

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

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(Please use this reference in your reply)

12 May 2025

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 55/20.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **recently detained Rohingya refugees whose lives were put at extreme risk when Indian authorities forced them into the Andaman Sea after they were detained in Delhi.**

According to the information received:

In early May, approximately forty refugees were reportedly flown on Indian military aircraft to the Andaman and Nicobar Islands from Delhi and transferred to an Indian navy vessel. The refugees, all of whom reportedly held refugee identification documents, were then forced from the navy ship into the Andaman Sea. Mercifully, they survived after swimming to an island off the coast of Myanmar.

This report is deeply disturbing not only with respect to these particular refugees, but the threat that this poses to many others who face the likely prospect of violence, persecution and other grave human rights violations if they are returned to Myanmar.

In a separate action, it has been reported that Indian authorities removed a group of approximately 100 Rohingya refugees from a detention center in Assam and transferred them to an area along the border with Bangladesh. The current whereabouts and condition of this group are also unknown.

While I do not wish to prejudge the accuracy of these allegations, I would like to express deep concern regarding these reported life-threatening actions by Indian authorities, which are frankly unconscionable. They raise a litany of human rights concerns and represent a serious violation of the principle of non-refoulement, a fundamental tenet of international law that prohibits States from returning individuals to a territory where they face threats to their lives or freedom. I also remain concerned that asylum seekers and refugees from Myanmar, including children, are being arbitrarily and indefinitely detained and are at risk of being returned, in violation of the principle of non-refoulement.

I call your Excellency's attention to India's obligations under the principle of non-refoulement, as protected under customary international law and international human rights law, including as stipulated in article 3 of the Convention Against Torture, which your Excellency's Government ratified on 14 October 1997. The Working Group

on Arbitrary Detention on deprivation of liberty of migrants clarifies the non-derogability of non-refoulement in revised deliberation No. 5, which states in para. 43 that “[t]he principle of non-refoulement must always be respected, and the expulsion of non-nationals in need of international protection, including migrants regardless of their status, asylum seekers, refugees and stateless persons, is prohibited by international law.”

I also wish to recall the 3 March 2025 joint allegation letter (IND 14/2024) I sent to Your Excellency with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on trafficking in persons, especially women and children. This communication raised concerns about the widespread, arbitrary and indefinite detention of refugees and asylum seekers, including Rohingya refugees, from Myanmar. The letter called on the Government of India to end the arbitrary detention of refugees from Myanmar and to provide access to places of detention, among other actions. I have not received a response to this letter. I also refer to my 10 May 2024 urgent action (IND 2/2024) on deportation of persons from India to Myanmar, where I also raised concerns about violations of the principle of non-refoulement. Unfortunately, I have also not received a response to that letter.

I strongly urge the Government of India to immediately and unequivocally repudiate the undignified treatment of Rohingya refugees, stop all deportations to Myanmar, and ensure that those responsible for these blatant violations of India’s international obligations are held responsible. 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 and others from Myanmar currently in India, in compliance with international instruments.

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 as soon as possible 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 comment you may have on the above-mentioned allegations.
2. Please provide any additional information about the current whereabouts and safety of both groups mentioned above.
3. 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.

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

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

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue in question.

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

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