

Criminal tendency of Rohingya and state of insecurity in Bangladesh



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Date of Submission

18 March2022

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Dear Sir,

It is a great pleasure for me to submit a paper on Criminal tendency of Rohingyas in Bangladesh, critically analyze the risk on Bangladesh. During preparing this research Paper I did my dimension best to keep up the required Standard.

I, hereby do solemnly declare that this work has done by me and there is nothing copyright.

I believe that this research paper will satisfy your desire.



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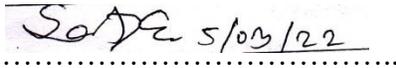
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Declaration

I am Sumaia Akther, ID: 212-38-428, student LLM in Daffodil International University here by declared that this research on the topic "" has been conducted by me and I am ensuring that this is my own work. There is nothing copied in it, this work is completely unique and has never been submitted before.

This work has been conducted for LL.M thesis.

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Acknowledgment

At the beginning of my paper I would like to thank some peoples who inspired me a lot to prepare the paper. First of all, I would like to thank Almighty Allah for giving the ability, knowledge, capacity to work with patience and opportunities.

I am thankful to My supervisor for supporting and guild me such an effective way without his support it was not possible for me to complete the work.

Lastly, I would like to thanks my beloved family who always support and encourage me mentally and financially without their support it was impossible to stand here.

Dedication

I would like to dedicated my work to my beloved family who always support and encourage me mentally and financially without their support it was impossible for me to stand here.

Abstract

Rohingya issue not a new phenomenon in Bangladesh, it has a long history. Large number of Rohingya refugee came to the Bangladesh in 2017. Though Bangladesh is not new in Refugee issue but this time in the issue Bangladesh facing many problems after giving them the asylum. The worst thing of those is criminal tendency of Rohingyas. Increasing criminal tendency among Rohingyas creating insecurities for the future of Bangladesh. There is also an issue about their human rights. Rohingyas are now stateless, identity less they are not citizen of any country and at a same time not refugee of the country as Bangladesh does not give them the status of Refugee. They suffered so many tortures in Myanmar and bound to flee in Bangladesh they lost so many things even their own identity and still they do not have a comfortable life they have no excess of education, medicine, enough place etc. those factors are increasing the criminal tendency among Rohingyas and creating challenges for Bangladesh as a host country to solve it. The issue should be solved as soon as possible. I recommended that we should return them to Myanmar but as they faced so many destructions and still it contains life risk for them so, before send them to Myanmar their human rights and liability of Myanmar must be satisfied.

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Chapter 1

Introduction

1.1.Introduction of center research question:

The ongoing Rohingya issue is one in every of the foremost problems of current time. It is considered collectively of the biggest human-made humanitarian disasters for 21st century. Rohingya fled in Bangladesh after facing so many crimes like genocide and crime against humanity which was committed in Myanmar. Bangladesh opened her border for the neglected, tortured and oppressed people.

After four years, the biggest ever influx of Rohingya refugees into Bangladesh, crimes like murder, abduction, extortion and narcotics smuggling still burgeon at the world's biggest refugee settlement in Cox's Bazar. The Rohingyas were brutally forced out of their country by the Myanmar authorities, there are still no signs of any environment being created for his or her safe return. Despite pretending as if it might work with the Bangladesh government to facilitate the return of Rohingyas now living as refugees in Bangladesh, the Myanmar government has done nothing towards that end. Four years of hardships and uncertainty have left the Rohingyas increasingly more desperate. This has moved to an explosion of drug trade involving Rohingyas living within the Cox's Bazar Rohingya camps. The Bangladesh government has done all it can, with its limited resources, to convey shelter to the Rohingyas. However, the international community must recognize that Bangladesh doesnot have way more to convey to those tormented people. Therewith in mind, and after recognizing that it is the Myanmar government that has been their tormentor, the international community must hold the Myanmar authorities responsible and convince them to form an environment that may allow the Rohingyas to soundly return to their homes. The longer things persist, the more crimes will occur within the camps, and more Rohingya lives will still be lost or scarred.

Currently, Rohingya Issue is that the most discussable and unsettled issue. So, everyone has interest and different opinion on that. At a same time both the Rohingya and government of Bangladesh facing problems regarding this issue. Rohingya have gotten involve in form of crimes

it increasing the crime rate of Bangladesh yet as Bangladesh facing socio-economic, environmental, legal problems. At a same time Rohingya refugees face basic demographic and socio-economic, characteristics, shelter, food, water and sanitation, safety and security concerns, knowledge and education. There are many factors influencing Rohingyas to commit crimes and this is increasing the crimes rate. So, it is most significant to unravel the problem as soon as possible. And for solving this issue first of all, we must enact the laws, the key way is to ICC that is why we must analyze the Jurisdiction of ICC first. Moreover, we can also rely on Bilateral agreements and treaty laws. Those are the rationale. Even some peoples demand that Rohingya should return to their home country from Bangladesh immediate but it shouldnot be done before settling the problem absolutely as there have been commit genocide and crime against humanity which were more serious crimes. This is often another excuse of depends on ICC more. Now the question arises about jurisdiction of ICC. From Pre-chamber III decision it is often said that from 3 points Myanmar will be liable. But those crime was committed and commanded by Army so, some officers of Army will be liable. It is true Myanmar isnot member state of ICC but under jurisdiction of Security Council encompasses a power to make sure the international peach and seeking justice is included in ensuring peach. Myanmar is liable under CEDAW and Child right as there were so many crimes committed in Myanmar against woman and children. There are 860,000 Rohingya are fled in Bangladesh from Myanmar for risk of their life. They were settled in a section already inhabited by an outsized number of Rohingya refugees who had previously escaped to cox's bazar which is thought because the world largest shelter. As their houses and villages were being attacked, burnt, and destroyed subsequently most of them are left with just the garments on their backs. They faced the humanitarian crime in their own country and lost their identity they became aggressive which increase the criminal tendency among them.

Though Bangladesh already an over populated country, Bangladesh generously host the world's largest and growing refugee settlement. the government of Bangladesh allotted 2,000 acres of land for the camp for Rohingya. After four years what are the results of that decision, what are the causes of crime among Rohingya and its impact on Bangladesh as host country. And what are the ways of settled this issue. This research focused on those points.

Presently, by passing the time government of Bangladesh suffering much to maintain the issue as the crimes are increasing day by day among Rohingya and there is a little hope that they will return

to their country. This is what we need to know about the Rohingya refugee crisis and know about ways of settled it as soon as possible.

1.2. Background of the study:

Rohingya issue is not a new phenomenon for Bangladesh. The first time of Rohingya refugees fleeing from Arakan to the Bangladesh in area of Cox's Bazar occurred in 1784. Later, during 1991 and 1992, more than 270,000 Rohingya refugees crossed the border of Bangladesh from Burma into Bangladesh. And the biggest number of Rohingya peoples fled in to Bangladesh in 2017. Bangladesh and Myanmar are neighbor countries they share their borders. Rohingya is a Muslim minority living in Myanmar and there was a conflict between people of origin of Myanmar and Rohingya.

The issue of Rohingya in Myanmar is from a long time but in 1982 The Burma citizenship law makes it impossible for Rohingya to obtain citizenship in Myanmar. After that Rohingya started leaving Myanmar for taking up residence in others states. And gradually government of Myanmar started displaced them by torturing them. They were displaced, murdered, tortured, abused, raped. After that Rohingya become stateless, it violates UDHR, Convention on the right of child, international norms which prohibited discrimination on basis of racial and religious minority. After 1971 Bangladesh has started experienced the constant Rohingya refugee flight from Myanmar for fear of religion and ethics. Bangladesh welcomed them and protected them under ab hoc decisions. And also in 2017 Bangladesh open its border for millions of Rohingyas. But Rohingyas are involving in dangerous crimes which creates more risk for future generation of Bangladesh. They are involving in drugs and arm smuggling, prostitution etc. Rohingya refugee are spoiling the reputation of Bangladesh in the international areas by committed various crimes including making fake Bangladeshi passport. And now Bangladesh is in distress over the Rohingya refugee issue such as: 1. First one is being human rights issue. 2. Insecurity issue. Tendency of crime in Rohingya is increasing day by day and it becomes more and serious challenge for Bangladesh. As criminal liability is individual so, ICC has power over it.

1.3. Research questions:

- What is the current crime rate and actual situation of Rohingya in Bangladesh.
- What are the impacts of increasing crime rate of Rohingya in Bangladesh as a host country
- How to control the Criminal tendency of Rohingya and increasing crime in Bangladesh.
- Contribution of ICC over the issue
- Can Myanmar be liable for genocide and crime against humanity
- What can be the solution of the conflict

1.4. Objective of the study:

The main object of the research is to understand the causes and impacts of criminal tendency among Rohingya in Bangladesh, Challenges for Bangladesh as a host country.

The objectives of this research paper are given below:

- To know the current and actual situation of criminal tendency of Rohingya in Bangladesh.
- To know about the impacts of Rohingya Issue on Bangladesh as a host country.
- To identify the way of Bangladesh to deal with it.
- To know about Criminal tendency of Rohingya and increasing crime in Bangladesh.
- To understanding the ICC's jurisdiction over the issue
- To know about Myanmar's liability for genocide and crime against humanity
- To set some solution of the conflict

1.5. Conceptual understanding:

This concept is for or understanding the Rohingya's criminal tendency and its impacts on Bangladesh during a better way under the sunshine of ICC's jurisdiction and also the concept is additionally for knowing and identifying the criminal liability of Myanmar.

1.6. Methodology of the study:

This research focused at analyzing the current scenario of crime tendency among Rohingya in Bangladesh and its impacts on the host country Bangladesh and this research also give stress on the ICC's jurisdiction and Myanmar's liability over the issue and some recommendations for solving this issue. With the view of addressing the aforementioned research questions, a thorough study will be conducted by mainly considering the crime rate of Rohingya, impacts on Bangladesh, criminal tendency of Rohingya and increasing crime in Bangladesh and dealing with the crime, analyzing the ICC's jurisdiction, liability of Myanmar under international law and under ICC. Some articles and data collected from online, Rome statute, selective part of a book of International criminal law, Existing laws and case study to analyzed the power of ICC over the issue.

For the purpose of collecting relevant materials for the research I studied the international data, Wikipedia of Rohingya issue, book idea of "International Criminal law and procedure", Rohingya crisis, impact of Rohingya Crisis on host country, Rohingya crisis and insecurity of Bangladesh, Rohingya Refugee Crisis: Security Concerns for Bangladesh, The effect of refugee on Bangladesh as host countries, Judgment of Pre-trial chamber, challenges of host country, legal framework on crime against humanity.

Now, I want to add among those researches – what are facing by Host country due to increasing crime rate among Rohingya and causes of committed crime, reasons behind the crime tendency and recommendation for that and how challenging it is under ICC's jurisdiction.

From my view it is serious issue that how can we solve the crisis and for solving this crisis there are some recommendation are given in this research paper.

1.7.Literature review:

Current scenario of Rohingya issue is both of Rohingya refugee and Bangladesh as a host country facing many problems, currently it is found that Rohingya refugees are involving variety of crimes which creates serious risk for our country as well as damaging reputation of Bangladesh by making fake passport. Above this situation Bangladesh also facing some pressures for not ensuring Rohingya refugee's human rights and their situation in the other hand Bangladesh found the refugees on different crime which are dangerous for Bangladesh's future so the situation is really very challenging for Bangladesh to maintained. So, we must solve the problem as soon as possible returning the refugees to Myanmar can be the solution. For that here is the biggest hope and the

dependence is on ICC but ICC has limitation to exercise its jurisdiction. ICC has jurisdiction over few crimes-

According to Antonio Cassese- there are two criteria

1. It requires universal interest on the matter of prosecution, it must violate the international community's values.
2. There is no official\diplomatic immunity for committing such crimes.

As long as it also violates treaty laws and international norms and customs.

Now, the question arises that Is ICC has jurisdiction over Myanmar-Bangladesh issues. Pre-chamber decision must be analyzed for understanding this question's answer. Among the judgment I want to add the liability of Myanmar under International law.

1.8. Significance of the Study:

Nowadays the Rohingya issue is the most popular and discussable topic and everyone has interest and have own opinion on it. From their own opinion many of them demand that Rohingya refugee must return to the Myanmar but there are so many factors which are considerable before sending them.

Bangladesh has experience on sending and receiving refugees. In 1971 Bangladeshi people went to India and after liberation war they come back voluntarily but returning Rohingya refugee is uncertain, unsettle because of lack of jurisdiction of ICC. As Myanmar is not member state of ICC so, ICC cannot bring Myanmar under prosecution but when Bangladesh take the prosecution before the chamber of ICC, there was held a pre-chamber trial the decision is given.

From the decision of pre-chamber and under international law as Myanmar ratified in CEDAW and Convention on the rights of the children. So, from this sense there can be criminal liability of Myanmar on this issue for genocide and crime against humanity.

This research is focused on present condition of criminal tendency of Rohingya and the impacts on Bangladesh and ICC's jurisdiction I think this research in significance to know about Rohingya issue up to date and for analyzing causes and solution to deducing the crime rate and tendency among Rohingya, this paper also analyzing the judgment of pre-trial chamber and international

laws for understanding the Myanmar's liability. So, this research is significant for understanding causes and solutions of criminal tendency of the Rohingya and its consequences in a better way.

1.9. Conclusion:

In present time it is one of the most alarming, massive and insensitive humanitarian crisis and become an important issue to solve. It creating so many challenges for Bangladesh so, Bangladesh is in risk of a serious crisis that is why it is most important to solve the issue as soon as possible. And for solving this issue first of all we must know and understand the jurisdiction of ICC as the ICC is the biggest hope as well as we should to think for solving the problem under treaty law and Myanmar's liability. Under genocide and crime against humanity must be considered at the time of solving the issue because genocide and crime against humanity is more serious crimes. Bangladesh also can enact any laws for settling the issue.

Chapter 2

Rohingya refugee crisis in Bangladesh

2.1. Who are "Rohingya":

Rohingya are a group, majority of them are Muslim. They were lived in Myanmar for hundreds of years. They were not considered collectively of the country's 135 official ethnic groups. Myanmar rejected their Rohingya terminology and refers to them instead as Bengali.

The term 'Rohingya' has been derived from an Arabic term 'Rahm' meaning of the word is 'Mercy'. Their origin is from Arab merchant who came to Myanmar for trade. By passing time the term changed to 'Rhohang' so into 'Rohingya'. Muslim leaders of Rakhine state promoted the term 'Rohingya'. First formally recognize in 1951 of Muslim leaders to Prime Minister.

2.2. Rohingya refugee crisis:

'Rohingya Refugee crisis' one in all the foremost alarming, massive, holocaust and insensitive humanitarian crisis which initiated Myanmar. The government of Myanmar after their

independence declared the migration during British rule as 'illegal,' and on the basis of this declaration they refused to convey citizenship to the Rohingya. In 1948 after independence of Myanmar from British government, the union Citizenship Act was passed which defining that the ethnicities could gain citizenship but the Rohingya weren't included. After 1962, all citizens were get national registration card but only Rohingya got the foreign card which were depriving them from many roles and academic opportunity. Finally, in 1982 which didn't include Rohingya in country's 135 group. it absolutely was effectively rendering the Rohingya stateless. As a result of the law, their rights to check, work, travel, marry, practice their religion and access health services are and still be restricted. They were always persecution by Myanmar government and Military also. Military crackdowns were inflicted upon them. They were subjected to masskilling, rape, torture, deportation, force labour, slavery and other varieties of gross human rights violations including genocide and crimes against humanity. Government of Myanmar declared that ARSA-Arakan Rohingya nongovernmental organization was a foreign terrorist organization by claimed that they were attack on police and military posts. Military campaigning compelled Seven thousand Rohingya to go away from Myanmar, during the campaign they destroy so many villages of Rohingya. Security forces of Myanmar also allegedly opened fire on fleeing civilians and planted land near border crossings utilized by Rohingya to escape to Bangladesh. Now, in Bangladesh they're facing many problems and also Bangladesh as host country suffering a most for this Rohingya refugee issue. Rohingya refugee suffering lack of human rights, sanitation, education, safety, health right etc.This is the Rohingya refugee crisis.

2.2.1.Rohingya refugee crisis in Bangladesh:

Rohingya refugee is not new in Bangladesh. From a protracted time after persecution of Myanmar and depriving from rights the Rohingyas fled to Bangladesh. An outsized number of Rohingya living in Bangladesh they came in numerous times. The most important number of Rohingya came into Bangladesh in 2017. Now, Bangladesh has started experiencing the problems for the issues of Rohingyas. Demographic vulnerability and socio-economic condition of Bangladesh do not supportthe extra responsibility but there are quite 1,000,000 Rohingya refugees are currently staying in Bangladesh. It created many problems for Bangladesh. Bangladesh facing social, environmental, legal and financial impacts due to this crisis. Bangladesh is one of the over populated country of South Asia and Bangladesh share her boarder with India and Myanmar who

are the closest neighboring states of Bangladesh. After her independence in 1971, Bangladesh has started experiencing the constant refugee flight of Muslim Rohingya from Myanmar because of the fear of spiritual also as ethnic persecution. Bangladesh has mostly welcomed them and provided them protection under the impromptu decisions, notwithstanding there is not any jurisprudence for the refugees. But till 2013, no solution has been found and also the numbers of refugee flights are gradually increasing to the extent. In 2017 Bangladesh re-open her border for Rohingya for humanity but they are spoiling the reputation of Bangladesh within the international arena by committing various crimes for example creating fake Bangladeshi passport. Bangladesh is in an exceedingly very quandary over the refugee issues: firstly, being the human offer and secondly the national security issue. So, the refugee crisis in Bangladesh require to resolve immediately and permanently because it creating difficulties for Bangladesh.

However, in reality Bangladesh is not the ultimate final destination and safe zone for refugees because it is not a state member to the Refugee Convention or its 1967 Protocol¹ or a member to the Statelessness Conventions of 1954 and 1961². However, Bangladesh could not reject to give shelters to the Rohingya refugees. Bangladesh gave them shelters only on humanitarian grounds.

Bangladesh has decided to help the Rohingya, it is not enough to accommodate them because there is a lack of strict domestic law concerning asylum seekers and refugees in Bangladesh, related to “Rohingya Crisis” to save the reputation of Bangladesh in the international arena.

2.2.2. Story of Rohingya in Bangladesh:

They were the only group in Myanmar restricted from marriage, traveling beyond their village or building likewise as maintaining religious structures. Additionally, they were subject to frequent forced labor, arbitrary taxation, and sexual violence and land confiscations by the Nasaka. Even, Rohingya women could not become pregnant without official permission. Some delivered their babies secretly in Bangladesh and lots of young couples fled to Bangladesh due to the shortcoming to get permission to marry in Myanmar. As a result of such discrimination, large numbers of Rohingyas have left Myanmar and brought up residence elsewhere. While there is a general lack

¹ The 1951 Refugee Convention and its 1967 Protocol

² The 1954 Convention.

of precision with relation to the quantity of individuals involved, they are estimated to be up to 400,000 in Bangladesh.

In 2012, for the first time Bangladesh taken the decision to stop welcoming Rohingyas in the area of Bangladesh by refusing to accommodate the Rohingyas due to national security of the country. Rohingya refugees are staying in Bangladesh for quite 20 years without contributing any economic and social benefit to the host country.³

In June 2012, Bangladeshi security forces turned back 16 boats carrying over 660 Rohingya people, most of them women and youngsters as they tried to enter from neighboring Burma acrossing the Naf River. A senior official of the Foreign Ministry said, "Our position is obvious that we cannot accept to any extent further refugees in Bangladesh. There are already 400,000 Rohingyas here and that we cannot allow anymore. Rather, we are during a process to challenge the present refugees." It had been criticized that "on June 10, 2012, Myanmar declared a state of emergency within the western state of Rakhine after clashes between the Buddhists and also the Rohingyas that left 50 people dead. Ten days later, on June 20, 2012, quite 90,000 Rohingya refugees fled Myanmar to the Bangladeshi border, only to be denied access. On June 2012, the secretary of state of Bangladesh, Dipu Moni, expressed anxiety that there is a heavy problem for Bangladesh if there was any fresh influx of Rohingyas, as there have been already an enormous number of them within the country. Bangladesh could be a densely populated country and therefore the Rohingyas have seriously impacted on our society, law, order, and environment. Considering all aspects, it will create serious problems for us. On 17 August 2012, the minister further said that Rohingyas would definitely be sent back to Myanmar soon, We have finalized to send them back to their homeland through discussion with the Myanmar authority but couldnot do so due to the occurrence of a riot there," Dipu Moni further said, „We have already urged Myanmar about the safe return of the Rohingyas so they will come to their homeland voluntarily with their rights and dignity," she said. On border to Rohingyas fleeing sectarian violence in Myanmar. secretary of state Dipu Moni during a statement in Parliament requested those agencies and friendly countries to request the Myanmar government to resolve their internal problem without overspilling it into

³Chickera, A. d. (2017). Statelessness and identity in the Rohingya refugee crisis.

its peaceful neighboring countries. She also advised the donor agencies to increase their help to the Rohingya victims in Myanmar rather than in Bangladesh.

Bangladesh has started facing the issues regarding Refugees since 1978, almost 200,000 refugees came into Bangladesh and took shelter. These refugees fled from Myanmar called “Rohingya”. Again in 1991-92 approximately 250,000 refugees fled from Myanmar’s western Rakhine state and this non-secular, ethnic and linguistic minority group of Myanmar then left the country and started to living in Bangladesh in the Cox’s Bazaar district. After that still the journey is going on. However, recently the issue has become a fearsome issue in Bangladesh as it has already over population for the same reason Bangladesh faces various social and economic difficulties while giving necessary things to the needed refuge. In fact, legally Bangladesh isn't guaranteed to be the ultimate sanctuary for the refugees from Myanmar or from the other state. Like many other countries in Asia, Bangladesh isn't a celebration to the 1951 Refugee Convention or its 1967 Protocol. Neither is it a celebration to the 1954 and 1961 Statelessness Conventions.

Even though Bangladesh isn't a member of the 1951 Refugee Convention, yet Bangladesh has very often widely opened its arms to welcome these refugees only on humanitarian ground, and no more no less. But the fact of the scenario is that Bangladesh still has not the luxurious to afford these refugees the political neither the economic comfort of accommodation as a political asylum. Within the absence of any strict domestic law, to avoid wasting its image within the international arena, Bangladesh is struggling very hard indeed to beat this refugee issue. The vision of this write-up is to spotlight the issues of Rohingya refugees and also to recommend the framing of a strict domestic law to specifically handle this example.

The Rohingya crisis is currently one of the most burning problems in Bangladesh, the country were struggling for the refugee issue since 1978. Refugees came to Bangladesh from Myanmar to require shelter due to risk in Myanmar those Muslim refugees are called “Rohingya.” In 2017–2018 about 400,000 Rohingya refugees fleeing from the Rakhine state and reached to Bangladesh. Now, they are depriving from their human rights and civil rights. At present time, This issue has now become a burning issue in Bangladesh, which creating challenges for Bangladesh as there are crimes rate is increasing day by day. Bangladesh facing the different issues due to large number of refugee because the refugees still entering into Bangladesh for shelter. For this reason, Bangladesh is facing various kinds of problem like socioeconomic, political and

financial problems while trying to manage the necessities of life to those refugees. The Bangladesh authorities has attempted to address the multi-dimensional “Rohingya Crisis”, which is being taken into consideration significantly via way of means of several worldwide corporations and NGOs in Bangladesh. There has been international challenge concerning the atrocious act of the Myanmar authorities toward the Rohingya refugees sheltered in Bangladesh. During this dire situation, there is a need for more focus approximately this multi-dimensional disaster. It is time for international leaders to expand an open-minded, reorganized, and diplomatic outlook to address the Rohingya Crisis. The mass inflow of Rohingya refugees and their contribution or, act in Cox’s Bazar have raised numerous severe issues- for example, humanitarian, economic, environmental, local relations, and maximum of all, protection issues. the safety issues have dimensions:

- (i) the potential conflict between the Rohingyas and host community. and
- (ii) the radicalization of the Rohingyas who've suffered unparalleled deprivations, non-secular persecution and different inhuman atrocities. This evaluation is undertaken to identify the overall impacts, disaster and demanding situations associated with protection risks.

2.3. Why are the criminal tendency increasing day by day among Rohingyas in Bangladesh:

Rohingyas were brutally forced out of their country by the Myanmar authorities, there are still no signs of any environment being created for his or her safe return. Despite pretending as if it'd work with the Bangladesh government to facilitate the return of Rohingyas now living as refugees in Bangladesh, the Myanmar government has done nothing towards that end. From a protracted time of hardships and uncertainty have left the Rohingyas increasingly more desperate. This creating an explosion of drug trade involving Rohingyas living within the Cox's Bazar camps as well as abductions, the drug trade is responsible for increasing crimes within the camps. The effect of increasing crimes among Rohingyas effect the people outside the camp, local people are becoming more apprehensive.

Recent data of crimes at refugee camps in Cox’s Bazar shows that, various type of crimes like kidnapping, robbery, rape, human trafficking and attacking on Police are increasing day by day. In the camp there is also found the employment of arms and medicines which show the risk of security in Bangladesh. For example:five Rohingya has been arrested for holding sharp weapons

they have been arrested by Armed Police Battalion (APB). APBn also report that Rohingya are carrying dangerous weapons in their camps.

As an "ethnic cleansing" mission, and committing genocide against the Muslim-minority group in Myanmar 1.1 million of Rohingya fled from Myanmar to Bangladesh in 2017.

2.4. Present crisis of Rohingya Refugee

- I. Statelessness
- II. lost identity
- III. National Security
- IV. Scenario of human right of Rohingya

Present crisis of Rohingya Refugee:

Statelessness: There are no doubt that Rohingyas are stateless. It is widely known and uncontroversial fact. In Myanmar's history Myanmar several time they declared that Rohingyas are not citizen on Myanmar. The Citizenship Act, 1982 of Myanmar by this Rohingyas become stateless and rendered them illegal migrants in their own country. According to the new law, "there were three categories of citizens, namely, i) full, ii) associated, and iii) naturalized citizens. The Rohingyas do not fulfill any of these three criteria."⁴After that they were became stateless.

"the effect of the Burma Citizenship Law 1982⁵ is to make it almost impossible for the Rohingya to gain citizenship." (<https://odihpn.org/magazine/statelessness-identity-rohingya-refugee-crisis/>)

It violates the Universal Declaration of HumanRights, international norms prohibit the discrimination on the basis of racial and religious minorities. It also violating of the Convention on the Rights of the Child. "The legal and practical constraints imposed by the Citizenship Law 1982 render it "almost impossible" for the Rohingyas to be recognized as the legitimate citizens of Burma"

⁴Chickera, A. d. (2017). Statelessness and identity in the Rohingya refugee crisis.

⁵ The Myanmar 1982 citizenship law

Lost Identity:

The most painful plight is dropping identification. The Rohingyas were affected by an identification disaster for a protracted time. Though as citizens of the country they contributed to society and economy in Myanmar, their origin, ethnicity and identification repeatedly. But they were declared by government of Myanmar as “Illegal Bengali Immigrants to Myanmar”.and the government of Bangladesh, identifies them as “Forcefully Displaced Myanmar Citizens. There are several international human rights treaties signed by Bangladesh. Some of these treaty’s provisions indirectly promote refugee rights that are not enforceable in courts of law. Bangladesh issued identity cards to the Rohingyas by addressing “Myanmar Nationals” for handling the crisis. By this identity they were biometrically registered by the Department of Immigration and Passport, Bangladesh. They receive three types of humanitarian aid: material relief, medical assistance and shelter in Bangladesh.⁶

2.5. Present scenario of criminal tendency among Rohingya in Bangladesh:

Criminal activities in Rohingya camps are increasing day by day. The aggrieved Rohingya are involving in various kind of crimes. Most of them are teenagers and youth. Their life is now in the crowded, risk of conflict and clashessides. According to the human rights activist they are targeted by the groups like Harakah al Yaqin or ARSA, RSO and IslamiMahaz who are reportedly active inside the camps. People complaining about Munna Group, Hakim Robbery Group and other criminal groups who committing crimes like drug smuggling, robbery, kidnapping, extortion in the camps.

During Four years 1,366 were filed:

During 4 years, in 23 Rohingya camps minimum 1,366 cases were filed under Ukhiya police and Taknaf Police. Those cases are related to keeping arms, drugs, rape, murder, human trafficking, robbery, defying the Foreigner Acts. Among those cases 13 cases are reported in 2018. During 2021 police found 17 pistols, 53 rifles, 4 pipe guns and 44 LG guns. Murder are become a common incidence in the camps. During 2017 to 2021 there was 83 cases were filed of Rohingya murders. During the ‘gunfights’ with different law-enforcement agencies 24 Rohingyas were killed. A

⁶Khudrat-E-Khuda. (2020). The impacts and challenges to host country Bangladesh due to sheltering the Rohingya refugee. Cogent Social Science.

minimum one hundred and nine Rohingya among two hundred Seventy Nine were murdered in the anti-drug raids by the officers of law enforcing agency in Cox's Bazar.⁷

In the last 1-2 October Bdnews24.com tried to talk with the people of the camps but they refused to respond on the issues of the camp. After Mohib Ullah murder the situation became very poor. Ansharullah an owner of a shop inform the Bdnews.com that within the camp many people identifying themselves as a member of "Harakah al Yaqin" means Arakah Rohingya organization (ARSA) and there are so many small groups are in the camp and run their business to earn by export Rohingya. There are 20 criminal groups are in the camp. However, the government always denied the existence of ARSA there⁸.

In 2018, 208 criminal cases were filed against members of the Rohingya community. That figure rose to 263 last year. And in the first seven months of this year, 178 cases have already been filed against the Rohingyas. This, according to law enforcers, is only the tip of the iceberg, as a large number of crimes including murder, abduction, and sexual harassment go unreported inside the camps⁹.

Chapter III

Crime and Insecurity

3.1.Crimes committed by Rohingya in Bangladesh:

Drugs and Arms Smuggling:

Another most significant safety challenge for Bangladesh is the unlawful drug trade and smuggling within the border of Bangladesh and Myanmar. "Drug exchange and smuggling occurs within Sittwe and Moundaw in the Rakhine state and Teknaf of Bangladesh. Myanmar is the member of

⁷Rumi, G. M. (2021). As Drugs and arms pour in, Rohingya camps see a rise in crimes. bdnews24.com.

⁸Rumi, G. M. (2021). As Drugs and arms pour in, Rohingya camps see a rise in crimes. bdnews24.com.

⁹Desperate Rohingyas turning to crimes. The daily star (2020).

the infamous 'Golden Triangle' which refers to 3 illegal drug generating countries (others are Thailand and Laos). Therefore, Myanmar is taken into consideration as the largest hub for each illicit Narco-manufacturing and trafficking in the South and South East Asia and additionally in the whole world. This is the security concern for Bangladesh, as Bangladesh is sharing its border with Myanmar and as the country is used as a channel for drug smuggling, particularly Yaba, The Thai phrase for "crazy medicine", Yaba is often synthetic in the Myanmar-Thai border. This is an artificial stimulant drug in particular methamphetamine in pill shape used for leisure purposes. Other substances used for the drug is caffeine. It is available in a whole lot of flavours (which includes grape, vanilla and orange). In accordance with the Centre Research of University of Maryland (2013), said that the biggest drug trafficking company is in Burma and Myanmar is the number one producer of yaba in Southeast Asia, the marketplace of the tablets is Thailand."

Ethic cleansing operation and genocide in Myanmar make desperate the Rohingya to fled from Myanmar. In this circumstance they fled from the country and reached in Bangladesh but they still want to improve their living that is why they are involving in various of crimes due to earning. For that reasons they are targeted by Bangladeshi smuggler to bring illegal medicines. They are using for gather drugs from the border with the local fisherman. There are some allegation that some government officer are involves with them in this trade. As thousand of Rohingya are coming over the border daily and directly so, it is very difficult to trace the trade.

Three young Rohingya men has been arrested by the Border Guard while transferring drugs across the border. "The BGB did not express the amount of Yaba tablets seized from Rohingyas, but said that the total seizure of Yaba pills was about worth Tk 36.77 lakh"¹⁰

Major drugs and arms recovery drives refering to Rohingyas during August 2017 to April 2018:

"In Sitakunda Upazila on 27 September 2017, Police arrested two Rohingya teenagers who had attempting to smuggle 1,500 yaba tablets in Sitakunda and on 28 September 2017, in Naf river estuary Bangladesh Police arrests three Rohingya trying to smuggle 8,00,000 meth pills from Myanmar"¹¹

¹⁰ Rohingya a people not wanted anywhere, January 26, 2019.

¹¹ Towfic, H. A. (2019). Rohingya Refugee crisis and the State of Insecurity in Bangladesh . Researchgate.

STI/RTI Risks:

As there are so many lackage of human rights in the over crowded camp. This situation pushes the women to involve in prostitution and survival sex. As by this way they can earn money easily they are engaging in survival sex, it increasing the risk of HIV,AIDS, STI, RTI.

Practical Actionsand officials of BRAC informed: “collecting such information is extremely risky, it can seriously agitate the camp dwellers, most of the NGO and aid agency field workers typically avoid such data practices.” The most serious risk for security is those women and girls are extended behong the camp by help of locals. This prostitution is continuously increasing in the camp. Most of the Rohingya have HIV\AIDS but the matter of sorrow for us that we have no mechanism to prevent or, detect this. HIV positive are so high in the camp specially in Balukhali and Kutupalong.

Human trafficking and fabrication ofDocuments:

In the camps the Rohingyas are desperate to go somewhere also where they can lead a better life for this reason they want to go in other countries like middle-east, Thailand, Malaysia etc. In the mean time they are getting targeted my international human trafficking gang. During the dangerous board journey many Rohingya has died. Near the Saint Martin Island some Rohingya and 5 traffickers are found during fleeing by board. For going across the boarder they have started fabricating documents like creating fake NID and Passports. Bangladesh Police were arrested so many brokers with fake NIDs and Passports in Bangladesh. This tendency can be considered as one of the biggest challenges for Bangladesh. Moreover, they aretargeting by international terrorist groups to join the groups and Rohingya are likelihood to join them for money and with having similarities in religious beliefs.

Murder: The number of arms and drug-related cases has increased sharply over the last three years against Rohingyas living in Cox’s Bazar camps in comparison to other crimes, according to an officialstatistics.The statistics also shows that 2019 saw the highest number of murders and involvement of human trafficking-related crimes in the camps while the law enforcement agencies launched a crackdown against such crimes resulting an increasing number of deaths in the reported incidents of ‘gunfights’. According to the statistic of the Cox’s Bazar police headquarterstotal of 725 criminal were filed during August 2017 and August 2020.

The crimes these displaced people are involved in include possession of illegal arms and drugs, robbery, rapes, abduction, smuggling, theft, murder, and human trafficking. Cox's Bazar police superintendent ABM Masud Hossain said that the law and order situation in the district was improving but they wanted more vigilance to maintain the order in the coming days.

A total of 103 Rohingya refugees including women were killed in 'gunfights' with law enforcement agencies related to drug peddling, human trafficking and robbery in the camps and its adjacent areas between January 1, 2019 and July 31, 2020. At least 17 arms cases were recorded in first seven months and a half in 2020, of which 58 people were prosecuted while 17 cases were filed in 2019 prosecuting 46, and 13 arms cases were filed in 2018 prosecuting.

Hijack and Robbery: hijacking become a common incident in Rohingya camp, Cox's Bazar. There are some spots where the incident is very common such as railway station, bus stop, stadium etc.

Robbery incidents and robbery-related crimes increased in 2020. One case was filed in the 2020 prosecuting 14 people. In 2019 no case was filed. Before 2019 there was at least 7 cases on the same prosecution were filed.

The government deployed two Armed Police Battalions in the camp areas while the Bangladesh Army has started constructing barbed wire fences around the camps to minimise incidents of crimes around the camps amid criticism from the international organizations.

As the Rohingya people has no employment or, has no way to earn money they are involving in crimes like hijack.

Making fake identity:

As the Rohingya are now identity less they do not have any Nationality even they have no refugee status after the Citizenship act of Myanmar 1982 and after the decision of stop giving Rohingya the refugee status. And now at the present time they have to struggle to survive as they have very little basic rights to live. For this reason, they are desperately want to go somewhere also. As they have no identity they cannot go or, try to go somewhere. And for this reason, they have started to make fake Bangladeshi passports/ NID card to go abroad.

Tendency to move somewhere also:

Present situation of Rohingya and their human rights influencing Rohingya to commit crime. As they have so many restrictions to move, to work, to education, to medicine all those factors influence the Rohingya to leave the place and go somewhere also. In this situation they are involving in crimes.

3.2. Causes of committing Crimes:

There are many reasons of committing crimes as Rohingya faced persecution in Myanmar for a long time and after that they flee in Bangladesh to live. And in Bangladesh they cannot get the status of Refugee they are living in a camp where there are so many restrictions. They cannot enjoy their basic rights as human being. They have no employment, job, work to get money that is why they are involving in crimes. There are many reasons behind the crimes of Rohingya. But the crucial issue is economic that is unemployment as well as the restrictions and security in the camp. Rohingya suffered persecution in Myanmar lost their everything even, Their family and near friends too.

And still are depriving from many rights.

Unemployment: lack of identity Rohingya are restricted to employment another reason is lack of education. As they are not eligible to work legally they are involving in various crimes.

3.3. Insecurities in Bangladesh:

Crime and Violence:

It is not pleasing for a society to handle a big number of refugees. Rohingya issue can be an example of this in Bangladesh where they are living it is a remote area the local people also suffer as cultivation is difficult in hills. And in this situation their aggressive behavior and crime tendency made the situation worst. Their drug peddling, inner feuds, mob violence show the level of security treats in Bangladesh.

According to Bangladesh Peace Observatory(2018), After 2017, for current disaster 42 predominant crook incidents made victim both of Rohingya and citizen of Bangladesh. For example, in January 2018, a set of unidentified miscreants killed a Rohingya Muazzin in the Balukhali camp, Cox's bazar. Officials declare that this become the 1/3 homicide in a sequence of killing occurred in opposition to the those who overtly favours repatriation. In every other incident

in October 2017, a Rohingya guy attacked a Bangladeshi guy for allegedly having a bootleg courting together along with his girl relative. Just someday after the incident, primarily based totally on theft allegations, Rohingya inmates attacked the close by Bengali network and injured 5 Bangladeshi employees in the Balukhali camp. In January 2018, a Rohingya guy stabbed every other to dying at Kutupalong primarily based totally on antique enmity. Most recently, Rohingyas beat up 4 Chakma in the Ukhiaupazilla. Injured indigenous institution individuals have been later taken into the close by clinic for treatment. The incident occurred whilst Rohingyas desired to gather firewood with the aid of using violating a betelleaf lawn and confronted protest from the Chakma owners. Illegal reducing of bushes is every other supply of violence regularly dedicated with the aid of using the refugees. On January 2018, neighborhood Forest Department chased numerous Rohingyas away in an eviction power wherein ten Rohingyas and 8 woodland officers obtained injuries. At least 2 hundred brief sheds have been demolished constructed with the aid of using them in the reserved woodland regions in Kutupalang, Ukhia. sixty seven Similar prevalence of hacking, killing, unlawful sports are taking vicinity in a everyday interval. Bangladesh Police, Rapid Action Battalion (RAB), and Border Guard Bangladesh (BGB) had been deployed to save you such incidents. So far, the regulation enforcer organizations are actively wearing out their duties. But, mountainous terrain, dense woodland, and fragile border critically avert their efforts.

Extremism and terrorism:

According to the International Crisis Group (ICG)

Report on December 2018, a Mujahideen extremist institution will upward thrust up inside very brief time in South Asia. Most of the Rohingyas are illiterate and blind at the religion. Moreover, they misplaced the whole lot that they'd over the past violence in 2017 in Myanmar. Now they haven't any precise identification and are confined from unfastened movement. In the meantime, extremist organizations which includes ARSA are concentrated on Rohingya to sign up for them. Many extremist organizations are making use of allusive strategies for attracting Rohingyas to sign up for them which includes paying money, offering foods & unfastened guns and so on. In June 2019, Bangladesh Police have determined three extremist Rohingyas with lot of extremist symbols like bomb making materials, neighborhood arms, gunpowder etc. In September 2018, police determined five Rohingyas burnt with the aid of using their very own bomb blast. Such incidents can nicely imply footprints of Rohingyas becoming a member of with extremist organizations

because of the shortage of social status, poverty, blind spiritual understanding and shortage of opportunities. In particular, younger Rohingyas are concerning themselves with extremist organizations now-a-days.

Chapter IV

Impact on Bangladesh as a Host country

4.1. Tendency of crime of Rohingya refugee:

In the present time, Rohingya crisis is the biggest crisis in Bangladesh. The Rohingyas are an ethnic group of Myanmar who are Muslim. The Rohingyas lived in Myanmar for a long time but they have been persecuted in their country and eradicated from their own homes, villages and land by Myanmar's military. Thousands of Rohingyas were killed in Myanmar by a massive crackdown in August, 2017 and triggered the mass exodus of around three-quarters of a million of them to this country. Amongst the world's maximum closely persecuted minority groups are the Rohingyas, who fled from Myanmar and found asylum in Bangladesh. In 2017, the biggest number of Rohingyas fled into Bangladesh. They were tortured in Myanmar and now they are suffering a lot for their basic rights. They are living in the camp where so many restrictions are given to them. In this situation they cannot access their rights they cannot earn money and for this situation they are involving into crimes to earn, to live better.

Even they have started to hijack local peoples in local areas. They are involving in crime without thinking anything that is why recently, they have started robbery. They suffered persecuted in Myanmar and deprived from all rights for a long time and finally come in Bangladesh, and still they are not enjoying a better life and for better life they must earn money so, they want to earn money for this reason they are targeted by human trafficking gang and smuggler for smuggling. Now, Rohingyas are desperately involving in crimes sometimes for expect to live better, sometimes for earning money. As they lost everything even their identity, they are now rash and reckless. They care for nothing before committed crimes. And this is the biggest challenge for Bangladesh to control the increasing crimes among Rohingyas.

4.2. Destroying the reputation of Bangladesh on International aspect:

Bangladesh is an over populated country of South Asia. Bangladesh share her boarder with her neighboring states India and Myanmar. After her independence in 1971, Bangladesh had started experiencing the constant refugee flight of Muslim Rohingya from Myanmar because of the fear of religious as well as ethnic persecution. When they started entered in Bangladesh from Myanmar Bangladesh welcomed them and provided all protection under the ad hoc decisions, notwithstanding there is no statutory law for the refugees. But till 2013, no solution were found as a result the refugee flights were increasing. And finally, Bangladesh take a decision to stop welcoming fleeing Rohingya from Myanmar. "Rohingya refugees are spoiling the reputation of Bangladesh in the international arena besides committing various crimes under the guise of fake Bangladeshi passport"¹². Bangladesh is in a quandary over the refugee issues: firstly, being the human rights issue and secondly the national security issue. I am of the positive and proactive opinion that it is now the appropriate time that Bangladesh should enact strict domestic laws to prevent the indirectly forced entrance of the Rohingyas from Myanmar.

4.3. Present situation of crime treats of Rohingya in Bangladesh:

Thousands of Rohingya were escape from Myanmar to different nation to found shelter since 1970 due to persecution. They have been started to come into Bangladesh in diverse methods. In time, the wide variety Rohingya it about one million are living in Bangladesh and they are suffering from diverse fitness troubles. Due to this situation Rohingya are in a risk however, it is additionally risky forentire Cox's Bazar as they are living there. The Rohingya are tormented by diverse fitness headaches even after giving fitness provider to diverse nearby and overseas institutions. The Rohingya are suffering from danger of tormented by various health issues for example measles, cholera, rubella, diphtheria, HIV' AIDS, rubella, malaria, diphtheria etc. The Rohingya community are not only affected in fitness troubles however additionally they are involving to offences, for example they are involving to human trafficking, robbery, drug padding, rape, kidnapping and different so on. This study tries to look at the involving of Rohingya in various crimes and crime

¹²Amin, A. (2014). The Rohingya Refugee in Bangladesh: A vulnerable Group in law and Policy. Researchgate.

treat to Bangladesh. In Bangladesh the present disaster of Rohingya issue creates security concern and treats and it has become very challenging for Bangladesh to handle this situation and these are related to border safety, human security, internal security, terrorism and militancy. The government of Bangladesh and others NGOs from humanitarian concern taking so many measures for Rohingya in the camps they are trying to provide education and healthcare. Rohingyas are suffering from many health issues, they are injured and in their camp there are so many inner conflicts those factors push the people to involve in the crimes. They are suffering from health issues and destructions from their Rakhine days which made social stigma and for this reason the tendency of quarrelling are increased in them those factors made them to involve in crimes.

4.4. legal and crimes impacts on Bangladesh of the Rohingya crisis:

➤ **Human Trafficking:** There are many alarming reviews that Rohingya trafficking involves numerous crime syndicates to smuggle the Rohingyas as they are not wanting to stay there in the camps. They rate trafficking expenses starting from BDT 20,000 to 50,000. Many nearby and country wide newspapers have additionally posted reviews at the trafficking of ladies to international markets.

➤ **Forced prostitution:** Many lady Rohingya refugees have engaged themselves in prostitution and because of their poverty, they have taken it as a business. There is a possible risk for the newcomers falling prey to this profession.

➤ **Fake identity:** As Rohingyas have no identity right now and it is difficult for them to move somewhere also that is why many of them are trying to gain the Bangladeshi identity that is why they are making fake passport and others identity document like identity card. They can do this because of corrupted officer of police officers and political activists.

- Drug dealing: There is another matter of concern that “drug distribution attracting the Rohingyas”.¹³ Rohingya refugees are increasing the trade and use of narcotic drugs for example: Yaba within the cities and villages of Bangladesh. The faculty and university going students of Cox’s Bazar highlighted the matter of Yaba addiction in Bangladesh. They were concerned about the carrying Yaba by entering Rohingya.
- SIM Cards and Mobile phone: Authorities of Bangladesh had prohibited Bangladeshi operators of telecom to promote cellular telecall smartphone SIM playing cards to the Rohingyas but it became discovered that a few Rohingyas have cellular telephones and they're the use of the Bangladeshi Mobile Phone SIM playing cards. It is a matter of concern that how they are getting the phones and sim card.

4.5.Challenges for Bangladesh to maintaining the issues:

Marriage between the Rohingyas and local people:

There are many evidences that some Rohingyas are trying to build the relationships with the local people through marriage¹⁴. As noted earlier, Rohingyas have similar religious beliefs (Islamic) as the local people have. Some desperate Rohingyas are trying to get into the marital relationship with local Bangladeshi people by making fake NIDs and Passports. Such relationships can be considered as one of the major security threats to the national identity.

Uncontrolled movement

Although the Rohingya refugees are concentrated on several camps, they often flee and mix themselves up with the local people. As a matter of fact, they can disguise easily among the local people (Chittagongians) as both those people (Chittagongians and Rohingyas) have similarities in body structure, facial structure, language and attire. Such attempts can be considered as one of the serious national identity threats.

Terrorism and Extremism

¹³Khudrat-E-Khuda. (2020). The impacts and challenges to host country Bangladesh due to sheltering the Rohingya refugee. Cogent Social Science.

¹⁴Hossain, M. S. (n.d.). Rohingya refugee crisis: Security concern for Bangladesh. South Asian Journal of Social studies and Economic.

The International Crisis Group (ICG) on December 2018 reported that, a Mujahideen extremist group will emerge instantly in South Asia. Mostly they are illiterate and blind in religion. Till 2017 they were persecuted in Myanmar also they have lost their specific identity. In Myanmar they were restricted from exercising their Human Rights. As they are suffering from many financial crisis, they have no money to fulfil their basic rights even having foods, they have no identity that is why they are desperate to go somewhere also to have new identity even they are ready to commit crimes to fulfill their demand. That is why they are targeting by extremist groups like ARSA to join them. Extremist group can easily attract them as they are desperate to change their situation by any means. Rohingya are involving in crime for money, free weapon, foods, expectation to go abroad. Bangladesh police on June 2019 found bomb making material carrying by 3 Rohingya Bangladesh police also found 5 were burnt during blasting their own bomb. Those dangerous attempt of Rohingya show how much it challenging for Bangladesh. "Due to the lack of social status, poverty, blind religious knowledge and lack of opportunities. In particular, young Rohingyas are involving themselves with extremist groups now-a-days"¹⁵

Increasing crime rate: Crime rate among Rohingya are increasing day by day, it became very challenging for Bangladesh to control the crime. There is no specific statistic of crimes and criminal in Rohingya camp. The social working said that it can not be measure that how many and how many types of crime committed in the camps. Drug dealing, smuggling, prostitution, hijacking, robbery increasing in local places like bus stop, rail station, stadium. Those created a high risk for people and as they known the local language of Chittagong it is difficult to identify the Rohingya in this scope they are extended beyond the camp. So many deceases of them are infected the local peoples. It is very difficult of government of Bangladesh. so, government should enact laws immediately to settle the issue and control the increasing crimes.

Ensure security for citizen: As crimes among Rohingya are increasing day by day it creates high risk for citizen of Bangladesh. Rohingya are now not limited within their crime they started to extend more. To go somewhere also they started to make fake document. They talk in similar language of Chittagong, to primarily it is difficult for anyone to identify them. Not only that they

¹⁵Hossain, M. S. (n.d.). Rohingya refugee crisis: Security concern for Bangladesh. South Asian Journal of Social studies and Economic.

are involved and involving in different crimes which harming the citizens of Bangladesh and harming the reputation of people of Chittagong. It created a suspect to identify deference between Rohingya and local people. Rohingya and their increasing crimes create insecurities for citizen of the country. So, for ensuring security government must enact laws to control the crime rate and ensure the security for citizen.

Broader security: smuggling and drug dealing by Rohingya show that how risky our broader is. Bangladesh share her broader with her neighbour country Myanmar. Rohingyas were suffered persecution in Myanmar and they become bound to flee in Bangladesh. After 2013 Bangladesh stop giving the Rohingya the status of refugee. So, they are not stateless and permitted to live within the camp only, even in the camp there are so strict restrictions for them. They are not enjoying their basic rights due to the restrictions. In this situation they are suffering most for money and for this reason, they are targeted by smugglers and drug dealer for their illegal intention. Most of the transections are make in the boarder between Bangladesh and Myanmar. The person who start to lead the camp is murdered by a criminal in the camp it show the actual scenario of the security in the camp and in the boarder. Government should concern about this as it is a serious issue and is related to the country's and citizen's security.

Chapter 5

ICC's role and power over the Issue and Liability of Myanmar

5.1. International crimes:

International crimes it must violate the treaty law or, customary international law.

That is mean violates such law which is considering by all countries as violate.

According to Antonio Cassese,

There are two more criteria to be international crimes.

1. There must be universal interest over the prosecution.
2. Whoever commit crime there should not be any official or, diplomatic immunity over the crime.

3. Violates the treaty laws as well as customary international laws at the same time.
4. Violates such rights where the international community has value.

“On those crimes on which international criminal court or, tribunal has jurisdiction those are international crime.”¹⁶

International crimes have two criteria of crimes one is Core crimes and another is Treaty crime.

Core crimes are genocide, crime against humanity, war crime, crime of aggression and over those crimes ICC has jurisdiction.

ICC has jurisdiction over only the state members but ICC's security council has a power to ensure international peace by this power security council can investigate a crime even where the state is not a member state of ICC.

5.2 Jurisdiction of ICC:

International criminal court is a permanent tribunal established under Rome statute. That means the parent law of ICC is Rome statute.

Jurisdiction of Rome statute:

1. subject matter (Article)¹⁷
2. temporal jurisdiction.
3. territorial or personal jurisdiction

Territorial or personal jurisdiction means security council's authority.

Present time Rome statute has jurisdiction over four crimes-

- Genocide
- Crime against humanity
- Crime of aggression
- War crimes

¹⁶ An introduction to International Criminal Law and Procedure, Robert Cryer, Hakan Friman Darryl Robinson, Elizabeth Wilmschurst Second Edition

¹⁷ Article 6, Rome statute

Security council: ICC has jurisdiction over only the state members but ICC's security council has a power to ensure international peace by this power security council can investigation of a crime even where the state is not a member state of ICC.

5.3. Pre-chamber decision:

Pre-trial chamber III of the International Criminal Court issues this 'Decision pursuant on the basis of the Article 15 of the Rome statute for an investigation into the present Situation in Bangladesh and Myanmar.

Commencement of Procedure

1. On 6 September 2018, Pre-Trial Chamber I issued its 'Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute"' (the 'Jurisdiction Decision') finding that the Court may assert jurisdiction pursuant to article 12(2)(a) of the Statute if at least one element of a crime within the jurisdiction of the Court or part of such crime is committed on the territory of a State.

Procedure under Article 15 of the Statute

10. The procedure was for starting an investigation by article 15 of the Statute¹⁸. This provision provides about power of Prosecutor to open an investigation proprio motu to the judicial scrutiny of the Pre-Trial Chamber. Article 15(3)¹⁹ provides that, 'If the Prosecutor show that there is a reasonable basis to start an investigation, he or she can put up a request to the Pre-Trial Chamber for stating an investigation, in addition to with any supporting material collected'.

11. Article 15(4)²⁰ of the Statute truly states the confined mandate of the Chamber for the proceedings:

Based on the request and by considering existing materials, it can be there's an inexpensive foundation to continue with an investigation by pre-trial chamber, and that the case seems to fall

¹⁸ Rome statute

¹⁹ Rome statute

²⁰ Rome statute

in the jurisdiction of the Court, it shall authorize the starting of the investigation, without prejudice to next determinations through the Court with reference to the jurisdiction and admissibility of a cases.

Customary international regulation does now no longer prevents states from affirming jurisdiction on the premise of the territoriality precept over the ones acts which happened out of doors their territory. According to the State exercise States have evolved extraordinary ideas for numerous conditions that permits home prosecuting government to claim territorial jurisdiction in transboundary crook matters, such as

i) the objective territoriality principle consistent with which the State can also additionally assert territorial jurisdiction if the crime is initiated overseas however finished withinside the State's territory.

(ii) the subjective territoriality principle, this principle requires two countries territory. The must be initiated in country's territory and will finished in abroad.

(iii) the principle of ubiquity, consistent with which the State can also additionally assert territorial jurisdiction if the crime came about in entire or in component at the territory of the State no matter whether or not the component takes location.

(iv) the constitutive element theory, consistent with this a State can also additionally assert territorial jurisdiction if as a minimum one constitutive detail arise on their territory is a constitutive detail of the crime, the crime took place at the territory of the State, and

(v) the effects doctrine, consistent with which the State can also additionally assert territorial jurisdiction if the crime takes location out of doors the State.

It is secure to count on that everyone the states reviewed are of the view that their home regulation on territorial jurisdiction over cross-boundary behavior are in harmonious with worldwide law (opinio juris).The alleged deportation of civilians throughout the Myanmar-Bangladesh border, which concerned sufferers crossing that border, it establishes a territorial hyperlink on the idea of the actus reus of this crime (for example: the crossing into Bangladesh via way of means of the sufferers).This is the case under the principle of "objective of territoriality", and "the ubiquity principle", at the same time under the principle of "the constitutive elements approach". The

present scenario consequently falls properly in the limits of what's authorized under customary international law. In this circumstance, the Chamber does not in any other case deem it important to formulate an abstract situation for the practice of the court of territorial jurisdiction for all probably transboundary crimes contained in the Statute.

5.4. Genocide:

According to article 6 of the Rome Statute, the crime of genocide includes three essential elements:

- (1) the committing of any one of the five prohibited acts under the Statute,
- (2) It must be against of a national, ethnic, racial or religious group,
- (3) with the intent to destroy the group in wholly or in partially.

Criminal liability is not extended to the perpetration of genocide, it also means conspiracy to commit genocide, the direct and public incitement to commit genocide, the attempt to commit genocide, and complicity in genocide.²¹

According to the legal framework disposed in the international criminal law, (1) the Rohingya are belonging to an ethnic group in Myanmar, (2) A huge number of Rohingya are killed by security forces and non-Rohingya citizens under the control of Myanmar security forces with intention, causes serious bodily and mental harm on the Rohingya, physical destruction of the Rohingya, and (3) They committed these crimes with intention to destroy wholly or partially of the Rohingya.

Prohibited Acts amounting to Genocide:

The crime of genocide means the commission of one or more of the following criminal acts which are prohibited:

- Killing members of the identified protected group,
- Causing serious bodily or mental harm to members of the protected group,

²¹Amnesty International "MY WORLD IS FINISHED" ROHINGYA TARGETED IN CRIMES AGAINST HUMANITY IN MYANMAR

- Deliberately inflicting on the protected group conditions of life calculated to bring about its physical destruction in whole or in part,
- Imposing measures intended to prevent births within the protected group,
- Forcibly transferring children of the protected group to another group.²²

Any one of the acts is sufficient to establish as genocide. Killing as a Prohibited Act of Genocide. According to the context of genocide, “killing” must be intentional, meaning that the perpetrator intended to cause death. However, the killing is not required to be premeditated. The individual killed must be a member of the specified group of national, ethnic, racial, or religious protected group.

By the form of shootings, both from land and helicopters, knife and sword attacks, beatings, and burnings to killed Rohingya in Myanmar. Eyewitnesses also described that the military setting fire to structures even when they have knowledge that Rohingya were inside.

Causing Serious Bodily or Mental Harm as a Prohibited Act of Genocide

The term “killing” includes serious bodily or mental harm under the act²³. For establishing genocide, the damage need to be deliberately inflicted.²⁴ Bodily means the “damage that critically injures the health, reasons disfigurement of face or different organ or reasons any severe damage to the external, inner organs or senses.”²⁵ Tribunals have found it is more difficult to precisely define serious mental harm, though they have consistently held that the term “more than minor or temporary impairment of mental faculties.”²⁶ Both types of harm must result “in a grave and long-term disadvantage to a person’s ability to lead a normal and constructive life;”²⁷ however, the harm does not need to be permanent or irremediable.

According to the interpretation of Rwanda and the former Yugoslavia, the International Criminal Tribunals-

²²Rome statute, Art 6

²³ Rome statute

²⁴ Prosecution V. Radoslav Brdanin [2004] IT-99-36-T, para. 690.

²⁵ Prosecutor v. Kayishema and Ruzindana, ICTR, Case No. ICTR-95-1-T, Judgment (Trial), May 21, 1999, para. 109.

²⁶ Prosecutor v. Semanza, ICTR, Case No. ICTR-97-20-T, Judgment (Trial), May 15, 2003, para. 321.

²⁷ Prosecutor v. Radislav Krstić, ICTY, Case No. IT-98-33-T, Judgment (Trial), August 2, 2001, para. 513 (citing Akayesu, Case No. ICTR-96-4-T, para. 502).

The serious bodily or mental harm include,

“acts of torture, inhuman or degrading treatment, sexual violence including rape, interrogations combined with beatings, threats of death, and deportation.”²⁸

have interaction in systematic rapes and gang-rapes in numerous villages like Maungdaw, Buthidaung, and Rathedaung townships throughout the military-led “clearance operations” towards Rohingya. U.N. humanitarian reviews imply a cumulative overall of 6,097 incidents of gender-primarily based totally violence towards Rohingya ladies and women stated from overdue August 2017 via overdue March 2018, including, however now no longer restricted to, sexual violence. earlier than that operations, in October 2016. “The ICTR has issued several convictions for genocide based on serious harm caused by the same act of rape and sexual assault”.²⁹ “The crime of genocide is different from other international crimes by its focus on the protection of a group, rather than an individual”.³⁰ “The Genocide Convention lists four types of protected groups: national, ethnic, racial, and religious”.³¹ These are the four protected groups under the Rome Statute of the ICC, the Statute of the ICTY, and the Statute of the ICTR.

5.5. Crime against humanity:

Crime against humanity contained some elements

- Part of Widespread or, Systematic attractit means large scale nature of attract, number of victims, no numerous limit plan object, large scale or, resources, implementation.
- Against “any civilian” the attract must be against any civilian it cannot be any combatant.
- Inhuman act means Murder, rape, torture, sexual slavery, persecution others inhuman act mentioned in article 6 of the Rome statute.
- With knowledge of the attack. The person who will commit crimes must be commit that crimes with knowledge.

²⁸ Prosecutor v. Blagojevic and Jokiv, ICTY, Case No. IT-02-60-T, Judgment (Trial), January 17, 2005, para. 646 (citing ICTY and ICTR cases).

²⁹ Prosecutor v. Muhimana, ICTR, Case No. ICTR-95-1B-T, Judgment (Trial), April 28, 2005, para. 269–75, 513;.

³⁰ International Law Commission, Report of the International Law Commission, p. 45.

³¹ Genocide Convention, art. 2.

In Myanmar the military took the campaign “clearance operation” against Rohingya. Rohingya were a minor ethnic group that is mean military took the campaign against ethnic group with intention to destroy the group the military and other forces committed more than one inhuman act mention.

The Systematic Attacks:

According to ICC, systematic within the context of attacks as “pertaining to the organized nature of the acts of violence and to the improbability of their random occurrence.”³² According to the Akayesu tribunal, the Rwandan genocide “was systematic,” because of the training of militiamen by the Rwandan Armed Forces and by the planning of the attack happened. Akayesu tribunal found that by some method like the media and other propaganda, Hutu were encouraged to attack Tutsi systematically. In Myanmar the same evidence has found. The eyewitnesses described that the Myanmar military were attacks on Rohingya. During 2016 to August 2017, the Myanmar authorities: systematically unarm Rohingya civilians by expropriate household items which can be used as weapons in self-defense, Military of Myanmar ordered the removal and blocked the line-of-sight on civilians, suspended to provide food and other humanitarian aid to Rohingya civilians, systematically attract on them and made weakening the population and removing monitors on the ground, and increased the presence of military in the Rakhine State. The particular attacks on Rohingya and on their habitats, persecuted them. Rohingya were faced and suffered rape, murder, pillaging, and destruction of villages in Myanmar which happened in a systematic manner. ICC found that in the case of Al-Bashir attack on the ethnic minorities in South Sudan were systematic, ICC gave stress on that they were “coordinated ground attacks within which the attackers had previously encircled the targeted village or came to such village with tens or many vehicles and camels.”³³ Similarly, in northern Rakhine State of Myanmar, the attack on the Rohingya were involve in a coordinated effort between security forces of the state and armed civilians. According to eyewitnesses, “Myanmar soldiers entered villages before attacks in the course of armed Rakhine Buddhists villages moreover as other ethnic citizens and harassed and beat villagers.”³⁴ Once the assaults began, coordination of the sort visible in South Sudan among military and kingdom

³² The Prosecutor V. Omar Ahmad Al Bashir [2009] ICC-02/05-01/09-OA, para. 81.

³³ The Prosecutor V. Omar Ahmad Al Bashir [2009] Case No. ICC-02/05-01/09-OA.

³⁴ Fortify Rights interview with 47-2, Cox’s Bazar District, Bangladesh, September 4, 2017

protection additionally occurred. Survivors from numerous villages and townships stated that the Myanmar navy shot and killed Rohingya civilians, burned homes, killed babies and kids, and dedicated rape whilst Rakhine and different ethnic residents observed with sticks and swords and, along the Myanmar navy, beat, stabbed, beheaded, burned, and drowned men, women, and kids.³⁵The assaults towards the Rohingya additionally exhibited atrociousness, that is generally described as, “extraordinarily brutal, cruel, or wicked.” The Akayesu tribunal harassed that moreover to the scale, and systematic nature, the “atrociousness” of the assaults helped display that there changed into “no question the massacres have been geared in the direction of exterminating the organization that changed into targeted.” Akayesu harassed that the killing of “even new child infants” and “even pregnant women” evinced the atrocious nature of the killings. moreover, the Akayesu tribunal highlighted killing Tutsis with the aid of using using “little hoes and clubs” purposively to inflict extra ache rather of “a bullet or grenade” changed into every other signal of the atrociousness of the assaults. There are severa samples of Myanmar safety forces committing comparable atrocious acts. Eyewitnesses at some stage in the 3 townships in northern Rakhine State highlighted Rohingya toddlers being ripped from their mother’s fingers and thrown into rivers to drown or into fires to burn to death. Moreover, safety forces and non-Rohingya residents additionally shot and killed infants and, in an incredibly minimal of one case, beheaded children. Fortify Rights similarly documented the killing of pregnant women. The safety forces and non-Rohingya residents killed with brutality that blanketed beheadings, burning sufferers alive—along with one example of infantrymen burning apredicted 50 guys alive—and mutilations.³⁶The systematic and atrocious nature of the assaults in opposition to the Rohingya weighs closely discover affordable grounds to trust the genocidal cause existed. Targeting sufferers attributable to their club of a particular institution International tribunal can also additionally infer genocidal cause whilst perpetrators goal sufferers simply due to the victim’s club in an extremely included institution. The Akayesu tribunal held that “the act have to are dedicated in opposition to one or numerous people, due to the fact such character or people had been participants of a selected institution, and particularly due to the fact they belonged to the existing institution.”³⁷ The ICC affirmed that “what matters is that the intent to discriminate: to attack persons on account of their

³⁵ Fortify Rights interview with 5-2, Cox’s Bazar District, Bangladesh, August 30, 2017.

³⁷ The Prosecutor V. Jean-Paul Akayesu [2001] ICTR-96-4-T, para. 521.

ethnic, racial, or religious characteristics.³⁸”When this is often met, “the victim of the crime of genocide is that the group itself and not only the individual.”³⁹Pertinent proof to illustrate the planned and systematic focused on of a sufferer as a result of their club in a completely unique institution includes: (1) statements through the culprit implying an purpose to destroy; (2) proof of significant systematic violence in opposition to the focused institution;(3) proof of a popular marketing campaign of persecution in opposition to the focused institution; and (4) proof of participants of the focused institution being separated or categorized in keeping with their club in the focused institution earlier than the fee of the crime.⁴⁰

5.6.Security council: As Myanmar is not a member state of ICC so, Myanmar is not bound to ICC but for ensuring peach over the world ICC’s security council has a power to ensure international peach. From this power security council can investigation the crimes committed in Myanmar against Rohingya. As geocide and crimes against humanity is serious and international crime and not the country individuals are responsible for committing those crimes.

Chapter 6

Recommendation

6.1. Creating domestic laws: Bangladeshgovernment should create strict domestic laws regarding this issue and impose restriction on them so that they cannot harm local peoples and cannot causes insecurity for people and to host country. Government of Bangladesh should bringthem away from local people as they are causes harm. As they harm the reputation of the host country Bangladesh that is why they should be identifiedclearly in the way that they are different from us.

6.2. Enforce more restriction: Government of Bangladesh should enforce more restriction on Rohingya so that they cannot causes harm others. And they should be restricted and under monitoring as they are targeted by terrorist group it is a major challenge for Bangladesh.

³⁸ The Prosecutor V. Omar Ahmad Al Bashir [2009] ICC-02/05-01/09-OA, para. 142.

³⁹ The Prosecutor V. Jean-Paul Akayesu [2001] ICTR-96-4-T, para. 521.

⁴⁰ The Prosecutor V. Omar Ahmad Al Bashir [2009] ICC-02/05-01/09-OA, para. 73.

6.3. Monitoring: In the camps Rohingya are involving in variety of crimes and they also quarrel with each other in the camp. Police found so many weapons and elements of making Bomb from Rohingya it shows how dangerously they are involving to crimes and how dangerous it for Bangladesh. Some law enforcing agencies presume that currently they are targeted by the gang of human trafficking and drug dealer for their illegal purpose. It is dangerous both for them and host country.

6.4. Return them as soon as possible: Rohingya are not refugee in Bangladesh as they have no refugee status. They are fleeing from Myanmar to Bangladesh. Bangladesh give shelter to them on the humanitarian ground. However, they are desperately involving in crimes it creates a serious risk for the host country's security. So, Bangladesh should take measure to return them as soon as possible and before that restrict them strictly so that they will not be involved in crimes.

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