I am writing to express the American Bar Association’s (ABA) deep concern about recent events concerning the Rohingya and situations that have caused them to be stranded at sea. While many Rohingya people flee from Myanmar to find safety from persecution and conflict, reports also indicate that some of these Rohingya people are smuggled or trafficked from one location to another. It has been reported that unsuccessful repatriation efforts have caused crimes such as human trafficking and smuggling to become rampant in Bangladesh. Besides criminal networks that operate in and around the refugee camps in your country, reports also indicate that corruption among officials policing the camps allow these illicit activities to occur, making the Rohingya even more vulnerable.

The ABA notes that Bangladesh acceded to the United Nations Convention against Transnational Organized Crime (UNTOC) and adopted its supplementing protocol to "Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children." Pursuant to Article 25 ("Assistance to and protection of victims") of the UNTOC and Chapter II ("Protection of victims of trafficking in persons") of the supplementing protocol, Bangladesh’s reported tendency to ignore corrupt officials and human traffickers may be viewed as a violation of its international legal obligation to provide assistance to and protection of victims. The rampant impunity regarding human trafficking in Bangladesh was also documented in the U.S. Department of State’s 2019 Trafficking in Persons Report.

Therefore, the ABA asks the Bangladesh government, consistent with Bangladesh’s international treaty obligations, to prosecute human traffickers and smugglers who may be exploiting the Rohingya for financial gain and placing them in circumstances where they are left to starve and die at sea.
The ABA appreciates Bangladesh’s efforts in assisting the Rohingya. However, perpetrators of human trafficking and associated criminal networks should not go unpunished. The ABA respectfully proposes that Rohingya who currently reside in refugee camps should not be denied access to justice.

Sincerely,

Judy Perry Martinez