

PUBLIC

AI Index: ASA 20/018/2007

10 October 2007

UA 257/07 **Fear of forcible return**

INDIA **Habibulde (m), son of the late Hasein, aged 24**
Haroon (m), son of Haron, aged 24
Rashid (m), son of Harif, aged 27

Habibulde (son of the late Hasein), Haroon (son of Haron) and Rashid (son of Harif), all Myanmar nationals from the city of Yangon, were arrested by the Indian security authorities on 2 October for entering the state of Manipur in north-eastern India without valid documents. Amnesty International fears that they will be forcibly returned to Myanmar, where, in light of the government's current crackdown on peaceful protests, they will be at risk of torture and ill-treatment.

The three men were arrested by troops of the 24 Assam Rifles, a paramilitary force, during a security check of vehicles at Khudenthabi near the border town of Moreh in Manipur. They were handed over to the custody of police from the state capital of Manipur, Imphal. The Imphal police charged them with illegal entry into the country and later transferred them to Moreh police station. On 9 October, the three men appeared in court and were remanded to judicial custody for 15 days.

According to Indian media reports, the Indian government is planning to increase security arrangements, along the Indo-Myanmar border in Manipur and in other north-eastern states to prevent a possible influx of individuals who may be fleeing the ongoing crackdown in Myanmar. It was reported that the Indo-Myanmar border was closed for nine hours earlier in the week, and may be closed again in the coming days. Meanwhile, security checks on vehicles along the road between Moreh and Imphal have reportedly been intensified.

Reliable sources who travelled to Tamu and Namphalong, Myanmar towns across the border from Manipur, last week report the presence of high numbers of security forces and people believed to be government informers. Reports indicate that protests against the government have been suppressed in the border towns, as elsewhere in the country.

Amnesty International fears that others may have been detained in the escalating Indian security response at the Indo-Myanmar border, and more individuals are likely to be detained, and at risk of being forcibly returned, if they cross the border in the coming weeks.

BACKGROUND INFORMATION

Arrests are reportedly continuing in the current crackdown on peaceful protests in Myanmar.

There are also continuing reports of searches, surveillance and harassment of individuals who took part in the protests. Moreover, threats are reportedly made against family members and neighbours of those who are believed to have joined the protests.

The state media in Myanmar has warned that those held over the protests could face jail sentences. On 9 October, the state-run New Light of Myanmar newspaper warned that "anyone who is detained for his violation of law must be charged and serve prison terms if he is found guilty." Amidst widespread fears of arrest, numerous people are believed to remain in hiding while reports are emerging about people fleeing to neighbouring India and Thailand.

Peaceful protests began in August in response to sharp increases in fuel prices. They grew rapidly in size and number with Buddhist monks taking the lead. In the evening of 25 September, the authorities began a crackdown on the protestors, including raiding monasteries, arresting monks and others, and imposing a curfew.

Human rights violations in Myanmar are widespread and systematic. They include the use of child soldiers and forced labour. Laws criminalize peaceful expression of political dissent. At the end of 2006 most senior opposition figures were imprisoned or administratively detained, among more than 1,160 political prisoners held in deteriorating prison conditions. People are frequently arrested without warrant and held incommunicado; torture and other cruel, inhuman and degrading treatment are common, especially during interrogation and while in custody awaiting trial. Judicial proceedings against political detainees fall short of international standards for fair trial. Defendants are often denied the right to legal counsel and prosecutors have relied on confessions extracted through torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the Indian authorities not to forcibly return Habibulde (son of the late Hasein), Haroon (son of Haron) and Rashid (son of Harif) to Myanmar, in accordance with India's obligations under international law including the International Covenant on Civil and Political Rights;
- urging the authorities to ensure that the three men are given full access to lawyers of their own choosing and any medical treatment they may require;
- calling on the Indian authorities to provide the three men with full access to refugee status determination procedures should they wish to seek asylum as well as access to the UN High Commissioner for Refugees (UNHCR);
- urging the authorities to allow other individuals fleeing human rights violations in Myanmar access to its territory, and to give them full access to refugee status determination procedures and to the UNHCR.

APPEALS TO:

Mr. Shivraj Patil
Minister for Home Affairs
104, North Block
New Delhi 110 001
India

Fax: + 91 11 23092113/ + 91 11 23092979/ + 91 11 23093003

Salutation: Dear Minister

Mr Pranab Kumar Mukherjee
Minister of External Affairs
Government of India
172 South Block
New Delhi 110 001
India

Fax: + 91 11 23093003/ + 91 11 23011463/ + 91 11 23013254

Salutation: Dear Minister

COPIES 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 21 November 2007.