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Y.B. Datuk Azmi Khalid
Minister of Home Affairs
Ministry of Home Affairs (Menteri Dalam Negeri)
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65202 Putrajaya, Selangor
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15 February 2005

**OPEN LETTER FROM THE DIRECTORS OF AMNESTY INTERNATIONAL'S SECTIONS
IN THE ASIA-PACIFIC REGION**

Dear Minister,

We, the directors of Amnesty International's Asia-Pacific sections, are collectively writing to you to express our concern about the planned deportation of hundreds of thousands of migrants from Malaysia. Amnesty International notes your government's recent decision to adopt a "softer approach" in the short term to persuade undocumented migrants to leave Malaysia. However, we remain gravely concerned that refugees, asylum-seekers and migrants caught up in any large-scale deportation operation are still at risk of serious human rights violations.

While we recognize the Malaysian government's sovereign right to control its borders, we appeal to you to halt any deportations until it can be guaranteed that the fundamental human rights of all refugees, asylum-seekers and migrants, including undocumented migrants, will be respected in this process.

Long before the Indian Ocean tsunami, Amnesty International urged the Malaysian authorities not to return any Acehese to Indonesia, where they remain at risk of extrajudicial executions, torture and arbitrary detention. In view of the continuing humanitarian crisis in Aceh, the well-being of all Acehese returned to Aceh remains of compelling concern. In addition, the unstable political situation in Nepal, where a nation-wide state of emergency was declared on 1 February, may place deported Nepalese migrants at greater risk of serious human rights violations, including extrajudicial executions, torture and arbitrary arrest. The Malaysian government must also respect its obligations not to forcibly return any asylum-seekers or refugees to Myanmar, where they remain at risk of serious human rights violations.

We urge you to take all necessary steps to ensure that the following fundamental human rights are fully respected:

- No asylum-seekers, refugees or others should be forcibly returned to their country of origin, or to any other country, including to Indonesia, Nepal or Myanmar, where they would be at risk of serious human rights violations. All refugees and asylum-seekers must have full access to UNHCR for a fair determination process of their refugee claim;

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- No undocumented migrant workers should be expelled from Malaysia without having the opportunity to have their individual circumstances fully examined in a fair and independent process, which allows for the right of appeal;
- No one should be subjected to cruel, inhuman or degrading treatment during arrest, detention or through caning under the Immigration Act. The risk of abuses due to poor training and lack of accountability have increased in light of recent reports that the authorities intend to equip members of the People's Volunteer Corps with firearms;
- Those detained under the Immigration Act must have the right to a fair trial, including the right to be presumed innocent, the right to inform relatives of arrest and place of detention, and the right to legal counsel;
- No one should be subjected to inhuman or degrading detention conditions prior to or during deportation. Particular care should be taken to ensure that all detainees, especially women and children, are provided with adequate nutrition, sanitation, bedding and medical care.

Yours sincerely,

Directors of Amnesty International's Asia-Pacific sections;

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