



Citizens registry officials check documents of families summoned in Kamrup, Assam.

# Inside India's sham trials that could strip millions of citizenship

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Tens of thousands of people have been declared illegal in special courts called "Foreigners Tribunals", opaque courts that are unique to Assam. A VICE News and Type Investigations probe has revealed the tribunals, a quasi-judicial system that orders the removal of so-called non-Indians from the country, to be rife with bias, inconsistency, and error.

On the heels of a resounding re-election victory by Modi and his Bharatiya Janata Party (BJP), which ran on an aggressively anti-immigrant and anti-Muslim platform, the state of Assam is using these tribunals to embark on what may be one of the largest purges of citizenship in history. The state flagged four million people as possible foreigners last year.

An investigation into Assam's Foreigners Tribunals reveals an ominous glimpse of what awaits the masses left off the citizen's register who will soon be summoned to trial. Data gathered from several tribunals, and interviews with nearly 100 people who've faced the courts, illustrate a biased process barely resembling India's traditional legal system.

We requested judgements issued in the last six months of 2018 from all of Assam's 100 Foreigners Tribunals. Only five courts complied, although all were required to do so under India's transparency laws. Four were in the district of Kamrup [Rural].

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In those tribunals, nearly nine out of 10 cases were against Muslims. Almost 90 percent of those Muslims were declared illegal immigrants—as compared with 40 percent of Hindus tried. While it wasn't possible to discern exactly how many



A village headman's documentation of residents' life events; his testimony is only admissible if he has a record for the entire village.

PHOTOS: SAHIBA CHAWDHARY

people were Bengali speakers, every person we found who had faced the tribunals was from that ethnic group.

Decisions made by those presiding over Kamrup's tribunals—who are not actual judges—were deeply inconsistent. The percentage of people declared foreigners varied dramatically from tribunal to tribunal. In one of the courts, every single person processed in six months was declared a foreigner because they weren't present at their hearing. Some people said the Assam Police Border Organisation, a force unique to the state that files complaints and summons accused illegal immigrants to court, had never notified them in the first place.

It's unclear how many more people will be sent to the tribunals in the coming months, but Assam seems to be preparing for a major crackdown. Modi's government has approved the state's proposal to add 200 new Foreigners Tribunals to the existing 100, and plans for another 800 are in the works, according to a senior official at the Assam ministry for national security. The state is also building a new detention centre and has proposed constructing 10 more, the official said.

An analysis of 515 orders issued by four of Kamrup's five tribunals and interviews with attendees of those tribunals, as well as courts in nine other districts, offers a window into what awaits them.

The judgements and witness accounts reveal a broken and prejudicial system where the burden of proof is on the accused.

Kamrup's tribunal judgments showed that about 82 percent of people on trial were declared foreigners. The numbers varied widely; one declared all its cases Indian, while another declared every person tried foreign. The judgements don't list the accused's religion, but names in Assam do indicate that heritage. We worked with an Assam ethnicities expert to confirm data on Muslims and Hindus in the tribunals.

There are many flaws in the system, but five stand out:

Significantly more Muslims were being tried, and a much greater proportion were declared foreigners as compared to Hindus.

Names in Assam don't reliably indicate ethnicity. But in addition to lawyers and tribunal members attesting to the focus on Bengalis, every one of the 113 people we found from those judgements were Bengali. Kamrup, meanwhile, is home to many Assamese speakers as well.

Three-quarters of the orders were issued without the accused present, known as an ex parte judgement. In one tribunal, this was the case in every judgment.

The police investigations that form the basis of the complaint often appeared botched, superficial and biased.

Some individuals who had managed to prove they were Indians received fresh summonses from the same tribunal.

The lawyers sitting as judges in the tribunals had differing views on what documents could be submitted, what statements should contain, and how much time the accused had to produce witnesses.

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