

Mandate of the Special Rapporteur on the situation of human rights in Myanmar

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(Please use this reference in your reply)

10 May 2024

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in Myanmar, pursuant to Human Rights Council resolution 49/23.

Since the military coup in Myanmar, India has provided shelter and safety to tens of thousands of refugees from Myanmar in Mizoram and Manipur. This is noteworthy and commendable. There is a long tradition of communities with strong cross-border links assisting each other.

I am writing to bring to the attention of your Excellency's Government information I have received regarding **the alleged deportation of at least 38 Myanmar refugees, the majority women and children, who sought shelter in India due to the military coup and human rights crisis in Myanmar, as well as the risk of imminent deportation of 39 further refugees from Myanmar who are currently in detention, and the risk to over 5000 other refugees from Myanmar whose biometric data has been registered by the State of Manipur.**

According to the information received:

On 3 May 2024, 38 refugees from Myanmar, the majority of whom were women and children, were deported back to Myanmar via the Tamu border through official immigration channels by the Government of Manipur. The 38 were reportedly part of a larger group of 77 individuals from Myanmar who, in March, had been moved out of immigration detention in Imphal and taken to the India-Myanmar border for deportation.

It is alleged that this is the first phase of the planned deportation of the group of 77 refugees. This group of refugees have reportedly been held in Imphal detention centre for over one year. On 3 March 2024, the group were reportedly moved out of the detention centre to Moreh, an Indian town that borders Myanmar, via the State Helicopter Service. On 8 March 2024 the State government of Manipur reportedly attempted to deport the 77 Myanmar nationals who had taken refuge in India. The group reportedly included 51 women and 5 children.

The 77 refugees were reportedly expected to be handed over to the Myanmar authorities aligned with the military at Tamu border crossing. However, according to the information received, the deportation did not proceed because the Myanmar military affiliated immigration officials on the Myanmar side were not in a position to receive the deportees as the area was surrounded by "liberated areas" at that time.

Following the unsuccessful deportation attempt, information received suggests that the majority of the men and boys of the group of 77 refugees were

returned to the Imphal detention centre, while a majority of the women and children were held inside the Assam Rifles Camp, close to the border.

This recent deportation of Myanmar refugees by the Manipur state government follows a statement by the Manipur Chief Minister that between 3 May 2023 and 27 February 2024, 259 Myanmar nationals had been deported to Myanmar after the state government recorded their biometric details.

On 8 May 2024, the Chief Minister of Manipur issued a statement in which he declared that 5457 “illegal immigrants had been detected in Manipur” and their biometric data had been recorded. He further stated that “deportation process [is] underway”.

While I do not wish to prejudge the accuracy of these allegations, I am extremely alarmed about the alleged deportation of at least 38 persons from Myanmar. The group, the majority of whom were women and children, fled their homes in Myanmar due to a legitimate fear of violence and persecution by the Myanmar armed forces. They had sought refuge in India and should be considered refugees. I am further alarmed that the refoulement of these refugees to Myanmar, into the hands of officials affiliated with the military, will expose them to the serious risks of arbitrary arrest, detention, torture and ill treatment, upon their entry to Myanmar. They also risk being penalized under Myanmar’s registration and/or immigration law, which carries an imprisonment term of 6 months or more. This may also be in breach of India’s obligation under international customary law against non-refoulement.

I also remain concerned about the remaining 39 of the group of refugees who may be at imminent risk of deportation. Given that this group is largely men and boys, in addition to being subject to the risks listed above, they may also be at heightened risk of forced recruitment by the Myanmar military.

I am also concerned about other Myanmar nationals, including children, who may be at risk of arbitrary detention in other parts of India.

In light of the escalating crisis inside Myanmar, I strongly urge your Excellency’s Government to immediately investigate the alleged deportation of Myanmar nationals, and halt any further deportations by the Manipur state government and other state and local authorities.

I further urge your Excellency’s Government to strengthen measures that protect those fleeing Myanmar who are currently in India in line with India’s international human rights law obligations to respect and protect rights of all people on its territory, regardless of their citizenship or immigration status. This includes ending the arbitrary detention of Myanmar nationals, including children, allowing UNHCR to operate and access the Northeastern border, and streamlining pathways for refugee registration and asylum determination including by ratifying the Convention Relating to the Status of Refugees 1951.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the

above-mentioned persons in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would also be grateful for your observations on the following matters:

1. Please provide any additional information and any comments that you may have on the above-mentioned alleged deportation.
2. Please provide any additional information about the remaining 39 individuals who are currently in detention in Imphal.
3. Please provide additional information about the process of the collection, storage and processing of biometric data from the refugees and what measures have been taken to ensure respect for their right to privacy in this context. This includes information on the legal basis for the collection, if the refugees have given free and informed consent, if any alternatives for their identification have been provided, the purpose of the collection, storage and processing of the data concerned, who has access to the data, the data storage period and any other information that may be relevant.
4. Please explain what measures have been taken to ensure that refugees and asylum seekers from Myanmar can seek refuge safely and humanely in India in line with India's obligations to refugees under international law.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence. In the event that the investigations support or suggest the allegations to be correct, please ensure the accountability of any person responsible of the alleged violations.

I may publicly express my concerns in the near future because of the gravity of this situation and because, in my view, the information received is sufficiently reliable to warrant alerting the public to the potential implications of the above-mentioned allegations. Any public comment will include the fact that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Thomas Andrews
Special Rapporteur on the situation of human rights in Myanmar