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Malaysia: Government must halt deportation of one million migrants

As the amnesty deadline for migrant workers to return home draws closer, Amnesty International is calling on the Malaysian government to halt its planned mass deportation in a public briefing released today.

"We are seriously afraid that the mass deportation will result in large scale human rights abuses, such as ill-treatment, prolonged detention, and lack of access to medical care," said Natalie Hill, deputy Asia Director at Amnesty International. "A similar deportation in 2002 resulted in migrants falling gravely ill, with three children dying because of the unhygienic conditions in government detention centres, according to Malaysian media reports."

While Amnesty International recognizes the Malaysian government's right to deal with immigration issues, it fears the current plans fail to provide safeguards for migrants' human rights. In addition, those who have travelled from dangerous regions such as Aceh in Indonesia will be at risk of torture and other abuses if they are forced to return home.

"Migrant workers are entitled to fundamental rights, such as an individual examination of their situation before deportation and humane conditions while being held in detention," said Ms Hill. "Yet the collective nature of this expulsion makes it virtually impossible for the state to guarantee such rights. The sweeping approach means refugees and others are likely to be caught up in the net with the intended illegal immigrants."

In the 2002 expulsion a 13-year-old girl was reported to have been deported to the Philippines after being raped in an immigration centre by three policemen. Further investigation showed she was a Malaysian citizen and should never have been detained in the first place.

"The government should not be thinking about mass expulsion until it can guarantee the rights of those involved," said Ms Hill. "It needs to guarantee individual assessments and access to refugee status determination. It needs to ensure that those charged with immigration offences are guaranteed a fair trial, including access to lawyers, and that those held in detention have clean water, food, bedding and sanitation."

"Reports of overflowing septic tanks, rotten food, outbreaks of disease and verbal and physical abuse give us great concern about the conditions in some immigration detention centres. Such conditions would be exacerbated by the severe overcrowding likely to occur in a mass expulsion," said Ms Hill. "The conditions described may even constitute cruel, inhumane or degrading treatment. It would be a

further serious concern if such conditions were driving detainees to leave for countries where they could face serious human rights abuses."

Background

The Malaysian government has announced an amnesty period during which an estimated one million 'illegal immigrants' can return home without penalty. Initially from 29 October to 14 November, it has since been extended for an unidentified period. Mass deportations could start at any time after this. Penalties include jail, fines and caning.

Malaysian government officials acknowledge the contribution to the economy that foreign labour makes. After the 2002 mass deportation there were severe labour shortages in the construction and plantation sectors, prompting the authorities to ease the immigration process for certain industries.

Malaysia has refused over the years to offer protection to refugees on its territory as it is not a party to the UN Convention on Refugees. In a significant step forward, in October the Malaysian government said it would provide official identity documents to Burmese Rohingyas and so free them from the deportation process. However, other refugees remain vulnerable to deportation.

To see the briefing, please go to: <http://web.amnesty.org/library/index/engasa280082004>

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