

UA 234/00

Possible**INDIA Ethnic Chin from Myanmar**

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Scores of ethnic Chin are reported to have been forcibly returned to Myanmar from the northeastern Indian state of Mizoram, and handed over to the Myanmar armed forces. Hundreds more are reportedly detained and facing deportation. Amnesty International is concerned that many of those who have been detained may have well-founded fears of persecution and possibly torture in Myanmar, and are not able to claim asylum in India.

Up to 50,000 ethnic Chin from Myanmar are estimated to be living in Mizoram, which borders on Myanmar. At least 87 were reportedly forcibly returned on 4 August, and several hundred more were reportedly detained in the past few days. The authorities claim the Chin are illegal immigrants and are working illegally.

Among those detained are reported to be relatives of a member of the political opposition in Myanmar. Amnesty International believes that they would be at risk of torture and imprisonment if they were deported.

There are fears that there will be further arrests and deportations, and many Chin have reportedly gone into hiding.

Those detained are reportedly held in several jails and police posts in the state, under the Foreigners Act (see below), which makes no provision for refugees and does not allow those detained to seek asylum.

**BACKGROUND INFORMATION**

Ethnic minorities commonly face torture and ill-treatment in Myanmar. The Chin, who are mainly Christian, have also been subjected to massive forcible relocation, forced labour and religious persecution by the mostly Buddhist Myanmar authorities. Churches have been destroyed, pastors have been arrested and harassed, and thousands of Chin civilians have been forced off their ancestral lands by the Myanmar army. The Chin live in both the Chin State of western Myanmar, which borders on India and Bangladesh, and the Sagaing Division of Myanmar.

Thousands of Chin civilians have been forced to work on infrastructure projects, including roads and dams. There is a small armed opposition group in conflict with the central Myanmar authorities, the Chin National Front.

Although India is not a signatory to the 1951 UN Refugee Convention, it is a member of the UNHCR's Executive Committee, and hosts several large refugee populations, including Tibetans, Sri Lankans and Afghans. Any refugee who enters India without authorization is considered an illegal immigrant, and can face up to five years' imprisonment and a fine under the Foreigners Act of 1946. Moreover, India denies the UNHCR access to most refugees, including those in Mizoram, and does not permit outside scrutiny of the situation facing some refugees.

India is bound by the principle of *non-refoulement*, which obliges states not to forcibly return anyone to a country where they would risk serious human rights violations. The principle of *non-refoulement* is binding on all states, and is absolute under Article 3 of the UN Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment, which India signed in October 1997.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:**

- expressing grave concern at reports that scores of ethnic Chin have recently been deported from Mizoram to Myanmar;
- calling on the authorities to immediately halt any program of deportation and abide by the fundamental principle of *non-refoulement*, which is considered to be a rule of customary international law;
- calling on the authorities to immediately put in place a fair and satisfactory asylum determination system which will allow those who have a well-founded fear of persecution to claim asylum;
- urging the authorities to ensure the safety and protection of all ethnic Chin from Myanmar in Mizoram;
- urging the Indian government to allow the UNHCR access to Mizoram.

**APPEALS TO:**

Pu Zoramthang  
Chief Minister of Mizoram  
Aizawl  
Mizoram  
India

**Salutation:Dear Chief Minister**

Mr George Ferndandes  
Defence Minister  
Ministry of Defence  
New Delhi  
India

**Faxes: + 91 11 379 3397**

**Salutation:Dear Minister**

**COPIES TO:**

Mr Lal Krishna Advani  
Minister of Home Affairs  
Ministry of Home Affairs  
North Block  
New Delhi 110 001  
India

**Faxes: + 91 11 301 5750**

**Salutation:Dear Minister**

and to diplomatic representatives of India accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 19 September 2000.