

Lawyers urge Putrajaya to help, not turn away, refugees
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Malaysia must not act hastily and turn away Rohingya and Bangladeshi refugees who are turning up in boatloads, fleeing persecution in their home countries, says human rights group Lawyers for Liberty (LFL).

LFL executive director Eric Paulsen today urged Putrajaya to keep Malaysian borders open and help rescue refugees who were stranded at sea, until it was known whether they were entitled to international protection or not.

"Even though Malaysia is not a signatory to the convention relating to the status of refugees, it is still bound by international law not to forcibly deport refugees or cause them further harm as they may face severe persecution, including arrest, disappearance and torture," he said in a statement today.

Paulsen said the group was shocked and concerned after reading reports that Malaysian maritime authorities saying that it would turn away boats carrying refugees.

AFP had reported Malaysia's maritime enforcement agency first admiral Tan Kok Kwee as saying that the country will push back seaworthy boats after providing provisions to the refugees.

"We won't let any foreign boats come in," Tan was quoted as saying. Unless they're not seaworthy and sinking, he added, the navy will provide "provisions and send them away".

In response, Paulsen said: "We are shocked to learn that the agency had said that it would turn away seaworthy boats carrying these people when clearly such an act would be extremely dangerous and irresponsible, and certainly in breach of international law.

"These boats carrying overcrowded refugees and migrants are typically rickety wooden trawlers and hardly seaworthy. Turning or towing these boats away is as good as signing their death warrant as the occupants are normally starving, dehydrated, sickly and in dire need of immediate assistance."

He said it was widely known that Rohingya refugees were fleeing persecution in Myanmar, and as such, any deportation would be "inhumane and cruel" as they remain one of the most vulnerable communities in the world.

"They are stripped off their citizenship, thus making them legally stateless and subjected to all kinds of serious discriminatory practices, including on movement, marriage, birth, education, health care, employment, civil documentation and subjected to arbitrary detention, violence and forced labour." As a signatory to the Convention on the Rights of the Child and the Convention on the Elimination of All

Forms of Discrimination against Women, Paulsen said that Malaysia was obligated to ensure the safety and wellbeing of women and children detained.

By forcibly deporting them, Malaysia, he said, would be in breach of yet two conventions.

"In order to assess whether these men, women and children are refugees fleeing persecution, our immigration authorities must grant them immediate access to UNHCR (United Nations High Commissioner for Refugees) so they may seek asylum and have their refugee status determined," Paulsen said.

"While Malaysia as a sovereign state has every right to safeguard its borders against unlawful entries, our immigration laws and policies are seriously lacking in terms of international standards as they fail to distinguish between refugees fleeing persecution and other types of undocumented migrants."

Former home minister Tan Sri Syed Hamid Albar, who is also the Organisation of Islamic Cooperation (OIC) special representative on Rohingya Muslims, had urged Asean to urgently address the influx of Rohingya refugees into Malaysia, or risk the occurrence of a tragedy of "catastrophic proportions".

"The problem must be discussed in Asean, especially among the countries involved, namely Thailand, Indonesia, Malaysia and Myanmar.

"Otherwise, it is going to turn into a catastrophe and a human tragedy," he was quoted as saying by The Star today. – May 13, 2015.

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