

URGENT ACTION

ENSURE THE SAFETY OF REFUGEES AND MIGRANTS

Thousands of refugees and migrants remain at risk in seas around Thailand, Malaysia and Indonesia. Those who have landed in Malaysia and Indonesia are at risk of detention and unlawful return.

Over 3,000 people have either landed in Malaysia, Thailand and Indonesia or returned to Myanmar and Bangladesh over the past three weeks. Approximately 2,500 migrants and refugees remain stranded at sea. Many of those on board the boats are Rohingya – a minority from Myanmar who have faced discrimination for decades.

Following the announcement on 20 May 2015 that Malaysia and Indonesia would offer temporary shelter to up to 7,000 refugees and vulnerable migrants, and following the launch on 21 May of search and rescue operations by Malaysia, Indonesia started search and rescue operations on 23 May. Thailand has been carrying out sea patrols since 26 May, and equipped navy ships to provide humanitarian assistance to those found at sea. Thailand has repeatedly said that anyone arriving by boat would be prosecuted for illegal entry and on 29 May announced that if it is absolutely necessary for those found at sea to disembark in Thailand, they will be treated according to “humanitarian principles under Thai laws”.

It is not clear how these countries propose to implement these new policies and ensure they are consistent with international human rights law. Some of those who arrived in Malaysia and Indonesia are being detained and could face unlawful return to countries where their life or rights are at risk. On 29 May a regional summit to address this crisis reaffirmed existing commitments to carry out search and rescue operations. But many key proposals and recommendations, including on addressing urgent humanitarian needs, and on the root causes of the crisis, were deferred to a follow-up meeting.

Please write immediately in English, Malaysian, Thai, Indonesian or your own language urging these countries to:

- Provide for the immediate humanitarian needs of refugees and migrants including food, water, shelter and health care;
- Ensure that people claiming asylum are able to access refugee status determination procedures and that individuals are not criminalized, detained or otherwise punished solely for their method of arrival in the country;
- Respect the principle of non-refoulement, by ensuring that people are not transferred to any place, including their country of origin, where their lives or freedoms are at risk;
- Allow all boats carrying refugees and migrants to land safely in the nearest country to their vessel and not push them back, threaten or otherwise intimidate them;
- Co-ordinate search and rescue operations to locate and assist boats in distress;
- Call on the Government of Myanmar to end all discrimination against the Rohingya in law, policy and practice.

PLEASE SEND APPEALS BEFORE 15 JULY 2015 TO:

Prime Minister
Datuk Seri Najib Tun Razak
Prime Minister's Office of Malaysia
Main Block, Perdana Putra Building
Federal Government Administrative
Centre, 62502 Putrajaya
Malaysia
Fax: +603 8888 3444
Email: ppm@pmo.gov.my
Salutation: Your Excellency

Deputy Prime Minister and Minister for
Foreign Affairs
Thanasak Patimapragorn
Ministry of Foreign Affairs
Sri Ayudhya Road
Bangkok, 10400
Thailand
Fax: +66 2643 5320, +66 2643 5314
Email: minister@mfa.go.th
Salutation: Your Excellency

And copies to:
Minister of Foreign Affairs
Retno Marsudi
Ministry of Foreign Affairs
Jl. Pejambon No.6.
Jakarta Pusat, 10110
Indonesia
Fax: +62 21 385 7316
Email: kontak-kami@kemlu.go.id
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 108/15. Further information:

<https://www.amnesty.org/en/documents/ASA01/1701/2015/en/>

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Although Indonesia, Malaysia and Thailand are not signatories to the 1951 Refugee Convention, and Thailand and Malaysia lack formal legislative and administrative frameworks to address refugee matters, all these countries must abide by principles of customary international law. This includes the principle of non-refoulement, which prohibits the transfer of anyone to a place where his or her life or freedom would be at risk, as well as the ban on torture and other cruel, degrading and inhuman treatment. Other binding principles of international law include provisions set out in the 1982 UN Convention on the Laws of the Sea (to which Indonesia, Malaysia and Thailand are states parties), such as the duty to establish search and rescue operations. In addition, under Article 1 (7) of the ASEAN Charter, ASEAN countries have a responsibility to promote and protect human rights and fundamental freedoms.

Reports from UNHCR – the UN Refugee Agency – suggest that over 2,500 people may still be adrift off the coasts of Thailand, Malaysia and Indonesia. During a crisis meeting held on 20 May 2015 following strong international pressure, Malaysia and Indonesia stated that they would provide temporary shelter for up to 7,000 refugees and migrants on the condition that the international community “take responsibility for the repatriation of the irregular migrants to their countries of origin or resettlement to third countries within a period of one year” – a reversal of previous policies of turning away boats. Thailand did not sign up to the commitment, citing domestic legal constraints. On 29 May, Thailand said that teams on Thai Navy ships may refer those found at sea to shelters in Indonesia. Over 3,000 people have either landed in Malaysia, Thailand and Indonesia or returned to Myanmar and Bangladesh over the past three weeks, according to the International Organization for Migration (IOM).

The thousands of people who have fled Myanmar and Bangladesh include refugees, vulnerable migrants, and victims of human trafficking. Regardless of their legal status, their means of arrival or where they come from, the rights of these people must be protected and none should be detained, prosecuted or otherwise punished solely because of their method of arrival.

Many of those on board the boats are Rohingya – a minority from Myanmar who have faced discrimination for decades. They are not recognized as an official ethnic group and continue to be denied equal access to citizenship rights under the country’s 1982 Citizenship Act. They face severe restrictions on their right to freedom of movement, which prevent them from travelling between townships without authorization. This has had serious repercussions on their livelihood and food security, as they are often unable to seek employment outside their village or trade goods and produce unless they have permission. Other rights - for example the rights to study, work, travel, marry, practise their religion, and receive health services are also restricted to various degrees. In 2012, widespread violence between Buddhist and Muslim communities in Myanmar’s Rakhine state led to the displacement of tens of thousands of people. Today, 139,000 people, mainly Rohingya, remain displaced in Internally Displaced People (IDP) camps across Rakhine state in squalid conditions.

According to UNHCR, some 25,000 Rohingya from Myanmar and Bangladeshis left the Bay of Bengal on boats between January and March this year – almost double the number over the same period in the two previous years. Reports suggest that at least 300 people have died on the boats so far in 2015. Their preferred destination is usually Malaysia, with many crossing the border irregularly after being held in poor conditions in smugglers’ or traffickers’ camps after landing in Thailand. Hundreds of Rohingya who originally travelled by sea from the Bay of Bengal and reached Malaysia have in recent years undertaken further irregular maritime journeys to Indonesia across the Straits of Malacca.

Name: unknown
Gender m/f: both

Further information on UA: 108/15 Index: ASA 01/1786/2015 Issue Date: 3 June 2015