



Front cover and above: Men seeking refugee status show their application forms outside the UN High Commissioner for Refugees office, Kuala Lumpur, Malaysia

International Migrants Day

International Migrants Day on 18 December marks the day in 1990 when the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) was adopted by the UN General Assembly. It came into force on 1 July 2003 and so far 37 states have ratified it. It is an occasion to celebrate the contributions made by millions of migrant workers around the world. It is also an opportunity to draw attention to the need to promote and protect the rights of migrant workers and their families.

The Migrant Workers Convention is the first international treaty to provide specific

recognition of the human rights of all migrant workers and their families. It prohibits discrimination against migrant workers. Amnesty International is continuing its call to those states which have not already ratified the Convention to do so. It also calls on those which have ratified the Convention to implement it and incorporate its provisions into domestic law.

For more information about migrants in Malaysia, see *Malaysia: Human rights at risk in mass deportation of undocumented migrants* (AI Index: ASA 28/008/2004), *Malaysia: Towards human rights-based policing* (AI Index: ASA 28/001/2005) and www.amnesty.org/refugees

TAKE ACTION NOW

PLEASE WRITE TO THE MALAYSIAN AUTHORITIES, CALLING ON THEM TO:

- ensure that no individual, regardless of their legal status, is returned to a country where they might face torture or other serious human rights violations;
- ensure that Rela abide by the UN Code of Conduct for Law Enforcement Officials and that disproportionate force is not used against irregular migrants, refugees and asylum-seekers;
- ensure that irregular migrants, refugees and asylum-seekers are not arbitrarily detained and that conditions of detention comply with relevant international standards;
- ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the 1951 Convention relating to the Status of Refugees.

PLEASE SEND APPEALS TO:

Prime Minister and Minister for Internal Security
Dato' Abdullah Haji Ahmad Badawi
Prime Minister's Department, Block 1
Federal Government Administration Centre
62502 Putrajaya
Selangor
Malaysia
Salutation: Dear Prime Minister

Director General of Immigration Department
Tuan H.J. Wahid Bin MD Don
Director General Office
Immigration Department of Malaysia
Level 1-7 (Podium) Block 2G-4, Precinct 2
Federal Government Administration Centre
62550 Putrajaya
Malaysia
Fax: +60 3 8880 1200
Salutation: Dear Director

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MIGRANTS' RIGHTS
ARE HUMAN RIGHTS
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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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NOT WELCOME HERE

'VIGILANTE' FORCE TARGETS
MIGRANTS IN MALAYSIA

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‘VIGILANTE’ FORCE TARGETS MIGRANTS IN MALAYSIA

HABIBAR RAHMAN

In the early hours of 8 August 2007, officials from Rela, a civilian volunteer corps backed by the government, raided a community of Rohingya refugees, asylum-seekers and irregular migrants (people without proper documentation). Habibar Rahman, General Secretary of the Myanmar Ethnic Rohingya Human Rights Organisation Malaysia (MEHROM), was beaten by a Rela official as he attempted to identify himself. He showed his UN High Commissioner for Refugees (UNHCR) identity card to no avail. The Rohingya are a Muslim ethnic minority from Myanmar, many of whom have sought asylum from persecution and human rights violations in that country.

Habibar Rahman was later taken along with around 20 other UNHCR recognized refugees to the Sempang Immigration detention camp, next to Kuala Lumpur International Airport. When the president of MEHROM went to the local Rela office to enquire about the raid, he was verbally abused. At the time of writing, it is not known if any of those detained have been released.

There are more than 1.5 million migrant workers, asylum-seekers and refugees in Malaysia. Many migrants are irregular, that is, they lack the legal permission or documentation to remain in the country. The Malaysian government regularly announces that it will expel so-called “illegal immigrants”, despite industries’ need for cheap, low-skilled labour. With its buoyant economy and high demand for low-wage labour, Malaysia is a common destination for migrants from neighbouring states such as Indonesia, Bangladesh and India. Malaysia also has a large refugee and asylum-seeker population, with many refugees from Myanmar. As with some other Asian countries, Malaysia has failed to ratify the 1951 UN Refugee Convention and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In 1972, a “State of Emergency” prompted the Malaysian government to establish Rela, the People’s volunteer corps, to “help maintain security in the country and the well-being of its people”. In 2005, Rela’s powers were increased, giving them the right to stop, question and arrest – without



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A Rela official seizes an Indonesian migrant worker during a raid on irregular migrants, Malaysia, March 2005

a warrant – anyone “reasonably believed” to be a terrorist, an undesirable person or “illegal immigrant”. Rela can also conduct raids without supervision or permission from immigration authorities. Civil society groups describe Rela as a vigilante group and criticize them for abusing their power and violating the rights of migrants and refugees. Rela receive little training, no security checks are carried out on members and there is no mechanism to hold them accountable for breaches of law or abuses of power.

Amnesty International has documented human rights abuses by police and security

forces, including unlawful killings, torture or other ill-treatment in police lock-ups, and deaths in custody. Unsurprisingly, Rela, as a quasi-security force, has similarly been accused of excessive use of force and abuse of the human rights of migrants and refugees. Rela officials have reportedly punched and kicked migrants and destroyed their property during raids. Rela often fail to properly check immigration documentation, or simply destroy identity documents and authorization letters from employers. Many arrests are arbitrary.

Following Rela raids, irregular migrants, refugees and asylum-seekers are sent to

immigration detention camps. Malaysia has at least six detention camps throughout the country which frequently fail to comply with UN minimum standards for prisoners’ hygiene, medical care and discipline. Mass arrests lead to severe overcrowding. Other concerns are poor hygiene and sanitation, lack of medical services, inadequate nutrition and physical abuse. From detention camps, migrants, refugees and asylum-seekers are at risk of forcible return to countries where they may face human rights violations. International customary law and the principle of *non-refoulement* prohibit the forcible return of any individual to countries where they may face torture and other ill-treatment.