MEDIA STATEMENT
HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)

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SUHAKAM CALLS FOR IMMEDIATE HALT TO REPATRIATION OF MYANMAR ASYLUM SEEKERS AND REFUGEES FOLLOWING ICJ JUDGMENT

KUALA LUMPUR (21 NOVEMBER 2026) - The Human Rights Commission of Malaysia (SUHAKAM) calls on the Government of Malaysia to immediately halt all repatriation of asylum seekers and refugees to Myanmar until their safety and rights can be assured, and Myanmar has demonstrated genuine and verifiable implementation of the International Court of Justice's (ICJ) judgment.

In its judgment of 19 November 2026 in The Gambia v. Myanmar, the ICJ found that Myanmar had committed genocide against the Rohingya in northern Rakhine State and ordered Myanmar to provide reparation. The Court's restitution measures include allowing and facilitating the safe, voluntary and dignified return of displaced Rohingya to their places of residence, family reunification, restoration of lost or damaged property, support in locating the disappeared and recovering those killed, rehabilitation for those injured, and protection from discrimination and persecution. The Court also decided that Myanmar must compensate the Rohingya for damage not made good through restitution.

These orders make clear that return must be safe, voluntary and dignified, and supported by effective protection and reparation. A repatriation process cannot be considered safe or sustainable while people remain at risk of persecution or discrimination, or where the necessary protections and remedies are absent. The ICJ also ordered Myanmar to take immediate and effective steps to investigate suspected perpetrators and, where warranted, prosecute and punish them; enact legislation giving effect to the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and prevent similar violations in the future. Malaysia acceded to the Genocide Convention on 20 December 1994. However, nearly 32 years later, Malaysia has yet to enact specific domestic legislation to give effect to its provisions. SUHAKAM therefore urges the Government to address this longstanding legislative gap by introducing the necessary legal framework to fulfil Malaysia's obligations under the Convention and strengthen domestic safeguards against genocide.

SUHAKAM urges the Government of Malaysia to:

i. Immediately suspend all repatriations to Myanmar, including any return carried out under pressure or without the person's free and informed consent, until the necessary protection conditions are independently assessed and verified.
ii. Ensure that no asylum seeker or refugee is returned without an individual assessment of the risks they would face, with particular attention to the risk of persecution, serious harm, family separation and the best interests of children.
iii. Facilitate interim protection procedures by allowing the United Nations High Commissioner for Refugees (UNHCR) to assist in conducting individual risk assessments and providing protection to refugees and asylum seekers, leveraging its established expertise and resources while the Government develops its own protection mechanism in line with the ICJ judgment and international human rights obligations.
iv. Ensure that the national asylum framework under the Dokumen Pendaftaran Pelarian (DPP) programme is rights-based, transparent, and inclusive, guaranteeing a smooth transition to a government-led asylum system that protects refugees and asylum seekers, and provides for SUHAKAM to play an active advisory and oversight role in promoting, monitoring, and safeguarding human rights standards throughout the design, implementation, and operation of the framework.
v. Fully respects the right of all individuals to seek asylum, and ensures fair, non-discriminatory, accessible, and accountable asylum procedures in line with international human rights standards,
vi. Address hate speech and incitement against Rohingya and other asylum seekers and refugees. The Government should strengthen public awareness on refugee protection, counter misinformation and dehumanising narratives, and take appropriate action against threats and incitement to violence. Public communication should promote dignity and social cohesion, while making clear that people seeking protection must not be targeted or blamed collectively.

vii. Investigate credible allegations of vigilantism, intimidation, extortion or other exploitation of Rohingya for financial gain. Any such conduct should be addressed through lawful and impartial processes. SUHAKAM stresses that allegations must be properly substantiated and must not be used to stigmatise refugees, humanitarian organisations or civil society groups as a whole.

viii. Engage ASEAN and the international community on fairer responsibility-sharing. The financial and practical costs of receiving and protecting refugees, including registration, shelter, healthcare, education, legal assistance and community support should not fall on Malaysia alone. SUHAKAM calls for ASEAN members and international partners to develop coordinated, predictable support, including financial contributions and expanded resettlement and other safe pathways.

The costs of protection are a shared regional and international responsibility. They cannot justify returning people to a place where they face a real risk of serious harm. ASEAN cooperation should support host communities as well as refugees, while upholding the principle that return must be safe, voluntary and dignified.

The ICJ judgment imposes obligations on Myanmar. Malaysia must ensure that its actions do not expose people seeking protection to a real risk of serious harm. SUHAKAM stresses that repatriation should only be considered when it is genuinely voluntary and when return can take place safely and with dignity, in line with the protections required under international law.

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Human Rights Commission of Malaysia (SUHAKAM)
21 November 2026