

The crimes of a few condemn the fate of many

Rohingya refugee children slide down the road at Balu Khali refugee camp near Cox's Bazar, Bangladesh. | Photo Credit: [Reuters](#)

On May 22, Amnesty International (AI) released a briefing that revealed that a Rohingya armed group, the Arakan Rohingya Salvation Army (ARSA), had committed serious human rights abuses against Hindus in northern Rakhine State in Myanmar. As a movement that campaigns to end human rights abuses against all people, AI aims to uncover all cases of human rights violations without bias, regardless of who the perpetrators are and where the violations are committed.

The May 22 briefing follows AI's earlier reports documenting military attacks on the Rohingya that led to more than 693,000 people fleeing from their homes to other countries. This briefing and other AI reports on the situation in Myanmar point to the overwhelming evidence that the Myanmar authorities have been unable, or dare I say, unwilling to protect its civilians.

The issue here is not about which "side" committed more atrocities. The issue is about people. About civilians. About mothers and fathers, sons and daughters, who have been killed, maimed and brutalised. It is about their rights as human beings.

We should be calling for better protection for survivors fleeing persecution in accordance with international human rights law. We should be calling for justice, truth and reparation for victims and their families. We should be calling for unfettered access to the northern Rakhine State for independent investigators. However, the reaction to the briefing report has been deeply disturbing.

Some politicians and media outlets are using AI's briefing to advocate the mass expulsion of the Rohingya. The debate has further deteriorated to unfairly and unreasonably attributing the condemnable actions of the armed ARSA to all Rohingya people. What this means is that we are willing to demonise and malign an entire community for abuses they may not have committed.

Despite irrefutable evidence that Rohingya people fleeing to India are at serious risk of human rights violations in Myanmar, the Indian government has refused to recognise them as asylum seekers and refugees. Instead the Rohingya have been labelled as "illegal immigrants" — even those recognised as refugees by the United Nations High Commissioner for Refugees (UNHCR) in India. In fact, in August last year, the Union Ministry of Home Affairs proposed to forcibly return to Myanmar all the 40,000 Rohingya refugees in India. The Ministry claimed that the Rohingya are a threat to national security.

Why is it that the only solution envisioned by Indian authorities to address security concerns, in this case, is to forcibly return people to the real risk of apartheid and death?

There have been no attempts to consider alternative measures to distinguish people who actually pose a threat from people in dire need of protection. The mass expulsion of Rohingya refugees to Myanmar would be an abject dereliction of India's obligations under international law. In the past, AI India has advocated that the most effective way for the Indian government to address security concerns is to conduct "fair and efficient refugee determination proceedings".

The UN Refugee Convention provides a straightforward solution to deal with the potential security concerns involving asylum seekers. Article 1F of the Convention excludes protection for those involved in serious crimes. Therefore, if India acceded to the Refugee Convention, it would be able to effectively assess Rohingya asylum applications and deny protection to those who might fall under Article 1F exceptions, such as members of ARSA who participated in the August 2017

violence.

Indian authorities have outsourced refugee status determination to the UNHCR, which follows a rigorous process. However, this is largely meaningless as India refuses to officially recognise Rohingya people identified as refugees by the UNHCR. These people are left in a state of limbo with neither the UNHCR nor the Indian government providing them effective protection.

The profound lack of support for Rohingya refugees in India is shameful. Even though India is not a party to the Refugee Convention, it has always had a longstanding tradition of providing shelter to those seeking protection. However, in this instance, it seems to be faltering, and it is time we question why.

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