

OPEN LETTER TO THE PRIME MINISTER NARENDRA MODI ON ROHINGYA REFUGEE ISSUE

(12 OCTOBER 2017)

Honourable Prime Minister,

On Friday, 25 August 2017, after an armed group calling itself the Arakan Rohingya Salvation Army (ARSA) carried out attacks on multiple police posts and an army base, there have been widespread reports of Myanmar's security forces resorting to a disproportionate military response that has targeted innocent people. The United Nations and human rights organisations investigating the violence have termed this as an ethnic cleansing exercise against the Rohingya Muslims by Myanmar's security forces and vigilante mobs. There is ample proof to suggest unlawful killing of civilians, mass displacement, sexual violence and the burning of villages. Satellite imagery shows burning dwellings in over 250 villages across northern Rakhine between 25 August and 19 September. On the other hand, the ARSA has also been accused of targeting other ethnic groups in Rakhine State, including Hindus and Buddhists.

A humanitarian tragedy is unfolding in Rakhine State, and is spilling over to the Bangladesh where our neighbour struggles to deal with the estimated 400,000 refugees who have fled there from Myanmar. We welcome the Government of India's efforts to contribute to the humanitarian aid response to Bangladesh, under 'Operation Insaniyat'. We also commend the Government of India for extending support for the development of socio-economic projects in the Rakhine State, and recognise its contribution as a longer-term solution to address violence and instability in Rakhine State.

Yet, at a time when the Rakhine State is literally burning, more urgent and immediate steps are needed to stem the current wave of violence. We have come together as a coalition of concerned Indian citizens to urge you to set out a new and bold vision for India's approach to the Rohingya crisis, which is only to be expected of a rising global power. This bold vision and approach must not only seek to address the needs of the thousands of Rohingya refugees who have fled Myanmar, but also address the violence that has caused them to flee in the first place. **We urge the Government of India to lead a global response to this crisis, and embark on a strategy that includes concrete actions in the areas outlined below, starting immediately.**

Firstly, it would be against India's own humanitarian principles and traditions, its obligations under international law, as well as its own constitutional provisions to deport the 40,000 Rohingya refugees and asylum seekers currently residing in India. These people of course possess the right to return home in safety and dignity, but the present situation is far from safe for them to return. Until the extrajudicial killings, gang-rapes, arson and other forms of violence have ceased in Myanmar, the Rohingya, under the established principles of international law, enjoy the right to stay in India. Several civil society members and even the UN High Commissioner for Human Rights have called on India to drop any plans to forcibly return the Rohingya people to a country where they face several risks. Furthermore, Article 21 of India's Constitution guarantees the 'right to life' to all persons, regardless of their nationality, and the government is constitutionally obligated to protect threatened groups of

foreign nationals. India's justification to deport the Rohingya is premised on the false assumption that all Rohingya people present a potential threat to national security. This is simply not the case, and the evidence to support these assertions have not held up. If any refugees or asylum seekers are found to be engaging in criminal activities, they must be prosecuted in accordance with due legal processes. However, this should not be used an excuse to mete out collective punishment to an entire community.

Secondly, India must recognise and acknowledge that massive human rights abuses, including extrajudicial killings, burning of villages, massacres, rape and attacks by Myanmar's security forces is the primary reason why the Rohingya have been forced to flee their homes, cross borders and seek sanctuary in other countries. A number of violent attacks against the Rohingya people, first in 2012 and then in 2016, have left them stateless and ghettoised. Indeed, growing radicalisation of certain segments of the Rohingya community is linked to this decade of persecution and discrimination of the Rohingya community by the authorities in Myanmar. Taking immediate steps to end these attacks would protect civilians, and in the medium to long term, address one of the key drivers of support for groups like the Arakan Rohingya Salvation Army. The solution to this crisis therefore does not lie in the deportation of Rohingya refugees, but in the cessation of state-led violence against the Rohingya in Myanmar. It is in India's national interest to ensure that all hostilities against the Rohingya community come to an immediate halt. Moreover, India's credibility as a net security provider for our neighbours in the region would be severely compromised if we fail to act on behalf of our broader interests in the region.

We thus urge the Government of India to exert its diplomatic clout to pressurise the Government of Myanmar to end the security crackdown in Rakhine, respect the rule of law and ensure the eventual safe and unhindered return of those Rohingya who wish to go home.

As an aspiring global leader of the twenty first century, India cannot afford to adopt a short-sighted approach to what has now become a monumental, global crisis. Our actions must now align with our ambitions. In the absence of strong, international leadership, India has the opportunity to craft a bold, new approach and pave the way for a new kind of global leadership. Honourable Prime Minister, you have often hailed India as the land of 'Gandhi and Buddha'. We now look to you to honour the principles that they upheld. We stand ready to support your leadership.

Sincerely,

1. Prashant Bhushan, Human Rights Lawyer
2. Shashi Tharoor, Member of Parliament
3. Kamini Jaiswal, Human Rights Lawyer
4. Harsh Mander, Human Rights activist
5. KC Singh, Former Indian Ambassador to UAE
6. G.K. Pillai, Former Union Home Secretary
7. D.P. Tripathi, Member of Parliament
8. P Chidambaram, Former Union Home Minister

9. Raju Ramachandran, Lawyer
10. Majeed Memon, Member of Parliament
11. Karan Thapar, Journalist
12. Sagarika Ghose, Journalist
13. Ajai Shukla, Columnist and former Indian Army officer
14. Miloon Kothari, Former United Nations Special Rapporteur
15. Manoj Mitta, Journalist and Writer
16. Nupur Basu, Journalist
17. Nilanjan Mukhopadhyay, Writer and Journalist
18. Yogendra Yadav, Political Scientist
19. John Dayal, Activist
20. Teesta Setalvad, Journalist and civil rights activist
21. Mitali Saran, Journalist
22. Ritu Menon, Activist
23. Farah Naqvi, Writer and Activist
24. Arvind Narain, Human Rights Lawyer
25. Sudha Bharadwaj, Trade unionist and human rights lawyer.
26. Fr. Cedric Prakash, Human Rights Activist
27. Cyrus Guzder
28. Anil Dharker, Journalist and Writer
29. Ravi Kulkarni, Lawyer
30. Gulam Pesh Imam, Businessman
31. Shakuntala Kulkarni, Artist
32. Chitra Palekar, Theatre Activist
33. Nandan Maluste, Finance Consultant
34. Javed Anand, Journalist and human rights activist
35. Urvashi Butalia, Writer and Activist
36. Swara Bhaskar, Actress
37. Sanjay Rajoura, Political Stand-up
38. Pritish Nandy, Journalist
39. Paranjy Guha Thakurta, Journalist
40. Sanjay Kak, Filmmaker
41. Gauri Gill, Artist
42. Ram Rahman, Photographer
43. Kanwar Sandhu, Political leader
44. Apoorvanand, Academic
45. Anuradha Chenoy, Academic
46. Lawrence Liang, Human Rights Lawyer and Academic
47. Nivedita Menon, Academic
48. Dilip Simeon, Academic
49. Vijay Rukmini Rao, Social Activist
50. Biraj Patnaik, Social Activist
51. Shoba Mathai