

Burmese Rohingya Organisation UK

The Rohingya genocide: starvation and forced labour as tools of erasure



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Executive summary

Oral hearings in The Gambia's genocide case against Myanmar are set to take place at the International Court of Justice in the Hague in mid-January 2026, six years after the Court issued its 2020 legally binding provisional measures to protect the Rohingya. More than three years ago, the UN Security Council adopted Resolution 2669, calling for full, safe, and unhindered humanitarian access in Myanmar. Yet even with the international scrutiny that the upcoming Court case will bring, the regime continues to block life-saving humanitarian assistance for Rohingya and other populations across Myanmar.

A November 2025 report on global hunger spots by UN agencies the Food and Agriculture Organization and the World Food Programme singles out Buthidaung township in northern Rakhine as being at risk of catastrophic famine within six months. Using the global hunger watchdog's IPC classification system, it projects the area will rapidly reach Phase 5 Catastrophe/Famine - the same level currently assigned to Gaza. Reaching this crisis point means that starvation, death, and extremely critical acute malnutrition levels are evident and urgent action is required to prevent widespread loss of life. In Maungdaw township, food insecurity is projected to reach emergency levels, requiring urgent action to save lives. Yet, humanitarian access restrictions imposed by both the regime and the Arakan Army currently prevent aid workers from delivering life-saving assistance in northern Rakhine State.

Despite Myanmar's overall ranking as one of six hunger hotspots of 'very high concern', the UN's Myanmar Humanitarian Response Plan for 2025 is facing a critical 85 percent funding shortfall. WFP was forced to suspend humanitarian assistance to Rohingya confined to camps in Rakhine State's capital Sittwe since 2012 for at least three months earlier this year. Although assistance has since resumed, BROUK reports that thousands of children are suffering from acute malnutrition in the Sittwe camps.

Against the backdrop of the appalling living conditions inflicted on the Rohingya in Rakhine State, the Myanmar military has systematically targeted Rohingya men and youth for forced recruitment since February 2024. In June 2025, at the height of the hunger crisis in Sittwe, BROUK documented the regime's orders that Rohingya forced recruits report for duty. At least 1,000 previously trained Rohingya forced recruits must work at Sittwe military bases on a rotational basis. The military exacts forced labour from the recruits, ordering them to carry water and cook meals for soldiers, clean the military base area, dig holes, build bunkers and sandbag walls, porter, and fight on the frontlines – including during fierce fighting in Kyaukphyu. Those who survive return to the camps only to face being summoned again, while others carry gunshot wounds and blast injuries.

Amid famine conditions in northern Rakhine, BROUK continues to document gross human rights violations carried out by the Arakan Army against the Rohingya. Highly discriminatory restrictions, acts of collective punishment, arbitrary deprivation of liberty, enforced disappearances, torture, extrajudicial killings, forced recruitment, and forced labour amount to persecution of the Rohingya, forcing them to flee. Well over 150,000 Rohingya have fled to Bangladesh since renewed armed conflict broke out in November 2023, including 1,000 Rohingya in the last week of August 2025 alone. Without action to prevent further atrocity crimes and provide life-saving humanitarian aid in Rakhine State, the Rohingya exodus will continue.

BROUK warns that restrictions imposed by both the regime and the Arakan Army in northern Rakhine are driving life-threatening food insecurity for Rohingya communities. The international community must heed the latest catastrophic famine warning and urgently secure humanitarian access. Without immediate access and rapid delivery of life-saving nutrition and medical care, widespread deaths - especially among children - are imminent. Humanitarian funding for central and northern Rakhine State as well as the camps in Bangladesh must be rapidly scaled up to meet the immense needs.

Key recommendations

1. As penholder on Myanmar, the UK must urgently convene the UN Security Council and drive action to stop the Myanmar military and Arakan Army from blocking humanitarian access in Rakhine State and to prevent mass starvation. This obstruction violates UNSC Resolution 2669 and the ICJ's provisional measures.
2. The UN Secretary-General should lead immediate efforts to secure cross-border humanitarian access from Bangladesh into northern Rakhine State to prevent mass starvation.
3. The US should urgently restore humanitarian aid for the most vulnerable people in Myanmar, including the Rohingya. Other UN member states must step up and rapidly increase funding to close the critical shortfall in the Myanmar Humanitarian Response Plan.
4. UN member states should also scale up funding for the Joint Response Plan for Rohingya refugees in Bangladesh to prevent the worsening hunger crisis.
5. UN Member States must exert maximum pressure on the Arakan Army to stop gross human rights violations against the Rohingya – including forced displacement, arbitrary deprivation of liberty, enforced disappearances, torture and extrajudicial killings, forced labour, and forced recruitment - and ensure Rohingya IDPs can return home safely and with dignity. Targeted sanctions should be imposed on the Arakan Army and its leadership for atrocity crimes.
6. UN member states must also press both the Myanmar military and the Arakan Army to fully cooperate with the International Criminal Court (ICC) investigation and grant access to ICC, Argentinian, and Independent Investigative Mechanism for Myanmar (IIMM) investigators.

Introduction

This report by BROUK is the twelfth in its series highlighting repeated, sustained breaches of the International Court of Justice's legally-binding order to protect the Rohingya as part of The Gambia's genocide case against Myanmar. The report covers the period from 23 May, the date of Myanmar's last six-month reporting deadline to the International Court of Justice under the provisional measures order, to 9 November 2025. It documents pervasive hunger and starvation among Rohingya communities across Rakhine State, amid the ongoing genocide by the Myanmar military and atrocity crimes perpetrated by the Arakan Army. It is primarily based on first-hand information collected from the ground in Rakhine State, supplemented by information from reputable news outlets and human rights organisations.¹

¹ This includes BROUK's own sources. BROUK has carried out due diligence efforts to verify the incidents documented in this report. However, at present there are significant challenges and limitations with documenting, verifying, and reporting on human rights violations in Rakhine State due to the volatile security situation and rolling communication blackouts imposed by the regime. Given these significant challenges with collecting and verifying information, this report does not claim to provide a comprehensive account of alleged atrocity crimes perpetrated against the Rohingya from 23 May – 9 November 2025.

New urgent famine warning for northern Rakhine State

In the first half of 2025, Myanmar ranked second globally for conflict intensity and the fourth most dangerous country for civilians, with over half the population exposed to conflict.² At the time of writing, nearly 3.6 million people are internally displaced in Myanmar. 22 million require humanitarian assistance and over 16 million - a third of the population - face acute food insecurity.³ Since June this year, 410,000 children under 5 and pregnant and lactating women have faced life-threatening acute malnutrition.⁴

Myanmar has recently been classified as one of six hunger hotspots of ‘very high concern’ in the latest Hunger Hotspot report published by the Food and Agriculture Organization (FAO) and the World Food Programme (WFP). The new report singles out northern Rakhine State, effectively issuing yet another urgent famine warning for the area - particularly Buthidaung township. Drawing on the classification system used by the IPC, the report states:

*In Northern Rakhine, the nutrition situation is projected to rapidly deteriorate to critical Phase 4 [emergency] in Maungdaw township and to Catastrophe Phase 5 [famine] in Buthidaung between November 2025 and May 2026.*⁵

The IPC’s Catastrophe Phase 5 classification means that urgent action is required ‘to revert/prevent widespread death and total collapse of livelihoods.’⁶ For comparison, this same classification currently applies to the Gaza Strip in Palestine.⁷ This latest FAO-WFP report supports BROUK’s previous findings that famine conditions are already present in northern Rakhine State.⁸ Widespread loss of life, particularly among children, is imminent - unless there is immediate humanitarian intervention. The regime’s trade and aid blockade combined with humanitarian access restrictions imposed by the Arakan Army make this extremely challenging.

On top of this, the humanitarian crisis response for Myanmar is severely underfunded. The UN’s humanitarian chief Tom Fletcher has described the current global funding crisis as, “the most severe challenge to international humanitarian work since World War II.”⁹ By mid-2025, the UN was forced to scale back aid through a ‘Humanitarian Reset,’ limiting help to the most vulnerable. In Myanmar, this reduced targeted aid coverage from 6.7 million to 4.8 million people in 2025 - less than a quarter of the 22 million who need assistance. By mid-November - almost at year end - only 15 percent of this pared-back Humanitarian Response Plan for Myanmar was funded. This leaves a massive funding shortfall of 85 percent.¹⁰

Regime’s fraudulent election plans widely condemned

On 31 July 2025, regime spokesperson Zaw Win Tin announced that the nationwide state of emergency in place since the 2021 unlawful military coup had been lifted, in order to stage elections. Just hours later, Myanmar state television reported that martial law had been reinstated in nine of the

² UNOCHA, ‘Myanmar Humanitarian Update No. 50’ (17 November 2025) 2.

³ Special Rapporteur report (20 October 2025) UNDOC ref A/80/490 2, 3[2], Reuters, ‘Myanmar’s food crisis and growing hunger in Rakhine state’ (1 October 2025) available at < <https://www.reuters.com/world/asia-pacific/myanmars-food-crisis-growing-hunger-rakhine-state-2025-10-01/> > accessed 30 October 2025.

⁴ FAO and WFP, ‘Hunger Hotspots. FAO–WFP early warnings on acute food insecurity: November 2025 to May 2026 outlook’ (11 November 2025) 24.

⁵ FAO and WFP (11 November 2025) 24.

⁶ FAO and WFP (11 November 2025) 3.

⁷ FAO and WFP (11 November 2025) 36.

⁸ BROUK ‘Starving to death: the latest phase of the Rohingya genocide’ (June 2025).

⁹ UN News, ‘Humanitarian system at breaking point as funding cuts force life-or-death choices’ (12 March 2025) available at <<https://news.un.org/en/story/2025/03/1161066>> accessed 30 October 2025.

¹⁰ UNOCHA, ‘Myanmar Humanitarian Update No. 50’ (17 November 2025) 1.

nation's 14 Regions and States, including Rakhine State.¹¹ At the same time, the National Defense and Security Council (NDSC), a military-controlled body, dissolved the State Administration Council (SAC) - the 'official' name for the regime - and replaced it with the State Security and Peace Commission (SSPC). The commander-in-chief of Myanmar's armed forces Senior General Min Aung Hlaing sits at the head of all three bodies. Seven of the newly instituted SSPC's ten members are former members of the SAC.¹² The SSPC represents yet another effort by Myanmar's military to mask its entrenched authoritarian rule under a new name. 'SSPC' is the latest benign name by which successive brutal military regimes in Myanmar have referred to themselves.¹³ The regime's latest rebranding efforts are also a move to evade international sanctions.¹⁴ In short, it is business as usual for the regime.

The regime announced it will hold elections beginning on 28 December in less than a third of Myanmar's 330 townships, an indication of how much territory it has lost to democratic resistance forces. Over 200 civil society organizations, including BROUK, have condemned the so-called elections as, "a deliberate ongoing attempt to manufacture legitimacy while intensifying its campaign of violence, repression, and atrocity crimes against civilians."¹⁵ The National Unity Government, ethnic resistance organizations, and National League for Democracy have all rejected the fraudulent election plan.¹⁶

A free and fair election in Myanmar is impossible. Since the unlawful coup, the regime has systematically stripped away fundamental freedoms. It has jailed more than 22,000 political prisoners, many of them human rights defenders, political activists, and journalists. Over 40 political parties - including the National League for Democracy which won landslide victories in the last two general elections - have been disbanded by the regime. The regime has also passed draconian new laws, which severely limit freedom of expression and political representation.¹⁷ As the UN Special Rapporteur on the human rights situation in Myanmar Tom Andrews has pointed out, "No self-respecting democratic government or leader would accept this [election] exercise as anything other than what it will be, a sham."¹⁸

Rohingya representatives deliver powerful truths at UN General Assembly

At the High-Level Conference on Rohingya Muslims and other Minorities in Myanmar at the UN General Assembly on 30 September, UN human rights chief Volker Türk strongly criticised the junta's election plans. He warned that, "[the elections] neither reflect the legitimate aspirations of the Myanmar people, nor create a foundation for lasting peace. In fact, the danger is even more violence."¹⁹

Bangladesh originally proposed the conference and convened a stakeholders' dialogue with Rohingya communities in Cox's Bazaar a month beforehand. Ultimately, Bangladesh's aim was to focus

¹¹ Al Jazeera, 'Myanmar ends state of emergency in some parts before planned elections' (31 July 2025) available at <<https://www.aljazeera.com/news/2025/7/31/myanmar-ends-state-of-emergency-before-planned-elections>> accessed 31 October 2025.

¹² Special Rapporteur report (20 October 2025) *op cit.* UNDOC ref A/80/490 5[21-22].

¹³ State Law and Order Restoration Council (SLORC) 1988-1997, State Peace and Development Council (SPDC) 1997 - 2011, State Administration Council (SAC) 2021-2025, State Security and Peace Commission (SSPC) 2025.

¹⁴ Justice for Myanmar, 'Canada, EU, UK and USA must close loophole by sanctioning illegal Myanmar junta's "State Security and Peace Commission" entity' (21 August 2025) available at <<https://buttondown.com/justiceformyanmar/archive/canada-eu-uk-and-usa-must-close-loophole-by/>> accessed 31 October 2025.

¹⁵ Joint Statement ((4 September 2025) *op. cit.*

¹⁶ Special Rapporteur report (20 October 2025) *op cit.* UNDOC ref A/80/490 6[29].

¹⁷ Special Rapporteur report (20 October 2025) *op cit.* UNDOC ref A/80/490 5-6[24-29].

¹⁸ Special Rapporteur report (20 October 2025) *op cit.* UNDOC ref A/80/490 3[8].

¹⁹ OHCHR, 'High Commissioner Türk to Rohingya Conference: The international community must honour its responsibilities and act' (30 September 2025) available at <<https://www.ohchr.org/en/statements-and-speeches/2025/09/high-commissioner-turk-rohingya-conference-international-community>> accessed 31 October 2025.

international attention on the steps needed for swift yet safe, dignified, voluntary and sustainable repatriation of Rohingya to Myanmar.²⁰

However, during his address to the conference, High Commissioner Türk emphasised, “Today, life in Myanmar - especially in Rakhine State - may be the worst it has ever been for the Rohingya and other minorities, marking another grim chapter in a long history of persecution.”²¹

Rohingya civil society representatives - Wai Wai Nu, Executive Director of the Women’s Peace Network-Myanmar, Rofik Husson, Founder of the Arakan Youth Peace Network, Lucky Karim, Executive Director of Refugee Women for Peace and Justice, and Maung Sawyeddollah, Founder of the Rohingya Students Network - delivered powerful, unified messages on behalf of their communities. They called for justice and accountability, self-determination, citizenship and equal rights, cross-border aid and expanded humanitarian assistance, and support for Rohingya people to shape their own futures. They all urged the conference to deliver concrete outcomes. Wai Wai Nu stressed:

*We cannot just walk away from today after a series of statements. Instead, we need a concrete follow-up mechanism, one that ensures sustained monitoring of the results of today's conference, clear benchmarks, and above all the meaningful inclusion of the community's voices in all decisions about their futures. And it must immediately end the ongoing killing fields in Myanmar.... The people of Myanmar demand accountability, and an end to impunity, and an end to oppression. Let this conference be a historic turning point, the end of missed opportunities and the beginning of the lasting solution.*²²

During the conference itself, two funding pledges were announced in support of the Joint Response Plan for the Rohingya humanitarian crisis in Bangladesh. The US announced its intention to provide more than US\$60 million, with the expectation that Bangladesh will allow livelihood opportunities for Rohingya refugees.²³ The UK announced a further US\$36 million.²⁴ On 20 October, South Korea contributed another US\$5 million.²⁵

While these funding commitments are welcome, they remain insufficient to meet the needs. As of early October, the Joint Response Plan was only 38 percent funded, leaving a 62 percent shortfall.²⁶ According to UN Special Rapporteur Tom Andrews, “These new contributions appear to have extended the funding pipeline for food assistance for Rohingya refugees in Bangladesh, which was previously forecasted to end in December 2025. Still, without fresh funding commitments, rations for Rohingya could be terminated in 2026, a potential doomsday scenario for refugees.”²⁷

²⁰ Dhaka Tribune, ‘Prof Yunus places 7-point roadmap for Rohingya repatriation’ (25 August 2025) available at <<https://www.dhakatribune.com/bangladesh/rohingya-crisis/389855/prof-yunus-places-7-point-roadmap-for-rohingya>> accessed 1 November 2025.

²¹ OHCHR, (30 September 2025) *op cit*.

²² Unofficial transcript of excerpts from Wai Wai Nu’s speech, available at <https://www.youtube.com/watch?v=H7meZ9_W8Wc> accessed 1 November 2025.

²³ US Mission to the United Nations, ‘Remarks at a High-Level Conference on the Situation of Rohingya Muslims and other Minorities in Myanmar’ (30 September 2025) available at <<https://usun.usmission.gov/remarks-at-a-high-level-conference-on-the-situation-of-rohingya-muslims-and-other-minorities-in-myanmar/>> accessed 1 November 2025.

²⁴ ‘Statement by Ambassador James Kariuki, UK Deputy Permanent Representative to the UN, at the UN High-level Conference on the Situation of Rohingya Muslims and Other Minorities in Myanmar’ (30 September 2025) available at <<https://www.gov.uk/government/speeches/today-the-uk-announced-a-further-36-million-of-funding-to-support-rohingya-refugees-in-bangladesh-uk-statement-at-the-un-general-assembly>> accessed 1 November 2025.

²⁵ UNHCR, ‘UNHCR welcomes the Republic of Korea’s contribution of USD 5 million for Rohingya refugees in Bangladesh’ (20 October 2025) available at <<https://data.unhcr.org/en/documents/details/119269>> accessed 1 November 2025.

²⁶ Special Rapporteur report (20 October 2025) *op cit*. UNDOC ref A/80/490 12 [84-85].

²⁷ Special Rapporteur report (20 October 2025) *op cit*. UNDOC ref A/80/490 12 [87].

The FAO-WFP report also identified the Rohingya refugee camps in Bangladesh as one of the top 16 hunger spots in the world.²⁸ Last year the US contributed nearly \$4.5 billion to the World Food Programme (WFP), almost half of all the donations it received from governments around the world.²⁹ WFP has said it faces a funding shortfall of \$126 million over the next 12 months.³⁰ The interim government of Bangladesh has indicated that it will not change its position on allowing Rohingya refugees to work, leaving them dependent on shrinking humanitarian aid.³¹

Drastic funding cuts earlier this year have already had a profound impact on Rohingya refugees in Bangladesh. Due to funding shortfalls, UN agencies and international organisations have slashed budgets and cut staff, including Rohingya volunteers who depended on the stipends they received to support their families.³² Aid agencies report that US funding cuts have directly affected 48 health facilities and 11 primary health centres in the camps. “We see long queues now in our hospitals, people waiting for treatments,” Hasina Rahman, the Bangladesh country director for the International Rescue Committee told CNN. “Services have been restricted and are limited now in the camps, and that is creating a massive impact.”³³

UNICEF reported an 11 percent rise in the number of children with acute malnutrition between January and September this year. Since July, the agency has been forced to cut the number of ready-to-use therapeutic food (RUTF) packets provided per child, to eke out resources.³⁴ Chronic malnutrition has remained persistently high in the camps, at around 41 percent, according to UNICEF. “More and more children are being detected with the severest form of malnutrition, and they are at a risk of mortality because of that,” Deepika Sharma, the Chief of Nutrition and Child Development in Bangladesh for UNICEF, told CNN.³⁵

At the time of writing, no new funding contributions appear to have been publicly announced for the Myanmar Humanitarian Response Plan - which covers support for the remaining Rohingya left in Rakhine State - since the High-Level Conference. Urgent concrete actions must follow from the Conference, including expanded funding for humanitarian aid to prevent mass starvation of Rohingya in Myanmar, especially children. Without action to prevent further atrocity crimes and provide life-saving humanitarian aid in Rakhine State, the Rohingya exodus will continue.

Justice and accountability efforts

Wai Wai Nu also delivered a powerful message to UN Member States about the imperative of justice and accountability:

*For 70 years, the military has escaped justice. The impunity emboldens others to follow. Ending impunity is the only way to end atrocities. Therefore, the international community must end this impunity that is at the root of all atrocities. Perpetrators of atrocities against civilians must be held accountable.*³⁶

²⁸ FAO and WFP, ‘Hunger Hotspots. FAO–WFP early warnings on acute food insecurity: November 2025 to May 2026 outlook’ (11 November 2025).

²⁹ BBC News, ‘Fears of starvation in Myanmar as UN warns of ‘disaster’’ (15 August 2025) available at <<https://www.bbc.co.uk/news/articles/cdd3r864g6no>> accessed 8 November 2025.

³⁰ CNN, ‘Marco Rubio said US aid cuts were to slash bureaucracy. So why are more refugee children going hungry?’ (25 October 2025) available at <<https://edition.cnn.com/2025/10/25/asia/rubio-usaid-cut-children-hungry-rohingya-bangladesh-intl-hnk>> accessed 1 November 2025.

³¹ Unofficial transcript of excerpts from Prof. Yunus’ speech at the UN High-Level Conference, available at <https://www.youtube.com/watch?v=iUyM4RL_Qtw> accessed 1 November 2025.

³² Special Rapporteur report (20 October 2025) *op cit*. UNDOC ref A/80/490 12 [85].

³³ CNN (25 October 2025) *op. cit*.

³⁴ CNN (25 October 2025) *op. cit*.

³⁵ CNN (25 October 2025) *op. cit*.

³⁶ Unofficial transcript of excerpts from Wai Wai Nu’s speech, available at <https://www.youtube.com/watch?v=H7meZ9_W8Wc> accessed 1 November 2025.

To date, the only arrest warrant for Senior General Min Aung Hlaing was issued in February of this year, arising from BROUK's landmark universal jurisdiction case in Argentina. In total, the Buenos Aires Federal Court issued arrest warrants for 25 Myanmar officials implicated in the Rohingya genocide. On 3 September, BROUK formally petitioned the Court to expand its universal jurisdiction case to include atrocity crimes by the Arakan Army. BROUK will also seek arrest warrants for Commander-in-Chief Major General Twan Mrat Naing, Deputy Commander-in-Chief Brigadier General Nyo Twan Awng, and others in the chain of command.³⁷

On 23 July, following an investigation into abductions, torture, killings, and beheadings of Rohingya civilians carried out by the Arakan Army, Fortify Rights renewed its call for the Chief Prosecutor of the International Criminal Court to include the AA's attacks on Rohingya civilians as part of his ongoing investigation into the Bangladesh/Myanmar situation.³⁸

At the Conference, UN human rights chief Volker Türk urged the Myanmar State to "respect in full the provisional measures imposed by the International Court of Justice to protect Rohingya lives."³⁹ He also underscored the importance of accountability for all perpetrators of atrocity crimes and repeated his call for the UN Security Council to refer the entire situation in Myanmar to the International Criminal Court (ICC).⁴⁰

The Gambia's Minister of Justice Dawda A Jallow announced that oral hearings on the merits of The Gambia's genocide case against Myanmar will begin at the International Court of Justice in mid-January 2026.⁴¹ A judgment in the case is not expected until months after the conclusion of the oral proceedings.⁴²

Overview of the current Rakhine State context

The wide-ranging impacts of the regime's trade and aid blockade, in place since the resumption of armed conflict in Rakhine State in November 2023, are now being deeply felt by all civilian populations in the region. Internally displaced persons across Rakhine State are particularly impacted.

Flooding during the recent monsoon season has damaged rice crops and diseases such as malaria and dengue flu are reported to have increased, with little medical treatment available due to the regime's ban on the importation of medical supplies to Rakhine State and crippling aid cuts. The dismantling of USAID by the Trump administration led to the immediate suspension of malaria prevention programmes in Rakhine State in March.⁴³

Only a small flow of imported goods reaches Rakhine from India, Bangladesh, and central Myanmar. Rakhine traders must take long and dangerous routes, which further pushes up the cost of essential

³⁷ BROUK, 'Argentine court urged to include Arakan Army atrocities in Rohingya genocide case' (3 September 2025) available at <<https://brouk.org.uk/argentine-court-urged-to-include-arakan-army-atrocities-in-rohingya-genocide-case/>> accessed 4 November 2025.

³⁸ Fortify Rights, 'International Criminal Court: Investigate Arakan Army War Crimes Against Rohingya' (23 July 2025) available at <<https://www.fortifyrights.org/mya-inv-2025-07-23/>> and Fortify Rights, 'International Criminal Court: Investigate Arakan Army Massacre of Rohingya Civilians, Hold Perpetrators Accountable' (27 August 2024) available at <<https://www.fortifyrights.org/mya-inv-2024-08-27/>> accessed 4 November 2025. For further discussion, see the report section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**.

³⁹ OHCHR, 'High Commissioner Türk to Rohingya Conference' (30 September 2025) op. cit.

⁴⁰ *ibid.*

⁴¹ Unofficial transcript of excerpts from the speech delivered by Mr. Dawda A. Jallow, Minister of Justice for the Gambia, available at <<https://www.youtube.com/watch?v=aNgvRZY0EoQ>> accessed 4 November 2025.

⁴² See also report section **Latest developments in the ICJ case**.

⁴³ Mekong Eye, 'Malaria surges in war-torn Rakhine as floods and aid cuts cripple healthcare' (15 September 2025) available at <<https://www.mekongeye.com/2025/09/15/malaria-surges-rakhine>> accessed 4 November 2025.

goods.⁴⁴ Hunger, acute malnutrition, and starvation are becoming pervasive among IDP populations in Rakhine State, particularly Rohingya. Their suffering is compounded by the massive funding shortfalls faced by the World Food Programme (WFP) and other humanitarian actors.

WFP warns of “a full-blown disaster”

The Rakhine State capital Sittwe is only accessible by sea and air. The regime’s trade blockade has caused prices of basic food items to increase five-fold.⁴⁵ In August, WFP warned of a dramatic rise in hunger and malnutrition in Rakhine State. In central Rakhine, the number of families not able to afford to meet basic food needs reached 57 percent, up from 33 percent in December 2024.⁴⁶

The agency urgently called for more humanitarian support for Rakhine State. WFP’s Country Director Michael Dunford warned, “We are hearing heartbreaking stories of children crying from hunger and mothers skipping meals. Families are doing everything they can, but they cannot survive this alone... Without urgent action, this crisis will spiral into a full-blown disaster.”⁴⁷ Only the poorest Rakhine families, including those forcibly displaced by the Myanmar military from their villages on the outskirts of the city, are left in Sittwe. Despair and starvation in Sittwe are driving both Rakhine and Rohingya people to suicide, with 14 people reported to have taken their own lives between May and August.⁴⁸

Civilians across Rakhine State are experiencing profound suffering due to prolonged armed conflict, the regime’s blockades, and drastic aid cuts. Rohingya communities, however, remain particularly at risk, due to the systemic deprivation and dehumanizing conditions originally imposed on them by the military regime, and now mirrored by the Arakan Army. These are examined further in the context of the provisional measures order, under section **Provisional measure (2) – do not commit genocidal acts - Deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part.**

“A vortex of violence and oppression”

From November 2023 to August 2025, at least 2,351 conflict-related incidents were reported in Rakhine State. These included 554 airstrikes by the Myanmar military and 330 artillery bombardments by both the Myanmar military and the Arakan Army, underscoring the conflict’s intensity.⁴⁹ The junta’s 31 July declaration of martial law across all 14 townships under AA control heightened fears of intensified airstrikes by the Myanmar military, putting already vulnerable civilians at even greater risk.

The Arakan Army continues to fight the Myanmar military on multiple fronts. In addition to Rakhine State, the AA conducts operations in neighbouring Chin State and in Ayeyarwady, Bago, and Magway Regions. In October - after nearly nine months of fighting - the AA and its allies reportedly seized the Myanmar military base at Nat Yae Kan in Ngape Township, Magway Region, near the Rakhine border.⁵⁰ Fierce battles have continued in Kyaukpyhu in Rakhine State, where the regime has its

⁴⁴ DMG, ‘Hunger grips Arakan State amid junta blockades’ (20 October 2025) available at <<https://www.bnionline.net/en/news/hunger-grip-arakan-state-amid-junta-blockades>> accessed 4 November 2025.

⁴⁵ BBC News, ‘Fears of starvation in Myanmar as UN warns of ‘disaster’ (15 August 2025) available at <<https://www.bbc.co.uk/news/articles/cdd3r864g6no>> accessed 4 November 2025.

⁴⁶ WFP, ‘WFP urges life-saving support for Myanmar’s Rakhine State as hunger surges’ (12 August 2025) available at <<https://www.wfp.org/news/wfp-urges-life-saving-support-myanmars-rakhine-state-hunger-surges>> accessed 4 November 2025.

⁴⁷ *ibid.*

⁴⁸ The Irrawaddy, ‘Suicides Rise as Sittwe Starves Under Myanmar Junta Blockade’ (18 August 2025) available at <<https://www.irrawaddy.com/news/burma/suicides-rise-as-sittwe-starves-under-myanmar-junta-blockade.html>> accessed 4 November 2025.

⁴⁹ OHCHR, (26 September 2025) *op cit.* UN Doc ref A/HRC/57 22 2[4].

⁵⁰ DMG, ‘AA seizes strategically vital Natyaekan base’ (16 October 2025) available at <<https://www.bnionline.net/en/news/aa-seizes-strategically-vital-natyaekan-base>> accessed 4 November 2025.

largest naval base and several Chinese-backed mega-development projects. The AA was reportedly forced to retreat from its positions, amid relentless attacks from the Myanmar military, including airstrikes, drone attacks, and artillery shelling from naval vessels. The regime is also reported to have reinforced its troops in the area with the use of forced conscripts, including Rohingya.⁵¹ According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 18,000 people were displaced in Kyaukphyu and Ponnagyun townships in the month of August alone.⁵²

In central Rakhine, civilian populations are at particular risk from ongoing airstrikes and artillery bombardments by the Myanmar military. On 25 August, regime airstrikes in Mrauk U township are reported to have killed at least 12 civilians and injured 20. On 12 September, Myanmar military airstrikes on two boarding schools in Kyauktaw township killed 20 Rakhine students and injured 22 others, most of them under the age of 18.⁵³

In northern Rakhine, the Arakan Army has routinely raided Rohingya villages and homes, on the pretext of searching for Rohingya armed groups. These operations have instilled deep fear among Rohingya communities, who face the constant threat of arbitrary arrest and detention by AA soldiers.⁵⁴ Civilian populations live under the constant threat of airstrikes, with military jets routinely flying over northern Rakhine State day and night.⁵⁵

UN Special Rapporteur Tom Andrews has described civilians in Rakhine State as being “trapped in a vortex of violence and oppression”.⁵⁶ All parties to the armed conflict in Rakhine State – the Myanmar military, Rohingya armed groups, and the Arakan Army – have been accused of grave human rights violations against civilian populations.

The Arakan Army has exploited the collaboration between Rohingya armed groups and the Myanmar military to inflict collective punishment on entire Rohingya communities. This violence is a direct consequence of the regime’s divide-and-rule tactics. The junta’s ongoing genocidal intent towards the Rohingya is evident, especially when viewed in light of the provisional measures order. Instead of protecting the Rohingya - as it is legally obligated to do - the regime has forcibly recruited thousands of Rohingya men and used them as human shields on the front lines. It has collaborated with its former enemies, including the Arakan Rohingya Salvation Army - the same Rohingya armed group whose actions it used to justify the genocidal ‘clearance operations’ of 2016-2017. It has also coerced Rohingya communities into joining State-organized protests against the Arakan Army. Together, these actions have fuelled hatred and violence against the Rohingya, culminating in atrocity crimes perpetrated against them by the Arakan Army. Such incidents are documented in the section **Other atrocity crimes & the Arakan Army’s failure to comply with the provisional measures**.

During the reporting period, photographic evidence emerged of a massacre of Rohingya civilians committed by the Arakan Army in Htan Shauk Khan village, known locally as Hoyar Siri, in early May 2024.⁵⁷ BROUK previously highlighted credible reports of several mass killings of Rohingya civilians allegedly carried out by the Arakan Army in Buthidaung township during the first two weeks of May 2024 as the AA completed its takeover of the area.⁵⁸ Investigators from the Office of the High

⁵¹ DMG, ‘AA withdraws in parts of Kyaukphyu amid intense junta offensives’ (28 October 2025) available at <<https://www.bnionline.net/en/news/aa-withdraws-parts-kyaukphyu-amid-intense-junta-offensives>> accessed 4 November 2025; OHCHR, (26 September 2025) *op cit*. UN Doc ref A/HRC/57 22 5[13].

⁵² UNOCHA, ‘Myanmar: Humanitarian Update No. 49’ (23 September 2025) 2.

⁵³ OHCHR, (26 September 2025) *op cit*. UN Doc ref A/HRC/57 22 2[4] 3[8].

⁵⁴ Such incidents are described in more detail under the report section **Other atrocity crimes & the Arakan Army’s failure to comply with the provisional measures**.

⁵⁵ BROUK refs ICJ12-RSC-NR1, ICJ12-RSC-NR2, ICJ12-RSC-NR3.

⁵⁶ Special Rapporteur report (20 October 2025) *op cit*. UNDOC ref A/80/490 4[11].

⁵⁷ Arakan Rohingya National Council, ‘Arakan Army (AA)’s Massacre of Over 600 Rohingya in Htan Shauk Khan Village – Clear Evidence of Genocide and War Crimes’ (4 August 2025) available at <<https://thearnc.org/arakan-army-aas-massacre-of-over-600-rohingya-in-htan-shauk-khan-village-clear-evidence-of-genocide-and-war-crimes/>> accessed 5 November 2025.

⁵⁸ BROUK, ‘The Intensifying Rohingya Genocide’ (June 2024) 33.

Commissioner of Human Rights (OHCHR) interviewed survivors of the Htan Shauk Khan / Hoyar Siri massacre, who described being stopped by the Arakan Army as they tried to flee the village in fear of possible armed clashes. They reported being separated into three different groups in paddy fields and fired upon. One witness told of, “a river of blood. ... I saw shooting. I saw mass killing. It was a lot of guns, people were shot in the legs and chest”.⁵⁹ Another survivor described the killing of 20 relatives, including 3 children.⁶⁰

After the photographic evidence came to light, Rohingya communities in Buthidaung township reported that the AA tightened its restrictions on Rohingya even further.⁶¹ OHCHR has raised grave protection concerns for Rohingya still living in the vicinity of Htan Shauk Khan / Hoyar Siri, citing reports that the AA has sought to silence the community, or convince them to blame the Myanmar military for this atrocity crime.⁶² In discussions with UN Special Rapporteur Tom Andrews, Arakan Army Commander-in-Chief Twan Mrat Naing denied responsibility for the massacre and other alleged atrocity crimes, characterising the accusations as a smear campaign. He invited the Special Rapporteur to investigate, including by visiting the Htan Shauk Khan massacre site.⁶³

Mass forced displacement of Rohingya

More than half of the Rohingya population estimated to be living in Rakhine State in November 2023 are now living as displaced people on either side of the Bangladesh border.⁶⁴ According to UNHCR, 150,000 Rohingya have fled to Bangladesh in the 18 months up to July 2025.⁶⁵ In the last week of August 2025 alone, BROUK received reports of 1,000 Rohingya fleeing Buthidaung township for Bangladesh.⁶⁶ Starvation - particularly in Buthidaung township - and grave human rights violations by the Arakan Army have forced Rohingya to risk the dangerous journey in search of safety in Bangladesh. Since December 2024, the Arakan Army has banned river traffic on the Naf River, Myanmar's border with Bangladesh, citing ‘military necessities and public security concerns’.⁶⁷ Given the extreme danger of crossing the river during daylight hours, most Rohingya attempt the journey under cover of darkness. However, Border Guard Bangladesh has reportedly carried out nighttime pushbacks, violating the principle of *non-refoulement*.⁶⁸

Over the reporting period, BROUK has documented arbitrary deprivation of liberty, enforced disappearances, torture and extrajudicial killings, forced labour, forced recruitment and other serious violations by the Arakan Army, set out in detail under the section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**.

Under international law, the State bears the primary responsibility to prevent atrocity crimes, including those committed by non-State armed actors such as the Arakan Army. This responsibility

⁵⁹ UN Human Rights Council, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar - Report of the United Nations High Commissioner for Human Rights’ (29 August 2025) UN Doc A/HRC/60/20 9[39].

⁶⁰ UN Human Rights Council (29 August 2025) *op cit.* UN Doc A/HRC/60/20 9[39].

⁶¹ Detailed in the section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**.

⁶² OHCHR, (26 September 2025) *op cit.* UN Doc A/HRC/57 22 4[9].

⁶³ Special Rapporteur report (20 October 2025) *op cit.* UNDOC A/80/490 10[70].

⁶⁴ OHCHR, (26 September 2025) *op cit.* UN Doc A/HRC/57 5[16].

⁶⁵ OHCHR, (26 September 2025) *op cit.* 6[16]. See also HRW, ‘UN: Support Protection, Justice for Rohingya’ (29 September 2025) available at <<https://www.hrw.org/news/2025/09/29/un-support-protection-justice-for-rohingya>> accessed 5 November 2025.

⁶⁶ BROUK ref ICJ12-RSC-BUT1.

⁶⁷ Arakan Army, ‘Announcement Regarding the Indefinite Suspension of River Transportation in the Naf River (Arakan Side)’ (8 December 2024) available at <<https://www.arakanarmy.net/post/announcement-regarding-the-indefinite-suspension-of-river-transportation-in-the-naf-river-arakan-si>> accessed 5 November 2025.

⁶⁸ Shafur Rahman, Ro Myint Kyaw Naing LSE blog, ‘Anatomy of a Night-Time Pushback: A Rohingya Journey between Myanmar and Bangladesh’ (27 October 2025) available at <<https://blogs.lse.ac.uk/southasia/2025/10/27/anatomy-of-a-night-time-pushback-a-rohingya-journey-between-myanmar-and-bangladesh/>> accessed 5 November 2025.

extends to preventing genocide, war crimes, crimes against humanity, as well as incitement to commit such crimes.

While the Arakan Army must be held accountable for its atrocity crimes, the junta's actions cannot be ignored. The regime has actively incited hatred and violence against the Rohingya and deliberately fostered a hostile environment conducive to atrocity crimes.⁶⁹ Its failure to prevent these crimes - and its role in inciting them - must be clearly recognized by all stakeholders seeking to understand the devastating violence in Rakhine State. The regime's ongoing genocidal intent towards the Rohingya group can be clearly inferred from such acts and omissions. This is particularly significant in light of the International Court of Justice's provisional measures order requiring Myanmar to protect the Rohingya from irreparable harm, and The Gambia's ongoing case accusing the regime of continuing to commit genocidal acts.⁷⁰

Breaches of the ICJ's provisional measures by the Myanmar junta

This section of the report analyses breaches of the ICJ's provisional measures order by the Myanmar junta in accordance with the existing jurisprudence on genocide. In BROUK's view, the information compiled in this report demonstrates that the regime continues to commission genocidal acts: namely, deliberately inflicting conditions of life calculated to bring about the physical destruction in whole or in part of the Rohingya group, causing serious bodily or mental harm, and killings.

Provisional measure (1) – prevent genocide

'The Republic of the Union of Myanmar shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the members of the Rohingya group in its territory, **namely the order to take all measures within its power to prevent the commission of genocidal acts** within the scope of Article II of this Convention, in particular:

- a) killing members of the group;
- b) causing serious bodily or mental harm to members of the group;
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
- d) imposing measures intended to prevent births within the group.'⁷¹

Provisional measure (1) is focused on the *prevention* of genocide and the ICJ instructs the Myanmar State to take 'all measures within its power' to do so.

Denial of identity, citizenship, and freedom of movement

The regime continues to deny the Rohingya their identity, consistently referring to them as 'Bengali'.

⁶⁹ For more detailed analysis of risk factors for atrocity crimes in Rakhine State according to framework of analysis set out by the UN Office on Genocide Prevention and the Responsibility to Protect, see BROUK, 'The Genocide Never Stopped: Five years on from the World Court's order to protect the Rohingya' (23 January 2025) 12-15.

⁷⁰ See **Annex: Background to The Gambia v. Myanmar genocide case at the ICJ**.

⁷¹ ICJ, 'Order: Request for the Indication of Provisional Measures' *The Gambia v. Myanmar* (23 January 2020) 25 [86].

It also persists with upholding the 1982 Citizenship Law, which was designed to strip Rohingya of citizenship.

Rohingya in regime-controlled areas of Rakhine State, including Kyaukphyu, Sittwe, and Manaung townships, remain subject to extensive restrictions on freedom of movement. In northern Rakhine State, those living under Arakan Army control also face severe movement restrictions, as detailed in the section **Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures**. By contrast, movement appears to be somewhat less restricted in central Rakhine townships under AA control, such as Mrauk-U and Kyauktaw, although Rohingya there continue to experience other forms of pressure and intimidation from the AA including arbitrary arrest and detention.⁷²

Rohingya continue to be confined to camps under apartheid conditions in Pauktaw and Myebon, which are also under the control of the Arakan Army. The most recent publicly available data (September 2024) indicated that nearly 145,000 Rohingya were confined to internment camps in central Rakhine State. More than 112,000 of them were in Sittwe township, which remains under regime control at the time of writing.⁷³

Together with the denial of citizenship, these restrictions have rendered Rohingya communities uniquely vulnerable among civilian populations in Myanmar and subject to exploitation by all parties to the conflict in Rakhine State.

Restricting international humanitarian access

Years of junta-imposed restrictions on movement, livelihoods, and healthcare for Rohingya have left them dependent on international humanitarian aid, making the regime's curbs on access in Rakhine State particularly devastating for already vulnerable Rohingya communities.

Despite the provisional measures order, the regime continues to weaponize its complex bureaucratic apparatus in Rakhine State. It requires UN agencies to negotiate MoUs, imposes restrictive registration and reporting rules on INGOs and NGOs, and enforces arbitrary travel authorization procedures. This system serves a clear and deliberate purpose: to deny members of the Rohingya group in Rakhine State the basic necessities of life.

In the first eight months of 2025, UN OCHA reported 649 'access-related incidents' in areas of Myanmar where it operates. These included military operations, administrative restrictions, and threats or violence against humanitarian personnel and infrastructure. The junta has repeatedly withheld approval for humanitarian operations, resulting in the suspension of planned relief activities.⁷⁴ In September, UN OCHA said that Rakhine State had the highest number of reported incidents for the third consecutive month, accounting for 21 percent of all incidents.⁷⁵ The agency noted:

*Since mid-August, obtaining travel authorizations to reach displaced communities in Sittwe has remained difficult, leading to repeated postponements of activities by several organizations, including UN agencies. Local aid workers also faced extended document checks and increased scrutiny at Sittwe airport... In two separate cases in Sittwe, landlords threatened to restrict access to IDP sites, temporarily disrupting humanitarian activities for over ten days before resolution.*⁷⁶

⁷² <BROUK refs 2 x arbitrary arrest and detention cases from Kyauktaw> as well as housing, land, and property rights violations. See OHCHR, (26 September 2025) *op cit*. UN Doc A/HRC/57 4[12], 6[17].

⁷³ CCCM Camp Profiles, Central Rakhine, Myanmar September 2024, on file with BROUK.

⁷⁴ Special Rapporteur report (20 October 2025) *op cit*. UNDOC A/80/490 11[74].

⁷⁵ UNOCHA, 'Myanmar: Humanitarian Access Snapshot - September 2025' (30 September 2025) 1.

⁷⁶ UNOCHA (30 September 2025) *op cit*. 1.

The junta has imposed a blockade on aid deliveries and trade - including to areas under AA control - by restricting land and sea routes into Rakhine State. As the *de facto* authority in northern Rakhine State, the AA also bears responsibility for access restrictions. UN OCHA reported that ‘additional administrative requirements introduced by local authorities in southern Buthidaung and Maungdaw affected planned assistance to Rohingya communities.’⁷⁷ As the AA is in control of these townships, ‘local authorities’ refers to the AA.

Security concerns and access restrictions by both the junta and the Arakan Army mean that WFP is unable to move food beyond Sittwe into central and northern parts of Rakhine State. WFP head Michael Dunford told Reuters, “This is obviously contributing to the spike in hunger that we are seeing... We’re desperately frustrated because we know that there are populations that require our support.”⁷⁸

The regime’s wide-ranging access restrictions in Rakhine State continue to defy UN Security Council Resolution 2669, which urged ‘full, safe and unhindered humanitarian access’ as well as provisional measure (1) ordered by the ICJ.⁷⁹ The Arakan Army has adopted similar bureaucratic tactics as the regime to restrict humanitarian access to vulnerable Rohingya populations. The consequences of these restrictions are described in detail below.

Provisional measure (2) – do not commit genocidal acts

‘The Republic of the Union of Myanmar shall, in relation to the members of the Rohingya group in its territory, ensure that its military, as well as any irregular armed units which may be directed or supported by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in point (1) above, or of conspiracy to commit genocide, of direct and public incitement to commit genocide, of attempt to commit genocide, or of complicity in genocide.’

This section of the report examines the Myanmar military’s actions concerning the genocidal acts outlined in Article II of the Genocide Convention, specifically:

- Deliberately inflicting conditions of life calculated to bring about the physical destruction of the Rohingya in whole or in part;
- Causing serious bodily or mental harm to Rohingya; and
- Killing members of the Rohingya group.

Deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part

The genocidal act of ‘deliberately inflicting conditions of life on the group intended to bring about its physical destruction’ addresses situations in which the perpetrator does not immediately kill the members of the group, but uses other methods intended to ultimately bring about their physical destruction. This concept, sometimes referred to as “slow death,” is well-established in international

⁷⁷ UNOCHA (30 September 2025) *op cit.* 1.

⁷⁸ Reuters, ‘Myanmar’s war-torn Rakhine faces a hunger catastrophe, aid groups say’ (2 October 2025) available at <<https://www.reuters.com/world/asia-pacific/myanmars-war-torn-rakhine-faces-hunger-catastrophe-aid-groups-say-2025-10-01/>> accessed 7 November 2025.

⁷⁹ UNSC Resolution 2669 (21 September 2022) *op. cit.*

jurisprudence, including cases before the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR).

Case law has identified various means by which such acts can be carried out, including:

- Subjecting the group to a subsistence diet;
- Failing to provide adequate medical care;
- Systematically expelling members from their homes;
- Depriving the group of basic necessities such as food, water, shelter, clothing, and sanitation.
- Excessive work or physical exertion.⁸⁰

The 2016 ICTY *Karadžić* judgment underscored that genocidal intent can be inferred from the objective probability that imposed conditions would lead to the physical destruction of the group in part. Factors such as the nature of imposed conditions, the length of exposure, and the group's vulnerability are critical to assessing intent.⁸¹

This report - alongside 11 previous briefings by BROUK - provides substantial evidence of the junta's ongoing commission of this genocidal act. Following decades of extreme deprivation, the regime continues to impose dehumanizing, degrading, and life-threatening conditions on Rohingya communities. The Arakan Army has followed suit, imposing those same conditions on Rohingya in areas under its control. Rohingya communities across Rakhine State are extremely vulnerable to the acute shortages of food and clean drinking water, inadequate sanitation facilities, and scarcity of basic medicines. The conditions of life inflicted upon the Rohingya group are conducive to mass starvation and deaths.

'A subsistence diet' equals malnutrition

After living under conditions of indefinite arbitrary detention since 2012, it is highly likely that Rohingya children in both northern and central Rakhine State were malnourished even before the resumption of armed conflict in November 2023, although there is no publicly available data to confirm this.

Acute malnutrition, or wasting, is defined as low weight-for-height. It is characterized by sudden, severe weight loss, caused by lack of nutritious food, repeated infections such as diarrhoea, or both. Children suffering from wasting are up to 12 times more likely to die than those who are well-nourished. While children can recover, just one episode of wasting has lifelong effects on physical and cognitive development. Most humanitarian interventions focus on preventing all forms of malnutrition, because once a child is malnourished, the impact is permanent.⁸²

In emergency situations such as conflict and internal displacement, children under the age of two and women who are pregnant or breastfeeding are the most vulnerable to severe acute malnutrition (SAM). A person with SAM is at risk of dying without immediate treatment. SAM is frequently associated with medical complications due to its impact on metabolism and the immune system.

⁸⁰ ICTY, *Prosecutor v. Karadzic*, IT-95-5/18-T, Judgment, 24 March 2016, [547], with reference to the preceding cases ICTY, *Prosecutor v. Brdjanin*, IT-99-36-T, Judgment, 1 December 2004, [691]; ICTY, *Prosecutor v. Stakic*, IT-97-24-T, Judgment, 31 July 2003, [517]; ICTR, *Prosecutor v. Musema*, ICTR-96-13-T, Judgment, 27 January 2000, [157]; ICTR, *Prosecutor v. Kayishema and Ruzindana*, ICTR-95-1-T, Judgment, 21 May 1999, [115–116]; ICTR, *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment, 2 September 1998, [506].

⁸¹ ICTY, *Prosecutor v. Karadzic*, *op. cit.* [548].

⁸² WFP, 'Ending malnutrition' available at <<https://www.wfp.org/ending-malnutrition>> accessed 7 November 2025.

These can include infections, severe anaemia, diarrhoea and dehydration, delayed wound healing, and hypothermia, among others. Children in particular are at the highest risk of dying from starvation.⁸³

Severe acute malnutrition encompasses a spectrum that has kwashiorkor at one end and marasmus at the other. Kwashiorkor in children typically presents as a distended belly and swollen legs or feet, while marasmus presents as severe muscle wasting and a skeletal appearance.⁸⁴ SAM in children is usually diagnosed via mid-upper arm circumference, which measures the degree of muscle wasting. A MUAC of less than 115 mm in children aged 6 - 60 months (up to 5 years old) indicates SAM and significant mortality risk.⁸⁵

Conditions of life in northern Rakhine State

The FAO-WFP's recent global report into hunger hot spots refers to 'extreme access restraints' in Myanmar and singles out the 'extremely critical malnutrition situation' in northern Rakhine State. The food insecurity situation in Buthidaung township is projected to rapidly reach catastrophic famine levels within the next six months. According to the IPC's classification system this means that, 'Starvation, death, destitution and extremely critical acute malnutrition levels are evident' and urgent action is required to prevent widespread death. In Maungdaw township, food insecurity is projected to reach emergency levels, requiring urgent action to save lives.⁸⁶ Yet, humanitarian access restrictions currently imposed by both the regime and the Arakan Army prevent aid workers from delivering life-saving assistance such as ready-to-use therapeutic food (RUTF) in northern Rakhine State.

BROUK's June 2025 report, *Starving to death: the latest phase of the Rohingya genocide* documented widespread food insecurity, disease, and signs of acute malnutrition among Rohingya children in northern Rakhine, underscoring the devastating human impact of policies and practices imposed by both the regime and the Arakan Army.

At the time, BROUK's research found that nearly half of respondents in Buthidaung township were internally displaced and most reported surviving on one or two meals a day consisting mainly of low-quality rice and leaves, with no access to oil, vegetables, or protein. Visible signs of severe acute malnutrition, such as kwashiorkor, indicated that starvation or famine conditions already existed.

In Maungdaw township, food availability was marginally better due to limited informal cross-border trade, but this has since been prohibited by the Arakan Army.⁸⁷ Reports of kwashiorkor and marasmus among children, as well as weakness among adults, indicated an escalating nutrition crisis.

The regime's blockade has resulted in extremely high food prices and near-empty markets, while the Arakan Army's movement restrictions mean Rohingya cannot fish, farm, or forage for food. Access to clean water is critically limited, sanitation facilities are inadequate, and outbreaks of diarrhoea have resulted in preventable deaths, particularly among children and the elderly.

Since BROUK conducted its research, the monsoon season has set in. From late June onward, BROUK received reports of IDPs across multiple village tracts in Buthidaung township being flooded out of their tarpaulin shelters. Many have been suffering from seasonal illnesses such as malaria,

⁸³ WHO, 'Malnutrition: Emergencies and disasters' (20 January 2020) available at <<https://www.who.int/news-room/questions-and-answers/item/malnutrition-emergencies-and-disasters>>; MSF, 'MSF Medical Guidelines: Severe Acute Malnutrition' (February 2024) available at <<https://medicalguidelines.msf.org/en/viewport/CG/english/severe-acute-malnutrition-16689141.html>> accessed 7 November 2025.

⁸⁴ Bunker & Pandey, *op. cit.*

⁸⁵ MSF (February 2024) *op. cit.*

⁸⁶ FAO and WFP (11 November 2025) 3.

⁸⁷ BROUK ref ICJ12-OAC-AA-PP-MDW7.

dengue fever, and influenza, yet have no access to medical treatment.⁸⁸ Such diseases can quickly prove fatal among populations facing acute malnutrition.

Statistics from the camps in Bangladesh - already outdated - confirm how dire the situation is in northern Rakhine. Many newly arrived Rohingya refugees are suffering from acute malnutrition, especially children and pregnant and lactating women, according to the International Rescue Committee. Hospital admissions for severe wasting increased by 12 percent between January and June this year compared to the same period in 2024. UNICEF treated 1,028 severely wasted children among new arrivals between October 2024 and June 2025.⁸⁹

New arrivals described to Reuters how they had survived on leaves, roots, and grass before fleeing to Bangladesh in the past six months. Ajib Bahar and her husband Mohammed Idris escaped from Buthidaung township. “My children cried all night from hunger. I boiled grass and gave it to them just to keep them quiet,” Bahar said.⁹⁰ Their six-month-old son fell ill and died in Bahar’s arms, because they had no medicine or food to give him.

AA spokesperson Khine Thu Kha claimed the group was cooperating with the UN and aid agencies, blaming the military blockade for food and medicine shortages and insisting that the Arakan Army aimed to keep commodity prices low and reduce taxes.⁹¹ Yet as noted earlier, the UN cited administrative requirements imposed by the AA as a barrier to humanitarian access. In addition, BROUK has documented arbitrary taxation imposed on the Rohingya, along with bans on them importing goods and accessing medical care in Bangladesh.⁹²

BROUK warns that restrictions imposed by both the regime and the Arakan Army in northern Rakhine are driving life-threatening food insecurity for Rohingya communities. The international community must heed the latest catastrophic famine warning and urgently secure humanitarian access. Without immediate access and rapid delivery of life-saving nutrition and medical care, widespread deaths - especially among children - are imminent.

Conditions of life in central Rakhine State

Forced displacement, confinement in camps

The Myanmar military has a decades-long history of employing divide-and-rule tactics and instigating violence against the Rohingya. The State-orchestrated violence of 2012-13 marked a critical juncture in the military authorities’ treatment of the group. A false narrative of ‘intercommunal violence’ constructed by the military authorities was used as a pretext to introduce draconian restrictions on freedom of movement for the Rohingya across Rakhine State.⁹³ The UN Fact-Finding Mission on Myanmar concluded,

The 2012 and 2013 violence in Rakhine State was pre-planned and instigated...the Myanmar security forces were actively involved and complicit. They participated in acts of violence... [This] actively instigated violence between the ethnic Rakhine and the Rohingya, with the involvement of State institutions and other figures of authority, result[ed] in mass arrests of Rohingya, policies of segregation and the mass displacement and confinement of Rohingya into squalid and barb-wired

⁸⁸ BROUK refs ICJ12-OAC-AA-FD-BUT2, ICJ12-OAC-AA-FD-BUT4, ICJ12-OAC-AA-FD-BUT5, ICJ12-OAC-AA-FD-BUT7, ICJ12-PM2c-BUT3, ICJ12-PM2c-BUT4.

⁸⁹ Reuters (1 October) *op cit*.

⁹⁰ Reuters (2 October) *op cit*.

⁹¹ Reuters (2 October) *op cit*.

⁹² BROUK refs ICJ12-OAC-AA-PP-MDW6, ICJ12-OAC-AA-PP-MDW7.

⁹³ For a more detailed description, see BROUK, ‘Slow death’: ten years confined to camps for 130,000 Rohingya in Myanmar (22 May 2022).

*“displacement” sites and camps in central Rakhine, where they have been arbitrarily detained.*⁹⁴

The Rohingya in central Rakhine State have endured 13 years of indefinite, arbitrary detention in camps - an ongoing violation of international law.⁹⁵ The last publicly available UN data from September 2024 showed that there were almost 145,000 Rohingya in camps, of whom over 112,000 were in Sittwe township.⁹⁶ Around half of the Rohingya confined to the camps are children - a generation who have only ever known the brutality of indefinite detention and deplorable living conditions.

Sittwe township

Due to funding shortfalls, WFP was unable to provide any humanitarian assistance to Rohingya IDPs in Sittwe for at least three months earlier this year.⁹⁷ WFP's basic level of cash assistance has recently risen from 35,000 MMK per person per month to 45,000 MMK. Some ration top-ups for children under the age of 5, pregnant and lactating women, and people with disabilities were reported to have been distributed by WFP in September and October.⁹⁸ However, this cash assistance is still not enough to cover the five-fold increase in the price of basic commodities since the regime imposed a trade blockade on Rakhine State.⁹⁹ For example, a 50 kg sack of rice now costs up to 150,000 MMK, and a litre of oil up to 12,000 MMK. A bundle of firewood costs at least 5,000 MMK, with a family needing a bundle a day to cook meals. There is now reported to be an acute shortage of firewood in the Sittwe area.¹⁰⁰

Families are struggling to prepare even two meals a day with rice and curry, and many now report eating rice only once per day.¹⁰¹ In one Rohingya host community, an estimated 20 percent of families cannot prepare proper meals, instead surviving on noodles and potato.¹⁰² An NGO aid worker who spoke to BROUK on condition of anonymity reported:

*There are thousands of SAM (severe acute malnutrition) and MAM (moderate acute malnutrition) cases in the camps now. The breakdown by age is that there are more cases in children under 5, but also many cases among children between 5 and 12 years old. According to the data, 60 out of 100 cases are female and the rest are male.... Compared with the end of 2024, the number of SAM and MAM cases are much higher.*¹⁰³

Data anonymously shared by aid workers with Reuters shows widespread acute malnutrition in the camps, with parents skipping meals so their children can eat. It also shows that the number of people affected increased nearly tenfold between September 2023 and August 2025.¹⁰⁴ A Rohingya IDP who

⁹⁴ UNFFMM, 'Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar' (17 September 2018) UN Doc A/HRC/39/CRP.2 [747-748].

⁹⁵ *ibid.*

⁹⁶ CCCM Camp Profiles, Central Rakhine, Myanmar September 2024, on file with BROUK. Detailed profiles were previously available here <<https://sheltercluster.org/hub/rakhine>>, accessed 8 November 2025.

⁹⁷ BBC News, 'Fears of starvation in Myanmar as UN warns of 'disaster'' (15 August 2025) available at <<https://www.bbc.co.uk/news/articles/cdd3r864g6no>> accessed 8 November 2025; also BROUK refs ICJ12-PM2c-SIT2a, ICJ12-PM2c-SIT2b, ICJ12-PM2c-SIT1c, ICJ12-PM2c-SIT1d.

⁹⁸ 22,500 MMK for children under 5, 67,500 MMK for PLW, and 30,000 MMK for disabled IDPs. BROUK ref ICJ12-PM2c-SIT2b.

⁹⁹ BBC News (15 August 2025) *op cit.*

¹⁰⁰ BROUK ref ICJ12-PM2c-SIT2c.

¹⁰¹ BROUK refs ICJ12-PM2c-SIT2a, ICJ12-PM2c-SIT2b, ICJ12-PM2c-SIT2c.

¹⁰² BROUK ref ICJ12-PM2c-SIT2b

¹⁰³ BROUK ref ICJ12-PM2c-SIT3.

¹⁰⁴ Reuters 'Myanmar's war-torn Rakhine faces a hunger catastrophe, aid groups say' (2 October 2025) *op cit.*

described the situation in the camps told BROUK, “If it continues like this, many people will die from starvation in the near future.”¹⁰⁵

Hla Tin, another 39-year-old Rohingya IDP living in one of the Sittwe camps has five children. The youngest two are both suffering from malnutrition, he told CNN. Among 432 families in Hla Tin’s camp, over 300 are not eating regular meals, and people are getting into debt taking loans to buy food. “I would like to call on the international community and organizations to not turn a blind eye to us, but to help us,” he said.¹⁰⁶

According to the aid worker who spoke to BROUK in November, all acute malnutrition patients currently have access to lifesaving RUTF treatment. However, it is unclear whether this is sustainable, given the scale of the current funding crisis. High levels of acute malnutrition among children aged 5 to 12 are especially alarming. Born and raised in the camps under conditions of indefinite detention, these Rohingya children have endured chronic deprivation and hunger, putting both their survival and long-term development at serious risk.

The aid worker warned that restrictions on humanitarian access continue to hinder water and sanitation services in the camps, where limited repairs to infrastructure damaged by Cyclone Mocha have heightened the risk of deadly outbreaks of acute watery diarrhoea - a threat underscored by the deaths of 86 people, most of them children, in the Sittwe camps in April 2024.¹⁰⁷

Describing a visit to one of the Rohingya IDP sites earlier this year, WFP chief Dunford said, “I had one gentleman, in tears, tell me that, ‘If WFP can’t feed us and the authorities won’t support us, then please drop a bomb on us. Put us out of our misery.’”¹⁰⁸ The aid worker who spoke with BROUK also shared his concerns about the ongoing high levels of despair and depression among IDPs in the camps.

Rohingya quarters in urban Sittwe

Since 2012, an estimated 7,000 Rohingya have been living under apartheid-like conditions in five adjoining quarters of Sittwe (Ka Thae, Kondan, Maw Leik, Kyaung Gyi Lan, and Aung Mingalar). According to information received by BROUK, Rohingya from the area no longer need permission from the military authorities to leave these ghettoised areas, but they live under a 9pm to 4am curfew. They must pay to pass through four different police checkpoints, while Rakhine people can pass freely. Livelihoods opportunities are extremely limited for Rohingya in the area, with a few men occasionally working as porters in the market when called by Rakhine traders.¹⁰⁹

In late October 2025, WFP reportedly provided 10 kg of rice and 25,000 MMK to the most vulnerable families in Aung Mingalar quarter - less than half of the 980 families estimated to need assistance. 50 families are reported to be facing starvation. This is believed to be the first time that WFP has provided humanitarian assistance in the area. Children under five are suffering from a range of health problems, including diarrhoea, skin infections, tuberculosis, and, in some cases, malaria.¹¹⁰

Since 2012 until now, pregnant Rohingya women in these urban quarters who need a surgical delivery must pay 1,000,000 MMK in advance to Sittwe General Hospital. If the fee is not paid in advance, doctors reportedly refuse to perform the surgery. In some cases, INGOs cover the cost of the surgery

¹⁰⁵ BROUK ref ICJ12-PM2c-SIT2c.

¹⁰⁶ CNN, ‘Marco Rubio said US aid cuts were to slash bureaucracy. So why are more refugee children going hungry?’ (25 October 2025) available at <<https://edition.cnn.com/2025/10/25/asia/rubio-usaid-cut-children-hungry-rohingya-bangladesh-intl-hnk>> accessed 8 November 2025.

¹⁰⁷ BROUK, ‘The Intensifying Rohingya Genocide’ (June 2024) 21.

¹⁰⁸ Reuters ‘Myanmar’s war-torn Rakhine faces a hunger catastrophe, aid groups say’ (2 October 2025) *op cit*.

¹⁰⁹ BROUK ref ICJ12-PM2c-SIT1.

¹¹⁰ BROUK ref ICJ12-PM2c-SIT1.

through referrals. But if this is not done on time, Rohingya families need to sell off their limited assets to cover the costs of the Caesarean delivery.¹¹¹

Pauktaw township

There are five camps in Pauktaw township, where over 25,000 Rohingya IDPs remain confined. According to UN data, almost 60 percent of the Rohingya population at four out of the five Pauktaw camps are children.¹¹² It is extremely difficult to contact people in Pauktaw township due to the communications shutdown imposed by the regime. BROUK was able to collect information from one of the five Pauktaw camps.

Rohingya IDPs in the camp reportedly received WFP cash assistance at a rate of 35,000 MMK per person per month in July and August, rising to 45,000 MMK in September and October. IDPs have to walk on foot to access the local market, but they must carry their allowance form and pay a bribe to cross the AA checkpoint and reach the market. At most, families can prepare two meals a day but sometimes have to skip meals. Approximately 200 children in the camp are suffering from acute malnutrition. Due to the regime's blockade, RUTF is unavailable. Although an INGO reportedly provides 170,000 MMK per affected child, cash assistance is no substitute for life-saving therapeutic food.¹¹³

Kyauktaw township

According to ground reports, the food security situation in Kyauktaw is rapidly deteriorating, for Rakhine communities as well as Rohingya. 40 percent of people in the township are estimated to be struggling to buy basic food items, and malaria, skin diseases and waterborne illnesses including diarrhoea are on the rise.¹¹⁴ At the time of writing, WFP is not providing assistance in the area.

Volunteer community health workers who earlier in the year had been providing RUTF to Rohingya children with acute malnutrition have been forced to halt treatment due to a lack of supplies. Anecdotal evidence indicates that cases of acute malnutrition are now rising rapidly.¹¹⁵

Rohingya villagers are struggling for food more than ever before. Some of the poorest families are surviving on boiled taro and rice water. Others manage only one proper meal a day, with parents often skipping meals so their children can eat.¹¹⁶ Fatima Khatun is a widow in her forties with four children, who occasionally gets work as a day labourer. She told the New Humanitarian, "I have no regular job. If I find some work, I do it. If I can't, I beg relatives for help. If they can't help, I just go hungry." On days when there is no work, the family subsists on two cups of rice. "I haven't seen meat or fish for a long time. I can't afford them," she said. "I pick cassava leaves from the roadside or search for greens in the fields."¹¹⁷

The rapidly deteriorating conditions of life in Kyauktaw township have left many Rohingya youth feeling they have no option but to flee, exposing them to the dangers of people smuggling and human trafficking.

Criminalisation of Rohingya fleeing the conditions of life inflicted on them

¹¹¹ BROUK ref ICJ12-PM2c-SIT1.

¹¹² Percentages and estimated total number of IDPs based on last publicly available figures compiled by the UN Shelter cluster, which counted 26,961 Rohingya IDPs in Pauktaw township in September 2024.

¹¹³ BROUK ref ICJ12-PM2c-PKT1.

¹¹⁴ BROUK refs ICJ12-PM2c-KTW1a, ICJ12-PM2c-KTW1b.

¹¹⁵ BROUK, 'Starving to death' (June 2025) 25. BROUK refs ICJ12-PM2c-KTW1a, ICJ12-PM2c-KTW1b.

¹¹⁶ BROUK ref ICJ12-PM2c-KTW1b.

¹¹⁷ The New Humanitarian, '“If we die, we die”: Myanmar's Rakhine pushed to the brink' (7 August 2025) available at <<https://www.thenewhumanitarian.org/news-feature/2025/08/07/if-we-die-we-die-myanmar-rakhine-pushed-brink>> accessed 8 November 2025.

Rohingya who attempt to flee the appalling conditions of life inflicted on them in Rakhine State are routinely arrested and imprisoned for travelling without identity documents or travel authorisations - documents the Myanmar State itself makes almost impossible for them to obtain. Cases against the Rohingya are usually brought under the 1949 Residents of Burma Registration Act (and 1951 Resident of Burma Registration Rules), which carries a maximum penalty of two years in jail with hard labour, or under Article 13(1) of the 1947 Burma Immigration (Emergency Provisions) Act) for a jail term of five years.¹¹⁸ Under international law, the statelessness of a person resulting from the arbitrary deprivation of nationality cannot be invoked by a State as a justification for the denial of other human rights, including freedom of movement.¹¹⁹ The Myanmar State's complex web of discriminatory laws and movement restrictions applied solely to members of the Rohingya group violate international human rights laws. Furthermore, they criminalise the Rohingya for attempting to flee the appalling conditions of life they are subjected to in Rakhine State.

The journey in search of safety is extremely dangerous. UN data indicates that in the first five months of 2025, about one in seven Rohingya died enroute while fleeing Myanmar by sea.¹²⁰ Rohingya who survive are in danger of being picked up by the Myanmar Navy at sea or arrested onshore or inland. Rohingya survivors of the two deadly maritime disasters that claimed the lives of over 400 Rohingya in May this year have been imprisoned.¹²¹ Sixty-six survivors from the first boat were reportedly sentenced to two years in Mawlamyine Prison, Mon State, while the 21 survivors from the second boat were detained in Yangon. 15 adults received six-month sentences and six children were given two-year terms in a juvenile detention centre.¹²²

No one knows how many Rohingya men, women, and children are imprisoned or detained across Myanmar at any given time. Rohingya in Rakhine State endure a relentless cycle: persecution drives them to flee, flight leads to criminalisation and imprisonment, and release returns them to the same brutal conditions of life, where the cycle begins again. The regime's ongoing genocidal intent towards the Rohingya group should be inferred from its unrelenting use of these persecutory laws, policies, and practices.

On 19 July, the bodies of seven Rohingya were seen floating in the Naf river near an AA checkpoint in Maungdaw township, after the boat they were fleeing in sank. The deceased were reported to be from Buthidaung township.¹²³ On 9 November, a boat carrying around 70 Rohingya fleeing Buthidaung township sank off the coast of Malaysia. The passengers were reported to be part of a larger group of 300, on separate boats. So far at least 27 bodies have been recovered, with dozens still missing.¹²⁴

Causing serious bodily or mental harm to members of the group

The jurisprudence of the ad hoc tribunals has clarified that the genocidal act of causing serious bodily or mental harm 'need not cause permanent and irremediable harm, but it must involve harm that goes

¹¹⁸ Rohingya Communities Worldwide, 'Joint UPR Submission 2020' 11 [30]. Burma Human Rights Network, 'Nowhere to Run in Burma: Rohingya trapped between an open-air prison and jail' (26 August 2020).

¹¹⁹ UNFFMM 2018 report *op. cit.* 119-120 [499-500].

¹²⁰ OHCHR (26 September 2025) 4[9].

¹²¹ See BROUK, 'Starving to death: the latest phase of the Rohingya genocide' (June 2025) 25.

¹²² BROUK ref ICJ12-PM2c-BUT1.

¹²³ BROUK ref ICJ12-PM2c-BUT2.

¹²⁴ Reuters, 'Rohingya survivor recalls deadly boat sinking, more bodies found' (12 November 2025) available at <<https://www.reuters.com/world/asia-pacific/rohingya-survivor-recalls-deadly-boat-sinking-more-bodies-found-2025-11-11/>> accessed 17 November 2025.

beyond temporary unhappiness, embarrassment or humiliation. It must be harm that results in a grave and long-term disadvantage to a person's ability to lead a normal and constructive life'.¹²⁵

According to the ICTY, 'the bodily or mental harm caused must be of such a serious nature as to contribute or tend to contribute to the destruction of the group' and 'may include torture; rape; and non-fatal physical violence that causes disfigurement or serious injury to the external or internal organs'.¹²⁶ The ICTY has further established that threats of death and 'knowledge of impending death' are examples of serious mental harm.¹²⁷

Forced recruitment, forced labour exacted by the Myanmar military

Against the backdrop of the appalling living conditions inflicted on the Rohingya in Rakhine State, the Myanmar military has systematically targeted Rohingya men and youth for forced recruitment since February 2024.¹²⁸

On 25 June 2025, Rakhine State Minister for Security and Border Affairs Colonel Kyaw Thura - who appears to be overseeing forced recruitment of Rohingya in Sittwe - summoned Rohingya IDP committee members and host community village heads to a meeting at one of the IDP sites.¹²⁹ He ordered that previously trained recruits who had been returned to the IDP sites must be rounded up and sent to Sittwe military bases to report for duty. He made it clear that failure to do so would result in punishment for those Rohingya leaders.¹³⁰

In the days that followed, some committee members told the military that they were facing difficulties with rounding up the trainees. They were arrested, held in lock-up for two days, and badly beaten. At least 122 Rohingya men and youth were taken away by police and soldiers from three different camp settings, including both previously trained individuals and new recruits.¹³¹

The military appears to be operating a rotational system for Rohingya forced recruits. According to ground reports, at least 1,000 military-trained Rohingya from the IDP sites must be on duty at Sittwe military bases and are summoned on a monthly or quarterly basis, according to the military's demands. While 'on duty' forced recruits are not allowed to use mobile phones, so their families cannot contact them. The military exacts forced labour from the recruits, ordering them to carry water and cook meals for soldiers, clean the military base area, dig holes, build bunkers and sandbag walls, porter, and fight on the frontlines.¹³² Those who survive return to the IDP camps only to face being summoned again, while others carry gunshot wounds and blast injuries. One source told BROUK,

*Forced recruits come back from the military base with horrifying injuries....some were taken by force to fight in the battlefields, causing deaths and severe injuries... some lost their full legs. It's extremely sad and traumatic for their families.*¹³³

¹²⁵ ICTY, *Prosecutor v. Krstić*, Trial Chamber, Judgment, 2 August 2001, IT-98-33-T, [513]; ICTR, *Prosecutor v. Akayesu*, Trial Chamber, Judgment, 2 September 1998, ICTR-96-4-T, [502] stating that the bodily or mental harm need not be 'permanent or irremediable'. Cited in Mark Klamberg, Jonas Nilsson and Antonio Angotti (eds.) *Commentary on the Law of the International Criminal Court: The Statute, Volume I* (2nd ed.) Torkel Opsahl Academic E-Publisher (2023).

¹²⁶ ICTY, *Prosecutor v. Mladić*, Trial Chamber, Judgment, 22 November 2017, IT-09-92-T [3433]; *Prosecutor v. Karadžić*, Trial Chamber, Judgment, 24 March 2016, IT-95-5/18-T [543-545]. Cited in Klamberg eds. *op. cit.* 132.

¹²⁷ *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-A, ICTY A. Ch., Judgment, 8 April 2015 [206].

¹²⁸ BROUK first received reports that IDP Camp Management Committees in Sittwe had been ordered to recruit Rohingya for the Myanmar military on 20 January 2024, a few weeks before the first batch of Rohingya men and youth were taken for conscription.

¹²⁹ See also BROUK, 'The Intensifying Rohingya Genocide' (June 2024) 23.

¹³⁰ BROUK refs ICJ12-PM2b-SIT1a, ICJ12-PM2b-SIT1b.

¹³¹ ICJ12-PM2b-SIT1b.

¹³² BROUK ref ICJ12-PM2b-SIT1c. See also OHCHR (26 September 2025) 4[10] 5[13]

¹³³ BROUK ref ICJ12-PM2b-SIT1d.

As previously reported by BROUK, forced recruitment orders are accompanied by extortion demands.¹³⁴ Every family in the IDP camps and host communities must pay between 10,000 – 40,000 MMK every month to pay the salaries of forced recruits.¹³⁵ This scheme is reportedly administered through the Camp Management Committees and village administrators. It is unclear whether all the money collected is distributed to the families of forced recruits, or if some is withheld by the military.

Colonel Kyaw Thura visited the Rohingya camps and issued his order at the height of the hunger crisis, following WFP's temporary suspension of cash assistance. As Rakhine State Minister for Security and Border Affairs, he is a senior regime official who would have been aware of the situation and the military's role in restricting humanitarian access. He is also alleged to have overseen the forced recruitment of Rohingya from the outset. Genocidal intent to 'destroy the group in whole or in part' underlying the act of causing serious bodily or mental harm to members of the Rohingya group could arguably be inferred from these circumstances.¹³⁶

At least 25 Rohingya youth and men from the five urban quarters of Sittwe (Ka Thae, Kondan, Maw Leik, Kyaung Gyi Lan, and Aung Mingalar) have also been forcibly recruited. Several are reported to have sustained gunshot wounds. Photos obtained by BROUK, dated July 2024 and March 2025, show that two of the forced recruits lost limbs in incidents consistent with landmine explosions.¹³⁷ Families in these areas also have to pay 20,000 MMK per family for the salaries of forced recruits.¹³⁸ In October, BROUK received reports that 20 Rohingya men and youth from those urban areas were ordered to report for duty. It is unclear whether they were previously trained or new recruits.¹³⁹

Killing members of the group

*Throughout the ground offensives in 2024, the military relied heavily on Rohingya forced recruits. Scores, possibly hundreds, of those men and boys recruited by the military remain unaccounted for, with many feared killed on the battlefield... Credible reports indicated that many forcibly recruited Rohingya men from Sittwe camps in June and July were sent to fight the Arakan Army in the ongoing battles in Kyaukphyu, and families have lost contact with them, with their whereabouts unknown.*¹⁴⁰
(Office of the High Commissioner for Human Rights)

According to OHCHR, 'By using Rohingya, the military preserved its own troops while hindering Arakan Army advances and ignited interethnic tensions that may have long-term repercussions.'¹⁴¹ As highlighted above, the regime's role in fostering a hostile environment conducive to atrocity crimes and inciting the Arakan Army to commit such crimes must be given due consideration. One incident documented by OHCHR arguably illustrates this:

On 8 December 2024 in Ka Nyin Tan village, after the last battle before taking Maungdaw, the Arakan Army captured several soldiers and Rohingya recruits and reportedly burned them alive. Satellite images corroborated the presence of fire at the

¹³⁴ BROUK, 'Starving to death: the latest phase of the Rohingya genocide' (June 2025) 27.

¹³⁵ BROUK refs ICJ12-PM2b-SIT1c, ICJ12-PM2b-SIT1d.

¹³⁶ 'The specific intent may be inferred from the surrounding facts and circumstances which may include: the general context; the perpetration of other culpable acts systematically directed against the same group; the scale of the atrocities committed; the systematic targeting of victims on account of their membership in a particular group; proof of the mental state with respect to the commission of the underlying acts; the repetition of destructive and discriminatory acts; or the existence of a plan or policy.' ICTY, *Prosecutor v. Mladić*, Trial Chamber, Judgment, 22 November 2017, IT-09-92-T [3457].

¹³⁷ BROUK ref ICJ12-PM2b-SIT2a.

¹³⁸ BROUK ref ICJ12-PM2b-SIT2b.

¹³⁹ BROUK ref ICJ12-PM2b-SIT2b.

¹⁴⁰ OHCHR (26 September 2025) 5[13].

¹⁴¹ OHCHR (29 August 2025) 10[46].

*location as described. According to the interviewee, over 50 Rohingya hors de combat were subsequently moved to a nearby school, where they were reportedly beaten severely before being executed. Bodies were allegedly piled up and abandoned in a roadside drain nearby.*¹⁴²

Rohingya men and youth forcibly recruited by the Myanmar military and allied criminal enterprises have been sent to their deaths on the frontlines in Rakhine State. In accordance with the *Karadzic* case law, such killings described above may amount to genocidal acts when intent to destroy the group in whole or in part can be inferred from the context and the actions of the perpetrators.

The regime's trade and aid blockade, combined with the Arakan Army's restrictions on humanitarian access, has intensified famine conditions for Rohingya in Rakhine State. Communication blackouts have made it impossible to track the number of preventable deaths during the reporting period. BROUK is extremely concerned that killings of Rohingya amounting to genocidal acts may be far more pervasive than documented in this report.

Provisional measure (3) – preserve evidence

'The Republic of the Union of Myanmar shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide.'

The Myanmar State is obliged to comply with this provisional measure at all times. This includes during situations of internal armed conflict, as well as with reference to fresh allegations of genocidal acts since the provisional measures were ordered in January 2020.

In previous briefings, BROUK has highlighted how the Myanmar regime continued to build infrastructure on Rohingya land razed during the 'clearance operations' of 2016-2017, including on sites of alleged mass killings and other serious crimes. BROUK's research built on the findings of the UNFFMM's 2019 report.¹⁴³ In many cases, the land razed was used to construct Border Guard Police (BGP) outposts or military camps, many of which are now occupied by the Arakan Army.¹⁴⁴

In its latest report, the UN-mandated Independent Investigative Mechanism for Myanmar (IIMM) detailed how seven Rohingya village tracts in northern Rakhine State were burned and razed between late 2017 and early 2018, destroying vital evidence in the process:

*Myanmar's systematic demolition and razing of Rohingya villages and construction of BGP Battalion bases on these sites has destroyed or permanently concealed much evidence of what occurred during the 2017 clearance operations. These actions have eliminated forensic evidence such as mass graves, burned structures, victims' remains and personal effects that could demonstrate patterns of persecution, methods of killing, and the identities of victims and perpetrators. Such destruction may also eradicate ballistic, blast pattern and weapons evidence, as well as documentation showing property ownership, victim targeting, or links between military leadership and field operations.*¹⁴⁵

¹⁴² OHCHR (29 August 2025) *op cit.* 11[48].

¹⁴³ UNFFMM, 'Detailed findings of the Independent International Fact-Finding Mission on Myanmar' (16 September 2019) UN Doc A/HRC/42/CRP.5 [116-140].

¹⁴⁴ UNFFMM (16 September 2019) *op cit.* [126] and BROUK, 'Starving to death: the latest phase of the Rohingya genocide' (June 2025) 28.

¹⁴⁵ UN IIMM 'The destruction and dispossession of Rohingya land and property during the 2017 clearance operations - public summary' (29 September 2025) 16-17[59].

The IIMM recognised the particular significance of reparations for land and property loss for the Rohingya, and emphasised:

*Rohingya victims face unique evidentiary barriers, including decades of systemic discrimination, restricted access to property records, forced displacement during the 2017 clearance operations, and ongoing conflict in Rakhine State. To address these challenges, evidence should extend beyond formal documentation to include geospatial imagery, witness testimony, and other material proof of destruction and dispossession. Recognizing these barriers is critical to ensuring fair and timely reparations that reflect the gravity of crimes suffered.*¹⁴⁶

Provisional measure (4) – report to the ICJ

‘The Republic of the Union of Myanmar shall submit a report to the Court on all measures taken to give effect to this Order within four months, as from the date of this Order, and thereafter every six months, until a final decision on the case is rendered by the Court.’

The extensive evidence and analysis presented in this report of the junta’s breaches of the ICJ’s provisional measures order highlight - once again - the urgent need for real-time international scrutiny and transparency in the compliance reporting process. The military regime has repeatedly violated the provisional measures for more than five years without facing any consequences.

Under the Rules of the Court, the ICJ may of its own accord either issue further provisional measures or amend the existing order by providing more specific instructions.¹⁴⁷ If the Myanmar State were legally obliged to make its compliance reports public at the time of submission to the Court as part of its *erga omnes* obligations to the international community on the prevention and punishment of genocide, this would give UN member states compelling reason to urge the UN Security Council to exercise its Chapter VII mandate and adopt a binding resolution on Myanmar in pursuit of peace and security in the country and wider region.¹⁴⁸ Such a resolution should include referral of the situation in Myanmar to the International Criminal Court.

Latest developments in the ICJ case

At the time of writing, the International Court of Justice has not yet issued a public notice for the oral hearings scheduled to begin in mid-January 2026, which were announced by The Gambia’s Minister of Justice at the UN High-level Conference.¹⁴⁹

¹⁴⁶ UN IIMM (20 September 2025) *op cit.* 17[60].

¹⁴⁷ See International Court of Justice Rules of Court adopted on 14 April 1978 and entered into force on 1 July 1978, Rules 75 and 76. See also Prachiti Venkatraman and Ashley Jordana, UK Human Rights Blog, ‘Myanmar’s Compliance with the ICJ Provisional Measures Order & the Road Ahead’ (3 September 2020) available at <<https://ukhumanrightsblog.com/2020/09/03/myanmars-compliance-with-the-icj-provisional-measures-order-the-road-ahead/>> accessed 9 November 2025 and USHMM, Report#2, *op.cit.* 5. A change to the Internal Judicial Practice of the Court provided for the establishment of an ad hoc committee comprised of three judges to assist the Court in monitoring the implementation of provisional measures. The ad hoc committee reports periodically to the Court and can recommend potential options to the Court, which should include a recommendation to make Myanmar’s reports public. ICJ Press Release, ‘Adoption of a new Article 11 of the Resolution concerning the Internal Judicial Practice of the Court, on procedures for monitoring the implementation of provisional measures indicated by the Court’ (21 December 2020) No. 2020/38.

¹⁴⁸ Article 77 of the Rules read with Article 41(2) of the Court’s Statute provides that any provisional measures ordered by the Court are to be communicated to the UNSC. To date there is no indication that the reports on compliance with the orders have been provided to the UNSC. Erin Farrell Rosenberg, John Packer, Fernand de Varennes, ‘Provisional Measures in The Gambia v. Myanmar Case Before the ICJ: The Case for Making Myanmar’s Report Public’ (22 May 2021), 11.

¹⁴⁹ Unofficial transcript of excerpts from the speech delivered by Mr. Dawda A. Jallow, Minister of Justice for the Gambia, *op cit.*

On 25 July 2025, the Court issued a unanimous ruling that additional declarations of intervention filed by Slovenia, the Democratic Republic of the Congo, Belgium and Ireland are admissible.¹⁵⁰ Following its earlier decision on the admissibility of declarations of intervention filed by Canada, Denmark, France, Germany, the Netherlands, the United Kingdom and the Maldives, the case is now formally referred to as *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)*.

All of the intervening States filed their declarations of intervention under Article 63(2) of the ICJ Statute, as they are parties to the Genocide Convention. Read together with the Rules of the Court, this gives State parties to an international convention the right to intervene in a case where it concerns the ‘construction’ of a convention.¹⁵¹ In brief, this means that intervening States can seek to clarify the interpretation of the Genocide Convention, and the Court’s findings will be binding on them. In practice, the Court’s order gives intervening States the right to participate in proceedings on this basis. The Court set deadlines for written observations from intervening States.¹⁵² The Court will determine at a later date whether the eleven intervening States will be authorized to make observations in the course of the oral proceedings, in accordance with the Rules of the Court.¹⁵³

The oral proceedings are expected to last several weeks. A judgment in the case is not expected until months after the conclusion of the oral proceedings. Until the case concludes and the final judgment is issued, the Myanmar State is obliged to continue reporting on its compliance with the Court’s provisional measures order every six months.

The length of court proceedings mean that even greater public scrutiny must be afforded to Myanmar’s compliance with the ICJ’s provisional measures order, given that its purpose is to protect the Rohingya from irreparable harm. It is unclear whether intervening States will be provided with Myanmar’s compliance reports and The Gambia’s written observations in response to those reports as part of their participation in proceedings.

Next steps in the proceedings

- **Oral hearings:** the Court will announce oral hearings to take place in January 2026 where both the Gambia and Myanmar will present their cases, respond to questions, and provide additional evidence. It remains to be seen whether the 11 intervening States will be authorised by the Court to make observations during the oral proceedings. All 11 intervening States have been given the opportunity to make written observations.
- **Deliberations by the judges:** The ICJ judges will engage in private deliberations, reviewing all evidence and arguments to assess Myanmar’s compliance with the Genocide Convention.
- **Final judgment:** The ICJ will issue a binding judgment on the merits of the case. If the Court finds in favour of The Gambia, it will determine Myanmar’s responsibility under the Genocide Convention and may set out legal obligations for reparations and guarantees of non-repetition.

The next section of this report outlines the international humanitarian, human rights, and criminal law applicable to the situation in Rakhine State.

¹⁵⁰ ICJ, ‘Order: Admissibility of the Declarations of Intervention’ (25 July 2025).

¹⁵¹ Article 63(2) ICJ Statute available at <<https://www.icj-cij.org/statute>> and Article 82(3) ICJ Rules of Court, available at <<https://www.icj-cij.org/rules>> accessed 5 June 2025.

¹⁵² For Slovenia, Belgium, the Democratic Republic of the Congo and Ireland, this was fixed as 25 September 2025.

¹⁵³ ICJ, ‘Order: Admissibility of the Declarations of Intervention’ (25 July 2025) 13[63].

Other atrocity crimes & the Arakan Army's failure to comply with the provisional measures

The International Court of Justice ordered provisional measures in response to The Gambia's genocide case against Myanmar. The case is based on the Genocide Convention, to which both States are parties. The Gambia has accused Myanmar of committing genocide, continuing to commit genocidal acts, and of breaching its obligations under the Convention by failing to prevent and punish genocide. Under international law, the Myanmar State bears the primary responsibility to prevent and punish the crime of genocide, as well as other atrocity crimes and incitement to such acts.

The Court described the Rohingya remaining in Myanmar as 'extremely vulnerable' and referred to the 'right of the Rohingya group in Myanmar and of its members to be protected from killings and other acts threatening their existence as a group'.¹⁵⁴ In essence, the order requires that the Rohingya be protected from further harm and that their right to exist as a group be safeguarded. The order should be understood in the broader context of international law, which prohibits all human rights violations against the Rohingya.

As the *de facto* authority in most of Rakhine State, the Arakan Army has both a legal and moral obligation to respect and protect the rights of the Rohingya, including their right to exist as a distinct group. The Arakan Army must comply with the International Court of Justice's provisional measures and take concrete steps to protect the Rohingya, along with all other civilians in Rakhine State. As a party to the armed conflict, the Arakan Army must uphold international humanitarian law.

International humanitarian law

One of the main purposes of international humanitarian law (IHL) is to protect non-combatants, people who are not taking part in hostilities – specifically, civilians, health workers and aid workers. Fundamental rules applicable in internal armed conflicts include the principle of distinction between combatants and civilians and between military and civilian objects. IHL requires all parties to a conflict to take precautionary measures to minimise harm to civilians and civilian objects, which includes providing effective warnings to civilian populations. Direct attacks against civilians and civilian objects are prohibited. Indiscriminate attacks (attacks which strike military objectives and civilians or civilian objects without distinction) are also prohibited. Reprisal attacks against civilians are prohibited in all circumstances, regardless of the behaviour of the other party to the conflict. All parties to internal armed conflicts must comply with IHL. Perpetrators of IHL violations may be held criminally liable under national and international law.

The UN Guiding Principles on Internal Displacement consolidate existing international human rights and humanitarian law relevant to the internally displaced.¹⁵⁵ They reiterate that arbitrary displacement is prohibited in situations of armed conflict - unless the security of the civilians involved or imperative military reasons so demand – and should last no longer than required by the circumstances. They further clarify that displacement as a collective punishment is prohibited, as is displacement based on policies of apartheid, "ethnic cleansing" or similar practices.¹⁵⁶ The right of return for internally displaced persons in safety to their homes or habitual places of residence is also part of customary international humanitarian law.¹⁵⁷

¹⁵⁴ ICJ, (23 January 2020) *op. cit.* 23[72], [70].

¹⁵⁵ UN Guiding Principles on Internal Displacement (1998) UN Doc E/CN.4/1998/53/Add.2.

¹⁵⁶ *ibid* Principle 6(2)(3).

¹⁵⁷ Rule 132. Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist. See < <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule132> > accessed 6 June 2025.

IHL explicitly outlaws ‘violence to life and person,’ ‘outrages upon personal dignity,’ and ‘humiliating or degrading treatment’.¹⁵⁸ It specifies that,

*All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction.*¹⁵⁹

Uncompensated or abusive forced labour, arbitrary deprivation of liberty, and enforced disappearance are all prohibited as rules of customary international law.¹⁶⁰ International humanitarian treaty law does not refer to the term ‘enforced disappearance’ as such. However, enforced disappearance threatens to violate a range of customary rules of international humanitarian law, including the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel or inhuman treatment, and the prohibition of murder.¹⁶¹ Parties to internal armed conflicts must:

- Take steps to prevent disappearances, including through registration of persons who are detained;¹⁶²
- Take all feasible measures to account for persons reported missing as a result of armed conflict, and to provide their family members with information it has on their fate.¹⁶³

The prohibition on enforced disappearance must also be viewed in light of the rule requiring respect for family life.¹⁶⁴

War crimes

War crimes are serious violations of international humanitarian law. Specific acts which are prohibited in the context of an internal armed conflict are described in Articles 8(2)(c) and 8(2)(e) of the Rome Statute of the International Criminal Court (ICC).¹⁶⁵ Such acts include (but are not limited to) murder, outrages upon personal dignity, cruel treatment, torture, sentencing or execution without due process, sexual violence, rape, taking hostages, using, conscripting and enlisting children under the age of 15, pillaging, attacking civilians, attacking civilian objects. When perpetrated in the context of an internal armed conflict and with the necessary intent and knowledge of both the act and context, these acts amount to war crimes.¹⁶⁶ Ordering the displacement of a civilian population in the context of an internal armed conflict is also a war crime, unless the security of the civilians involved or imperative military reasons so demand, both of which are exceptional circumstances.¹⁶⁷

¹⁵⁸ Common Article 3 Geneva Conventions (1949) 75 UNTS 28, art 3.

¹⁵⁹ Additional Protocol (II) to the Geneva Conventions, 8 June 1977 (977 UNTS 629) art 4(1).

¹⁶⁰ Rule 95. Uncompensated or abusive forced labour is prohibited; Rule 98. Enforced disappearance is prohibited; Rule 99. Arbitrary deprivation of liberty is prohibited. See <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule95>>, <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule99>>, and <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98>> accessed 11 November 2025.

¹⁶¹ Rule 98. Enforced disappearance is prohibited <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98>> accessed 11 November 2025.

¹⁶² Rule 123. The personal details of persons deprived of their liberty must be recorded <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule123>> accessed 11 November 2025.

¹⁶³ Rule 117. Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate. <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule117>> accessed 11 November 2025.

¹⁶⁴ Rule 98 *op cit.* and Rule 105. Family life must be respected as far as possible <<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule105>> accessed 11 November 2025.

¹⁶⁵ Articles 8 (2) (c) (i-iv) and 8 (2) (e) (i-xv). Rome Statute of the International Criminal Court (Rome Statute), adopted July 17, 1998, 2187 UNTS 90, U.N. Doc. A/CONF.183/9 (2002).

¹⁶⁶ Rome Statute, Article 30. See also International Criminal Court, *Elements of Crimes*, (2011) Articles 8(2)(c) and 8(2)(e).

¹⁶⁷ Klamberg, Nilsson and Angotti (eds.) *International Criminal Court: The Statute Volume 1*, (2023) 2nd edition Torkel Opsahl Academic E-Publisher 405.

Torture constitutes a war crime when the perpetrator inflicted the pain or suffering for such purposes as obtaining information or a confession, punishment, intimidation or coercion, or for any reason based on discrimination of any kind.¹⁶⁸ Although forced labour is not specifically enumerated as a war crime, it can amount to cruel treatment. In its judgment in the *Simić* case, the ICTY found that:

*[C]ertain types of forced labor may amount to cruel and inhumane treatment if the conditions under which the labor is rendered are such as to create danger for the life or health of the civilians, or may arouse in them feelings of fear, and humiliation. . . . Forcing protected persons to work in life-threatening circumstances fails to meet the obligation for protection against acts of violence and may result in inflicting upon these persons physical and mental suffering. It has been held that placing detainees in life-threatening situations constitutes cruel and inhuman treatment.*¹⁶⁹

Likewise, enforced disappearance is not specifically enumerated as a war crime. However, as described above, enforced disappearances violate IHL prohibitions on murder, torture, and cruel treatment, which are recognised war crimes.¹⁷⁰

Crimes against humanity

The framework of analysis for atrocity crimes set out by the UN Office on Genocide Prevention and the Responsibility to Protect clarifies that different kinds of atrocity crimes can occur concurrently in the same situation, or one crime might be a precursor to another type of atrocity crime.¹⁷¹

Crimes against humanity are among the gravest crimes under international law, committed as part of a widespread or systematic attack against any civilian population. An ‘attack’ doesn’t need to be a military attack. It instead refers to a course of conduct involving the commission of prohibited acts.¹⁷² The attack must be either widespread *or* systematic in order to meet the legal threshold for a crime against humanity. The perpetrator must have knowledge that the conduct is part of a widespread or systematic attack against a civilian population.

The ICC’s Pre-Trial Chambers decisions in the *Bemba* and *Katanga and Ngudjolo* cases clarified that a widespread attack entailed ‘an attack carried out over a large geographical area or an attack in a small geographical area directed against a large number of civilians.’¹⁷³ As for ‘systematic,’ the ICC has stated that this element refers to ‘the organized nature of the acts of violence and the improbability of their random occurrence.’¹⁷⁴ These contextual elements determine whether a set of prohibited acts reach the threshold of crimes against humanity. Such prohibited acts include (but are not limited to) murder, enslavement, rape, sexual violence, imprisonment or other severe deprivation of physical liberty, enforced disappearance, torture, inhumane acts, persecution, and deportation or forcible transfer of population.

¹⁶⁸ International Criminal Court, *Elements of Crimes*, (2011) Article 7 Introduction [3].

¹⁶⁹ *Prosecutor v. Simić*, ICTY, IT-95-17/1-T, Judgment (Trial) [91].

¹⁷⁰ See also Greta Ramelli in *OpinioJuris*, ‘Key Insights and Lessons from The First World Congress on Enforced Disappearances’ (1 August 2025) available at <<https://opiniojuris.org/2025/08/01/key-insights-and-lessons-from-the-first-world-congress-on-enforced-disappearances/>> accessed 11 November 2025.

¹⁷¹ United Nations, ‘Framework of Analysis for Atrocity Crimes - a tool for prevention’ (2014) 6.

¹⁷² ICC Elements of Crimes, Article 8(2)(c)(i)-4.

¹⁷³ *Prosecutor v. Bemba*, ICC PT. Ch. II, ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, 15 June 2009 [83] and *Prosecutor v. Katanga and Ngudjolo*, ICC PT. Ch. I, ICC-01/04-01/07-717, Decision on the Confirmation of Charges, 30 September 2008 [395].

¹⁷⁴ *Prosecutor v. Katanga and Ngudjolo*, ICC PT. Ch. I, ICC-01/04-01/07-717, Decision on the Confirmation of Charges, 30 September 2008, [394] *Prosecutor v. Gbagbo*, ICC PT. Ch. I, Decision on the Confirmation of Charges against Laurent Gbagbo, ICC-02/11-01/11-656-Red, 12 June 2014, [223].

Deportation or forcible transfer of population refers to forced displacement.¹⁷⁵ Deportation is widely considered to involve forced displacement across an international border, while forcible transfer refers to internal displacement.¹⁷⁶ Forced displacement may occur by ‘expulsion or other coercive acts’. The ICC’s elements of crimes further clarifies that, ‘The term “forcibly” is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.’¹⁷⁷ What matters is that the victims had no genuine choice whether to stay or to leave.¹⁷⁸

Deportation and forcible transfer are defined as ‘open-conduct’ crimes. This means that different types of conduct can amount to ‘expulsion or other coercive acts’. Such conduct can include ‘deprivation of fundamental rights, killing, sexual violence, torture, enforced disappearance, destruction and looting.’¹⁷⁹ Since the underlying act of deportation spans an international border, the ICC may exercise jurisdiction over deportation as a crime against humanity when the victim is displaced from a non-State Party to a State Party.¹⁸⁰

The Rome Statute defines the crime against humanity of enforced disappearance as:

*The arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.*¹⁸¹

The crime against humanity of persecution essentially criminalises mass violations of human rights, committed on discriminatory grounds.¹⁸² The ICC’s elements of crimes sets out that the perpetrator targeted such person or persons by reason of the identity of a group, and that the targeting was based on grounds that are universally recognized as impermissible under international law, such as race, ethnicity, religion, gender etc. The conduct also needs to have been committed in connection with any of the other enumerated prohibited acts, such as deportation or forcible transfer of population, or other crimes within the jurisdiction of the ICC such as war crimes.¹⁸³ Both persecution and deportation are sometimes referred to as ‘ethnic cleansing’.¹⁸⁴

On 6 September 2018, the ICC granted the Office of the Prosecutor jurisdiction to investigate and potentially prosecute the crime against humanity of deportation of Rohingya to Bangladesh, as well as persecution and other inhumane acts.¹⁸⁵ The court’s jurisdiction derives from the Myanmar military’s genocidal campaign of 2016-2017. As Myanmar is not a State Party to the Rome Statute of the ICC, the ICC cannot investigate the crime of genocide unless the UN Security Council refers the situation in Myanmar to the ICC.

¹⁷⁵ ICC Elements of Crimes, Article 7(1)(d)(1), 6.

¹⁷⁶ Klamberg et al *op. cit.* 132-133.

¹⁷⁷ ICC Elements of Crimes, Article 7(1)(d)(1), 6.

¹⁷⁸ Klamberg et al *op. cit.* 136.

¹⁷⁹ ICC, Request under Regulation 46(3) of the Regulations of the Court, Pre-Trial Chamber I, Decision on the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute”, Bangladesh/Myanmar, 6 September 2018, ICC-RoC46(3)-01/18-37 [61].

¹⁸⁰ ICC, Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, Pre-Trial Chamber III, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, 14 November 2019, ICC- ICC-01/19-27 [62].

¹⁸¹ Article 7(2)(i) Rome Statute, *op cit.*

¹⁸² Klamberg et al *op. cit.* 163.

¹⁸³ ICC Elements of Crimes, Article 7(1)(6)(1)-(6), 10.

¹⁸⁴ Klamberg et al *op cit.* 110, 116, 135.

¹⁸⁵ ICC ‘Bangladesh/Myanmar’, *op cit.* 6 September 2018, ICC-RoC46(3)-01/18-37 [73-79].

On 14 November 2019, the ICC authorised the Office of the Prosecutor to conduct investigations in relation to any crime defined by the Rome Statute – including any future crime – as long as:

- the crime is allegedly committed at least in part on the territory of Bangladesh;¹⁸⁶
- the crime is sufficiently linked to the situation;¹⁸⁷
- the crime was allegedly committed on or after 1 June 2010, the date of entry into force of the Rome Statute for Bangladesh.¹⁸⁸

Fortify Rights has pointed out that the Prosecutor’s investigation ‘could focus on any individual or group deemed responsible for perpetrating the forced deportation of Rohingya to Bangladesh, including the AA [Arakan Army].’¹⁸⁹

The ICTY judgment in *Krstić* set out that it is possible for another crime, such as persecution or deportation (or ‘ethnic cleansing’), to escalate into genocide. The specific genocidal intent to destroy a group in whole or part may not be present at the outset but can develop over time.¹⁹⁰

Widespread fear of the Arakan Army, combined with surveillance measures and communication shutdowns, has severely restricted reporting of human rights violations in northern Rakhine State. Consequently, the information below does not capture all serious violations of international law - amounting to atrocity crimes - allegedly perpetrated between 23 May and 9 November 2025. Nevertheless, it shows that the Arakan Army is abjectly failing to comply with the provisional measures order to protect the Rohingya from irreparable harm.

Policies of persecution by the AA

The Arakan Army continues to enforce highly discriminatory policies and practices against the Rohingya on the grounds of their identity. These mirror policies and practices applied by the regime and amount to policies of persecution.¹⁹¹ The AA’s conduct amid famine conditions is worsening the already dire situation for the Rohingya, threatening their survival and forcing many to flee - especially from Buthidaung township.

The AA’s ban on the term ‘Rohingya’ remains in place. BROUK has received multiple reports of AA soldiers referring to Rohingya collectively as ‘Bengali’, ‘kalar’, and even ‘terrorists’. These slurs often come with threats demanding that Rohingya leave, insisting that they “don’t belong” in Arakan [Rakhine State].¹⁹²

Since its takeover of Buthidaung and Maungdaw, the AA has set up numerous checkpoints across northern Rakhine, including at the entrances and exits of Rohingya villages.¹⁹³ These checkpoints are part of the AA’s apparatus to enforce movement restrictions on the Rohingya population. Rohingya must pay the AA for a letter of recommendation for permission to travel. This was suspended in Buthidaung township for several weeks in August and Rohingya were temporarily prohibited from

¹⁸⁶ Or on the territory of any other States Parties, or States which would accept the jurisdiction of the ICC. ICC, ‘Information for victims: Bangladesh/Myanmar’ available at <<https://www.icc-cpi.int/victims/bangladesh-myanmar>> accessed 11 November 2025.

¹⁸⁷ The ‘situation’ is defined as ‘the context of the 2016 and 2017 waves of violence in Rakhine State on the territory of the Republic of the Union of Myanmar, as well as any other crimes which are sufficiently linked to these events in the period since 9 October 2016 and continuing’. *Ibid.*

¹⁸⁸ Or, if the crime was committed at least in part on the territory of other States Parties, after the date of entry into force of the Statute for those States Parties. *Ibid.*

¹⁸⁹ Fortify Rights, (23 July 2025) *op cit.*

¹⁹⁰ ICTY, *Prosecutor v. Krstić*, Trial Chamber, Judgment, 2 August 2001, IT-98-33-T [619]; Klamberg et al *op cit.* 116.

¹⁹¹ See also OHCHR (26 September 2025) *op cit.* 7[19] and Special Rapporteur (20 October 2025) 10[68].

¹⁹² BROUK refs ICJ12-OAC-AA-PP-MDW1, ICJ12-OAC-AA-PP-MDW2, ICJ12-OAC-AA-PP-BUT2.

¹⁹³ BROUK refs ICJ12-OAC-AA-ADL-BUT3, ICJ12-OAC-AA-PP-MDW2.

travelling. Rohingya residents described this as a form of collective punishment, following the early-August exposure of the Htan Shauk Khan massacre.¹⁹⁴

In Maungdaw township, Rohingya residents report that curfews imposed by the AA in various village tracts are enforced with a shoot-on-sight policy.¹⁹⁵ In October, the AA summoned Rohingya leaders and reinforced that the Naf river was strictly out of bounds, warning, “If any of you go near the river, you will be shot.”¹⁹⁶ In September, the AA banned Rohingya from importing goods from Bangladesh or travelling there to seek medical treatment and threatened that they would shoot at any boat crossing the river. The AA typically summons Rohingya leaders to meetings at the village tract level to deliver these orders and threats.¹⁹⁷

BROUK continues to receive reports of extortion and arbitrary taxation by the AA.¹⁹⁸ In Maungdaw township, virtually every item of property owned by Rohingya is taxed by the AA – homes (on a monthly basis), shops, boats, fishing nets, cattle, rice paddies etc.¹⁹⁹ In Buthidaung, the AA denies that Rohingya own their rice paddies and has demanded that Rohingya farmers pay tax on each and every rice field.²⁰⁰ The AA has also demanded extremely high taxes from Rohingya households who have installed small antennae to boost mobile phone signal strength for Bangladeshi sim cards, threatening to arrest those who don’t pay.²⁰¹

Rohingya across northern Rakhine State face the constant threat of arbitrary arrest and detention and ill-treatment by the AA while going about their daily lives, trying to earn a livelihood, or find food to eat. Rohingya civilians have been tortured and killed by the AA in these circumstances, described in more detail below.

The AA’s policies of persecution are cutting off Rohingya from sources of food, livelihoods, and medical care at a time of famine conditions in northern Rakhine State, making life unbearable. A 62-year-old Rohingya man who arrived in Bangladesh in June told Human Rights Watch, “Life under the Arakan Army’s control was incredibly restrictive. We were not allowed to work, fish, farm, or even move without permission. We faced extreme food shortages, with most people begging from one another.”²⁰² Rohingya have told BROUK that they see these policies as a deliberate attempt to expel them from northern Rakhine. They describe living in constant fear of the AA.

AA ‘investigative operations’ instil fear in Rohingya communities

The AA continues to threaten acts of collective punishment against Rohingya communities. In Maungdaw township, the AA summoned village tract leaders to meetings in July and October, warning them not to have any contact with Rohingya armed groups and to report any sightings of armed groups immediately. The AA’s area chief is reported to have said, “If you do not inform us immediately, we will burn down your villages.”²⁰³ In Buthidaung township, AA station chiefs summoned Rohingya leaders from surrounding villages to a series of similar meetings in late September. They threatened to burn down their villages and to expel Rohingya from the township if they did not comply with the order.²⁰⁴

¹⁹⁴ BROUK refs ICJ12-OAC-AA-PP-BUT3, ICJ12-OAC-AA-PP-BUT4.

¹⁹⁵ BROUK refs ICJ12-OAC-AA-CP-MDW1, ICJ12-OAC-AA-FL-MDW1.

¹⁹⁶ BROUK ref ICJ12-OAC-AA-PP-MDW8.

¹⁹⁷ BROUK refs ICJ12-OAC-AA-PP-MDW6, ICJ12-OAC-AA-PP-MDW7.

¹⁹⁸ BROUK ref ICJ12-OAC-AA-PP-MDW4.

¹⁹⁹ BROUK refs ICJ12-OAC-AA-CITT-MDW1, ICJ12-OAC-AA-PP-MDW5.

²⁰⁰ BROUK ref ICJ12-OAC-AA-ADL-BUT2.

²⁰¹ 300,000 MMK per antenna. BROUK ref ICJ12-OAC-AA-PP-BUT1.

²⁰² HRW, ‘Myanmar: Arakan Army Oppresses Rohingya Muslims’ (28 July 2025) available at <<https://www.hrw.org/news/2025/07/28/myanmar-arakan-army-oppresses-rohingya-muslims>> accessed 12 November 2025.

²⁰³ BROUK ref ICJ12-OAC-AA-PP-MDW8.

²⁰⁴ BROUK ref ICJ12-OAC-AA-CP-BUT1.

The pattern of AA soldiers surrounding Rohingya villages and ordering residents out of their homes to be investigated has continued in Maungdaw township. As many as 200 AA soldiers are reported to be part of these operations, which have taken place in multiple villages during the reporting period. They typically involve all the villagers being corralled in one place for the whole day under the hot sun, without access to food or water, while the soldiers conduct house-to-house searches. BROUK has received reports that AA soldiers are verbally and physically abusive doing these operations, slapping and kicking Rohingya villagers and calling them ‘kalar’ and ‘terrorists’.²⁰⁵

Rohingya residents describe these investigations as terrifying. Rohingya villagers live in constant fear that their loved ones will be arbitrarily arrested and disappeared by the AA on false accusations of supporting Rohingya armed groups.

Arbitrary deprivation of liberty by the AA

It is extremely difficult to determine how many Rohingya men are currently held in AA detention facilities, as they are routinely held incommunicado. In exceptional cases, families have been able to secure the release of detainees by paying substantial extortion fees.

Over the reporting period, BROUK has documented the AA’s arbitrary arrest and detention of 149 Rohingya men in youth in 25 separate incidents across Buthidaung, Maungdaw, Pauktaw and Kyauktaw townships.²⁰⁶ In addition, 35 families – including women and children - who returned from the camps in Bangladesh to their homes in Maungdaw township were also reported to have been detained by the AA.²⁰⁷

Some of the Rohingya men and youth were arrested on false allegations of supporting the Myanmar military or Rohingya armed groups during the AA’s ‘investigative operations’. However, most were arrested while trying to earn a living or feed their families. In one case in Buthidaung in July, a column of 50 AA soldiers detained 50 farmers who were working in their rice fields. They were held for a month and reportedly investigated for alleged connections with ARSA. While in AA custody, they were beaten, verbally abused and not given enough food to eat. By the time they were released, they were emaciated.²⁰⁸

In May, the AA abducted 23 Rohingya men and boys in Buthidaung township while they were foraging in the forest for bamboo shoots to eat.²⁰⁹ The AA forced them to march to a detention centre in Maungdaw township and subjected them to horrific abuse, described below.

In August, before the AA enforced its fishing ban on the Naf river, 12 Rohingya fishermen who had an AA permit and presented it at an AA coastguard post were later summoned back to shore. They were detained and brutally beaten, sustaining serious injuries.²¹⁰

²⁰⁵ BROUK refs ICJ12-OAC-AA-CP-MDW1, ICJ12-OAC-AA-CP-MDW2, ICJ12-OAC-AA-CP-MDW3, ICJ12-OAC-AA-CP-MDW4, ICJ12-OAC-AA-CP-MDW5.

²⁰⁶ This breaks down as follows: 98 Rohingya detained in 9 incidents in Buthidaung - BROUK refs ICJ12-OAC-AA-ADL-BUT1, ICJ12-OAC-AA-ADL-BUT2, ICJ12-OAC-AA-ADL-BUT3, ICJ12-OAC-AA-ADL-BUT4, ICJ12-OAC-AA-ADL-BUT5, ICJ12-OAC-AA-EJK-BUT3, ICJ12-OAC-AA-EJK-BUT2; 29 Rohingya men detained in 12 incidents in Maungdaw – BROUK refs ICJ12-OAC-AA-CP-MDW2, ICJ12-OAC-AA-CP-MDW3, ICJ12-OAC-AA-ADL-MDW1, ICJ12-OAC-AA-ADL-MDW2, ICJ12-OAC-AA-CITT-MDW3, ICJ12-OAC-AA-ADL-MDW3, ICJ12-OAC-AA-ADL-MDW4, ICJ12-OAC-AA-ADL-MDW5, ICJ12-OAC-AA-CP-MDW5; and 21 Rohingya men detained in 3 incidents in Kyauktaw - BROUK refs ICJ12-OAC-AA-ADL-KTW1, ICJ12-OAC-AA-ADL-KTW2, ICJ12-OAC-AA-ADL-KTW3.

²⁰⁷ BROUK refs ICJ12-OAC-AA-ADLR-MDW1, ICJ12-OAC-AA-ADLR-MDW2. See also, OHCHR (26 September 2025) *op. cit.* 4[12].

²⁰⁸ BROUK ref ICJ12-OAC-AA-ADL-BUT2.

²⁰⁹ BROUK ref ICJ12-OAC-AA-EJK-BUT3.

²¹⁰ BROUK ref ICJ12-OAC-AA-CITT-MDW3.

In September, after 10 Rohingya men from Buthidaung township were abducted from their homes and fields by the AA, a Rohingya man said, “We cannot work, cannot travel, and now our neighbours are disappearing. People are afraid to leave their homes and don’t know who will be next.”²¹¹

OHCHR has emphasised that fear of arrest and detention at the hands of the AA is a key factor driving Rohingya families to flee Rakhine.²¹²

Enforced disappearances by the AA

*Former [Rohingya] detainees have described torture, ill-treatment, and inhuman and degrading conditions in Arakan Army-run detention facilities, while families of many of those detained have no knowledge about their whereabouts until their release. Numerous cases of arrests by the Arakan Army in 2024 and 2025 raised concerns of enforced disappearances... Documented incidents show that children as young as 14 have been among those arrested and disappeared.*²¹³

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BROUK recently received information that on 6 July 2024, the Arakan Army arrested 15 Rohingya men from seven villages in Buthidaung township during ‘investigative operations’ carried out in the same way as described above.²¹⁴ These arrests took place two months after the AA seized control of the township and expelled the Myanmar military and allied Rohingya armed groups. Their families have not been able to contact the detainees since their arrest. They have no idea of their whereabouts or whether they are alive or dead. This emblematic case is one of hundreds, with family members living in a constant state of fear and worry for their loved ones.

Torture and extrajudicial killings by the AA

Rohingya who have fled to Bangladesh in 2025 have continued to report extrajudicial killings of Rohingya civilians by the Arakan Army, where no military or Rohingya armed groups were present.²¹⁵

Rohingya detainees remain at high risk of torture while in AA custody.²¹⁶ In July, the body of a Rohingya IDP was found on the riverbank near the camp where he had been living in Pauktaw township. He had been arrested by the AA on suspicion of theft and held in their custody for nearly two weeks. The AA claimed he had escaped, but he is believed to have been tortured to death.²¹⁷

In August, the AA refused to release the body of a Rohingya detainee held in Buthidaung jail to his family. The man had been arrested in 2023 on a false accusation of supporting the Myanmar military. Sources believe the AA denied permission for an Islamic burial to conceal evidence that he had been tortured to death.²¹⁸

Rohingya also face ill-treatment and torture while performing forced labour imposed by the AA. In August, a Rohingya man from Maungdaw township was beaten to death after he refused to carry

²¹¹ Arakan News Agency, ‘Arakan: Arrest of 10 Rohingya Farmers Sparks Fear Among Residents in Buthidaung’ (2 September 2025) available at <<https://en.arakanna.net/news/arakan-news/arakan-arrest-of-10-rohingya-farmers-sparks-fear-among-residents-in-buthidaung/>> accessed 12 November 2025.

²¹² OHCHR (26 September 2025) *op. cit.* 4[12].

²¹³ OHCHR (26 September 2025) *op. cit.* 4[11].

²¹⁴ BROUK ref ICJ12-OAC-AA-ED-BUT1.

²¹⁵ OHCHR, (26 September 2025) *op cit.* UN Doc ref A/HRC/57 22 3[9].

²¹⁶ BROUK refs ICJ12-OAC-AA-CITT-MDW1, ICJ12-OAC-AA-CITT-MDW2, ICJ12-OAC-AA-CP-MDW2, ICJ12-OAC-AA-ADL-MDW3, ICJ12-OAC-AA-CITT-MDW3. See also OHCHR, (26 September 2025) *op cit.* 4[11].

²¹⁷ BROUK ref ICJ12-OAC-AA-EJK-PTW1.

²¹⁸ BROUK ref ICJ12-OAC-AA-EJK-BUT1.

alcohol for AA soldiers, citing his religious beliefs. His body was later found in the Naf river, showing clear signs of torture.²¹⁹

In September, the body of a Rohingya motorcycle taxi driver was found in Buthidaung township. He had been beheaded. Eyewitnesses saw AA soldiers detain him a few hours beforehand, on the false accusation of belonging to a Rohingya armed group.²²⁰

In late September, the AA released 21 of the 23 Rohingya men and boys it had abducted in Buthidaung township while they were foraging in the forest for bamboo shoots to eat. During the march to a detention centre in Maungdaw township, the AA allegedly shot and killed a 10-year-old Rohingya boy and a man. The released detainees - including children - were emaciated, suffering from acute malnutrition, and bore scars and wounds consistent with torture endured while in AA custody.²²¹

Forced labour exacted by the AA

*Widespread use forced labour of Rohingya by the Arakan Army is a major concern in northern Rakhine. Forced labour is used for multiple purposes which include, among others, cleaning, sentry duties, clearing jungles and constructing roads... Some Rohingya arriving in Bangladesh endured forced labour up to 15 times... Rohingya detainees and prisoners including those arrested after returning from Bangladesh were also routinely subjected to forced labour, in some instances while chained together by the legs and the necks.*²²²

(Office of the High Commissioner for Human Rights)

Over the reporting period, BROUK has documented the AA's systematic use of forced labour exacted from Rohingya in Maungdaw township. Under AA orders, four Rohingya men from each village are required to perform sentry duty every night and to immediately report any sightings of Rohingya armed groups.²²³ Village administrators are also ordered to provide forced labourers for constructing roads, repairing bridges, clearing jungle and scrubland around Arakan Army bases, in the foothills, and along roadsides. This work is highly dangerous as multiple armed actors have passed through the area and laid landmines. One man from each household must perform the forced labour, with fines imposed for absence.²²⁴

Human Rights Watch and Fortify Rights have also documented forced labour by the Arakan Army in recent months.²²⁵ In September the AA said, "We strongly reject the allegations presented in the recent Human Rights Watch report. These claims appear to be a deliberate attempt to tarnish the positive image of the United League of Arakan /Arakan Army by using covert and fabricated accounts from alleged victims."²²⁶

²¹⁹ BROUK ref ICJ12-OAC-AA-EJK-MDW1.

²²⁰ BROUK ref ICJ12-OAC-AA-EJK-BUT2.

²²¹ BROUK ref ICJ12-OAC-AA-EJK-BUT3.

²²² OHCHR (26 September 2025) *op cit.* 5[15].

²²³ BROUK refs ICJ12-OAC-AA-FL-MDW1, ICJ12-OAC-AA-CP-MDW2, ICJ12-OAC-AA-ADL-MDW4.

²²⁴ BROUK ref ICJ12-OAC-AA-FL-MDW2

²²⁵ HRW (28 July 2025) *op cit.* Fortify Rights, 'Myanmar: Arakan Army Subjecting Ethnic Minorities to Forced Labor' (22 October 2025) available at <<https://www.fortifyrights.org/mya-inv-2025-10-22/>> accessed 13 November 2025.

²²⁶ The New Humanitarian, 'Arakan Army denies Rohingya forced labour' (2 September 2025) available at <<https://www.thenewhumanitarian.org/news/2025/09/02/arakan-army-denies-rohingya-forced-labour>> accessed 13 November 2025.

In October, Rohingya were summoned on virtually a daily basis to construct shrimp farms for the AA on Laldiya island in the Naf river. They are forced to row out to the island and work under the supervision of the AA soldiers who have an outpost there.²²⁷

All forced labour imposed by the AA on Rohingya is unpaid, physically and mentally exhausting, and exacerbates hunger and starvation.

Forced recruitment by the AA

*New arrivals in Bangladesh from northern Rakhine reported forced recruitment by the Arakan Army taking place across Buthidaung and Maungdaw with families being forced to send boys as young as 15 and 16 years old to fight for them if they wish to remain in the country. Those who resisted recruitment risked being arrested or subject to violence and in some instances killed and their houses burned.*²²⁸

(Office of the High Commissioner for Human Rights)

Three Rohingya told HRW they fled to Bangladesh to protect their sons, including children, from being forcibly recruited by the Arakan Army. A 57-year-old Rohingya refugee arrived with his family in June. They fled after the Arakan Army began looking for his 17-year-old son. He told HRW, “I had to hide him in different villages for two months.”²²⁹ The AA has denied allegations of forced recruitment, telling OHCHR that, “The AA has never forcibly recruited anyone in Arakan [Rakhine]”.²³⁰

According to ground reports, the AA has stepped up its forced recruitment campaign of Rohingya men and youth in Maungdaw township since early October. The AA summoned Rohingya village administrators to a series of meetings in different village tracts across northern Maungdaw township and in wards of Maungdaw town. AA leaders are reported to have issued recruitment quotas of between 50 and 200 recruits, according to village population size. Rohingya residents reported that the soldiers warned them that if they failed to provide the recruits, they would be forced to leave their village and flee to Bangladesh.²³¹

During the meetings, AA leaders also stated that conscription was mandatory under their National Defence Emergency Provision. Every family is required to contribute one member - male or female - to serve. If a family has no men, a woman must be sent instead. Men aged 18 to 45 and women aged 18 to 35 are eligible for recruitment. Recruits must complete 45 days of training before being assigned to ‘defence and security duties’.²³² According to ground reports, during the 45-day training period, as well as during subsequent duty assignments, Rohingya forced recruits are barred from contacting their families. When they return home, some are assigned to AA patrols, while others are kept on standby for frontline deployment or other forms of forced labour in northern Rakhine State.²³³

Pillaging, unlawful seizure of property, destruction of cultural heritage by the AA

²²⁷ BROUK ref ICJ12-OAC-AA-FL-MDW3.

²²⁸ OHCHR (26 September 2025) *op cit.* 5[14].

²²⁹ HRW (28 July 2025) *op cit.*

²³⁰ UN Human Rights Council (29 August 2025) *op cit.* 10[47].

²³¹ BROUK refs ICJ12-OAC-AA-FR-MDW2, ICJ12-OAC-AA-FR-MDW3, ICJ12-OAC-AA-FR-MDW4

²³² BROUK ref ICJ12-OAC-AA-FR-MDW2. See also Myanmar Now, ‘Arakan Army bans young people from leaving Rakhine State’ (26 May 2025) available at <<https://myanmar-now.org/en/news/arakan-army-bans-young-people-from-leaving-rakhine-state/>> accessed 16 November 2025.

²³³ BROUK ref ICJ12-OAC-AA-FR-MDW1b. See also Fortify Rights (22 October 2025) *op cit.*

BROUK continues to receive reports of AA soldiers looting Rohingya homes and shops while on patrol in northern Maungdaw township.²³⁴ AA soldiers have reportedly seized hundreds of homes and shops belonging to Rohingya families in Maungdaw town who fled to Bangladesh at the height of the conflict. This mirrors the pattern observed in Buthidaung town.²³⁵

The AA have also taken control of more than 40 shop units belonging to the historic mosque in Maungdaw town, which were the mosque's main source of income. The AA staged an official ceremony to reopen the mosque in September, after replacing the original Rohingya trustees of the mosque with a new hand-picked committee. The AA has since imposed various restrictions on religious freedom, such as only allowing AA-approved Imams to lead prayers and banning the use of loudspeakers for the call to prayer.²³⁶ A Rohingya resident said, "We are heartbroken to see our community's oldest and most respected mosque fall under the control of an armed group. This is not just about property. It is about our faith and dignity."²³⁷

In Buthidaung township, the AA has reportedly destroyed mosques and madrasas in at least three villages where Rohingya IDPs have been denied the right to return.²³⁸

Forced displacement by the AA

Amid famine conditions in northern Rakhine, the Arakan Army's gross human rights violations against the Rohingya - including highly discriminatory restrictions, acts of collective punishment, arbitrary deprivation of liberty, enforced disappearances, torture, extrajudicial killings, forced recruitment, and forced labour - amount to persecution of the Rohingya, leaving them with little choice but to flee.

According to UNHCR, 150,000 Rohingya fled to Bangladesh in the 18 months up to July 2025.²³⁹ BROUK believes the true figure is likely significantly higher and has received regular reports of Rohingya fleeing from Buthidaung township to Bangladesh over the past few months.²⁴⁰ BROUK continues to receive reports from across Rakhine State of the AA organising and profiteering from people smuggling of Rohingya.²⁴¹

As previously reported by BROUK, in April and May this year the AA ordered Rohingya IDPs in rural areas of Buthidaung to relocate to other places, effectively consolidating Rohingya villages. Many IDP families continue to live in makeshift shelters made of tarpaulin.

The AA has denied Rohingya IDPs the right to return to 41 different Rohingya villages in Buthidaung township, and at least one village in Maungdaw township.²⁴² To date, BROUK has confirmed that at

²³⁴ BROUK ref ICJ12-OAC-AA-USP-MDW2.

²³⁵ BROUK refs ICJ12-OAC-AA-USP-MDW1, ICJ12-OAC-AA-USP-BUT1. See also OHCHR (26 September 2025) *op cit.* 6[17].

²³⁶ BROUK refs ICJ12-OAC-AA-USP-MDW3a, ICJ12-OAC-AA-USP-MDW3b.

²³⁷ Rohingya Khobor, 'ULA/AA Takes Over Maungdaw Grand Jamae Mosque Shops, Causing Pain Among Rohingya People' (12 October 2025) available at <<https://rohingyakhobor.com/ula-aa-takes-over-maungdaw-grand-jamae-mosque-shops-causing-pain-among-rohingya-people/>> accessed 13 November 2025.

²³⁸ BROUK refs ICJ12-OAC-AA-ACH-BUT1a, ICJ12-OAC-AA-ACH-BUT1b and AYPN, 'Monthly Situational Briefing Report – Rakhine State Myanmar and Refugee Camp, Bangladesh' (October 2025) 3.

²³⁹ OHCHR (26 September 2025) *op cit.* 6[16].

²⁴⁰ BROUK refs ICJ12-OAC-AA-FD-BUT2, ICJ12-OAC-AA-FD-BUT3, ICJ12-OAC-AA-FD-BUT9, ICJ12-OAC-AA-FD-BUT10, ICJ12-OAC-AA-FD-BUT11, ICJ12-OAC-AA-FD-BUT12.

²⁴¹ BROUK refs ICJ12-OAC-AA-FD-BUT3, ICJ12-OAC-AA-PP-MDW3, ICJ12-OAC-AA-FD-PTW1, ICJ12-OAC-AA-FD-KTW1. See also UN Human Rights Council (29 August 2025) *op cit.* 11[51]. Special Rapporteur (20 October 2025) *op cit.* 10[67].

²⁴² BROUK refs ICJ12-OAC-AA-FD-BUT1, ICJ12-OAC-AA-FL-MDW2 See also OHCHR (26 September 2025) *op cit.* 6[16].

least three of these Rohingya villages are locations where killings or arson attacks are alleged to have been perpetrated by the AA in 2024.²⁴³

In most of these locations, the AA is believed to have seized Rohingya agricultural land and property. BROUK has confirmed that the AA has built houses for its soldiers on the site of one Rohingya village and constructed a new Rakhine settlement on the site of another, using materials taken from destroyed Rohingya homes.²⁴⁴

Recommendations

To the International Court of Justice:

- Urgently review Myanmar's compliance with the provisional measures and formally communicate its findings to the UN Security Council.
- Instruct Myanmar to make its reporting public at the time of submission to the Court due to the public interest nature of the case, and to ensure transparency and rigorous scrutiny of its compliance with the order.
- To prevent further irreparable harm to members of the Rohingya group, urgently amend the existing provisional measures order or indicate further provisional measures to include (but not limited to) requirements that Myanmar must immediately:
 - Allow international, national, and local humanitarian actors immediate, unrestricted, and sustained access to Rakhine State and Myanmar as a whole;
 - Cease and desist from conscripting Rohingya into its armed forces or allied armed groups;
 - Cease and desist from forcing the Rohingya to participate in public rallies in support of the Myanmar military;
 - End all arbitrary restrictions on freedom of movement, access to health and other resources indispensable for survival for the Rohingya;
 - Restore electricity and telecommunications to Rakhine State;
 - Implement policy and legislative changes as part of concrete measures it must take to comply, including the restoration of full citizenship to the Rohingya as a vital first step;
 - Allow access to the Independent Investigative Mechanism for Myanmar to enquire into the acts that are the subject of this case.

To the UN Secretary General, UN General Assembly, UN Human Rights Council, other UN bodies, human rights mandate-holders and mechanisms:

- The UN Secretary-General should lead immediate efforts to secure cross-border humanitarian access from Bangladesh into northern Rakhine State to prevent mass starvation.
- Make concerted efforts to consistently refer to the ICJ's legally binding provisional measures order in public statements about the Rohingya, including urging all parties to the conflict in Rakhine State to fully comply with the order to protect the Rohingya from further harm.
- Robustly engage with the Arakan Army to demand an immediate end to all human rights violations against Rohingya in Rakhine State, including forced displacement, denial of the right to return, policies of persecution, arbitrary deprivation of liberty, torture and extrajudicial killings, enforced disappearances, forced labour and forced recruitment targeting the Rohingya in areas under their control.

²⁴³ BROUK, 'Starving to death' op cit. (June 2025) 37.

²⁴⁴ BROUK refs ICJ12-OAC-FD-BUT6, ICJ12-OAC-FD-BUT8.

- Urgently increase engagement with Myanmar's neighbours to facilitate humanitarian access and protection for Rohingya fleeing violence.
- Leverage the ICJ's provisional measures order within their own mandates to seek urgent protection for the Rohingya and end the cycle of impunity in Myanmar, including via public support for referral of the situation in Myanmar to the International Criminal Court or the creation of an ad hoc international tribunal.

To UN member states:

- As penholder on Myanmar, the UK must urgently convene the UN Security Council and drive action to stop the Myanmar military and Arakan Army from blocking humanitarian access in Rakhine State and to prevent mass starvation. This obstruction violates UNSC Resolution 2669 and the ICJ's provisional measures.
- The US should urgently restore humanitarian aid for the most vulnerable people in Myanmar, including the Rohingya. Other UN member states must step up and rapidly increase funding to close the critical shortfall in the Myanmar Humanitarian Response Plan.
- Scale up funding for the Joint Response Plan for Rohingya refugees in Bangladesh to prevent the worsening hunger crisis.
- Exert maximum pressure on Myanmar to lift the trade and aid blockade on Rakhine State, and allow international, national, and local humanitarian actors immediate, unrestricted, and sustained access to Rakhine State and the rest of the country.
- Exert maximum pressure on the Arakan Army to stop gross human rights violations against the Rohingya – including forced displacement, arbitrary deprivation of liberty, enforced disappearances, torture and extrajudicial killings, forced labour, and forced recruitment - and ensure Rohingya IDPs can return home safely and with dignity. Targeted sanctions should be imposed on the Arakan Army and its leadership for atrocity crimes.
- Urge Myanmar to restore electricity and telecommunications in Rakhine State, and end all arbitrary restrictions on freedom of movement, access to health and other resources indispensable for survival for the Rohingya.
- Publicly support calls from Rohingya communities for the International Court of Justice to make Myanmar's reports on compliance with the provisional measures order publicly available at the time of submission to the Court.
- Press both the Myanmar military and the Arakan Army to fully cooperate with the International Criminal Court (ICC) investigation and grant access to ICC, Argentinian, and Independent Investigative Mechanism for Myanmar (IIMM) investigators.
- Publicly support the referral of the situation in Myanmar to the International Criminal Court or support the creation of an ad hoc international tribunal.
- Exercise universal and other forms of jurisdiction to investigate any individual from Myanmar – irrespective of affiliation, position, or rank - who may be responsible for committing genocide, war crimes, and crimes against humanity under international law. Ensure such individuals are brought to justice in fair trials.
- Coordinate multilateral efforts to impose arms embargoes on Myanmar, including on the transfer of aviation fuel to the military as well as targeted economic sanctions on the Myanmar military, its leaders, and its sources of revenue.

To the Arakan Army:

- Immediately cease all violations of international humanitarian and human rights law and ensure accountability for alleged atrocity crimes committed by its forces.
- Facilitate humanitarian access by allowing unrestricted aid to reach all communities in need, ensuring that assistance is delivered equitably and without discrimination.
- Publicly recognise the Rohingya as an integral part of Arakan State's diverse communities.
- Guarantee the rights and security of all communities including Rohingya by protecting civilians from all forms of violence and discrimination, ensuring freedom of movement, and providing equal access to livelihoods and essential services for everyone.
- Adopt and enforce a public code of conduct for Arakan Army fighters to ensure the protection of civilians and investigate alleged violations of the code.
- Publicly support independent investigations into allegations of human rights violations committed by the Burmese military, Arakan Army, and Rohingya armed groups. Allow UN human rights agencies, including the OHCHR, Special Rapporteur, IIMM as well as independent human rights organisations to have access to Rakhine State to freely investigate all alleged violations.
- Establish an interim consultative committee which includes representatives of all ethnic and religious people in Arakan State, so that all voices can be heard, and all can work together to rebuild the future Arakan State. There must be integration of Rohingya and other minority communities into decision-making processes and administrative structures at all levels. Equal representation is essential to building trust and promoting inclusivity.
- Engage in regular, meaningful dialogue with Rohingya leaders, within Arakan State, in the refugee camps in Bangladesh, and in the diaspora, to address grievances, rebuild trust, and foster understanding.
- End restrictions on internet and communications, such as confiscation of mobile phones, and banning the use of satellite dishes which can be used to access the internet. Independent media should also be given access to operate freely.

Annex: Background to The *Gambia v. Myanmar* genocide case at the ICJ

In 2016 and 2017, BROUK and many other human rights organisations documented gross human rights violations perpetrated by the Myanmar military and its proxies during 'clearance operations' in Myanmar's Rakhine State, resulting in significant loss of life and severe mental and physical harm to the Rohingya.²⁴⁵ These included mass rape of Rohingya women, children burned alive, machete attacks, shooting at fleeing villagers, the use of rocket launchers to raze entire Rohingya villages to the ground, coordinated massacres, as well as landmines laid at the border to target those fleeing the violence.²⁴⁶

²⁴⁵ See for example, US Holocaust Memorial Museum and Fortify Rights, '“They Tried to Kill Us All”: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar' (15 November 2017); Fortify Rights, '“They Gave Them Long Swords”: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar' (19 July 2018); Physicians for Human Rights, '“Please Tell the World What They Have Done to Us”: The Chut Pyin Massacre: Forensic Evidence of Violence against the Rohingya in Myanmar' (19 July 2018).

²⁴⁶ BROUK, 'Burned, Stabbed, and Shot: Physical evidence of atrocities committed against the Rohingya' (May 2017) 13-27. BROUK, '“I Thought I Would Die”: Physical evidence of atrocities against the Rohingya' (1 November 2017) 12-31.

In March 2017, the Independent International Fact-Finding Mission on Myanmar (UNFFMM) was established by the UN Human Rights Council.²⁴⁷ In 2018, the UNFFMM found that Myanmar had committed four out of the five underlying acts of genocide enumerated in the Genocide Convention, namely killings members of the Rohingya group, causing serious bodily or mental harm to members of the group, deliberately inflicting conditions of life calculated to bring about its physical destruction in whole or in part, and imposing measures intended to prevent births within the group.²⁴⁸ It further concluded that genocidal intent to destroy the Rohingya people in whole or in part could be inferred from the State's pattern of conduct.²⁴⁹

On 11 November 2019, The Gambia filed a case against Myanmar before the International Court of Justice (ICJ), alleging that Myanmar has committed genocide against the Rohingya people. The ICJ is the principal judicial organ of the United Nations. It deals with disputes between States, *not* the individual criminal responsibility of particular perpetrators. The legal basis for the case is the Genocide Convention, to which both States are a party. The Gambia has also accused Myanmar of *continuing* to commit genocidal acts and of violating its other obligations under the Convention by failing to *prevent* and *punish* genocide.

Establishing that genocide has taken place under the Genocide Convention requires demonstrating both the commission of genocidal acts and genocidal intent – namely the intent to destroy a national, ethnic, racial, or religious group in whole or in part. The Gambia's initial filing primarily focused on the first three genocidal acts enumerated in the Convention perpetrated by the Myanmar military and other State actors with the intent to destroy the Rohingya in whole or in part: 1) killing members of the group; 2) causing serious bodily or mental harm to members of the Rohingya group; and 3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part by destroying or otherwise denying access to food, shelter and other essentials of life.²⁵⁰

The Gambia's case against Myanmar marks the first time that a State without a direct connection to the alleged crime of genocide has brought a case before the ICJ under the Genocide Convention.²⁵¹ In doing so, The Gambia has emphasised the importance of the legal concepts of *erga omnes* obligations (owed to the international community as a whole) and *erga omnes partes* obligations (owed by any State party to all the other States parties to a convention), both of which apply to the crime of genocide.²⁵²

The ICJ's provisional measures order

Provisional measures are the equivalent of a legal injunction or court order, instructing a State to immediately take certain steps prior to a final ruling on the case.²⁵³ As part of its original case filing,

²⁴⁷ UN Human Rights Council Resolution 34/22, adopted 24 March 2017 (3 April 2017) UN Doc A/HRC/RES/34/22. The UNFFMM mandate was to “establish the facts and circumstances of the alleged recent human rights violations by military and security forces...in Myanmar, in particular in Rakhine State...with a view to ensuring full accountability for perpetrators and justice for victims.” The UNFFMM published two seminal reports of its detailed findings in 2018 and 2019.

²⁴⁸ Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 1 January 1951) 78 UNTS 277 art II.

²⁴⁹ UNFFMM (17 September 2018) *op. cit.* 364 [1441].

²⁵⁰ *The Gambia v. Myanmar*, International Court of Justice ‘Application Instituting Proceedings and Request for Provisional Measures’ (11 November 2019) 38 [113] 4 [2] 55-56 [99-110] 58 [114].

²⁵¹ The case was brought with the support of the other 56 States belonging to the Organisation of Islamic Cooperation. Final Communiqué of the 14th Islamic Summit Conference (31 May 2019) 10 [47] OIC/SUM-14/2019/FC/FINAL.

²⁵² The ICJ has held that “the rights and obligations enshrined by the [Genocide] Convention are rights and obligations *erga omnes*”. See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Preliminary Objections, Judgment, 11 July 1996 [31].

²⁵³ Global Justice Center and Global Centre for the Responsibility to Protect, ‘Q&A: The Gambia v. Myanmar - Rohingya Genocide at the International Court of Justice’ (May 2020).

The Gambia included an urgent request for the Court to order provisional measures in light of ‘the ongoing, severe and irreparable harm being suffered by members of the Rohingya group.’²⁵⁴

On 23 January 2020, the ICJ issued a relatively rare unanimous order on provisional measures. The Court described the Rohingya remaining in Myanmar as ‘extremely vulnerable’. As part of its rationale for issuing the order, the ICJ made it clear that, ‘Myanmar has not presented to the Court concrete measures aimed specifically at recognizing and ensuring the right of the Rohingya to exist as a protected group under the Genocide Convention.’²⁵⁵ In short, the provisional measures order recognises that Myanmar’s actions prior to the order were wholly inadequate to protect the Rohingya. It creates an expectation that Myanmar must take concrete measures in order to meet its obligations under the Genocide Convention.²⁵⁶

Without prejudging the merits of the case - i.e. whether or not genocide has already taken place - the ICJ ordered Myanmar to ‘take all measures within its power’ to prevent irreparable harm against the Rohingya. The Court emphasised that the Myanmar State must fulfil its obligations to prevent and punish the crime of genocide, regardless of the internal armed conflict situation in Rakhine State.²⁵⁷ In brief, the provisional measures imposed by the Court require Myanmar to prevent the commission of genocidal acts, ensure security forces and those under its influence do not commit or incite genocide, preserve evidence of alleged genocidal acts, and report back within four months on its compliance with the order and every six months thereafter until the case concludes.²⁵⁸ Under the UN Charter, all member States must comply with ICJ decisions.²⁵⁹ Critically assessing Myanmar’s compliance with the order is therefore of the utmost importance.

To date, the State of Myanmar has not been under any legal obligation to make its reports public, despite consistent calls for this from a broad range of actors, including BROUK along with a coalition of Rohingya organisations. At the time of publication of BROUK’s May 2023 briefing, two of Myanmar’s compliance reports and The Gambia’s observations on four of the reports had been made published on the Court’s website. However, they are no longer available and may have been published in error.²⁶⁰

²⁵⁴ *The Gambia v. Myanmar*, ICJ ‘Application Instituting Proceedings and Request for Provisional Measures’ (11 November 2019) [113].

²⁵⁵ *The Gambia v. Myanmar*, ICJ provisional measures order *op. cit.* 22 [73].

²⁵⁶ USHMM, ‘Practical Prevention - How the Genocide Convention’s Obligation to Prevent Applies to Myanmar - Report #2: The Denial of the Right to Citizenship and the Right to Participate in Public Affairs’ (October 2020) 5.

²⁵⁷ *The Gambia v. Myanmar*, ICJ provisional measures order *op. cit.* 22 [74].

²⁵⁸ *The Gambia v. Myanmar*, ‘Application’ (11 November 2019) *op. cit.* 46 [86] 58 [113].

²⁵⁹ United Nations, Charter of the United Nations (1945) 1 UNTS XVI Art 94(1).

²⁶⁰ The reports were previously mentioned but not linked on the main case page <<https://www.icj-cij.org/case/178/other-documents>>, and were previously available at the following links <<https://www.icj-cij.org/node/106112>> (Myanmar’s first report); <<https://www.icj-cij.org/node/106113>> (The Gambia’s observations on the first report); <<https://www.icj-cij.org/node/106115>> (The Gambia’s observations on the second report); <<https://www.icj-cij.org/node/106117>> (The Gambia’s observations on the third report); <<https://www.icj-cij.org/node/106118>> (Myanmar’s fourth report only available in French); and <<https://www.icj-cij.org/node/106119>> (The Gambia’s observations on the fourth report), accessed 23 May 2023.



Burmese Rohingya Organisation UK

24 Quakers Place, Forest Gate, London E7 8AG

Email: info@brouk.org.uk

Web: www.brouk.org.uk