

Human Rights Watch

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Refugees Arrested, Mistreated as Accused Militants

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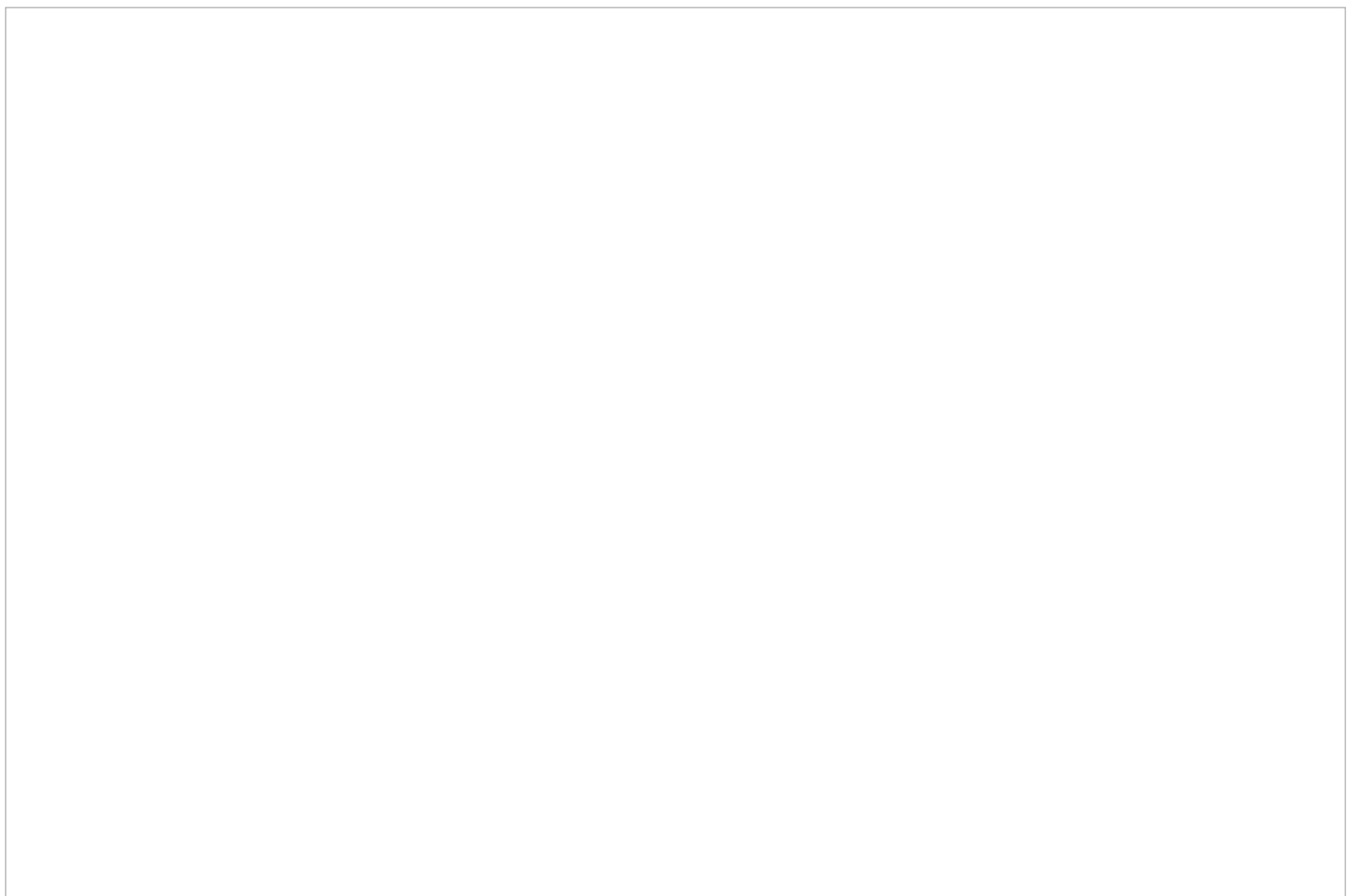
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Rohingya refugees gather behind a barbed-wire fence in the no-man's land border zone between Myanmar and Bangladesh, April 25, 2018. 2018 Ye Aung Thu/AFP/Getty Images

(Bangkok) [Myanmar](#) authorities have tortured and imprisoned Rohingya refugees who returned to Rakhine State from Bangladesh, Human Rights Watch said today. The mistreatment reinforces the need for international protection, including United Nations monitors on the ground, before Rohingya will be able to return safely to Myanmar.

The torture of Rohingya returnees puts the lie to Myanmar government promises that refugees who return will be safe and protected, said [Phil Robertson](#), deputy Asia director. Despite Myanmar's rhetoric guaranteeing a safe and dignified return, the reality is that Rohingya who go back still face the persecution and abuses they were forced to flee.

Six Rohingya who fled to Bangladesh in 2017 to escape the Myanmar army's ethnic cleansing campaign told Human Rights Watch that Border Guard Police (BGP) apprehended them at different times when they returned to Rakhine State to earn money before going back to Bangladesh. Security forces tortured them during pretrial detention, they said. Each was summarily tried and sentenced to four years in prison, apparently for illegally crossing the border.

The treatment of these Rohingya refugees should be a warning sign to those who believe the Myanmar authorities are ready to ensure safe returns.

Phil Robertson

Deputy Asia Director

About a month later, the government pardoned them along with several dozen others. On June 1, 2018, the authorities [presented them](#) to visiting journalists in an attempt to show that they were treating Rohingya well and that it was safe to return. Following the visit, the six fled to Bangladesh.

Human Rights Watch interviewed three Rohingya men and three boys, the youngest 16, who were taken into custody at different times and in different locations in Maungdaw township. They said that BGP officers repeatedly interrogated them at gunpoint about the Arakan Rohingya Salvation Army (ARSA) militant group. The officers used stress positions; beatings with fists, sticks, and rods; and burning and electric shock to force them to confess to an affiliation with ARSA. They said that while detained, they received inadequate clean water and food.

The six said that they were then transferred to pretrial detention facilities in Maungdaw town. Plainclothes military intelligence officers beat them with sticks and punched and kicked them during interrogations. The six described poor detention conditions, no access to legal counsel, and proceedings conducted in Burmese, a language they barely understand. After a court sentenced them in groups to four-year prison terms, the authorities transferred them to Buthidaung prison in Maungdaw town, along with hundreds of other mostly Rohingya prisoners.

On May 23, the Maungdaw district administrator announced to dozens of lined-up Rohingya prisoners that President Win Myint had pardoned them and that they would be given a National Verification Card (NVC) and released. The NVC is an identity document many Rohingya reject because they see it as undermining their claim to Myanmar citizenship. The State Counsellors Office, headed by Aung San Suu Kyi, [released a statement](#) on May 27 confirming the president's pardon of 58 Rohingya returnees. Four more Rohingya whose cases had been dropped were later added to the group.



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A Decade of Detention for Rohingya in Myanmar's Rakhine State

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A Decade of Detention for Rohingya in Myanmar's Rakhine State

Officials took the 62 Rohingya to the BGP compound in the village tract of Nga Khu Ya. There, officers said the Rohingya had to accept the NVC and threatened them with re-arrest if they tried to leave the compound. The group was then transferred to Hla Poe Kaung transit camp, where on June 1 government officials led media organizations on an organized government trip to see the 62 recently processed Rohingya. Win Myat Aye, the minister of social welfare, relief and resettlement, told the returnees they would be provided with money to rebuild their homes and humanitarian aid, and would be able to bring their families from Bangladesh.

The six refugees told Human Rights Watch that they were told what to say to the media. One teenage boy said that a BGP official interrupted and ultimately halted an interview when the boy departed from these instructions. When the media delegation left, the BGP placed the Rohingya under guard and told them they were not allowed to leave Hla Poe Kaung. Fearing they would be re-arrested and tortured, two groups, including those Human Rights Watch interviewed, fled back to Bangladesh.

Human Rights Watch repeatedly telephoned the director general of the State Counsellors Office, Zaw Htay, who also acts as a government spokesperson, but was informed he was unavailable to comment.

The treatment of these Rohingya refugees should be a warning sign to those who believe the Myanmar authorities are ready to ensure safe returns, Robertson said. Myanmar has a long way to go before it can demonstrate it is serious about making the necessary reforms for voluntary, safe, and dignified returns.

The six Rohingya returnees Human Rights Watch interviewed fled a Myanmar security force [campaign of ethnic cleansing](#) involving killings, rape, and mass arson in late 2017. More than [720,000 Rohingya refugees](#) have fled to Bangladesh. Human Rights Watch found these abuses [amounted to crimes against humanity](#). The campaign followed a series of deadly, coordinated attacks on security force posts on August 25 in northern Rakhine State by militants from the Arakan Rohingya Salvation Army.

The following incidents took place in March and May 2018. Pseudonyms are used to protect the security of those interviewed and their relatives who remain in Myanmar.

Rahamat, 17, described being repeatedly abused, including being burned, in Border Guard Police custody:

They burned a plastic bag and let the hot plastic drip onto my body. They also took a heated iron bar and branded my legs, pressed burning cigarettes to my skin, poured hot wax from a burning candle on my skin, scratched my body with blade, and hit me with rod and

sticks.

Ahmed, 17, said he was hung upside down and beaten repeatedly by the interrogating officers who demanded that he confess to being a member of ARSA.

Lokman, 24, said:

At first, they kicked me in my chest and thigh and then they used electric shock to make me tell them I was an ARSA member, but they could not make me give a false confession.

Human Rights Watch observed scars and burns consistent with the described acts on the bodies of those interviewed.

The detainees said that throughout their detention they endured abysmal conditions, including lack of adequate food and access to clean water.

In a BGP compound in Nga Khu Ya, where three of the Rohingya returnees spent four days in custody, each was given two servings of fish paste (*ngapi*) per day and approximately 250 milliliters of dirty water. In pretrial detention in Maungdaw town, the authorities provided no food or clean water, leaving them to rely on donations from Rohingya in the nearby community who occasionally had to bribe police officers to provide for them. Three of those interviewed spent over two weeks in these conditions.

Those detained also described inadequate access to food in Buthidaung prison following sentencing. Lokman said:

In Buthidaung prison the food we were served was like food for the dog. At 10:30 a.m. we were given rice and lentils, but you can say the lentils were like boiled water and we couldn't tell that lentils were in it. At around 5 p.m. we were given food for dinner that was rice and boiled spinach.

Lokman also said that the Rohingya prisoners' access to water was limited by both officials and prisoners from other ethnic groups in Buthidaung prison:

In my building, there were 500 prisoners. Every day 90 liters of water were provided for drinking purposes. But the problem was among the 500 there were 35 Buddhist prisoners, some of whom were Rakhine Buddhist. They were so aggressive that every day they seized those 90 liters of water so that the Rohingya people mostly used the water reserved for the bath. There were very few days we were able to drink some water from that 90 liters.

Toilet facilities were also inadequate. We had to defecate in a bucket as there was no toilet inside the BGP base, Lokman said. We were never given water to clean.

In late March, the authorities brought the Rohingya detainees before a court in Maungdaw town, where they were summarily convicted and sentenced to four years in prison. While the government has not publicly specified the charges against the detainees, a police officer who spoke the Rohingya language at one of the proceedings summarized the judge saying that they were charged for illegally crossing the border. None of the six men and boys had legal counsel present during these proceedings or prior interrogations.

Amir, 33, described the lack of fair trial rights, including not having the proceedings translated into a language he could understand:

The judge who gave us four years in prison was a Buddhist guy and he announced the verdict in Burmese. One police official who could understand the Rohingya language translated the verdict by saying that we acknowledged entering Myanmar by crossing the border illegally and would be given five years in jail. But actually we were given four years, and the judge forgave the additional year.

After the Rohingya were sentenced, the authorities transferred the detainees in groups to Buthidaung prison, where they spent nearly a month before receiving a presidential pardon.

Denial of Education for Rohingya Refugee Children in Bangladesh

Sexual Violence against Rohingya Women and Girls in Burma

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