son is on Bhasan Char after being rescued in May 2020, said:

My son has been confined on Bhasan Char for one year. He is not even an adult. My son keeps asking the navy officials to send him back to the camps, but every time he is given false promises. I also contacted the CiC here in the camp to get my son back but they said the only way I can meet my son is if I relocate to Bhasan Char. But my son keeps telling me not to go over there because it is like a jail.¹¹²

¹⁰⁹ Human Rights Watch interview with Fatema, Bhasan Char, Bangladesh, February 21, 2021.

¹¹⁰ Human Rights Watch interview with Anjul, Bhasan Char, Bangladesh, March 20, 2021.

¹¹¹ Ibid

¹¹² Human Rights Watch interview with Taslima, Cox's Bazar, Bangladesh, February 18, 2021.

Yusuf Ali, 43, who also lives in Cox's Bazar and whose two daughters are being held on Bhasan Char, said, "the CiC told us that our daughters would never be returned to us here. They said, 'You still have time to choose to go there [to Bhasan Char], otherwise forget about your children.'"113

Failed Promises of Education

One major incentive to move to Bhasan Char for many refugees was the promise that their children would have access to the full accredited education that they are currently denied in Cox's Bazar.¹¹⁴

In Cox's Bazar, the government has blocked aid groups from providing any meaningful education for the approximately 450,000 Rohingya children in the refugee camps and banned the children from attending schools outside the camps. Barred from opening schools, nongovernmental organizations have since 2017 constructed about 3,000 "learning centers": small, temporary bamboo structures that can accommodate up to 40 children at a time. But there is no secondary-level education, and groups are barred from teaching the Bangla language and using the Bangladesh curriculum, meaning hundreds of thousands of children in the camps in Cox's Bazar have lost years of education.

In January 2020, the government responded to public pressure and approved a pilot program to allow 10,000 Rohingya refugee children to get a formal school curriculum. However, this program was put on hold when confirmed cases of Covid-19 were reported in Bangladesh and the government shut down existing learning centers in March 2020 to prevent against the spread of the virus.

The Bangladesh government's refusal to allow refugee children access to education in the camps put refugees in a desperate position when authorities began relocations to Bhasan Char, promising that there would be schools, teachers, and accredited education on the island. But refugees said that when they arrived on Bhasan Char, this was not the case. Bosor, 42, who is living on Bhasan Char with his two sons, Nobi, 14, and Samsul, 12, said:

¹¹³ Human Rights Watch interview with Yusuf Ali, Cox's Bazar, Bangladesh, January 21, 2021.

¹¹⁴ See International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, article 13 (right to education). U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976,

When we were in the camps [in Cox's Bazar], the authorities promised me that my two sons can have further education if we choose Bhasan Char. But when I went to ask the NGO staff here and the CiC about my sons' education, they said they don't have any option beyond Level 1 and 2 on the island.¹¹⁵

Another parent, Amanullah, 42, said:

We were told before relocated here that our kids can go to a school. But there are no schools here on the island [...] But on the day when the UN people came on a visit, they [Bangladesh authorities] gathered children to show the delegation that education facilities are available on this island. 116

According to an aid worker, four nongovernmental organizations are currently providing education services on the island, though they are not teaching an accredited curriculum, but instead the same non-formal lessons from the Learning Competency Framework and Approach that are taught in the learning centers in Cox's Bazar. The aid worker said that they are only serving 4 out of the 120 cluster villages on the island. One refugee said that four teachers are going door to door teaching English, basic math, and Burmese, from 9 a.m. to 3 p.m. ¹¹⁷ An aid worker involved in education services on the island said that although there are currently an estimated 8,495 children living on Bhasan Char "at best these four NGOs are providing education to no more than 1,500 children." ¹¹⁸

Where there are education programs on the island, teachers are limited in what they can teach. One Rohingya teacher on the island said, "Here on the island we are allowed to teach up to Level 2 education, which does not cover every child. Those who already went to the learning centers in the camps to study Level 1 or 2 in the last three years, they don't want to come to get the same education here." 119

¹¹⁵ Level 1 and Level 2 refer to the first two years of the Learning Competency Framework and Approach, a non-formal, unaccredited syllabus that NGOs and UNICEF developed to try to fit within Bangladesh government limitations. Human Rights Watch interview with Bosor, Bhasan Char, Bangladesh, May 10, 2021.

¹¹⁶ Human Rights Watch interview with Amanullah, Bhasan Char, Bangladesh, May 6, 2021.

¹¹⁷ Human Rights Watch interview with Samsun, Bhasan Char, Bangladesh, May 10, 2021.

¹¹⁸ Human Rights Watch interview with aid worker, details withheld, Bhasan Char, Bangladesh, May 10, 2021.

¹¹⁹ Human Rights Watch interview with teacher, Bhasan Char, Bangladesh, May 6, 2021.

Mizan, 35, who lives on the island with her two daughters, Saker, 9, and Nur Bibi, 7, said that at the education her daughters are receiving on the island is actually less than what they were getting in the camps:

My two daughters used to go to the learning centers run by IOM [International Organization for Migration] for two years. We have been here now for almost six months and my daughters brought all their belongings, bags, and books, to continue studying here, but there aren't even learning centers here, my daughters cannot continue their education. 120

Parents expressed concern that their children have missed years of education. "I could not complete my study back in Rakhine State because Myanmar authorities did not allow us to go for further education after completing standard 10," Bosor said. "Here in Bangladesh I am seeing the same fate for my sons." 121

Lack of Adequate Health Care

Accounts from aid workers and refugees indicates that healthcare facilities and capacity on the island are inadequate to ensure refugees' right to health and the right to life. 122 Human Rights Watch interviewed 14 people who sought medical care on the island, all of whom said they experienced inadequate care. In four cases, when following up with the families, we learned that the patients later died. In each of these cases the families believed their relative's death was due to grossly inadequate emergency medical care on the island.

¹²⁰ Human Rights Watch interview with Mizan, Bhasan Char, Bangladesh, May 6, 2021.

¹²¹ Human Rights Watch interview with Bosor, Bhasan Char, Bangladesh, May 10, 2021.

¹²² See ICESCR, article 12 (right to the highest attainable standard of health); International Covenant on Civil and Political Rights (ICCPR) G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, article 6 (right to life). UN Human Rights Committee, General comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, available at: https://www.refworld.org/docid/5e5e75e04.html (accessed May 20, 2021) states in para. 25: "A heightened duty to protect the right to life also applies to individuals quartered in liberty restricting State-run facilities, such as mental health facilities, military camps, refugee camps and camps for internally displaced persons, juvenile institutions and orphanages."

One refugee, Anjul, 40, said, "In the camps if any of us became sick at least we would be able to go to a doctor or hospital or the NGOs could arrange better treatment, but here when our people are dying, no one cares." 123

Three people involved in providing healthcare services on the island, including two based on Bhasan Char, said that the facilities remained woefully inadequate. ¹²⁴ There are no mental health services nor other specialized or emergency services. There are also no ambulance services, impeding access to urgent health care for those unable to walk to the healthcare facility or obtain a police vehicle escort.

Many refugees describe a lack of essential medicines and complained that they were only given paracetamol (acetaminophen) for health issues including ulcers, chest pain, diabetes, and asthma. Nur Siddique, a 53-year-old refugee living on the island, said that authorities are actively limiting refugees' access to health care through undue restrictions on freedom of movement:

I have been suffering from a serious gastric problem and I tried to take treatment from the healthcare facility here, but they sent me away saying there is no medicine. I tried to get permission from the navy to go outside of my cluster to meet with a Rohingya village doctor, but they refused. They don't allow us to go outside but they can't provide proper treatment here. Maybe they brought us here to die. 125

Refugees and healthcare workers on the island said that they are concerned about a malaria outbreak during monsoon season without capacity to test or treat. One healthcare worker said:

There are no facilities on the island to run the malaria test or other blood tests.... We have been seeing refugees come in with symptoms of mosquito-borne diseases over the last two weeks but we had to refer them to transfer

¹²³ Human Rights Watch interview with Anjul, Bhasan Char, Bangladesh, March 20, 2021.

¹²⁴ Human Rights Watch interviews with health workers on Bhasan Char, details withheld, April 10, 2021.

¹²⁵ Human Rights Watch interview with Nur Siddique, Bhasan Char, Bangladesh, March 2, 2021.

to Noakhali [on the mainland] for testing and medication and that depends entirely on whether the CiC gives them permission to leave the island. 126

A majhi, Yousuf, 47, said that the number of refugees requesting permission to leave the island for malaria tests was already increasing: "People are getting mosquito bites at night and are suffering symptoms like bone pain," he added. ¹²⁷ Akbar, 55, for instance, had developed malaria symptoms. "I am feeling very afraid because I have been suffering from bad headache, vomiting, and severe fever. But I am not getting proper treatment and medicines here. Now I am praying," he said. ¹²⁸

Refugees said that the conditions in the camps in Cox's Bazar are not ideal but at least there is access to medical care. "If we were in the camps at least we would be able to go to the health post or the MSF [Médecins Sans Frontières or Doctors Without Borders] hospital," Sultana said. 129 Hafez Ullah, a camp leader who visited the island as part of the "go-and-see" visit in September 2020, expressed concern over the lack of adequate health care: "We might live inside the camps with so many problems but at least here we have organizations providing us health facilities before anyone's health condition becomes grave." 130

Amdad's 18-month-old daughter died of pneumonia less than a month after arriving on Bhasan Char. He said that she had developed pneumonia while they were still in the camps in Cox's Bazar, but there they were able to access oxygen support at the MSF hospital. ¹³¹ He said that when they arrived on Bhasan Char and his daughter again began having trouble breathing, the doctors rebuffed his concerns:

When we came here [to Bhasan Char] on February 14, for the first month she was doing fine. But on March 11, she was having the breathing problem again and I rushed her to the government healthcare facility here. The

¹²⁶ Human Rights Watch interview with healthcare worker, details withheld, Bhasan Char, Bangladesh, April 29, 2021.

¹²⁷ Human Rights Watch interview with Yousuf, Bhasan Char, Bangladesh, April 29, 2021.

¹²⁸ Human Rights Watch interview with Akbar, Bhasan Char, Bangladesh, April 23, 2021.

¹²⁹ Human Rights Watch interview with Aziz, Bhasan Char, Bangladesh, May 16, 2020.

¹³⁰ Human Rights Watch interview with Hafez Ullah, Bhasan Char, Bangladesh, September 10, 2020.

¹³¹ Oxygen is an essential medicine on the WHO Model List of Essential Medicines mandated by the WHO Action Programme on Essential Drugs, meaning equal access to these medications is considered a core, non-derogable obligation under the right to health.

doctor prescribed a cough syrup and sent us back home, but she did not improve. The next morning, I took her to the healthcare facility again and requested that the doctor give her oxygen support since I could see the cylinder in his office, and she had received that cure back in the camps. I even tried to show him the prescription that the MSF doctors had provided for her, but he refused to look. He said to me, "Do you think we are sitting here with enough oxygen to support your daughter? I am giving her more medicines, she will be fine," and asked us to leave the healthcare facility. Soon after I came back to my shelter, her situation deteriorated. After two hours my daughter died. 132

Amdad said that after his daughter died the authorities came to his shelter and took away all documentation of her medical history, including documentation from MSF, and they refused to issue a death certificate.

The husband of Bibi, 58, died from complications after being denied respiratory support and asthma medication:

I took my husband to the healthcare center here three to four times. They could not give proper treatment or medication. The last time I took him when his situation deteriorated again, I requested the medical staff take us outside the island or take us back to Cox's Bazar to go to the MSF hospital or Turkish hospital, but they did not allow it. Instead, they discharged my husband from the healthcare center and said he would recover at home. He died the next morning. 133

Nur Siddique said, "We are not getting medicine from them [from the healthcare facility]. We can't even buy those medicines. We are dying because of coming to Bhasan Char. Did they actually bring us here to die?" ¹³⁴

¹³² Human Rights Watch interview with Amdad, Bhasan Char, Bangladesh, March 25, 2021.

¹³³ Human Rights Watch interview with Hasina, Bhasan Char, Bangladesh, April 5, 2021.

¹³⁴ Human Rights Watch interview with Nor Siddique, Bhasan Char, Bangladesh, March 2, 2021.

Mosorof, a refugee in Cox's Bazar, said her sister who is being held on the island had not been able to obtain proper medication for her diabetes. ¹³⁵ Another woman said that some of the refugees were developing a rash but "we don't get proper treatment here at the so-called health centers for those skin diseases. The doctors only prescribe Napa or paracetamol tablets for every disease." ¹³⁶ Kolima said her child is suffering from a cough, runny nose, and is having trouble breathing, but is unable to get care or medicine at the government healthcare facility. "My child is very sick," she said. "But when I took him to the healthcare facility, they just prescribed paracetamol and asked us to leave." ¹³⁷

Hafza, 33, said that she was feeling fine for the first three weeks on the island but then started to feel shooting pain in her leg. Her leg then became swollen and the pain began to permeate the rest of her body. "Now it feels so painful that I can't even breastfeed my daughter. And the child is also becoming weak day by day as I can't breastfeed her," she said. She went to the healthcare facility, but they did not run any tests and only prescribed her a medicine, though she does not know what it was. "Doctors here aren't really helpful," she said. "These days I'm feeling like I am losing my ability to walk. I really don't know what will happen in coming days." 138

Zubair, 62, who arrived on the island in February, suffers from a stomach ulcer, digestive difficulties, and severe abdominal bloating. "While I was in the camp [in Cox's Bazar], aid workers would come to my shelter to give health care because I am an older person and I cannot go to the healthcare facility on my own. Sometimes those volunteers helped take me to the MSF hospital or IOM hospital where I could get medicine or treatment which would help most of the time." But when Zubair went to the healthcare facility on Bhasan Char, the medicine they offered did not help. The health workers recommended that he be transferred to a hospital on the mainland, but that he would have to pay. He said:

I went to the healthcare facility here after 10 to 15 days of arrival with severe pain in the abdomen. The doctors here prescribed some medicines. When there was no progress and I was unable to move any more, family members

¹³⁵ Human Rights Watch interview with Mosorof, Bhasan Char, Bangladesh, May 17, 2020.

¹³⁶ Quote from a video shared with Human Rights Watch on September 23, 2020.

¹³⁷ Human Rights Watch interview with Kolima, Bhasan Char, Bangladesh, February 22, 2021.

¹³⁸ Human Rights Watch interview with Hafza, Bhasan Char, Bangladesh, April 6, 2021.

¹³⁹ Human Rights Watch interview with Zubair, Bhasan Char, Bangladesh, March 31, 2021 and April 15, 2021.

and neighbors helped me to get to the healthcare facility twice. But the doctors gave me the same medicines. The last time I went to the healthcare facility, they told me to come up with the money to go to the hospital in Noakhali [on the mainland] as my situation had deteriorated very badly. I do not have my own money and I feel shy to ask for help from the neighbors. It's better now I die here with my family. 140

Several of those interviewed by Human Rights Watch who were referred for emergency or secondary care on the mainland were required to bear the cost of transportation, and sometimes the laboratory and medicine costs. For instance, Sofika, 28, said that her mother, Aklima, 57, was transferred to the hospital in Noakhali for respiratory support, but they had to pay for transportation and treatment. When, after nine days, no longer able to afford the hospital, she and her mother returned to Bhasan Char, her mother's condition deteriorated and she was unable to walk to the healthcare facility on the island. However, there is no ambulance service on the island and so Aklima was unable to access emergency medical care. When Sofika went to the healthcare facility and begged the doctor to come provide emergency care for her mother, she said he replied that "it is not his duty to go into the shelter and check patients." Aklima died in her shelter soon after. 141

No Capacity for Emergency Medical Care

The island does not have facilities to respond to medical emergencies. Authorities need to transport seriously ill persons either by boat or helicopter to the nearest hospital on the mainland, Noakhali Sadar Hospital, which is three hours away by boat plus an additional two-hour drive by car. Transport by helicopter is faster, but difficult to access.

To obtain emergency care off the island, refugees said they are required to first get a reference from the doctor indicating that they need to be transferred. Next, they need to get permission from the one Camp-in-Charge on the island who is responsible for over 18,000 refugees. Next, because there is no ambulance service on the island, if the person is unable to walk, they must obtain permission from the police to arrange a police vehicle for transportation to the dock. Finally, if the police agree and they are able to make it to the dock, they must negotiate a rate for a boat to transport them to Noakhali port.

¹⁴⁰ Ibid.

¹⁴¹ Human Rights Watch interview with Sofika, Bhasan Char, Bangladesh, April 7, 2021.

Both helicopter and boat services are suspended during inclement weather, a common occurrence in the Bay of Bengal.¹⁴² In many cases, refugees are required to pay for this transportation. For most, this is impossible, particularly considering the lack of livelihood opportunities on the island.

One refugee who visited the island during the September 2020 "go and see" visit expressed concern over the capacity for emergency medical care: "If anyone becomes critically ill, the closest option is a hospital that is a minimum three-hour journey by boat," he said. "I don't think Bangladesh authorities will arrange a military chopper for the Rohingya all the time," he said. "We can also fall ill in the [Cox's Bazar] camps but at least there are health facilities." ¹⁴³

Lack of Sexual and Reproductive Health Care

Refugees report that sexual and reproductive health care on the island is particularly lacking. There are no obstetricians or gynecologists. Many women said they do not have access to proper sanitary supplies to maintain safe menstrual hygiene. Hazera said: "When we arrived here, on the third day we were given sanitary pads. We have not received them again. It's already three months we are on this island." 145

Sonjida, who was pregnant, said:

While we were at the camps, we used to get good medical treatment at the MSF hospital and the Turkish hospital. But here, I have been to the doctors more than six times, but did not get proper treatment. A few days back I fainted but I could not get to any doctor. I am eight-months' pregnant. The nearest health facility is too far for me to walk there. 146

¹⁴² Soutik Biswas, "Amphan: Why Bay of Bengal is the World's Hotbed of Tropical Cyclones," *BBC*, May 19, 2020, https://www.bbc.com/news/world-asia-india-52718531 (accessed April 27, 2021).

¹⁴³ Human Rights Watch interview Abul Soma, Cox's Bazar, September 10, 2020.

¹⁴⁴ See ICESCR, article 12(2)(a); CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art.

^{12),} para. 14. Authoritative interpretations of international human rights law have recognized the link that exists between accessing reproductive health care, including abortion, and the rights to health, bodily integrity, nondiscrimination and equality, privacy, information, and the right to decide on the number and spacing of children.

¹⁴⁵ Human Rights Watch interview with Hazera, Bhasan Char, Bangladesh, March 27, 2021.

¹⁴⁶ Human Rights Watch interview with Sonjida, Bhasan Char, Bangladesh, February 18, 2021.

Several refugees described the failure of this emergency response mechanism for pregnant people in need of urgent care, particularly during childbirth. Ismail, 31, a healthcare worker on the island said:

There are three midwives, but they are not able to handle serious cases. So mostly we must take the pregnant women to a hospital outside of the island which is altogether a five-hour journey by boat and car. The transportation facilities and communication facilities are so poor that the critical patients suffer and as healthcare workers we suffer too. 147

Saber, 35, whose wife Rahina, 26, died in childbirth, said that he believes the additional time required to obtain permission to leave the island may have cost his wife's life:

My wife suffered a lot. This was her third child. The other two were born normally but this time my wife had some complications. When her labor pain started, I rushed her to the healthcare facility. I requested that she be transferred to the mainland hospital because of the complications. They required me to get permission from several authorities, which cost me more than two hours. By the time I arrived at the healthcare facility with the permission paper, my wife had died. If they had taken her to the hospital in Chittagong [north of Cox's Bazar] on emergency basis by fastest possible means, my wife might have survived.¹⁴⁸

Food Shortages

Refugees on Bhasan Char say they have experienced severe food shortages. ¹⁴⁹ Several families described borrowing food from others or going hungry for days while awaiting the next supply. Dilroba said:

We are suffering due to food shortages. Instead of $2\frac{1}{2}$ sacks of rice, now we are getting only $1\frac{1}{2}$ sacks for 10 family members. We are really worried

¹⁴⁷ Human Rights Watch interview with Ismail, Bhasan Char, Bangladesh, April 10, 2021.

¹⁴⁸ Human Rights Watch interview with Saber, Bhasan Char, Bangladesh, March 30, 2021.

¹⁴⁹ See ICESCR, article 11 (right to adequate food).

about the future. Already we have had to borrow rice from our neighbors that have smaller families. The authorities said that we have to wait a few more days to receive rice. But by the time we get that rice, we will have to give it all away, back to people from whom we borrowed rice. 150

Refugees said that the food rations are not enough to subsist on, and that quantity and quality varies greatly. Habibullah, 47, a majhi on the island, said:

The food ration varies every month and sometimes the quantity and quality of the ration we are given varies a lot. Families often get rotten onions, ginger, or garlic which they can't even use for cooking. Quantity of rice is distributed per person, but for other items the quantity remains the same per family no matter how big your family is.¹⁵¹

Refugees need to use their own money to purchase meat or fish from the market.¹⁵² But because the market has a monopoly on food, prices are exorbitant, especially when the transport of goods is slowed during the monsoon season. Faisal, 26, explained, "During monsoon season there is no chance of getting supplies to this island from nearby places. If it is raining for five days, the price of the product worth 5 taka jumps to 70 taka. Being poor, where can we get the money?" ¹⁵³

Some said that without access to a livelihood, it is impossible to earn money to afford essentials like food. Habibullah said:

We don't get fish or meat here. We have to buy it from the market but there are no livelihood opportunities to earn. Our community is used to eating fish every day while in Myanmar. Back in the camps also we were able to get some fish with the money we were given as aid. 154

¹⁵⁰ Human Rights Watch interview with Dilroba, Bhasan Char, Bangladesh, February 21, 2021.

¹⁵¹ Human Rights Watch interview with Habibullah, Bhasan Char, Bangladesh, March 24, 2021.

¹⁵² There are two markets on Bhasan Char, each with 25-30 shops that are sourced from a single warehouse. Prices are higher than in Cox's Bazar, sometimes double. These shops are leased to Bangladeshis and the warehouse is Bangladeshimanaged. Refugees estimated that around 4,000 Bangladeshis work on the island. Some refugees attempted to open temporary shops on the island, but the authorities closed them down.

¹⁵³ Human Rights Watch interview with Faisal, Cox's Bazar, Bangladesh, January 31, 2021.

¹⁵⁴ Human Rights Watch interview with Habibullah, Bhasan Char, Bangladesh, March 24, 2021.

Parents expressed concern over whether their children were receiving adequate nutrition, noting that they were no longer getting the supplemental food rations they would receive in Cox's Bazar from the UN World Food Programme, such as high energy biscuits and semolina. Kolima, 23, said, "We used to get biscuits or some children's food separately from the NGOs [in Cox's Bazar] but here we don't get anything. We are struggling to survive here." 155

Refugees said they cannot raise these concerns with authorities on the island. One woman said she was scolded when she asked for more nutritious food for her children, ages 5 and 7, by officers who said she had been "spoiled" by international aid agencies. Another refugee, Mofiz, said, "If the mother asks questions about food for her children, the staff respond saying, 'If you or your children don't like this food, then you should just fast all the time." 156

False Promises of Livelihood

Many refugees moved to Bhasan Char because they believed there would be opportunities for fishing, husbandry, or farming. 157 But once they relocated, the refugees found that it was not an option, and instead, some have actually faced abuses from security forces for trying to fish or for going outside of their compounds. Ibrahim, 21, said:

We came here willingly even though our livelihood back in the camps was good. After coming here, we feel fully stuck. We were told before we relocated that we would be able to move freely on this island, we could choose our livelihood and earn money, but after coming here we found that we are not allowed go outside of the camp and we cannot work. 158

Another refugee, Mohammad Taher, 49, said, "We were told that if we went to Bhasan Char we would be able to go fishing in the sea and access farmland like we used to back in Myanmar to earn a living. All that we were promised is appearing false day by day." 159

¹⁵⁵ Human Rights Watch interview with Kolima, Bhasan Char, Bangladesh, February 22, 2021.

¹⁵⁶ Human Rights Watch interview with Mofiz, Bhasan Char, Bangladesh, May 17, 2020.

¹⁵⁷ See ICESCR, article 11 (right to an adequate standard of living).

¹⁵⁸ Human Rights Watch interview with Ibrahim, Bhasan Char, Bangladesh, February 21, 2021.

¹⁵⁹ Human Rights Watch interview with Mohammad Taher, Bhasan Char, Bangladesh, February 25, 2021.

Indeed, State Minister for Foreign Affairs Shahriar Alam told *The Guardian*, "The only employment option for the Rohingya [on Bhasan Char] is fishing." ¹⁶⁰ But Mohammad Taher told Human Rights Watch that he was detained by Navy officers for trying to fish and was punished. He said:

I spent 7,000 taka [US\$82] on this fishing net. One day when I went to fish, I was detained by some navy personnel. They punished me by making me do sit-ups holding my ears, made me promise not to go fishing, and only then they allowed me to come back home. I used to get 1 kilogram of fish with this net after fishing for two hours. I am not going fishing anymore as they threatened to take away my fishing net. Now they are putting up the pillars for fencing, so we will not be able to move out, not even for fishing.¹⁶¹

A press release from the Bangladesh Foreign Ministry said that a group of 10 heads of missions from Turkey, the EU, the US, the UK, France, Germany, Japan, Australia, Canada, and the Netherlands visited Bhasan Char on April 3, and that while they were there the representatives "visited several capacity-building projects such as sewing and handicrafts making." ¹⁶² But refugees told Human Rights Watch that these activities were only made available for 25 refugees for a short period. One of the refugees involved in the activities, Sonjida, explained, "They just arranged these activities with a few Rohingya to showcase to the visiting delegates and there is no way we can deny their orders." ¹⁶³

Abuses by Security Forces

Refugees on Bhasan Char and their families in Cox's Bazar recounted a number of incidents in which security forces have beaten the refugees or arbitrarily detained them. The worst abuses we documented were of Rohingya rescued at sea and taken to Bhasan Char starting in May 2020 but our interviews with Rohingya transferred more recently from

¹⁶⁰ Sarah Marsh, "Bangladesh Prepares to Move Rohingya to Island at Risk of Floods and Cyclones," *The Guardian*, July 19, 2019, https://www.theguardian.com/global-development/2019/jul/19/bangladesh-prepares-to-move-rohingya-to-island-atrisk-of-floods-and-cyclones (accessed April 27, 2021).

¹⁶¹ Human Rights Watch interview with Mohammad Taher, Bhasan Char, Bangladesh, February 25, 2021.

¹⁶² Bangladesh Ministry of Foreign Affairs, press release, April 3, 2021, on file with Human Rights Watch.

¹⁶³ Human Rights Watch interview with Sonjida, Bhasan Char, Bangladesh, March 30, 2021.

camps on the mainland suggest that physical abuse by security forces remains a broader concern.

The abuses began when the refugees rescued from boats first arrived on Bhasan Char in May 2020. Soldiers threatened and beat up male refugees, including children, while interrogating them about the smugglers who transported them. Women described hearing screams from the interrogation room, which refugees described as a "torture cell."

One boy, Sayed, 17, said that officials held him in the cell and beat him. "At one point they suspected I was one of the [smugglers] and they started beating me," he said. "I still cannot walk properly and feel the pain of the torture in my body." ¹⁶⁴ Another refugee, Saker, said that an officer threatened him, saying "Don't you know how the other men were beaten? Tell us the truth, otherwise you would face the same fate." ¹⁶⁵

In September 2020, naval officers beat a group of refugees for going on hunger strike to demand reunification with their families in the Cox's Bazar camps. At the time, Human Rights Watch interviewed eight refugees who went on the hunger strike. "Navy personnel used tree branches and black rubber sticks to beat us," Sultana, said. "They beat the protesting women and men, and even the children who were standing with their mothers." 166 In video accounts shared on mobile phones, one Rohingya woman on hunger strike said: "It's better to die than to live here." 167 After the authorities beat them, the refugees ended their hunger strike.

The physical abuse is not limited to Rohingya who were taken to the island after being rescued at sea. On April 12, 2021, three witnesses told Human Rights Watch that Bangladesh sailors beat four children between the ages of 8 to 11 with a hard-plastic PVC pipe as punishment for going outside of their block to play in another block. Human Rights Watch received photos of the children's injuries that showed severe bruising. Three of the children were able to run away but one child was held down by a sailor who beat him

¹⁶⁴ Human Rights Watch interview with Sayed, Bhasan Char, Bangladesh, May 18, 2020.

¹⁶⁵ Human Rights Watch interview with Saker, Bhasan Char, Bangladesh, May 18, 2020.

¹⁶⁶ Human Rights Watch interview with Sultana, Bhasan Char, Bangladesh, September 23, 2020. Human Rights Watch examined photos that showed injuries sustained by refugees because of beatings, but was unable to determine whether they received medical care for their injuries.

¹⁶⁷ Quote from a video shared with Human Rights Watch on September 23, 2020.

repeatedly with the pipe. The child begged the sailor to stop, saying that he had not committed any crime. The child's mother, Zhora, 29, said:

Our children are not allowed to go outside the block where we are living. When a sailor found that the children had gone to another block, he came out of his outpost and started beating the children mercilessly. My son could not run away while the others managed to escape. I begged the sailor not to beat him, but he continued for another two or three minutes. What if my child had died?¹⁶⁸

Zhora said that the sailor was in uniform when he beat the children. "They beat children just for playing," Zhora said. "Just because we don't have any country, they could do that to us." 169

On May 31, 2021, thousands of refugees gathered to try and meet with a delegation of UN officials that were visiting Bhasan Char and protest conditions, many saying that they do not want to remain on the island. Bangladesh authorities had earlier warned the Rohingya against complaining, some refugees told Human Rights Watch. There were clashes with security forces after the refugees disregarded those instructions, eyewitnesses said, and several Rohingya, including women and children, were injured. 170

¹⁶⁸ Human Rights Watch interview with Zhora, Bhasan Char, Bangladesh, April 12, 2021.

¹⁶⁹ Ibid.

¹⁷⁰ Audio and video recordings sent to Human Rights Watch by an eyewitness on May 31, 2021; "Thousands of Rohingya protest against conditions on Bangladesh island," *CNA*, May 31, 2021,

https://www.channelnewsasia.com/news/asia/rohingya-protest-living-condition-bangladesh-island-bhashan-char-14920030 (accessed May 31, 2021); "UNHCR concerned by Bhasan Char demo," The Daily Star, June 1, 2021, https://www.thedailystar.net/frontpage/news/unhcr-concerned-bhasan-char-demo-2102693 (accessed June 1, 2021).

IV. Recommendations

To the Government of Bangladesh

The Bangladesh government has been generous and compassionate in sheltering a desperate people after the Myanmar military renewed its violent campaign of ethnic cleansing against the Rohingya in 2017. While the stay has been prolonged because Myanmar has yet to create conditions for safe, dignified, and voluntary return, the Bangladesh authorities should recognize that the Rohingya refugees are not to blame for this situation, and should ensure that their rights are protected.

To Protect Refugee Lives and Rights on Bhasan Char

- Allow any refugees who wish to return to Cox's Bazar to do so, and assist by providing transportation.
- Allow immediate and unfettered access for humanitarian experts to conduct an
 independent appraisal of the safety, disaster preparedness, and habitability of
 Bhasan Char. The United Nations has repeatedly offered technical and protection
 assessments to evaluate the safety and sustainability of life on the island.
- Promptly return all Rohingya refugees and Bangladeshis on Bhasan Char to the mainland if an independent review finds that lives could be at risk during the monsoon because of shortcomings in infrastructure.
- Immediately seek detailed discussions with UNHCR officials to agree on protection and policy standards to ensure that the refugees on Bhasan Char have the services they need, and their rights are protected.
- Act on UN recommendations on climate risks including coastal protection measures.
- Develop procedures to maintain essential supplies and goods on Bhasan Char, including with increased capacity for logistics and shipping from the mainland.
- Ensure that local authorities on Bhasan Char enforce UN recommendations for enhanced protection of those with specific needs and vulnerabilities including children, women, those living with disabilities, and older persons.
- Operationalize all medical facilities with adequate staffing and supplies including emergency care and diagnostic services.
- Initiate proposed education and skill development opportunities.

- Deploy civilian authorities for inclusive and consultative administration on Bhasan Char instead of security forces including the navy. Investigate allegations of abuses by security forces and prosecute those responsible.
- Impress upon local officials including majhis and Camp-in-Charge (CiC) officers that all relocations to Bhasan Char have to be voluntary and based on full information regarding conditions of life on the island and the rights and services that refugees will have access to there.
- Ensure that the over 300 refugees held involuntarily on Bhasan Char after being rescued at sea have immediate access to United Nations protection staff.
- Promptly reunify the over 300 refugees found at sea with their families in Cox's Bazar.
- Ensure that all refugees have adequate access to quality healthcare services and essential medicines, including sexual and reproductive health care.
- Publicly share the disaster response plan in case of a major storm surge on Bhasan Char, including details on provisions for shelter, food, water, medical care, essential medicines, and transport for emergency health care.
- Provide all Rohingya refugees with legal status and documentation that recognizes their status as refugees.
- Provide all children access to quality education without discrimination.
- Respect the rights of refugees to freedom of movement and to a livelihood.
- Take all feasible steps to ensure that humanitarian standards for Rohingya refugees, including population density in refugee camps, are consistent with those enumerated in the Humanitarian Charter and Minimum Standards in Humanitarian Response (SPHERE standards).
- Stop construction of barbed wire fencing in Bhasan Char that can restrict freedom of movement and place lives at risk in an emergency.
- Engage refugees in environmental conservation, climate-mitigation activities, and infrastructure development that will benefit both the refugees and local host communities.

To Protect Refugee Lives and Rights in Cox's Bazar

- Take all feasible steps to ensure that humanitarian standards for Rohingya refugees, including population density in refugee camps, are consistent with those enumerated in the Humanitarian Charter and Minimum Standards in Humanitarian Response (SPHERE standards).
- Take steps to restore humanitarian services and access to education that were impacted by restrictions to contain the spread of Covid-19.

- End arbitrary restrictions on refugee communications, including periodic shutdowns of phone and internet access in the camps.
- Dismantle barbed wire fencing in the camps that disproportionately harm freedom of movement including in an emergency.
- Allow construction of shelters that can protect against flooding using materials that are not a fire hazard.
- Impartially investigate and appropriately prosecute members of the police and military responsible for extrajudicial killings, torture, and arbitrary detention of refugees.
- Enhance security in the camps to protect refugees, particularly minority Christians and Hindus, from being targeted by violent Islamist groups.
- Encourage and facilitate democratic governance structures within the camps that
 promote refugee consultation on services, relocation, repatriation, relief, and
 development and that give voice to women, people with disabilities, and other
 marginalized groups.
- Engage refugees in environmental conservation, climate-mitigation activities, and infrastructure development that will benefit both the refugees and local host communities.
- Continue to facilitate the work of international humanitarian and development organizations by avoiding onerous visa restrictions, project approvals, and other bureaucratic barriers.
- Ratify the 1951 Refugee Convention, its 1967 Protocol, and the 1954 and 1961 Statelessness Conventions and enact legislation to implement them.
- Publish the memoranda of understanding (MOU) concerning data sharing and repatriation of Rohingya refugees signed with the government of Bangladesh and UNHCR.
- Ensure the right to privacy and prioritize protection when determining what information about refugees to share with Myanmar authorities for verification and repatriation.

To the Myanmar State Administration Council Junta

On February 1, 2021, the Myanmar military staged a coup and arrested many civilian leaders of the national and state governments. The State Administration Council junta should urgently stop committing abuses and restore the democratically elected civilian government, including:

• Immediately and unconditionally release all arbitrarily detained persons.

- Rescind the "state of emergency" and all national and local orders that lay the foundation for further military abuses, such as martial law declarations.
- Order security forces to end the use of excessive and unnecessary lethal force against protesters.
- Recognize the parliament duly elected in November 2020, and do not interfere with the adoption of a new constitution by a democratically elected government.
- Restore civilian leadership of democratic institutions such as the Union Election Commission.

To Myanmar's Civilian Leadership, including the National Unity Government

Myanmar's lawmakers who were democratically elected in November 2020 have formed two representative bodies since the coup: the Committee Representing the Pyidaungsu Hluttaw (CRPH) and the National Unity Government (NUG). In developing policies and outlining their vision for a future democratic, rights-respecting Myanmar, these bodies should safeguard the rights of Rohingya in Myanmar and reverse the decades-long policies of persecution and repression. Measures that should be incorporated into strategies being developed and enacted upon the country's return to civilian rule include:

- End the laws, policies, and practices that constitute crimes against humanity against the Rohingya population including apartheid, persecution, and severe deprivation of liberty.
- Prioritize meaningful consultations with Rohingya communities in Myanmar and Bangladesh to establish plans to ensure protection for Rohingya in Rakhine State and future returnees.
- Respect the right of return for Rohingya refugees who have been arbitrarily or
 unlawfully deprived of their former homes, lands, properties or places of habitual
 residence. All such individuals have the right to return to their place of residence or
 of choice and to the return of their property. Those unable or unwilling to return to
 their homes should be guaranteed the right to choose compensation from the
 government for the loss of all their homes and properties. Refugees who have been
 arbitrarily or unlawfully deprived of their liberty, livelihoods, citizenship, family life,
 and identity also have the right to restitution.
- Ensure full respect for returnees' human rights, equal access to nationality, rights to freedom of movement and access to livelihoods, and guarantees of security among communities in Rakhine State as a precondition for voluntary repatriation in safety and dignity.
- Rescind the 1982 Citizenship Law or amend it in line with international standards:
 ensure the law is not inherently discriminatory, eliminate distinctions between

- different types of citizens, and use objective criteria to determine citizenship, such as descent, through which citizenship is passed through one parent who is a citizen or permanent resident.
- De-link ethnicity and citizenship, and citizenship and freedom of movement and other basic rights, so that these rights can be effectuated immediately, regardless of citizenship status or ethnicity.
- Allow unfettered access in Rakhine State for UNHCR and other humanitarian agencies, the Independent Investigative Mechanism for Myanmar (IIMM), the Office of the High Commissioner for Human Rights, the UN special rapporteur on Myanmar, the media, diplomats, and rights observers, including to monitor the security of any returnees.
- Lift all arbitrary restrictions on freedom of movement for Rohingya, Kaman, and other minorities, and cease all official and unofficial practices that restrict their movement and livelihoods.
- Meaningfully engage Rohingya and Kaman communities, the UN, and international
 agencies to develop an updated strategy and implementation plan for the closure
 of the detention camps in central Rakhine State that ensures durable solutions,
 including freedom of movement, with clear timelines and procedures. Cooperate
 with and grant unfettered access to the IIMM and other UN mechanisms to
 facilitate credible, impartial, and independent investigations of security force
 abuses committed in Rakhine, Kachin, Shan, and Chin States, and other ethnic
 minority areas.
- Undertake credible and comprehensive efforts to enforce the provisional measures ordered by the International Court of Justice.

To the United Nations

- Insist upon immediate access to Bhasan Char before the monsoon season to conduct an independent technical assessment of the safety, disaster preparedness, and habitability of the island. Revisit Bhasan Char during monsoon season to conduct a follow-up assessment.
- Conduct a protection mission to the island including with professionals trained in supporting survivors of sexual assault. Continue unannounced spot visits to assess protection needs, including visits to police and detention facilities on the island. Account for all those who have been detained following attempts to leave the island.
- Raise concerns about the humanitarian and protection challenges that the refugees are currently facing on Bhasan Char and seek redress.

- Monitor the humanitarian standards for Rohingya refugees for consistency with those enumerated in the SPHERE standards.
- Prioritize human rights and humanitarian concerns regarding the relocation of Rohingya refugees at UN headquarters and in the region in line with the Human Rights Up Front initiative and Secretary-General António Guterres' Call to Action on Human Rights to ensure that the rights of refugees in Bangladesh are fully protected. It should be a priority focus for both the UN leadership in New York and the UN Country Team.
- Seek immediate access to the over 300 refugees rescued at sea who have been detained on the island for over a year and respond to their protection and humanitarian needs.
- Press for those refugees being held involuntarily on Bhasan Char—including over 300 who were rescued at sea—to be returned to the camps in Cox's Bazar.
- Ensure that any repatriation of Rohingya refugees from Bangladesh, in addition to being safe, voluntary, and informed, does not take place until conditions conducive to return in Rakhine State have been established, including freedom of movement for all Rohingya.
- Do not operate in the transit and repatriation camps in Rakhine State that Myanmar constructed with the apparent intent of confining future Rohingya returnees.

To Donor Countries

- Press the Bangladesh government to engage promptly with UN officials on any planned humanitarian operational engagement in Bhasan Char.
- Increase support to refugee response and protection in Kutupalong-Balukhali camps.
- Oppose the relocation of Rohingya refugees to Bhasan Char and do not fund projects to develop the island as a refugee relocation site until there is an independent assessment of the safety, disaster preparedness, and habitability of Bhasan Char.
- Insist that any future relocations, subject to technical safety assessment, is only undertaken with informed consent and when the governance structure, facilities, and services are commensurate to refugee needs and humanitarian standards.
- Establish a comprehensive responsibility-sharing arrangement among the US, EU member states, Canada, and other involved countries to incorporate equitable refugee assistance, protection, and resettlement into the international response to the Rohingya crisis.

To ASEAN Members and Other Countries in the Region

- Provide Rohingya refugees with *prima facie* refugee recognition, dignified temporary protection, or access to fair asylum procedures and ensure they are not subject to indefinite detention, inhospitable conditions, or threat of being returned to Myanmar, where they face persecution and risk of torture or other ill-treatment.
- Acknowledge and respond to the Rohingya refugee situation as a regional problem that requires a comprehensive plan of action that provides support to Bangladesh and effective protection for Rohingya refugees through regional and extra-regional responsibility sharing.
- Undertake a regional refugee resettlement plan, particularly focused on family reunification, for refugees with family members living in other countries in the region.
- End forced returns of Rohingya seeking asylum by land or sea and instead ensure they receive humanitarian aid and temporary protection or full access to procedures for international protection in close coordination with UNHCR.
- Respond urgently to refugee boats in distress, including coordinated search-andrescue operations and timely disembarkation at the nearest safe port.
- Use the Association of Southeast Asian Nations (ASEAN) and other regional
 mechanisms to collectively press Myanmar to meet all conditions necessary for
 voluntary, safe, dignified, and sustainable returns of Rohingya refugees, including
 ending the systematic persecution of the Rohingya population and holding
 accountable those responsible for atrocity crimes.

Acknowledgments

This report was researched and written by two consultants to Human Rights Watch. This report was reviewed and edited by Meenakshi Ganguly, South Asia director. Specialist reviews were provided by Bill Frelick, refugee and migrant rights director; Kyle Knight, health and human rights editor; Nisha Varia, advocacy director of the Women's Rights Division; Shayna Bauchner, researcher in the Asia Division; Felix Horne, senior researcher in the Environment and Human Rights Division; Bill Van Esveld, associate children's rights director; Aruna Kashyap, Senior Counsel in the Business and Human Rights division; and Param-Preet Singh, associate director in the International Justice Program.

James Ross, legal and policy director, and Joe Saunders, deputy program director, provided legal and program review. Production assistance was provided by Seashia Vang, senior coordinator.

We are grateful to all of the refugees who were willing to share their experiences, including sometimes tragic personal accounts, despite pressures to stay silent.

Appendix I: Letter from Bangladesh Ambassador to the United States Mohammad Ziauddin

December 8, 2020

RE: Bangladesh: Halt Rohingya Relocations to Remote Island

Dear Sirs,

Human Rights Watch's recent article, "Bangladesh: Halt Rohingya Relocations to Remote Island," mischaracterizes the relocation of Rohingya refugees to Bhasan Char and distorts the facts regarding the relocation process.

Contrary to Human Rights Watch's assertion, the Government of Bangladesh has planned and carried out the relocation process in a fully transparent manner. The Government made clear from the beginning that any relocation would be entirely voluntary. Accordingly, a number of Rohingya representatives undertook a "go and see" visit to Bhasan Char to survey the facilities and make an independent and informed choice. Some NGOs and journalists also visited the island. All of them expressed their high satisfaction at the available facilities on Bhasan Char. Moreover, the relocation was preceded by adequate preparations and consultations with stakeholders. Several rounds of discussions, based on the queries of the United Nations, were also arranged and we hope that the international community and the United Nations, as per its mandate, will be involved in the process soon.

Simply put, no Rohingya refugee was "forced" to relocate to Bhasan Char. In a recent interview with The Associated Press, Syed Alam, a 32-year-old refugee, said, "I have seen a video of the island. I have seen concrete buildings there... I think my family will have a better accommodation there."

Mr. Alam is correct. The Government of Bangladesh has worked hard to ensure that all modern amenities are provided to Rohingya on Bhasan Char, including healthcare. The 13,000-acre island has year-round fresh water, an uninterrupted supply of electricity, agricultural plots, cyclone shelters, two hospitals, four community clinics, mosques, warehouses, telecommunication services, a police station, recreation and learning centers, playgrounds and more.

The Government of Bangladesh has ensured adequate supply of food along with proper sanitation and medical facilities for Rohingyas on Bhasan Char. Proper hospitals with highly qualified health professionals, adequate COVID testing and treatment facilities are in place. In addition to Government agencies, about 22 NGOs are there to extend all possible support to the

relocated Rohingyas. Adequate security has been provided on the island by deployment of police personnel. The area is fully covered with CCTV cameras.

Bhasan Char also provides significant protection against natural disasters. The accommodations on Bhasan Char are strongly built with concrete foundations, which can withstand natural disasters such as cyclones and tidal waves. Super Cyclone AMPHAN proved the strength of the structures of Bhasan Char. Bhasan Char stood firm against the massive storm. Despite the tidal wave, all the 1,440 houses and 120 shelter stations on the island remained unharmed.

When the persecuted Rohingyas from Myanmar were fleeing from genocide, Bangladesh opened its borders and saved nearly a million of precious lives. The generous people of Bangladesh offered all forms of assistance to these persecuted Myanmar nationals before any international humanitarian agency stepped in.

The Rohingyas are Myanmar nationals and they must return to Myanmar. The Government of Bangladesh is doing its best to offer them safety and security. The international community including the United Nations should fulfil their responsibilities and engage with Myanmar to commence repatriation, which is the only durable solution to this crisis.

Mohammad Ziauddin Bangladesh Ambassador to the U.S. Washington, D.C.

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Appendix II: Human Rights Watch Letter to Foreign Minister A.K. Abdul Momen

350 Fifth Avenue, 34th Floor New York, NY 10118-3299 Tel: 212-290-4700 Fax: 212-736-1300; 917-591-3452

ASIA DIVISION

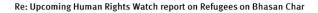
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Kanae Dol, Jopan Director
Kanae Dol, Jopan Director
Baine Pearson, Australia Oirector
Sophie Richardson, Chine Director
Phil Robertson, Deputy Director
John Silma, Advocacy Oirector
Linda Lakholhi, Legal Advisor
Lausthera Railandi. Senior Descarather
Lausthera Railandi. Senior Descarather ujaz, Senior Gussel
Linda Lakhdhir, Legul Advisor
Jayshree Bajoria, Senior Researcher
Carlos H. Conde, Senior Researcher
Andreas Harsono, Senior Researcher
Sunai Phasuk, Senior Researcher
Lina Yoon, Senior Researcher
Lina Yoon, Senior Researcher
Lina Yoon, Senior Researcher
Lina Yoon, Senior Researcher

ADVISORY COMMITTEE

May 7, 2021

Dr. A.K. Abdul Momen, M.P Foreign Minister Ministry of Foreign Affairs Dhaka Bangladesh

Email: fm@mofa.gov.bd CC: dirfmo@mofa.gov.bd psfmo@mofa.gov.bd



Dear Foreign Minister A.K. Abdul Momen,

We write to share with you that Human Rights Watch is preparing a report documenting conditions on Bhasan Char island for the nearly 20,000 refugees who have been relocated there since May 2020.

Human Rights Watch is an international nongovernmental organization that works on a range of human rights issues in over 90 countries worldwide. We have been following and reporting on Bangladesh for over two decades. We accept no funding from any government or political entity to ensure our independence.

From May 2020 to April 2021, Human Rights Watch interviewed scores of refugees on Bhasan Char island and in Cox's Bazar. We also interviewed humanitarian aid workers and journalists and held informal consultations with United Nations officials and foreign diplomats.

Human Rights Watch recognizes your government's commitment to sheltering nearly one million ethnic Rohingya who fled atrocities carried out by the Myanmar military in 2016 and 2017 along with the hundreds of thousands of Rohingya who fled Myanmar during previous violence.

We commend your government's commitment to upholding the international legal obligation of non-refoulement and to seeking durable solutions for the Rohingya refugees.



We also recognize that the crisis is one of Myanmar's making and, moreover, that it is not incumbent upon Bangladesh alone to bear the burden of providing safe haven to the Rohingya. Other regional actors and donor countries bear responsibility in shouldering the burden of the Rohingya refugee crisis as well and need to uphold their commitments not to forcibly return or turn back asylum seekers.

We are concerned, however, that our research findings indicate that the conditions on Bhasan Charviolate the rights of refugees living there and are inadequate to ensure their safety and humanitarian needs.

Our research finds that while many refugees said that the shelters and other conditions are superior to those in the camps in Cox's Bazar and that there is plenty of open space, they also reported food shortages, inadequate health, and education services, onerous restrictions on movement, and a lack of livelihood opportunities. Some described being forced to relocate without informed consent and lured with cash incentives that are not continuing although promised by the authorities.

Some refugees alleged that their relatives were arbitrarily detained and beaten for attempting to leave the island, contrary to Bangladesh government claims that all relocations are voluntary. Refugees also said they were beaten for moving outside their compound. In April, witnesses said a Bangladeshi sailor beat a group of children with a PVC pipe for crossing into another block to play with other children.

With monsoon season fast approaching, there are serious concerns that those confined on an island in cyclone-prone waters—including the refugees, Bangladeshi security personnel, and other officials, as well as Bangladeshi humanitarian aid workers—are at risk of disaster and could become isolated without food, water, or medical care when weather conditions limit transportation access. It is additionally concerning that as of April

2 "Bangladesh: Rohingya Refugees Allegedly Tortured," Human Rights Watch news release.

¹Ruma Paul and Poppy McPhearson, "Bangladesh, against objections, set to move Rohingya refugees to remote island," *Reuters*, December 2, 2020, https://www.reuters.com/article/uk-bangladesh-rohingya-idUKKBN28C2D7?edition-redirect=uk (accessed May 7, 2021); Shehab Sumon, "Dhaka awaits UN approval before relocating Rohingya to new home," *Arab News*, October 30, 2019, https://www.arabnews.com/node/1576331/world (accessed May 7, 2021). "Bangladesh: Rohingya Refugees Allegedly Tortured," Human Rights Watch news release, April 27, 2021, https://www.hrw.org/news/2021/04/27/bangladesh-rohingya-refugees-allegedly-tortured.

[&]quot;An Island Jail in the Middle of The Sea"

1, 2021, the island's embankments are reportedly three meters high when storm surges in the Bay of Bengal frequently exceed five meters.³

Recognizing these concerns, the Bangladesh government had previously and repeatedly promised the United Nations and donors that no refugees would be relocated to the island until UN experts had the opportunity to conduct an independent expert assessment of the island's emergency preparedness, habitability, and safety. However, in over a year since refugees were first brought to the island, the government has yet to allow experts to visit the island independently to make a proper assessment with unfettered access. Additionally, the Bangladesh government has yet to allow the United Nations High Commissioner for Refugees (UNHCR) to conduct a protection mission for the 306 refugees rescued at sea in May 2020.

We are aware of the UN visit to the island between March 17 to 20 by an 18-member UN team organized by your ministry and the Ministry of Disaster Management and Relief. Your government also organized a visit by diplomats on April 3.

However, refugees told Human Rights Watch that they were only allowed to speak in the presence of Bangladesh government officials, and that they were compelled to provide testimony to make it appear as though there were no problems on the island.

We note with serious concern that refugees from the initial group rescued in May 2020 are sequestered on the island and that their pleas to return to their families have been ignored, in violation of their rights to freedom of movement.

Refugees from both groups—those rescued in May 2020 and those relocated since December 2020—described being apprehended and beaten by security personnel when they tried to leave the island. The whereabouts of some of those who were taken into custody remain unknown, raising concerns that they are being arbitrarily detained against international law.

^{3 &}quot;Cyclone Season Awaits Thousands of Rohingya on Bangladesh Island," Al Jazeera, April 1, 2021, https://www.aljazeera.com/news/2021/4/1/cyclone-season-awaits-thousands-of-rohingya-on-bangladesh-island (accessed April 27, 2021); Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts." "A remote home for the Rohingya," Reuters Graphics, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 28, 2021).

⁴ Shehab Sumon, "Dhaka awaits UN approval before relocating Rohingya to new home," *Arab News*, October 30, 2019, https://www.arabnews.com/node/1576331/world (accessed May 7, 2021).

We seek to ensure the accuracy and impartiality of our reporting. We would be grateful to learn your response to the above findings and for any additional information you think we should take into consideration. Additionally, we would appreciate your response to the following questions:

Questions:

- How will the Government of Bangladesh ensure refugees on Bhasan Char have access to the same services—including in health; education; livelihood support; water, sanitation, and hygiene (WASH); and food—as refugees in Cox's Bazar?
- 2. There have been reports of sexual harassment and torture by Bangladesh security personnel on Bhasan Char. What actions has the government taken to investigate the allegations and ensure protection services for those harmed? How does your government plan to provide protection, counseling, and other psychosocial services for survivors of sexual and gender-based violence?
- 3. What measures is the government taking to ensure adequate and accessible healthcare facilities for the Rohingya on Bhasan Char, especially for older people and people with disabilities? Those in need of urgent medical care currently require transportation to hospitals on the mainland because the services available on the island are inadequate. What measures will the government undertake to ensure emergency medical capacity on Bhasan Char? How does the government plan to provide emergency medical care on the island when weather conditions preclude travel by boat or helicopter?
- 4. The Bangladesh government has stated its commitment that all relocation will be voluntary. Will the government allow any refugees who wish to return to Cox's Bazar to do so, including the 306 refugees who have been on Bhasan Char since April 2020 and wish to be reunited with their families in Cox's Bazar?
- 5. Donors have stated they will not fund activities on Bhasan Char until a comprehensive independent expert assessment is completed by the UN. When will the Bangladesh government allow the UN to visit Bhasan Char independently and speak privately and confidentially with any inhabitants of their choosing? Has the Bangladesh government taken any steps towards receiving an independent assessment on the habitability, emergency preparedness, and protection capacity on Bhasan Char?
- Fencing is currently being constructed around the island. Can you please explain why the fencing is a proportional and necessary security measure? How

will Bangladesh ensure that the island and the Cox's Bazar camps (which are also fenced) do not effectively become prisons? This is crucial because the fencing in Cox's Bazaar adversely impacted emergency rescue efforts during recent fire outbreaks at the camps.

- 7. Could you make public the details of your cyclone response plan including evacuation measures and plans and provisions for ensuring potable food, water, and medical care prior to, during, and in the aftermath of an emergency weather event?
- 8. Could you make public the results of the International Centre for Diarrhoeal Disease Research, Bangladesh's (ICDDR,B) assessment of the water quality on the island?
- What provisions have the Bangladesh government made to ensure access to formal accredited education for all children on Bhasan Char and in Cox's Bazar?
- 10. Some refugees have reported that officials on Bhasan Char have prevented them from fishing, farming, and husbandry. What is the government's position on the right of refugees to pursue these and other income- and food-generating activities on the island?
- 11. What camp governance and grievance mechanisms has the government put in place for refugees on Bhasan Char?

We respectfully request that you provide your reply by May 21, 2021, to ensure that your response can be reflected in our report. Please send your response to Seashia Vang at vangs@hrw.org.

Thank you for your attention to these important matters.

Sincerely,

150 PIC

Bill Frelick

Director

Refugee and Migrant Rights Division

Appendix III: Human Rights Watch Letter to the United Nations High Commissioner for Refugees (UNHCR)

350 Fifth Avenue, 34th Floor New York, NY 10118-3299 Fax: 212-736-1300; 917-591-3452

ASIA DIVISION

A SIA DIVISION
Brad Adams, Escutive Director
Kanae Dol, Japan Director
Kanae Dol, Japan Director
Elaine Pearson, Australia Director
Sophie Richardson, China Director
Sophie Richardson, China Director
Patricia Gossman, Associate Director
Saroop Jiaz, Senior Counsel
Linda Lakhdhir, Legal Advisor
Jiada Lakhdhir, Legal Advisor
Saroop Jiaz, Senior Researcher
Sunai Phasuk, Senior Researcher
Sunai Phasuk, Senior Researcher

May 8, 2021

Johannes van der Klaauw **UNHCR Country Representative** Dhaka Bangladesh



Re: Upcoming Human Rights Watch report on Refugees on Bhasan Char

Dear Mr. Klaauw.

We write to share with you that Human Rights Watch is preparing a report documenting conditions on Bhasan Char island, Bangladesh, for the nearly 20,000 refugees who have been relocated there since May 2020.

Human Rights Watch is an international nongovernmental organization working on a range of human rights issues in over 90 countries worldwide. We have been monitoring and reporting on Bangladesh for over two decades.

From May 2020 to April 2021, Human Rights Watch interviewed scores of refugees on Bhasan Char island and in Cox's Bazar. We also interviewed humanitarian aid workers and journalists and held informal consultations with United Nations officials and diplomats.

Based on these meetings, we found that while many refugees agreed that the shelters and other conditions are superior to those in the camps in Cox's Bazar, and that there is plenty of open space, they also reported food shortages, inadequate health and education services, onerous restrictions on movement, and a lack of livelihood opportunities. Some described being compelled to relocate without informed consent and lured with unmet promises of cash incentives.

Some refugees alleged that their relatives were arbitrarily detained and beaten for attempting to leave the island, contrary to Bangladesh government claims that all relocations are voluntary. Refugees also said they were beaten for moving outside their compound. In April, witnesses said a Bangladeshi sailor beat a group of children with a PVC pipe for crossing into another block to play with other children.¹

With monsoon season fast approaching, refugees are concerned that those confined on the island in cyclone-prone waters are at risk of disaster. Refugees, Bangladeshi security personnel, and other officials, as well as humanitarian workers could all end up isolated without food, water, or medical care when transportation access will be limited due to weather conditions. It is additionally concerning that as of April 1, 2021, the island's embankments are reportedly three meters high when storm surges in the Bay of Bengal frequently exceed five meters.²

We are aware of the UN visit to the island between March 17 to 20 by an 18-member UN team organized by the Bangladesh government. Following this visit, we were surprised when the UN recommended that "any future relocations are undertaken in a gradual and phased manner," contradicting previous statements that had stressed to the Bangladesh government that no refugees should relocated to Bhasan Char until there had been an independent expert technical assessment of its habitability and protection capacities.³

This is particularly concerning considering that refugees on Bhasan Char told Human Rights Watch that they were only allowed to speak to UN officials in the presence of Bangladesh government officials, and that they were seemingly coerced to provide testimony to make it appear as though there were no problems on the island.

We are concerned that this highly controlled visit has been used by the Bangladesh government to bypass an independent technical and protection assessment. We are additionally concerned that the Bangladesh government has yet to allow an independent UNHCR protection mission for the 306 refugees rescued at sea in May 2020. We note that we informed your office in May 2020 that at least one member of this group said she had been gang-raped when she was being transported to Bhasan Char and needed urgent medical and psychosocial care. To our knowledge, this care has not been received.

¹ "Bangladesh: Rohingya Refugees Allegedly Tortured," Human Rights Watch news release, April 27, 2021, https://www.hrw.org/news/2021/04/27/bangladesh-rohinyga-refugees-allegedly-tortured.

² Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts." "A remote home for the Rohingya," Reuters Graphics, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 28, 2021).

³Jesmin Papri, "UN Urges Bangladesh to Move Rohingya to Bay of Bengal Island Gradually," *Benar News*, April 16, 2021, https://www.benarnews.org/english/news/bengali/bd-un-rohingya-bhashan-04162021142602.html (accessed May 5, 2021).

We recognize that UNHCR is mandated to ensure the humanitarian and protection needs of all refugees, including those on Bhasan Char.

We would be grateful for your response to the above findings and for any additional information you think we should take into consideration in preparing our report. Additionally, we would appreciate your response to the following questions:

Questions:

- 1. What measures does your team take to ensure that its interviews with refugees on Bhasan Char are confidential and not subject to Bangladeshi government interference?
- 2. Have you been granted access to privately and confidentially talk to the refugees rescued at sea during May 2020? On what dates?
- 3. What have the UN and the Bangladesh government agreed to regarding UN support to refugees on Bhasan Char, including plans for implementation of humanitarian programming?
- 4. What have the UN and donors agreed to regarding supporting UN implementation of programs for refugees on Bhasan Char?
- 5. Which UN agency is leading the discussions with the Bangladesh government? Is UNHCR representing all UN agencies considering implementing programming on Bhasan Char or are separate agencies in separate discussions?
- 6. Is the UN actively seeking funding for programming for refugees on Bhasan Char?
- 7. Is the UN currently responding remotely or practically to any urgent humanitarian needs on Bhasan Char, including emergency protection cases such as genderbased violence and child protection case management?
- 8. Is UNHCR or any other UN agency currently including Bhasan Char in its sector response and planning?
- 9. Are there any current plans with the Bangladesh government for UNHCR to conduct a mission to carry out emergency protection services, including an expert to respond to survivors of sexual and gender-based violence?
- 10. Will the UN require an independent technical assessment before beginning any operations on Bhasan Char?
- 11. Has UNHCR raised concerns about fencing being built around Bhasan Char? Have concerns been raised in light of the impact of fencing on emergency rescue operations during the fires at Cox's Bazar?
- 12. Has UNHCR observed a detailed government emergency response plan for Bhasan Char? If so, is it sufficient to ensure the security of 100,000 refugees in the event of

- a severe cyclone, flooding, and monsoons? What measures are in place to ensure those on the island will have adequate access to potable food, water, and medical care prior to, during, and in the aftermath of an emergency weather event?
- 13. Can UNHCR confirm if the government of Bangladesh will facilitate the return to the mainland for any refugees who no longer want to remain on Bhasan Char?
- 14. There have been reports of deaths of refugees on Bhasan Char due to lack of healthcare facilities. Does UNHCR consider the current health capacity sufficient to support 100,000 refugees? Do you consider the government's current emergency medical response system of transporting patients by boat or helicopter to Noakhali to be adequate and sustainable?
- 15. Several Rohingya women complained about the lack of maintaining menstrual hygiene on Bhasan Char because of a lack of sanitary products. Has UNHCR found this to be a problem? What other complaints have been made regarding reproductive health services?
- 16. There have been repeated complaints from refugees on Bhasan Char about insufficient food rations, especially for children with special nutrition needs. Is UNHCR aware of these complaints? Has any action been taken?

Thank you for your attention to these questions. We look forward to your response by May 21, 2021, so that your answers can be reflected in our upcoming reporting. We would also be happy to meet with you virtually to discuss our findings.

Sincerely,

Meenakshi Ganguly South Asia Director Human Rights Watch

Meineheli Garenly.

Appendix IV: Human Rights Watch Letter to HR Wallingford

350 Fifth Avenue, 34th Floor New York, NY 10118-3299 Tel: 212-290-4700 Fax: 212-736-1300; 917-591-3452

A SIA DIVISION
Brad Adams, Executive Director
Kanae Doi, Japan Director
Meenakshi Gangaly, South Asia Director
Meenakshi Gangaly, South Asia Director
Polit Robertson, China Director
Polit Robertson, Deputy Director
Polit Robertson, Deputy Director
Patricla Gossman, Associate Director
Patricla Gossman, Asso Sophie McNeill, Researcher Yaqiu Wang, Researcher Shayna Bauchner, Assistant Researcher Riyo Yoshloka, Senior Program Officer Teppel Kasal, Program Officer Nicole Tooby, Senior Coordinator Seashia Vang, Senior Coordinator Racqueal Legerwood, Coordinator Racqueal Legerwood, Coordinator

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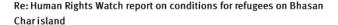
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Alan Feldstein, General Coursel (Acting)
Mel Fong, Did (Permulus Officer
James Ross, Legal and Philip Director
Bruno Stagno Ugarte, Cluf Advocacy Officer
Bruno Stagno Ugarte, Cluf Advocacy Officer

May 13, 2021

Bruce Tomlinson Chief Executive Officer HR Wallingford Howbery Park Wallingford Oxfordshire OX10 8BA United Kingdom

info@hrwallingford.com marcomms@hrwallingford.com



Dear Mr. Tomlinson,

We write to seek HR Wallingford's perspectives to help inform a forthcoming Human Rights Watch report documenting conditions for the nearly 20,000 Rohingya refugees who have been relocated to Bhasan Char island in Bangladesh since May 2020.

Human Rights Watch is an international nongovernmental organization working on a range of human rights issues in over 90 countries worldwide. We have been following and reporting on Bangladesh for over two decades.

With monsoon season fast approaching, Rohingya refugees and humanitarian groups providing services and protection are concerned that those confined on the island in cyclone-prone waters are at considerable risk.

According to the Bangladesh government, HR Wallingford has reportedly advised the government on Bhasan Char's "coastal stabilisation and flood protection measures." According to recent reporting, the



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⁴ Mohammad Al-Masum Molla, "Bhasan Char: 4-layer protection for key island," Dhaka Tribune, November 4, 2020, https://www.thedailystar.net/backpage/news/bhasan-char-4-layer-protection-key-island-1988921 (accessed April 28, 2021).

approximately 12.1 kilometer-long embankments are currently 3 meters high, but are reportedly being increased to 5.75 meters.²

However, even at the Bangladesh Navy's projected embankment height of 5.75 meters, experts have questioned whether the levee would protect the island in the Bay of Bengal, which is the center of the world's highest storm surges.³ Experts have documented that the waters near Bhasan Char have a tidal range of up to 6 meters and storm surges in the bay have often exceeded 5 meters, with one even reaching 13.7 meters.⁴ There have been 27 storms in the Bay of Bengal in the last 60 years with storm surges greater than 5 meters.⁵ Most recently, Cyclone Amphan in May 2020 had a storm surge of approximately 5 meters.⁶ Before that, Cyclone Odisha had a storm surge of approximately 8 meters.⁷ According to records of more than 700 surge events from 1880-2015, the Bay of Bengal averages five surges of at least 5 meters per decade.⁸

Against this backdrop, the Bangladesh government has already relocated 20,000 refugees to Bhasan Char ahead of the monsoon season with plans to relocate 80,000 more. We hope you will provide us with more information on the nature of HR Wallingford's involvement in the development of storm and flood protection measures on the island as well as the company's expert assessments of these measures.

As part of our work and in the interests of thorough and objective reporting, we would like to learn more about the company's work and views on flood protection measures in Bhasan Char. Below are a set of questions requesting additional information, which would be reflected in our reporting. We would also be grateful for any additional information you think we should take into consideration.

²"Cyclone Season Awaits Thousands of Rohingya on Bangladesh Island," *Al Jazeera*, April 1, 2021, https://www.aljazeera.com/news/2021/4/1/cyclone-season-awaits-thousands-of-rohingya-on-bangladesh-island (accessed April 27, 2021).

³ Soutik Biswas, "Amphan: Why Bay of Bengal is the World's Hotbed of Tropical Cyclones," BBC, map 19, 2020, https://www.bbc.com/news/world-asia-india-52718531 (accessed April 27, 2021); Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts," *Reviews of Geophysics*, vol. 53, Iss. 2 (2015) accessed April 28, 2021, doi: 10.1002/2014RG000477.

⁴ Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts," *Reviews of Geophysics*, vol. 53, Iss. 2 (2015) accessed April 28, 2021, doi: 10.1002/2014RG000477; "A remote home for the Rohingya," Reuters Graphics, December 31, 2018, http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060Z21XP/index.html (accessed April 28,

^{2021).} 5 Ibid

Subrata Nagchoudhary, Ruma Paul, "Cyclone kills 14 in India, Bangladesh leaving trail of destruction," Reuters, May 19, 2020, https://www.reuters.com/article/us-asia-storm-india/cyclone-kills-14-in-india-bangladesh-leaving-trail-of-destruction-idUSKBN22WoMT (accessed May 10, 2021).

⁷ Bob Henson, "Amphan to Push Massive Storm Surge Toward Eastern India and Bangladesh," Weather Underground, May 18, 2020, https://www.wunderground.com/cat6/category-5-amphan-to-send-massive-storm-surge-into-eastern-india-and-bangladesh (accessed May 10, 2021).

^{*}This is the largest available database of storm surge data from the Bay of Bengal. Hal F. Needham, Barry D. Keim, David Sathiaraj, "A review of tropical cyclone-generated storm surges: Global data sources, observations, and impacts," *Reviews of Geophysics*, vol. 53, Iss. 2 (2015) accessed April 28, 2021, doi: 10.1002/2014RG000477.

- What is the nature of HR Wallingford's involvement in the developments on Bhasan Char? Please outline the terms of reference as agreed upon with the Bangladesh authorities.
- Could you describe in detail the embankments and other natural disaster protection measures that the company is involved with building on the island?
- 3. In your assessment, is a 5.75 meter-high embankment sufficient to protect the island against storm surges in the Bay of Bengal, especially storm surges that exceed 5 meters and tidal ranges above 6 meters? Could you please provide copies of all relevant studies?
- 4. Could you describe in detail the construction design and materials of these embankments?
- 5. What measures have been put in place to drain floodwater from Bhasan Char?
- 6. Are you aware of any measures in place to ensure food, water, and medical equipment are safely stored on the island in case of a cyclone and/or storm surge? If yes, could you please describe these measures?
- 7. Has the company been involved in the construction or design of Bhasan Char's cyclone shelters? If yes, please provide additional information about these shelters, including number of shelters, their location, water storage measures, and the number of people each shelter can accommodate.
- 8. What measures have been designed or implemented to protect against flooding during the monsoon season?
- 9. In your opinion, are the current storm and flood protection measures on the island sufficient to ensure the safety of over 20,000 refugees during monsoon season in the Bay of Bengal?
- 10. In your opinion, is Bhasan Char suitable for habitation for 100,000 people?

Thank you for your attention to these questions. We look forward to your written response to our questions and any other relevant information by May 26, 2021, via email to Seashia Vang at vangs@hrw.org. All responses received may be reflected in our forthcoming reporting on this subject.

Please do not hesitate to contact us for any clarification, to provide the information requested, or to coordinate a conference call with us.

Sincerely,

Brad Adams

Asia Executive Director

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Appendix V: Human Rights Watch Letter to Sinohydro

350 Fifth Avenue, 34th Floor New York, NY 10118-3299 Tel: 212-290-4700 Fax: 212-736-1300; 917-591-3452

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James Ross, Legid and Policy Director
Brune Stagne Ugarte, Child Advocacy Officer

May 13, 2021

Ji Xiaoyong General Manager of the Overseas Business Unit, Party Secretary, and Chairman of the Board of Directors 22 Chegongzhuang West Road Haidian District Beijing, 100048

compliance@powerchina-intl.com

Re: Human Rights Watch report on conditions for refugees on Bhasan Charisland

Dear Mr. Ji,

We write to seek Sinohydro's perspectives to help inform a forthcoming Human Rights Watch report documenting conditions for the nearly 20,000 Rohingya refugees who have been relocated to Bhasan Char island in Bangladesh since May 2020.

Human Rights Watch is an international nongovernmental organization working on a range of human rights issues in over 90 countries worldwide. We have been following and reporting on Bangladesh for over

With monsoon season fast approaching, Rohingya refugees and humanitarian groups providing services and protection are concerned that those confined on the island in cyclone-prone waters are at considerable risk.

According to the Bangladesh government, your company has been involved in developing the flood-defense embankment in order to protect against the region's frequent cyclones and monsoons.1 According to recent reporting, the approximately 12.1 kilometer-long embankments are



Mohammad Al-Masum Molla, "Bhasan Char: 4-layer protection for key island," Dhaka Tribune, November 4, 2020, https://www.thedailystar.net/backpage/news/bhasan-char-4-layer-protection-key-island-1988921 (accessed April 28,

currently 3 meters high, but are reportedly being increased to 5.75 meters.2

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⁶ Subrata Nagchoudhary, Ruma Paul, "Cyclone kills 14 in India, Bangladesh leaving trail of destruction," Reuters, May 19, 2020, https://www.reuters.com/article/us-asia-storm-india/cyclone-kills-14-in-india-bangladesh-leaving-trail-of-destruction-idUSKBN22WoMT (accessed May 10, 2021).

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Sincerely,

Brad Adams

Asia Executive Director

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"An Island Jail in the Middle of the Sea"

Bangladesh's Relocation of Rohingya Refugees to Bhasan Char

The Bangladesh government has relocated nearly 20,000 Rohingya to the remote island of Bhasan Char from the refugee camps in Cox's Bazar where nearly one million Rohingya refugees live after fleeing ethnic cleansing in Myanmar. Reneging on promises that it would wait for an assessment by independent humanitarian and technical experts, Bangladesh has now presented the United Nations and international donors with a fait accompli, pressing them to provide humanitarian services to the refugees on Bhasan Char without a chance to evaluate emergency preparedness, habitability, and safety.

Based on interviews with 167 refugees as well as with humanitarian experts, "An Island Jail in the Middle of the Sea" finds that many refugees were brought to the island without full informed consent and with no ability to leave. Refugees report dangerously inadequate health care, onerous restrictions on movement, food shortages, few education and livelihood opportunities, and abuses by security forces.

The approaching monsoon season poses a grave risk that the refugees, as well as Bangladeshi officials and volunteers, could end up confined on the remote island in the middle of cyclone-prone waters without sufficient food, water, or medical care when weather conditions limit travel to the mainland.

The UN and concerned governments should press Bangladesh to ensure that refugees and others are not at risk on the island, that refugee rights are respected, and that security forces are held to account for abuses. The government should follow through on its promises for an independent technical assessment of the habitability and emergency preparedness of the island and make any necessary adjustments, including returning refugees to Cox's Bazar if it is deemed unsafe or unsustainable. In the meantime, any refugees who wish to return to Cox's Bazar should be allowed to do so immediately.

(above) Rohingya refugees prepare to board a ship as they move to Bhasan Char island, Bangladesh, on December 29, 2020. © 2020 Kazi Salahuddin Razu/ NurPhoto via Getty Images

(front cover) Bangladeshi navy sailors intake Rohingya refugees as they disembark from a navy vessel bringing them to Bhasan Char island in Bangladesh, December 29, 2020.

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