

Joint Statement on the Illegal Deportation, Detention, and Torture of Rohingya refugees by India

Context and Legal Status of Rohingya in India

India hosts an estimated 22,500 Rohingya refugees registered with the UNHCR who are rendered stateless by the Myanmar military regime. Recent state actions—particularly forced deportations and indefinite detentions—have raised serious legal and humanitarian concerns, especially regarding violations of the principle of non-refoulement and basic human rights protections.

Summary of the Recent State Actions against Rohingya Refugees

Action 1: Maritime Expulsion of Rohingya Refugees to Myanmar

On May 6, 2025, over 40 Rohingya refugees were arbitrarily taken from their homes in Delhi without legal counsel and flown to the Andaman and Nicobar Islands. Their UN Refugee Agency (UNHCR) issued cards and possessions were confiscated. On May 8, they were then blindfolded and handcuffed, and forced onto a naval ship, and at around 2:00 am on May 9, they cast into the sea close to the Myanmar coast with only life jackets. The UN condemned the act as a severe breach of international norms and initiated an enquiry. The National Unity Government of Myanmar independently confirmed these reports to Indian and international media.

Action 2: Land Border Pushbacks into Bangladesh

On May 6, 2025, Indian forces forcibly expelled around 370 undocumented individuals, including 102 Rohingya refugees (held at the Matia detention centre in Assam) — many minors, pregnant women, and the elderly — into Bangladesh. They are currently detained by the Bangladeshi authorities. These collective expulsions were conducted without any legal procedure, and some individuals were allegedly tortured beforehand.

Codifying Exclusion: State Directives and Court Rulings

In the first week of May 2025, India's Ministry of Home Affairs issued directives to all states and union territories to identify and deport undocumented migrants within 30 days. This has led to increased detention of Rohingya refugees throughout the country, with the Indian Government seemingly planning to deport them. Despite many Rohingya refugees holding UNHCR-issued Refugee Cards, these documents are being disregarded by the Indian authorities. On May 8, 2025, the Supreme Court ruled that the right to reside in India is limited to citizens, and dismissed petitions against deportations, further reinforcing the state's hardline stance against Rohingya refugees violating both domestic and international norms.

Violation of International and Domestic Laws

India's actions stand in blatant violation of its obligations under **customary international law**, particularly the principle of **non-refoulement**, which prohibits returning individuals to a country where they may face persecution and/or serious harm. Despite not being a party to the 1951 Refugee Convention, India is bound by treaties it has ratified, including Convention on the Rights of the Child (CRC); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and Convention on the Prevention and Punishment of the Crime of Genocide. As a party to the Genocide Convention, India is obligated to protect Rohingya refugees as victims of genocide and additionally punish the perpetrators of genocide. Furthermore, as signatory to the Convention Against Torture (CAT), India must refrain from actions that would defeat the object and purpose of the treaty.

Domestically, such actions violate Articles 14 and 21 of the Indian Constitution, which guarantee equality before the law and protection of life and personal liberty to all persons—not just citizens. The forced deportations of Rohingya refugees without any due process stand contrary to the Supreme Court's rulings. At the same time, the Supreme Court, with its recent ruling, failed in its constitutional duty to protect vulnerable groups.

Calls to Action

To the Government of India:

- Immediately cease collective expulsions, arbitrary detentions, and forced deportations, enforcing the **principle of non-refoulement**.
- Initiate an independent inquiry into the illegal deportations and detentions.
- Restore legal and humanitarian protections for all stateless persons and refugees.
- Recognize and uphold the legal significance of **UNHCR documentation**.

To the Judiciary:

- Uphold constitutional duties by ensuring protection for the most vulnerable, regardless of nationality or legal status.
- Intervene urgently to stop illegal deportations and detentions, and safeguard fundamental rights.

To International and Regional Actors:

- Condemn India's actions and mobilize diplomatic pressure.
- Demand coordinated, public responses to protect stateless communities.
- Address the need to restore citizenship for the Rohingya in Myanmar as a long-term protection mechanism.

