

PUBLIC

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UA 206/07 Arbitrary detention/ Fear of forcible return

MALAYSIA **Habibur Rahman (m), General Secretary of the Myanmar Ethnic Rohingyas Human Rights Organisation Malaysia (MERHROM)**
“Harun” (m), Information Secretary of MERHROM
Approximately 250 people, including over 100 refugees and asylum seekers from Myanmar's Rohingya ethnic group

On the morning of 5 August, security forces personnel, aided by approximately 100 civilian volunteers, raided the communities of Selayang and Gombak, near the capital, Kuala Lumpur. Approximately 250 migrants were detained during the raid. Among them were some 90 asylum-seekers and at least 22 recognized refugees, all from Myanmar's Rohingya ethnic group, including Habibur Rahman and a man known as "Harun", both of whom are leaders of the non-governmental organization, the Myanmar Ethnic Rohingyas Human Rights Organisation Malaysia (MERHROM).

The group are now being held in three separate immigration detention camps. The refugees and asylum seekers are in danger of being forcibly returned to Myanmar, where they may be tortured or ill-treated.

Habibur Rahman, "Harun" and at least 20 others have been recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR). According to his testimony, Habibur Rahman was beaten by the civilian volunteers after showing them the documents from the UNHCR proving that he is a refugee, and his membership of MERHROM.

Those arrested were taken to the Lenggeng and Semenyih immigration detention camps, and the Kuala Lumpur International Airport Immigration Depot. Conditions at the detention camps have been described by a former detainee as "difficult". Sanitation is said to be poor, and there is little access to medical treatment.

According to Zafar Ahmed, head of MERHROM, when he enquired about the raid and the detention, he was physically and verbally abused by members of the civilian volunteer force which took part in the raid. He was unable to obtain any information about the detainees. It is not known if any other individuals or groups, including the UNHCR, have been given access to the detainees.

Previous raids on migrant communities have led to recognized refugees, asylum-seekers and undocumented migrant workers all being branded as "illegal immigrants". The authorities have previously "punished" these "illegal immigrants" by imprisoning, caning and deporting them. Caning is prohibited under international human rights standards relating to cruel, inhuman and degrading treatment and punishment.

Amnesty International is concerned that the refugees and asylum seekers face deportation to Myanmar. Forcibly returning anyone, including recognised refugees and asylum-seekers, to a country where they would be at risk of serious human rights abuses is a violation of Malaysia's obligations under international law.

BACKGROUND INFORMATION

Malaysia does not recognise refugees in its domestic laws and is not party to the 1951 UN Convention relating to the Status of Refugees. However, Malaysia and all countries are bound by the principle of *non-refoulement*, which says that no one may be returned to a country where they would be at risk of serious human rights violations.

The human rights situation in Myanmar is grave. Rohingyas returned to Myanmar are at serious risk of human rights violations, including torture or other ill-treatment, arbitrary detention and forced labour. Amnesty International has documented its concerns at the situation of the Rohingya in Myanmar (see *Myanmar: the Rohingya Minority, Fundamental Rights denied*, AI Index ASA 16/005/2004, May 2004), many of whom are denied citizenship and are effectively stateless and suffer from a wide range of human rights violations at the hands of the Myanmar authorities. Within Myanmar, Rohingyas suffer from specific deeply discriminatory policies targeting them, which include restrictions on travel and marriage.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Malay, English or your own language:

- calling on the authorities to respect UNHCR-issued protection documentation held by refugees and asylum-seekers;
- urging the authorities not to forcibly return any of the refugees or asylum seekers to Myanmar, where they would be at risk of torture and release them immediately;
- expressing concern at reports that Habibur Rahman was assaulted during the raid on 5 August, and calling on the authorities to ensure that the detainees are treated humanely while they are in custody;
- urging the authorities to stop using caning as punishment, as it is a cruel and inhuman form of punishment amounting to torture.

APPEALS TO:

Prime Minister

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 HJ. 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

Director General of RELA

Dato' Zaidon Bin Hj. Asmuni
RELA Malaysia Headquarters
Level 6, Block D2, Parcel D,
Federal Government Administrative Centre, 62546 Putrajaya, Malaysia

Fax: (603) 8888 6314

Email: zaidon@moha.gov.my

Salutation: Dear Director

COPIES TO:

Human Rights Commission of Malaysia

Tan Sri Abu Talib Othman
Chairman, Human Rights Commission of Malaysia
Level 29, Menara Tun Razak, Jalan Raja Laut, 50350 Kuala Lumpur, Malaysia.

Fax: +60 3 26125620

**E-mail: admin@suhakam.org.my
humanrights@suhakam.org.my**

and to diplomatic representatives of Malaysia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 September 2007.