

ROHINGYA PRESS

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Rohingya refugees gather in Kutupalong camp to mark the 2nd anniversary of the start of the Myanmar military’s 2017 atrocities, Cox’s Bazar, Bangladesh, August 25, 2019.

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THE URGENT NEED FOR LEGAL REFORM FOR ROHINGYA REFUGEES

In Bangladesh, Rohingya continue to exist in a legal grey zone, neither citizens nor officially recognised refugees, and are therefore invisible to the courts.

More than a million Rohingya are living in refugee camps in southern Bangladesh, and they are deprived not only of citizenship but also of justice. Labelled as “forcibly displaced Myanmar nationals” (FDMNs), they are excluded from the country’s formal legal protections and judicial

system. What remains is a parallel, non-state, and unregulated justice system that provides no recourse to refugees, particularly women and the poor. More than a million Rohingya people who took shelter here are yet to be accorded formal refugee status, although Bangladesh has been widely commended for being their host since 2017. As a result, they exist in a legal grey zone, neither citizens nor officially recognised refugees, and are therefore invisible to

the courts. Whether it is robbery, domestic abuse, or gun violence, their complaints are arbitrated within the camps by non-judicial actors who lack professional training or legal responsibility.

Designated for legal exclusion

This issue is not only humanitarian, it is constitutional. Article 31 of the Constitution of Bangladesh guarantees legal protection to “any other person” within the

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country. Article 35 offers protection against punishment without due process and the right to a fair trial. These rights are not reserved for citizens alone. In *Abdul Latif Mirza v Bangladesh* (1979), the Supreme Court affirmed that fundamental rights apply to “all persons” under the court’s jurisdiction. However, in practice, these guarantees do not extend to the camps. The Rohingya refugees cannot go to the police to submit complaints, nor can they appear in court or seek legal assistance. Local power brokers—such as camp leaders, religious figures, and some NGOs—form a de facto legal system within the camps, informally adjudicating disputes. There are no legal norms, no due process, and no oversight.

Through the lens of international law and practice

Bangladesh has not ratified the 1951 Refugee Convention, but it is a party to several core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). Article 14 of the ICCPR ensures the right to a fair and public hearing before a competent, independent tribunal. Article 2 obliges states to guarantee these rights to all individuals

within their territory. Under General Comment No 32 (UN Human Rights Committee), the ICCPR’s right to a fair trial must be upheld for anyone facing legal consequences, regardless of nationality. The European Court of Human Rights case *MSS v Belgium and Greece* also reaffirmed refugees’ right to an effective remedy. While some argue that these principles are non-binding on non-signatories of the Refugee Convention, instruments such as the ICCPR and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obligate Bangladesh to ensure due process, non-discrimination, and judicial integrity. Denial of justice to an entire community violates both domestic and international law.

Without a nation, but not without rights

The belief that statelessness equals a lack of legal entitlement is dangerously misguided. This is not supported in either domestic or international law. Justice is territorial; it does not depend on nationality. The Penal Code (1860) and the Code of Criminal Procedure (1898) apply to “any person” within the country’s jurisdiction. These laws do not require one

to be a citizen to report a crime or seek redress. Similarly, the Legal Aid Services Act (2000) makes no reference to immigration status. Yet, the Rohingya have no access to either.

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■ Source: thedailystar.net

MYANMAR'S FIGUREHEAD PRESIDENT DIES AFTER LONG ILLNESS



Myanmar's figurehead president who came to power after a 2021 coup, Myint Swe, has died, the South East Asian nation's military leaders said. He was 74. Before his death, Myint Swe had been on medical leave for over a year due to declining health. Junta leader Min Aung Hlaing has been performing Myint Swe's largely ceremonial duties since July 2024.

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■ Source: bbc.com