

MALAYSIAN TRADES UNION CONGRESS

PRESS STATEMENT (6TH AUGUST 2010)

BREAKOUT FROM IMMIGRATION DETENTION CENTRE HOME MINISTER SHOULD RESIGN

Home Minister should be held responsible for the breakout on Sunday at the Immigration detention centre.

It was reported that 20 Afghan nationals, all victims of human trafficking syndicates cut the fence and escaped.

Instead of taking responsibility as the Home Minister, he stated that the Secretary General of the Home Ministry and Director General of Immigration will be held responsible for the incident.

As the Minister in-charge he should have ensured that the respective heads have put in place proper procedures to ensure that the detention centres were secure. And not look for scapegoats after the incident.

By virtue of the provisions of Section 25 of the Anti-Trafficking in Persons Act 2007, trafficked persons should not be treated as prisoners.

Immunity from criminal prosecution

A trafficked person shall not be liable to criminal prosecution in respect of –

- (a) his illegal entry into the receiving country;
- (b) his period of unlawful residence in the receiving country; or
- (c) his procurement or possession of any fraudulent travel or identity document which he obtained, or with which he was supplied, for the purpose of entering the receiving country,

where such acts are the direct consequence of an act of trafficking in persons that is alleged to have been committed or was committed.

A trafficked person shall not be liable to criminal prosecution in re

Apparently the 20 Afghan victims were treated more like prisoners which must have caused deep frustration and dissatisfaction, compelling them to find ways to escape.

Section 42 of the Act places onus on the Home Minister to ensure Care and Protection of Trafficked Persons

Place of refuge – The Minister may, by notification in the Gazette, declare any house, building or place, or any part thereof, to be a place of refuge for the care and protection of trafficked persons and may, in like manner, declare that such place of refuge ceases to be a place of refuge.

Did the Minister visit the Sepang detention centre after placing the 20 Afghans, 6 months ago to ensure that the place is indeed suitable for the care and protection of the trafficked persons.

(G. RAJASEKARAN)
Secretary General