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MALAYSIA: MYANMAR REFUGEE ACTIVIST AND FAMILY STILL MISSING A MONTH AFTER SUSPECTED ENFORCED DISAPPEARANCE

The authorities of Malaysia must urgently exhaust all efforts to ascertain the whereabouts and ensure the safety of Myanmar refugee and activist Thuzar Maung and her family, who have been missing for a month now following a suspected case of enforced disappearance in Kuala Lumpur. The government must fulfil its obligation to guarantee the safety and security of all people in the country, including refugees fleeing the violence in Myanmar.

A police report filed on 5 July by Thuzar's colleague in an organization stated that Thuzar, 46 years old; her husband Saw Than Tin Win; and their three children, two of whom are minors, were taken by unidentified individuals from their house in Ampang Jaya on the evening of 4 July. According to information from a security personnel on duty at the time, unidentified individuals on board a car entered the gated community where Thuzar lived with her family and introduced themselves as police officers. The same car left the area hours later, along with Thuzar, her husband and their children who were on board two cars owned by the family but were being driven by unidentified individuals. Thuzar's colleague also learned that when the suspected abduction happened, Thuzar was on the phone with a friend who heard her yell to her husband that unidentified individuals were entering the house, before the call was disconnected.

Thuzar's colleague told Amnesty International that since the evening of 4 July, Thuzar and her family remain missing. A month since the suspected abduction, there is no information on the location and situation of Thuzar and her family. The Malaysian police said they have opened an investigation into the reported abduction and have identified the license plate of the car used by the alleged abductors as fake.

Thuzar's colleague believes the abduction of Thuzar and her family is directly linked to her work as a pro-democracy activist in Myanmar. She is the co-founder of the Myanmar Muslim Refugee Community and the chair of the Myanmar Migrant Workers Committee, working closely with the parallel National Unity Government of Myanmar. Before her disappearance, Thuzar openly criticized abuses by the Myanmar military on social media, particularly since the coup in February 2021. According to her colleague, Thuzar fled Myanmar and sought refuge in Malaysia in 2015 amidst increasing violence against Muslims in the country. She and her family were reported to have been recognized as refugees in Malaysia by the UN High Commissioner for Refugees.

Other individuals were subjected to enforced disappearance in Malaysia in the past; many of these cases remain unresolved years later. In April 2019, an 18-month-long inquiry by the Human Rights Commission of Malaysia (SUHAKAM) into the enforced disappearances of activist Amri Che Mat and Pastor Raymond Koh concluded that these were carried out by "agents of the state," specifically the Special Branch which is the intelligence agency attached to the police. In 2022, a SUHAKAM inquiry into the disappearances of Pastor Joshua Hilmy and his wife Ruth Sitepu, which were around the same time as the disappearances of Amri Che Mat and Pastor Raymond Koh, concluded that both were also cases of enforced disappearance. Last year, kindergarten teacher M. Indira Gandhi filed a case against the government, including the police, for their alleged failure to execute an arrest warrant against her former husband who took away their daughter in 2009. Despite the grave nature of these crimes, no one has been held to account.

The Malaysian government's record as regards its treatment of refugees from Myanmar has also been dismal. In February 2021, the government deported 1,086 individuals to Myanmar, despite the military coup earlier that month and in contravention of a stay on the deportation granted by a court. Nearly two years later, the government deported 114 more, including children, after the stay was lifted. The deportations constitute constructive refoulement, as the individuals could only choose to remain in indefinite detention or be returned to Myanmar, both of which violate their rights. They are among the many deportations understood to have been carried out by Malaysia's government since the 2021 military coup in Myanmar and the resulting escalation of violence and increasing human rights violations. More concerning, in October 2022, Malaysian authorities deported 150 Myanmar nationals, including six defectors from the Myanmar military who were reportedly arrested and detained upon arrival. The failure of the government of Malaysia to protect refugees leads to serious concerns about whether an urgent investigation will be undertaken into the suspected enforced disappearance of Thuzar.

Amnesty International calls on the Malaysian authorities to promptly work to determine the fate and whereabouts of Thuzar and her family. Those suspected of criminal responsibility for the enforced disappearance must be investigated and, if there is sufficient admissible evidence, prosecuted in fair trials before ordinary civilian courts and without resorting to the use of the death penalty. The government must also fully, impartially and effectively investigate all cases of enforced disappearances in the country and bring all those suspected of criminal responsibility to trial. Finally, the government must urgently work to ensure the safety and protection of all people in Malaysia, particularly refugees fleeing violence in Myanmar and those exercising their right to freedom of expression by exposing and criticizing abuses happening in their own country. This includes acceding to and implementing into national law the relevant human rights treaties, such as the 1951 Refugee Convention, the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court.