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Malaysia: Government Reveals Nearly 30,000 Foreigners Caned

Malaysia should immediately halt the judicial caning of refugees and migrants, Amnesty International said after the government disclosed that almost 30,000 foreigners had been caned in five years.

In a response to a parliamentary question on 9 March, Home Minister Hishammuddin Hussein disclosed that Malaysia had caned 29,759 foreigners between 2005 and 2010 for immigration offences alone.

“The government’s figures confirm that Malaysia is subjecting thousands of people to torture and other ill-treatment each year,” said Sam Zarifi, Asia Pacific director at Amnesty International. “This is a practice which is absolutely prohibited under international law, no matter what the circumstances.”

“As a first step, the Malaysian government has to immediately declare a moratorium on this brutal practice.”

Amnesty International also called for a complete abolition of all forms of corporal punishment, which constitutes torture or other ill-treatment.

In December 2010, Amnesty International published an in-depth investigation into judicial caning in Malaysia. In each of the 57 cases it examined, Amnesty International found that the caning amounted to torture, as the authorities had intentionally inflicted severe pain and suffering through the punishment of caning.

While most countries have abolished judicial caning, Malaysia has expanded the practice. Parliament has increased the number of offenses subject to caning to more than 60.

Since 2002, when Parliament amended the Immigration Act 1959/63 to make immigration violations such as illegal entry subject to caning, tens of thousands of refugees and migrant workers have been caned.

At least 60 per cent of the 29,759 foreigners caned were Indonesians, according to Liew Chin Tong, the parliamentarian who submitted the question. In March 2010, Amnesty International documented how unchecked abuses by unscrupulous labour agents led to many migrant workers losing their legal immigration status and thus being subject to caning.

Refugees are also caned for immigration violations in Malaysia. Since Malaysia has not yet ratified the UN Refugee Convention, asylum seekers are often arrested and prosecuted as illegal migrants. Burmese refugees in Malaysia have told Amnesty International how they live in fear after being caned.

“Malaysia is subjecting thousands of people from other Asian countries to torture and other ill-treatment,” said Sam Zarifi. “Indonesia, which chairs the Association of South East Asian Nations and its human rights Commission this year, must press Malaysia to stop caning their citizens.”