

Massive Statelessness on the Horizon in Assam State, India

July 30 2018: India put 4 million people, many of them Muslims of Bengali descent, at risk of statelessness. Assam State published the draft of its master list of citizens. Anyone not on the final list -- scheduled to be released at the end of the year -- could be subject to statelessness and indefinite detention. An appeals process exists, but it is confusing, unfair, time-consuming, and expensive. Muslims are especially likely to be excluded from the list as part of a decades-long pattern of discrimination and violence. In advance of finalizing the list, the state is constructing a new detention center for 'foreigners' in addition to the 6 existing ones.

Discrimination and dehumanization: Like the Rohingya of Rakhine State in Myanmar, Bengali-speaking Muslims in Assam face constant discrimination and dehumanization. Ethno-nationalist movements grew in Assam in the 1970s, culminating in 1983 with the [massacre](#) of between 1,800 and 3,000 Bengali Muslims. State-sponsored discrimination has continued. Election officials can designate "doubtful" voters, who are immediately stripped of citizenship and subject to detention. Special 'foreigners tribunals' determine citizenship without due process or a right to legal counsel. Media stories [depict](#) Bengali migration as a "plague" or a "ticking bomb" and Bengalis as "infiltrators" and "encroachers." An elected member of the ruling BJP called for Bangladeshis and Rohingyas to be "[shot](#)" if they don't leave.

Stripping Muslims of citizenship: Updating India's National Register of Citizens ("NRC") for Assam requires all 32 million inhabitants of the state to affirmatively prove their citizenship. Because the required proof might be decades old, lost, or never obtained in the first place, millions of people of all ethnicities and religions in Assam have had difficulty securing their place on the list. A [proposed law](#) would offer relief to some 'foreigners,' but not to Muslims. The state government in Assam published a white paper declaring that those determined to be 'illegal foreigners' but not accepted by Bangladesh would be [rendered stateless](#).

Denying rights to 'illegal' Muslims: The Chief Minister of Assam, Sarbananda Sonowal, [declared](#) in January that "[t]he people who are declared foreigners will be barred from all constitutional rights, including fundamental and electoral." People declared 'illegal' can challenge the decision before administrators and, ultimately, special 'foreigners tribunals' -- but they are [denied due process](#) and the right to counsel. All the brothers and sisters of anyone declared a foreigner are [presumed](#) to be foreigners also and must prove their citizenship in the same way.

Detaining 'foreigners' indefinitely, under horrific conditions: Harsh Mander, the first human rights monitor ever allowed to visit Assam's foreigner detention centers, [resigned](#) from his position as Special Monitor for the National Human Rights Commission after the government buried his report. Mander's findings (read the still-unpublished full report [here](#)) included imprisonment without trial; detainees being kept in cells 24/7 so they don't mix with "citizen" prisoners; no temporary leave even in cases of severe illness or a death in the family; poor legal representation or none at all; parents and children as young as seven separated from one another; and no communication at all with family outside.

Dangerous escalation: The NRC could potentially create millions of stateless people in India. 4 million people were left off the ‘final draft’ of the list published on 30 July, 2018. The window for submitting forms to be reconsidered starts on 30 August, 2018 and runs through 28 September -- giving authorities, at most, [4 months to process appeals](#) for the millions who have been excluded. Yet [evidence on the ground points](#) to an extremely difficult, time consuming and expensive process that seems to be stacked against those who must prove their citizenship.

No bilateral agreement on migration or deportation: While continuing to foment hatred towards the “Bangladeshi” bogeyman, the Indian government has in fact no agreements with Bangladesh on the status of those who will soon be struck off the final list in Assam. Pandering to the voters worst anxieties about demographic changes in India, the current Indian government hopes to get away with genocidal policies, targeting its own minorities, without any agreements with neighbouring Bangladesh, whose people it claims have necessitated this whole “citizenship” exercise.

No international oversight: With the exception of a [joint letter](#) released by four United Nations Special Rapporteurs, the international community has not raised the alarm about the escalating situation in Assam. Prime Minister Modi’s Hindu ultranationalist party, BJP, which consistently stokes and [condones anti-muslim discrimination and violence](#), took power in Assam in 2016 after campaigning on a platform of rights for indigenous Assamese. Continued silence from the strongest diplomatic voices at the United Nations, the European Union, and concerned states may lead Modi and the BJP authorities -- particularly within Assam State -- to believe that these abuses are going unnoticed.

Avaaz’s [campaign](#) has been signed by over 800,000 people from around the world, including several thousand from India. We’ve also sent a [letter](#) to the Assam administration.

Recommendations:

The international community and the UN should:

- Work with India to ensure that all decisions on citizenship are made in accordance with international human rights standards, including:
 - Due process of law;
 - Right to counsel;
 - No arbitrary or indefinite detention;
 - Conditions of detention that meet minimum standards, which include prohibiting the separation of families in detention; and,
 - No one is rendered stateless.
- Pressure India and Bangladesh to agree a plan on managing deportation and migration across a very porous border before the final list is published
- Ensure that genuine Indian citizens are not left out of the list
- And ensure scrutiny over a highly biased, arbitrary process.