

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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### **MALAYSIA: HALT FORCED DEPORTATION OF PEOPLE FROM MYANMAR AND ENSURE ACCESS TO ASYLUM**

The Malaysian government must immediately halt all forced deportations of people from Myanmar and ensure they are given the opportunity to claim asylum, Amnesty International urged today. The UN High Commissioner for Refugees (UNHCR) should also be given access to all persons in immigration detention centres, including women, children, and men from Myanmar who are held there. People who wish to seek asylum must be released from detention. Since the beginning of October, over 150 Myanmar nationals have reportedly been deported from Malaysia, in cooperation with the Myanmar military authorities. Given the grave human rights situation in Myanmar, those who are forcibly deported are at risk of persecution, torture, arbitrary detention and ill-treatment.

On 19 October, news reports stated that Malaysia had deported over 150 Myanmar nationals since the beginning of the month. Amnesty International is concerned that more people may be forcibly deported in the coming weeks and months. The Malaysian government has continued to forcibly deport people to Myanmar in spite of the insecure situation resulting from the coup in February 2021 as part of an agreement with the military authorities responsible for the takeover in the country.

Amnesty International has documented ongoing and serious human rights violations in Myanmar since the 2021 coup. The organization recently published compelling evidence of torture at the hands of the Myanmar military to extract information as well as appalling conditions inside prisons and interrogation centres there. The Myanmar military regularly arrests people for expressing dissent and subjects detainees to torture in detention. In eastern Myanmar, Amnesty International documented war crimes and possible crimes against humanity committed by the military.

Tom Andrews, the United Nations special rapporteur on the situation of human rights in Myanmar, said in September that conditions have gone from “bad to worse to horrific” since the military seized power last year. More than 2,300 people have been killed since the coup and thousands arrested, according to the Assistance Association for Political Prisoners, a local civil society group monitoring human rights violations. Efforts to restore peace, such as the ASEAN five-point consensus plan, have also failed, as Malaysia’s Foreign Minister Saifuddin Abdullah recently acknowledged.

Forced deportations of people from Myanmar without the option to seek asylum directly contradicts recent pronouncements by the Foreign Minister, who has been critical of the military authorities. Malaysia, as a member of the UN Human Rights Council, should refrain from actions violating international human rights law, including the right to seek asylum. The government must stop forcibly deporting asylum seekers – including dissidents or any other opponents of the Myanmar military, and others facing persecution if they were to be returned. Amnesty International considers all individuals subjected to indefinite detention for immigration purposes to be victims of forced deportation if they are returned to Myanmar. The organisation considers that forcibly deporting anyone from Myanmar under the current conditions to be refoulement – when a government deports people to a country in which they would likely face human rights violations – which contravenes customary international law.

Amnesty International calls on the government to respect human rights and international law and halt any plans to forcibly send people from Myanmar back to a violent and dangerous situation. People who are unable or unwilling to return to Myanmar should be allowed to remain safely in Malaysia without risk of refoulement, and be able to regularize their stay either through extension of their work permits and other visas or access to asylum proceedings, and should be able to enjoy their rights. No one should be forcibly returned to Myanmar for any reason due to the current brutal conditions in the country.

Amnesty International remains concerned by the arbitrary and indefinite immigration detention of people in Malaysia, including those from Myanmar who are being held indefinitely around the country. The organization calls for immediate access to detention facilities for the UN High Commissioner for Refugees. Those who wish to make asylum claims should be released, and the government should work together with UNHCR to end the system of indefinite detention.