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

May 7, 2021

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

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CC: dirfm@mofa.gov.bd
psfm@mofa.gov.bd

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

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 Char violate 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.¹

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

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

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.

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:

1. 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?

6. 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 Bazar 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?

9. 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,

Bill Frelick
Director
Refugee and Migrant Rights Division