

Indonesian, Malaysian human rights commissions want detention centre reform

Monday 2 November 2020, by [LEE Annabelle](#) (Date first published: 9 October 2020).

The human rights commissions of Malaysia and Indonesia want both countries to collaborate to improve the conditions in Malaysian temporary detention centres.

This comes after a coalition of Indonesian human rights groups produced a damning [report](#) detailing claims of “inhumane” treatment of detainees at two such centres in Sabah.

The claims, based on the alleged experience of recent Indonesian deportees, included “routine and systematic” abuse, child labour, obstruction of justice, widespread skin disease and appalling sanitation facilities.

Speaking at the online launch of the report earlier this week, Indonesian Human Rights Commission (Komnas HAM) commissioner Mohammad Choirul Anam acknowledged the findings.

He called for collaboration with Komnas HAM’s Malaysian counterpart Suhakam and the Malaysian government to improve conditions at the centres.

“We need collaboration between the Indonesian and Malaysian governments, especially in Sabah, to respond to this.

“We have discussed this with Suhakam (and we have) initiated an investigation and we will follow up with further discussion,” Choirul said.

At the same launch, Suhakam commissioner Jerald Joseph stressed that only by stopping illegal crossings can overcrowding in such centres be reduced.

He confirmed from personal visits that some temporary detention centres were indeed “25 to 30 percent” overcapacity and opined that building new centres would not solve the problem.

Joseph urged Putrajaya to be serious in stopping migrants without proper documentation from crossing the border.

He also urged the private sector, especially oil palm plantation firms, to stop exploiting undocumented migrant labour.

Like Choirul, Joseph urged both governments to work together to dismantle human trafficking syndicates operating along the border.

“The Prime Minister of Malaysia (Muhyiddin Yassin) in his speech blamed undocumented migrants for causing the spike of Covid-19 in Malaysia...

“If the government of Malaysia is so afraid of people without documents walking across, then I think we need long term solutions for resolving this 30, 40-year-old problem,” he added.

Beatings, child labour

In August, *Malaysiakini* had highlighted the [report](#) produced by the Sovereign Migrant Workers Coalition (Koalisi Buruh Migran Berdaulat).

The report was based on interviews conducted between June and Sept 2020. A total of 43 people, including two children, were interviewed upon arrival in Indonesia.

Based on Indonesian government data, a total of 1,403 Indonesians were deported from the Tawau temporary detention centre to Indonesia's government shelter for deportees in Nunukan in the first nine months of 2020.

One deportee alleged that officers would line detainees up at 6am every morning and beat anyone deemed to have committed a mistake.

"We had to say '*selamat pagi cikgu*' (good morning teacher) and the wardens would say 'hands at the back, heads bowed'. Whoever commits a mistake will be beaten and kicked.

"After every beating, we will need to say 'thank you teacher' or else we will be beaten again," the deportee was quoted.

Back in June, the Bukit Jalil, Semenyih, Sepang and Putrajaya immigration detention centres in the Klang Valley experienced Covid-19 outbreaks. In the report, one female deportee described being doused with disinfectant as a prevention measure.

"At the height of the Covid-19 outbreak in the detention centre, every day we were doused with alcoholic water (disinfectant). We were sprayed all over our bodies with such a strong pressure that we were soaked.

"We could not change out of our wet clothes and had to wait until they dried on our bodies. They said they had to do this so that all the germs will die. Our heads felt dizzy afterwards," she alleged.

Meanwhile, a child deportee interviewed claimed that children at the centres were "usually" employed as rubbish collectors and cleaners for RM0.30 per day.

The child also claimed that children were not spared from physical violence.

"The deportee admitted to being slapped and trampled on the thigh by an officer because of a riot among detainees," the report said.

Malaysiakini has contacted the Home Ministry, Immigration Department and National Security Council (NSC) to respond to the report findings.

Before publishing the report in August, *Malaysiakini* had contacted the NSC for comment on the summarised findings of the same report but no response was received.

Diseases but no medical help

The report also claimed that detainees in the Tawau and Papar centres often suffered from contagious skin diseases like Norwegian scabies.

Citing a doctor, who was not named, the report said this was due to dirty and overcrowded conditions; lack of clean drinking and bathing water; and limited toilet facilities.

The report also noted that HIV, tuberculosis, diarrhoea and cholera were prevalent in these centres.

“There are 10 blocks at the centre, each measuring about 10 by 15 metres in length. Each block will hold more than 200 people but only has three holes as toilets,” said one deportee about their experience.

Despite these diseases, detainees at temporary detention centres were allegedly not given medical attention. Neither was special attention given to children, the elderly or pregnant women.

“A scary fact was pregnant women often gave birth in these centres without any help from officers or doctors and nurses.

“One detainee had given birth around January 2020 and was still in detention. Her child at the centre is now seven-months-old,” the report alleged.

Fair trial principle abandoned

The report noted how all interviews with deportees showed that “hardly a single fair trial principle” was followed.

None were given access to legal advice, be it during the initial arrest, investigation process or during court proceedings. They did not have access to their own court documents as well.

“Some of those arrested have documents but if they fail to produce those documents within 48 hours, they will be declared as having no documents and in violation of immigration rules.

“The presumption of guilt was common in all cases we interviewed,” said the report.

Deportees further alleged that evidence against them, as well as their urine tests, were tampered with. One female deportee alleged that she and her peers were coached to admit guilt in court.

“When we arrived at court (during the trial before the prison sentencing process), we were taught by officers to not talk a lot and admit guilt.

“The trial was very fast. We were sentenced to one month jail while some of the men were sentenced to three months,” she was quoted as saying.

The report alleged that detainees were held for prolonged periods of time, some up to nine months, at the centres due to “complex and inefficient” deportation procedures.

A long-standing problem, it said deportation documents were often delayed for “no clear reason” and such “unreasonable deprivations of liberty” were concerning since the detainees had served time.

Typically, migrants arrested either for not having valid documents or other crimes are held in a police lock-up before being charged in court.

If sentenced to a jail term, they would serve their sentences before arriving at these centres to await deportation.

The researchers also identified a lack of coordination among Indonesian authorities in sending deportees home as well as weaknesses at Indonesian shelters housing deported Indonesians.

End violence, ensure fair trial

At yesterday's online report launch, coalition coordinator and researcher Musfalifah Jamal called for detained migrants to be given access to legal aid and fair trial.

She also urged for the entire deportation and repatriation process to be simplified to reduce time spent in detention.

Fellow researcher and coalition member Abu Mufakhir wanted conditions at temporary detention centres to be improved and violence perpetrated by officers against detainees to stop.

"We urge the Sabah government to systematically remove and prevent physical violence inside the immigration detention centres. And to ensure regular access to authorities and organisations into the detention centres," he said.

At present, NGOs and organisations like the UNHCR are denied access to immigration detention centres.

The coalition behind the report comprises seven organisations - Solidaritas Perempuan Anging Mammiri, Solidaritas Perempuan, Lembaga Bantuan Hukum, Kelompok Studi Kebijakan dan Demokrasi, Jaringan Perempuan Indonesia Timur, Lembaga Informasi Perburuhan Sedane and the Asia Monitor Resource Centre.

Among those who participated in the virtual launch were Indonesian government officials from its Nunukan shelter (BP3TKI), Migrant Workers Protection Body (BP2MI) and consulate offices in Tawau and Kota Kinabalu.

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