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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by UN Watch,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

HUMAN RIGHTS VIOLATIONS IN MALAYSIA

UN Watch urges the government of Malaysia to put an end to its serious human rights violations, including denial of due process, abuse of workers, plans to forcibly expel one million persons during the next year, and torture.

Malaysia's Denial of Due Process

In September 2004, Malaysia's highest court overturned the conviction of former Deputy Prime Minister Anwar Ibrahim on what were considered by many to be trumped-up charges. Although the decision constituted an advance for the rule of law in Malaysia, it also highlighted the government's continuing imprisonment without charge or trial of approximately 100 security detainees. Indeed it took a full six years for Mr. Ibrahim to receive a fair hearing, which only underscores the plight of other detainees still held under the Internal Security Act.

The Malaysian government has extensively violated the due process rights of alleged militants. Detainees have been held for years without charge or trial; were initially denied access to an attorney; and have been subjected to physical and psychological abuse. Some have been held without trial for more than three years. The Malaysian government should either charge these detainees with a crime or release them.

Malaysia's Abuse of Workers

Thousands of Indonesian domestic workers in Malaysia are being abused because government policies fail to protect them. More than 90 percent of the 240,000 domestic workers in Malaysia are Indonesian. According to a report by Human Rights Watch, they typically work 16 to 18 hour days, seven days a week, and earn less than U.S. \$0.25 per hour.

Malaysian law denies basic labor protections to domestic workers. The government has failed to improve its labor laws, failed to monitor labor agencies and failed to provide quality support services to victims. Indonesian female domestic workers experience abuse and exploitation throughout the migration process. Many domestic laborers are forbidden to leave their place of work and suffer psychological, physical, and sexual assault by labor agents and employers. Some migrant domestic workers are trapped in situations of trafficking and forced labor. They are deceived about the conditions and type of work, confined in the workplace and receive no salary at all. The government fails to monitor labor agencies, allowing the latter to control most aspects of the migration and placement process. These labor agents ignore women's complaints about abusive treatment and their requests to return home.

Malaysia's Mass Expulsion of One Million Persons

UN Watch is concerned that serious human rights violations will result from Malaysia's planned expulsion of more than one million purportedly illegal immigrants, many of whom are undocumented migrant workers, by the end of 2005. Those arrested and convicted will be liable to imprisonment and caning.

The dangers include vigilantism and abuse. The government plans to deploy the "Peoples Volunteer Corps", an organization of uniformed part-time volunteers with certain police powers,

to assist regular police and immigration officials in the mass arrest and detention operations. A similar mass operation in March 2002, under former Prime Minister Mahathir Mohamad, threatened sentences of up to five years imprisonment and six strokes of the cane.

According to Amnesty International, over 300,000 migrant workers left Malaysia during this crackdown and severe overcrowding was reported in departure ports, during transportation and in many of the country's immigration detention centers, especially those in Sabah (East Malaysia). In the 2002 operation, Malaysia violated international standards on the treatment of detainees by subjecting deportees to unsanitary conditions and inadequate provision of food, clean water and health care during the deportation process. These conditions contributed to the deaths from various treatable illnesses of scores of deportees, including at least three children.

In light of the massive scale of the proposed 2005 detentions and deportations, there are strong grounds to suspect that Malaysia will once again commit similar violations. There is reason to fear that the mass expulsions will be implemented without examining the individual circumstances of undocumented migrant workers. There is further reason to fear that trials of individuals charged under the Immigration Act will not be fully consistent with international standards for fair trials. Finally, there is reason to fear that these individuals will suffer cruel, inhuman or degrading treatment during arrest, detention and through punishment under the Immigration Act, and that particularly vulnerable groups, such as women and children, may suffer other human rights violations, including denial of access to adequate health care in detention.

Because Malaysia is not party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, it is likely, as Amnesty International has noted, that the intended arrest and deportation of over one million purportedly illegal immigrants will also target persons who are in fact refugees or would otherwise be at risk of being subjected to serious human rights violations if returned to their country of origin. These potential violations include extrajudicial executions, torture, arbitrary detention and disappearances. The expulsion of persons who have the right to be recognized as refugees constitutes refoulement, and is strictly prohibited under international law.

Until Malaysian authorities can guarantee the fundamental rights of asylum-seekers, refugees and undocumented migrants in accordance with internationally recognized human rights standards, they should halt the planned mass deportation.

Torture in Malaysia

Malaysia's riot police, the Federal Reserve Unit (FRU), have engaged in excessive force on numerous occasions while dispersing and arresting demonstrators. According to Amnesty International, the pursuit and arrest of demonstrators were often accompanied by unprovoked and apparently punitive violent assaults. Moreover, according to a recent report by Human Rights Watch, Malaysian government actions reveal a pattern of serious abuses against detainees, including beatings, burning with lit cigarettes, and psychological abuse. These actions violate Article 5 of the Universal Declaration of Human Rights and relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Malaysia has yet to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Conclusion

In light of the above, UN Watch urges Malaysia to act immediately to put an end to its serious violations of human rights, including denial of due process, abuse of workers, plans to forcibly expel one million persons during the next year, and torture.
