

EXTERNAL (for general distribution)

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Please draw this action to the attention of the refugee coordinator in your section.

UA 408/92

Fear of forcible return (refoulement)

22 December 1992

BANGLADESH: Burmese Muslim refugees

Over 150 Burmese Muslim refugees from Rakhine State (Arakan) are reported to have been repatriated against their will from Bangladesh to Myanmar on 25 November 1992. They were among a group of over 900 repatriated that day. According to reports they had clearly indicated to refugee agencies that they had been coerced into "volunteering" to return: some said their ration cards had been confiscated, and some said they feared physical abuse or ill-treatment if they did not agree to return. Since then around 2,000 refugees have been repatriated without the involvement of the Office of the United Nations High Commissioner for Refugees (UNHCR); over 4,000 more are expected to be repatriated before the end of December. Amnesty International believes many of them will be at risk of serious human rights violations in Myanmar.

Bangladesh is bound by the principle of *non-refoulement* not to return refugees against their will to a country where they risk serious human rights violations. This principle is internationally-recognized as a general norm of international law binding on all states. Some of the refugees may indeed have volunteered to return, but UNHCR has reportedly been denied full and free access to the refugee camps and has not been allowed to conduct private interviews with the refugees to ascertain whether in each case their return is truly voluntary. Accordingly UNHCR has had to dissociate itself from the repatriation process.

Additionally, there have been serious disturbances and outbreaks of violence in the refugee camps in recent months, both among the refugees themselves and against the Bangladesh security forces; it is reported that around 50 Burmese Muslims were injured and several killed in clashes with Bangladesh security forces around 5 December.

BACKGROUND INFORMATION

Since early 1991 over 260,000 Burmese Muslims (Rohingyas) have sought refuge in Bangladesh from the Burmese army's campaign of repression against Muslims in Rakhine (Arakan) State in Myanmar (Burma) where they have been forcibly evicted from their homes, arbitrarily detained, tortured and in some cases executed; they have also been tortured and ill-treated while serving as forcibly conscripted porters or labourers for the Burmese army.

A bilateral agreement of 28 April 1992 between the governments of Myanmar and Bangladesh provided for the "safe and voluntary" return of the refugees and for the services of UNHCR to be drawn upon at an appropriate time. But the related implementation agreement provided no mechanism for ensuring that the refugees' return would be safe and voluntary, nor did either government consult UNHCR about the implementation plan or UNHCR's own role in it. While the Myanmar Government has announced certain concessions to be made to those who volunteer to return, and while some individual refugees may genuinely volunteer to return, in view of the nature and extent of the human rights violations by the Burmese army against Muslims in Rakhine State in the past two years, Amnesty International believes that no

organized voluntary repatriation program should go ahead without provision for effective international monitoring of the refugees' situation after return. International standards explicitly recognize UNHCR as an appropriate body to undertake monitoring of returned refugees in their country of origin, but the Myanmar Government has refused to allow UNHCR a presence in the country to undertake this work.

Until an effective international monitoring system is in place and arrangements can be made for the refugees to return safely, the Government of Bangladesh is responsible for providing effective and durable protection to the refugees. International standards for

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the protection of refugees recognize that a "mass influx" of refugees may place unduly heavy burdens on certain countries and that the states of the international community should take all necessary measures to assist states which have admitted asylum-seekers in large-scale influx situations and which are in need of assistance.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters, either in English or in your own language:

- pointing out that the Bangladesh Government is bound by the internationally-recognized principle of *non-refoulement* which prohibits states from returning refugees against their will to countries where they risk serious human rights violations;

- urging the Bangladesh Government accordingly to halt plans for a program of repatriation of Muslim refugees to Myanmar until provision is made for effective international monitoring of their situation after return;

- urging the Bangladesh Government meanwhile to ensure the protection of the refugees in Bangladesh, and particularly to ensure that no refugees are pressured to return against their will, by:

(i) immediately granting the Office of the UN High Commissioner for Refugees (UNHCR) full and free access to the refugee camps; and

(ii) allowing UNHCR officials to conduct private interviews with any individual refugees who intend to return to Myanmar, in order to ensure that any who return do so on a truly voluntary basis and in full knowledge of the situation they may face after return;

- calling on the Bangladesh authorities to undertake an impartial inquiry into reports that around 50 Burmese Muslim refugees were injured and several killed in clashes with Bangladesh security forces around 5 December 1992, to establish the precise circumstances in which these injuries and reported deaths occurred.

APPEALS TO

1) Begum Khaleda Zia
Prime Minister

Salutation: Dear Prime Minister

Office of the Prime Minister
Gona Bhaban, Dhaka, Bangladesh

Telegrams: Prime Minister Zia, Dhaka, Bangladesh

Faxes: + 880 2 833 597 c/o Foreign Minister's office

2) Abdul Matin Chowdhury
Minister of Home Affairs
Home Ministry

Salutation: Dear Minister

Bangladesh Secretariat, Dhaka, Bangladesh

Telegrams: Minister of Home Affairs Chowdhury, Dhaka, Bangladesh

Faxes: + 880 2 833 597 c/o Foreign Minister's office

3) A.S.M. Mustafizur Rahman
Minister of Foreign Affairs

Salutation: Dear Minister

Ministry of Foreign Affairs

Topkhana Road, Dhaka, Bangladesh

Telegrams: Minister of Foreign Affairs Rahman, Dhaka, Bangladesh

Faxes: + 880 2 833 597

COPIES OF YOUR APPEALS TO THE FOLLOWING NEWSPAPERS:

New Nation

1 Ramkrishna Mission Road

Dhaka 1203, Bangladesh

Bangladesh Times

1 Rajuk Ave

Dhaka 1000, Bangladesh

Dhaka Courier

62/61 Purana Paltan

Dhaka, Bangladesh

and to diplomatic representatives of Bangladesh accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, nor your section office, if sending appeals after 2 February 1993.