

# AMNESTY INTERNATIONAL

## Public Statement

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### **India/Bangladesh: "Push in - Push out" practices at the border not acceptable**

Amnesty International is gravely concerned with recent reports about incidents on the Indian-Bangladeshi border in which groups of people whose nationality is disputed have reportedly been subject to "push-in" and "push-out" attempts by security forces on both sides in the past few weeks.

The organization considers that such collective expulsions by India and Bangladesh across the border without offering recourse to judicial remedy or appeal to the persons being expelled appear to be arbitrary and to deny them their fundamental human rights.

Amnesty International urges both governments - which meet today in Delhi to discuss bilateral relations, including the issue of tensions at the border over migration - to immediately halt the practice of "push-ins" and "push-outs".

The organization is calling on both governments to ensure that the human rights of these and other affected people form a central part of the bilateral talks and reminds that safeguards to which they are entitled should be upheld. These safeguards include:

- regardless of their nationality and legal status, to ensure that affected people are not subject to arbitrary arrest and detention (there should be no arrest in absence of recognizably criminal offences);
- to refrain from mass expulsion of people from each state's territory;
- to ensure that a person whose expulsion from a territory is being contemplated is provided at the earliest instance with full information and adequate and competent legal representation, and is able to effectively and individually appeal any decision taken by the state;
- to ensure that any person whose nationality is in dispute has full access to an independent and accountable body with the competence to establish their legal status;
- to ensure prompt access to judicial safeguards and redress against any violation of the rights of persons affected by the dispute;
- to ensure that border guards do not use excessive force and that independent investigations are carried out into any use of excessive force and those responsible for such abuses are brought to justice;
- to ensure that they are protected from mob attacks;
- to ensure that detainees have access to adequate food, shelter and medical facilities;
- to ensure sufficient and particular attention is given to the protection and humanitarian assistance needs of women, children, the elderly, and other vulnerable group.

## Background

On 31 January, Indian officials claimed they had detained and pushed across the border some 213 people

who they alleged had entered India illegally from Bangladesh. However, the Bangladeshi Government denied Indian claims that they were Bangladeshis. It alleged that these persons were Indian Muslims, who had been rounded up and taken to the border so as to be pushed into Bangladesh as "illegal immigrants".

The 213 people were reportedly held for 6 days in the so-called "no man's land" near Satgachi under Mathabhanga police station in Cooch Behar district, West Bengal. Security forces on both sides of the border refused to let the people enter their respective territory, each side claiming that the stranded people were nationals of the other country. The 213 reportedly included 68 women and 80 children. The group was reportedly left without adequate shelter, appropriate food, and with no sanitation or medical facilities. While the two countries were refusing to take responsibility for the group, many among them - particularly young children - reportedly became ill with pneumonia due to the harsh conditions to which they were exposed.

Amnesty International understands that limited relief was allowed through the Red Cross Society from the Indian side of border but it appears that efforts by agencies seeking access to the group from the Bangladeshi side were unsuccessful. The 213 people disappeared on 5 February with Bangladeshi and Indian officials making contradictory statements about their whereabouts. Amnesty International is not aware of their current whereabouts.

This incident is not an isolated case. Over the past few months other groups of people whose nationality was unclear and disputed were "pushed-out" and then "pushed- back in" across the border by India and Bangladesh.

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