

URGENT STATEMENT

Malaysia Must Stop the Planned Deportation of Detained Myanmar Nationals and Allow Detainees Immediate Access to UNHCR

BANGKOK, 19 February 2021

The Asia Pacific Refugee Rights Network (APRRN) and the Asian Forum for Human Rights and Development (FORUM-ASIA) strongly urge the Government of Malaysia to immediately halt the involuntary repatriation of Myanmar detainees, allow UNHCR access to all the detainees scheduled for deportation, and to place the safety and security of vulnerable populations as a paramount consideration.

The Malaysian Government has agreed to repatriate approximately 1,200 detainees, some of whose safety will be compromised, given the instability and increasing violence in Myanmar at present. The three navy ships tasked to transport the detainees are scheduled to depart from Malaysia on 23 February 2021. APRRN has received troubling reports indicating that at least 90 people seeking asylum, including UNHCR identified persons of concern belonging to five ethnic minorities facing persecution in Myanmar, are currently amongst those in detention.

With the recent developments in the region, Malaysia's leadership on Myanmar is critical at this juncture. Malaysia's recent proposition of the ASEAN Foreign Ministerial meeting on Myanmar, and principled decision to grant refugees access to free COVID-19 vaccination as part of the national immunisation programme have gained international commendation. Deportation of vulnerable and potentially vulnerable refugees and asylum seekers would put lives at risk - contradicting policy coherence and undermining the country's credibility to lead regional engagement with Myanmar.

This decision of the Malaysian Government will potentially violate international human rights standards and international customary laws, a number of which the country has [ratified](#) and is mandated to comply with, including those protecting the rights of women, children, people with disability, and against torture. While assurance has been given that no Rohingya ethnic persons will be forcibly deported, there are individuals from persecuted minority groups who fled armed conflict and experienced systematic discrimination in Myanmar, and have yet been permitted access to UNHCR for a legitimate assessment and proper verification of their asylum claims.

We particularly emphasise on the principle of *non-refoulement* that forbids the forced return of persons at the risk of facing persecution or any serious harm - a principle that Malaysia is bound by. The repatriation of any individual to their country of origin must be voluntary, safe, and dignified. Thus, involuntary returns without proper status determination of the deported individuals could amount to violation, especially given the precarious current political climate

in Myanmar, which may pose serious risks, endangering lives and security of those desperately in need of protection.

Further, we reiterate the ongoing and escalating concerns made by the international community, including the UN Human Rights Council, the International Criminal Court, and several members of the Association of Southeast Asian Nations on the de-democratisation and serious human rights abuses against pro-democracy activists, human rights campaigners, protesters, and vulnerable groups perpetrated at the hands of the *Tatmadaw* in Myanmar, especially since the forceful seizure of power. Sending detained refugees and asylum seekers in need of protection back to a country with a history of purporting one of the world's worst humanitarian and human rights crises, currently led by a regime largely responsible for grave human rights violations and displacement crisis in the region in the past, will greatly compromise their safety and security. They can possibly face further life-threatening risks upon forced returns.

We call on the Malaysian Government to prioritise the safety and security of the Myanmar detainees, specifically those who did not have their international protection needs assessed, by immediately halting the repatriation plan. We echo the grave concerns of refugee communities and civil society, and strongly urge the Malaysian government to grant immediate and unhindered access to UNHCR into the immigration detention centres to verify the status of all detainees, ensuring that return of any individual is voluntary through informed consent, and that no one is a person of concern to UNHCR or an asylum seeker in need of protection. Malaysia must provide full protection to refugees, and access for people seeking asylum to UNHCR for determination of their refugee claims.

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***The Asia Pacific Refugee Rights Network (APRRN)** is a network of 451 civil society organisations and individuals from 28 countries committed to advancing the rights of refugees in the Asia Pacific region. APRRN aims to advance the rights of refugees and other people in need of protection through joint advocacy, capacity strengthening, resource sharing and outreach. While APRRN statements are prepared in consultation with members, they do not necessarily reflect the views of all APRRN members. www.aprrn.org*

***The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org*

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