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Rohingya Refugees in Malaysia: "Perspectives on their Status and Myanmar Genocide Narratives"

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Abstract:

As Myanmar faces charges at the International Court of Justice for committing genocide against ethnic Rohingyas, the article documents some of the survivors from the diaspora who are currently living in Malaysia. By doing so, the article looks at the state of their exile life not only to understand the situation but also to see it as an outcome of such forced migration. Data for this socio-ethnographic research come from fieldwork conducted in four different states of Peninsular Malaysia from March 2019 to August 2020. The analysis indicates that the Rohingyas encountered state-sanctioned structural inequality and systematic brutal violence in the Rakhine State of Myanmar due to their religious and ethnic identities. Their current exile life indicates the Malaysian government's discretionary treatment towards them. Among the asylum-seekers, the 'stateless' Rohingya refugee community is arguably the most vulnerable, marginalized, and underprivileged group, with a lesser chance of return and repatriation.

Keywords: Rohingya, genocide, diaspora, marginalized, Malaysia.

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Introduction

The Rohingya, a stateless ethnic minority from Myanmar, have been subjected to prolonged violence, discrimination, and ethnic cleansing, forcing them to flee their homeland in large numbers. As of recent estimates, approximately 111,410 Rohingya refugees reside in Malaysia (UNHCR-Malaysia, 2024), many of whom are caught in a state of limbo, neither officially recognized as refugees nor as citizens of Myanmar. Their migration to Malaysia began in waves starting in the 1980s, with significant increases in numbers during the 1990s and 2017, when Myanmar's military launched an ethnic cleansing campaign against the Rohingya. Despite their large numbers in Malaysia, these refugees remain largely invisible, without legal recognition, rights, or the ability to work or access social services. The country's lack of a formal refugee policy and its refusal to sign the 1951 UN Refugee Convention leaves Rohingya refugees to navigate an uncertain existence. Furthermore, the Rohingya are uniquely positioned as the only group of refugees in Malaysia who are "stateless," unable to seek assistance from their home country or its embassy. The plight of the Rohingya gained local attention after the discovery of 139 mass graves of Rohingya victims in 28 human trafficking camps on the Malaysia-Thailand border in 2015 (Maier-Knapp, 2017). This tragic event highlighted the vulnerability and the dangers faced by the community.

Despite the scale of the genocide in Myanmar and the influx of refugees in Malaysia, academic research has been slow to address the Rohingya issue, with genocide studies focusing more on historically recognized cases such as the Jewish Holocaust in Germany or the Rwandan genocide in Africa. Only a handful of recent studies have begun to highlight the Rohingya genocide (Ibrahim, 2016; Ibrahim & Yunus, 2018; Lee, 2020), while the majority of reports have been produced by international human rights organizations (UN Human Rights Council, 2019; Human Rights Watch, 2022). However,

since the UN Fact-Finding Mission on Myanmar (IIFFMM) handed over to the Independent Investigative Mechanism for Myanmar (IIMM) in August 2019, and Gambia, with support from the OIC, filed a case against Myanmar at the International Court of Justice (ICJ) in November 2019, the attention on the issue has slowly begun to shift.

Research Objectives

This study sets out to examine two key objectives. First, it seeks to document the lived experiences of the Rohingya refugees, focusing on their narratives of violence and their journeys from Myanmar to Malaysia. These personal accounts shed light on the structural and physical violence inflicted upon them by the state, local groups, and extremist actors, leading to their displacement. The study asserts that the violence faced by the Rohingya reflects the genocidal intent of Myanmar's government and military, providing firsthand evidence of this tragic process. It also contributes to the body of evidence surrounding the Rohingya genocide, with the goal of raising awareness and fostering preventive measures for the remaining 600,000 Rohingya still trapped in Myanmar's Rakhine State. The research highlights the continuing threat of genocide they face and underscores the importance of international attention to prevent further atrocities.

Second, the study aims to highlight the challenges faced by the Rohingyas in Malaysia. While much of the existing literature has focused on the experiences of the Rohingya in Myanmar and Bangladesh (Ahmed, 2010; Aljazeera, 2019; Chaudhury & Samaddar, 2018; Farzana, 2017; Human Rights Watch, 2018; Kipgen, 2013), the experiences of the Rohingya diaspora in Malaysia remain underexplored, especially with regard to their socio-economic and political struggles in exile. There have been a few valuable clinical studies from the mental health and psychology perspectives (Low, Tan, Kok, Nainee, & Viapude, 2018; Liong, Santhi, Shanthi, Hanip, 2014; Tay, Rees, Miah,

Khan, Badrudduza, Azim, Balasundaram, & Silove, 2019), but these focused mostly on Myanmar refugees in general, and are not specific to the Rohingya. Other works mostly dealt with national security, refugee children's education, and human rights issues (Yunus, 2023; Farzana, Pero, & Othman, 2020; Letchamanan, 2013; Nadarajan, 2018). The Rohingyan individual's political life and socio-economic challenges in Malaysia have been largely ignored. Drawing from ethnographic data, this study brings individuals' perspectives of their diasporic life in exile, is rich with content, and offers counter-evidence against the Malaysian states' official narratives and arguments.

Importance of the Study

The importance of this study lies both in its scientific contribution and its practical implications. Scientifically, the research offers a new perspective on the ongoing genocide of the Rohingya, expanding the understanding of their experiences and the genocidal patterns at play. By focusing on the lived experiences of the Rohingya diaspora in Malaysia, this study challenges the dominant narratives surrounding the Rohingya crisis, providing valuable ethnographic insights into the socio-political dynamics of displaced populations.

Practically, this study has significant implications for both policy and humanitarian efforts. The findings may inform advocacy for better legal protections and improved humanitarian responses for the Rohingya in Malaysia, particularly regarding their rights, access to social services, and ability to earn a livelihood. Moreover, the study aims to raise awareness of the dire situation faced by the remaining Rohingya in Myanmar, providing crucial evidence for international bodies, human rights organizations, and policymakers working to address the threat of further genocide. By amplifying the voices of the Rohingya themselves, this research also contributes to a broader understanding of the intersection between statelessness, violence, and migration in the context of contemporary refugee crises.

Methodology

The data for this socio-ethnographic study was gathered through fieldwork conducted in Malaysia from March 2019 until August 2020, as part of a broader investigation into "Rohingya Journeys of Violence and Resilience in its Neighbours: Historical and Contemporary Perspectives." Four distinct states in Peninsular Malaysia (also known as West Malaysia) were selected for this research-Selangor (Kuala Lumpur), Kedah, Perlis, and Penang, as the capital of Malaysian, and Penang, as a key state, were chosen due to their significant Rohingya refugee populations. Likewise, Perlis and Kedah were selected because they are located at the northernmost border with Thailand, through which many Rohingya refugees entered Malaysia via land routes. Interviews were also conducted with members of the local host community in various states of peninsular Malaysia.

Given the human participation in the study, ethical approval was obtained from the relevant institutions (UCL project ID: 15843/001, and data protection ID: Z6364106/2019/05/20), and all necessary risk assessments were completed prior to the actual interviews and collection of micronarratives. Data was handled anonymously, in strict adherence to data protection guidelines. During the initial stages of fieldwork, the researcher and research assistants (RAs) spent significant time in the field building rapport with the participants, ensuring a safe environment for the Rohingya refugees and making local Malaysian respondents comfortable enough to share their experiences. The researchers allowed respondents to take their time in reflecting on and sharing their perceptions of the risks and challenges they faced in Myanmar, as well as those they currently encounter in the host country. More time was devoted to establishing trust with participants before beginning formal interviews, which led to insightful and open discussions. Verbal consent was obtained from all respondents before commencing in-person interviews, with a clear commitment to maintain anonymity.

At the beginning of fieldwork, a series of preparatory Focus Group Discussions (FGD) were conducted to refine the research questionnaires and to address any sensitive topics that required careful wording. The RAs, trained to ask open-ended questions in a non-intrusive manner, ensured the conversations were participant-led, allowing refugees to narrate their experiences of past and present trauma. Interviews were conducted without distributing questionnaires or information sheets beforehand, as most refugees were illiterate. This decision further reinforced the importance of building trust and establishing a comfortable environment for open dialogue. The interview schedule was kept flexible, accommodating the fact that many refugees worked during the day. As a result, numerous interviews took place in the evenings or even at midnight, when the heads of households were available.

A non-probability sampling technique was utilized for both refugee and host community participants, with a focus on the research objectives guiding the selection process. The number of informants was kept open to allow for the inclusion of as many participants as possible. Given that one of the study's aims was to explore the memories of the past in Myanmar through micronarratives, efforts were made to balance male and female informants, ensuring that stories from both genders were captured. Additionally, the study sought to gain insights into the contemporary lives of refugees in Malaysia, including both registered and non-registered individuals, as well as long-term refugees and newly arrived ones. This diversity of experiences was intentionally incorporated into the interviews.

Over 17 months (March 2019 to August 2020), a total of 60 in-depth interviews were conducted with Rohingya refugees to collect their micronarratives in Malaysia. All interviews were transcribed and translated into English from the Rohingya language. In addition, 40 in-depth interviews were conducted with local Malaysians (comprising Malay, Chinese, and Indian respondents) to understand their views on the Rohingya refugees. These

interviews were translated into English from various local languages. The researcher and RAs also facilitated several Focus Group Discussions (FGDs) that included both refugees and host community members. Throughout the field visits, the researcher and RAs observed the daily lives of refugees, documenting events and surroundings in a structured manner.

Historical Background: the massacres as a rehearsal and prelude to the genocide

The root causes of Rohingyas' migration to Malaysia are connected to Burma/Myanmar (the country of origin) and its oppressive policies towards the Rohingya ethnic minority leading to political unrest and alleged genocide in the Rakhine (previously Arakan) state of Myanmar for decades, which has contributed to waves of displacement and forced migration. Today, a large diaspora can be found in Bangladesh, India, Pakistan, Thailand, Indonesia, Malaysia, the Gulf States, and beyond.

Although the Rohingya claim that they can trace their ancestral heritage several hundred years to Myanmar, their ethnic identity and claims of citizenship remain heavily contested. The ethnic tensions appear deeply rooted in the past; historical evidence suggests it existed even before Burma emerged as an independent nation-state in 1948, prior to its post-colonial, nation-building process. Historically, the Arakan region was independent of, and separate from, central Burma. It shifted hands when the Burmese King Bodawpaya invaded and incorporated the region into the kingdom of Ava in central Burma in 1784. Since then, the Arakanese (irrespective of their religious beliefs) were never at peace with the Burmese. It was reported that the Arakanese rebelled against Burmese oppressions which lasted quite strongly between 1790 and 1797. As a result, thousands of Muslim and Buddhist Arakanese escaped to Bengal in the adjoining British colonial territories. At that point, the Rohingya population was identified as Arakanese Muslims, not as Rohingya. Post-independence,

the Community consciously identified themselves as Rohingya to reflect their identity as it was constructed, reshaped, and complicated by the continually changing geography of the borderlands.

The British colonial period in Burma, characterized by various wars between 1824 and 1886, also complicated the relationship between the Arakanese and the Burmese. The British annexed and used Arakan as a buffer zone to invade the mainland Burma. They convinced the Arakanese, who were severely oppressed by the Burmese king, to offer their allegiance and support against the Burmese. To compound the situation further, by 1925, the British colonial armed forces included the Arakanese, Kachin, Chin, and Karan ethnic minorities and completely excluded the Burmese; this created a sense of ethnic insecurity among the Burmese. Later, the British military even used the armed forces (comprising ethnic minorities) to suppress Burmese resistance to British rule, resulting in a tense and conflicting relationship between the Burmese and ethnic minorities. Consequently, the Burmese government perceived these ethnic minorities to be collaborators with the British enemy. It is an important reason that demarcated the boundaries between ethnic minorities and the Burmese, affecting government decisions later on.

Post-independence in January 1948, Burma plunged into decades-long ethnic separatists' "civil war," as the government and ethnic minorities could not agree on the Great Burman unitary assimilation policy that prioritised Burmese society, their culture, identity, and language at the core, with minorities being relegated to the periphery (Smith, 1999). These internal conflicts in Burma later provided justifications for General Ne Win to seize power through a military coup in 1962, some 14 years after independence. The military junta's policies were even harsher towards the ethnic minorities. To keep its promise to bring about state unity, the military regime replaced the country's colonial name of Burma with Myanmar, which translates to Burmese. Likewise, they

changed the names of other states to suit their politically symbolic purposes; for example, Arakan is now Rakhine (naming it after the Majority Buddhist community), Rangoon is now Yangon, and so on. Its ethnic policy has been to forcibly assimilate various ethnic groups into one unified Burmese identity, a task that has proved to be disastrous and impossible, due to resistance by the various ethnic minorities.

As for the Arakan/Rakhine (following its name change) Rohingya, whose ancestors have had a well-established presence in Arakan since the 12th century (Yegar, 1972) and who, for more than three decades after independence, had participated in Burmese society and politics as citizens, they found themselves the target of the regime's primordial or mono-ethnocentric thoughts (Ozkirimli, 2010).(1) Among the minority groups, the Rohingyas' ethnic identity was highly politicised. Their language, as well as skin colour, which is more similar to the Bengali of the neighbouring Bangladesh, became an issue. Likewise, since their religion - Islam - differs markedly from the dominant Buddhism and the Buddhist Rakhines, it was easy for the government to interpret and represent the Rohingya as 'other'.

Subsequent massacres recorded in history appear as a rehearsal and prelude to the "slow burning genocide" (Zarni, 2017). In 1978, the regime conducted a major military operation called Operation Nagamin/Dragon King Operation in Rakhine against the Rohingya that displaced the community internally, with more than 200,000 Rohingya fleeing to become refugees in Bangladesh (Mattern, 1978). In 1982, the military junta reformed the constitution and the Burma Citizenship Law such that 135 distinctive 'ethnic nationalities' were recognized, but excluded the ethnic Rohingya, literally and constitutionally

(1) Primordialism in relation to ethnicity suggests that once constructed, ethnic identity is fixed and unchanging, differences are irreconcilable, and any possibility for cultural assimilation is impossible. We see the reflection of this view in Myanmar's attitude towards the Rohingyas.

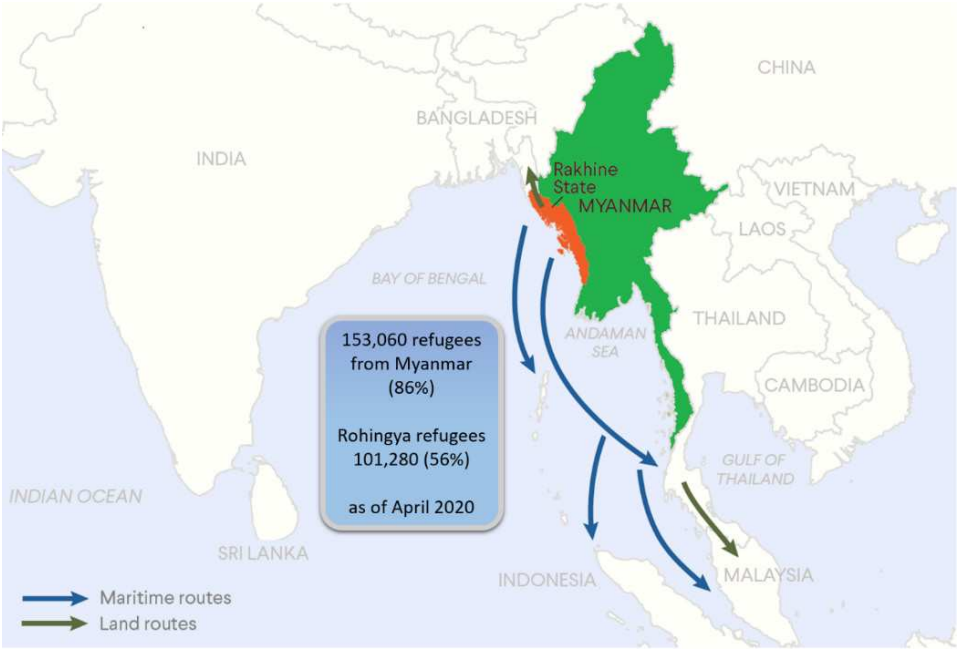
making them ‘non-citizens’ or ‘stateless’ in Myanmar. Subsequently, this officially created structural inequality paved the way for the authorities to inflict much structural violence on the Rohingya community. The pursuit of such policy was particularly intensified during the 1990s when the military crackdown and violence (Operation Pyi Thaya) led to another exodus; approximately 250,000 Rohingyas escaped to neighbouring Bangladesh.

Even when Myanmar saw a glimpse of democratic reform from 2010 until February 2021, the government’s approach and its treatment of ethnic minorities continued to worsen. This could perhaps be attributed to the fact that it is a quasi-military government, where the influence and presence of the military were still very strong (Farzana, 2021). In fact, during this so-called ‘democratic peace’, genocide of the Rohingya was pre-planned and executed in August 2017, under the pretext of attacks by the Arakan Rohingya Salvation Army (ARSA), a small armed Rohingya organization. Brutal violence against the Rohingya led to its biggest exodus in history, as nearly a million Rohingya crossed the international border into Bangladesh. It was perfectly obvious that the Myanmar regime was determined to end the Rohingya ethnic identity by exterminating the Rohingyas. The United Nations refers to this incident as a "textbook example of ethnic cleansing" with genocidal intent. Subsequently, the UN Human Rights Council formed the Independent Investigative Mechanism for Myanmar (IIMM) on August 30, 2019, and Gambia, with support from the OIC, filed a case at the International Court of Justice (ICJ) against Myanmar on the Rohingya issue in November 2019. Violence and atrocities towards its ethnic minorities have been a known pattern in the repressive Myanmar state, but no other ethnic minorities underwent similar experiences the way the Rohingya did. Here and now, as the same military has been back in power since February 2021, the situation of those internally displaced Rohingya, approximately numbering 600,000, remains extremely vulnerable; the prospect of the Rohingya diaspora to return to Myanmar remains even more elusive.

Narratives of Inequality and Violence: the evidence of the genocide

So far, the Myanmar authority has denied any wrongdoing against what it calls the Arakanese Muslims or Muslims in Rakhine (intentionally avoiding the term Rohingya, perpetuating their non-existence). But what we have are the survivors, the diaspora community and their narratives. Vahakn Norair Dadrian, in his work on Armenian Genocide and Turkish Denial (2010, 271), noted that "when a crime of such magnitude continues to be denied, … the most effective, if not the only way to refute and falsify such a denial is to search for, locate, and produce evidence that under the circumstances may be deemed to be as compelling as possible" (Dadrian, 2002). During our ethnographic fieldwork, we had the opportunity to collect micro-narratives from old and new Rohingya refugees in Malaysia who had survived the horrific violence. Some came to Malaysia via Bangladesh; others, from Sittway in Myanmar. Some had family members in Malaysia. Others followed the traffickers (Map 1). Most of them are direct victims of the violence that took place in 2012 and 2017. Others heard about incidents from close relatives who have experienced violence and were not able to live in Myanmar.

Map 1: Rohingya's Forced Migration Sea Routes to Malaysia



Source: Adopted from internet sources and modified by the authors, 2020.

Abdur Rahman(1), 38, a cleaner at Changlun night market (Pasar Malam) who came to Kedah, Malaysia five years ago, recalled in response to why he came to Malaysia (Interview with Abdur Rahman, 2019):

Actually, my village was fully surrounded by the local Buddhists. We had no place to go. The Buddhist people were very aggressive towards us. My father had some landed property in Harang Hali where I lived. Our main source of income was agriculture. But the Buddhist people were not allowing us to cultivate anything there. They said, this is their land, we illegally came from Bangladesh and took their land, so they took our land in return.

(1) All the names used in the article for the refugees are pseudo-names for the purpose of their protection.

They turned our lives into hell. I cannot explain to you our situation enough. They had no mercy for us when they beat us, they beat us to serious injury or death. Literally, we were treated like their slaves.

Based on the refugees' responses to what caused of their migration, we identified 14 different patterns as depicted in the following chart. Each and every refugee mentioned several of these patterns as part of their forced migration experience from Myanmar which is full of violence and struggles for life.

Table 1: Causes of Migration

	Reasons	No of respondents
1.	Village was attacked and / or house burnt down	31
2.	Physical attack, injury, and torture	41
3.	Displacement / forced relocation to certain specific areas	27
4.	Violence and killing by the Army and / or the Rakhine	48
5.	Extortion of money	25
6.	Forced labour	25
7.	Need permission to travel, to work, and to get married	31
8.	Fear of getting arrested / arbitrary arrest	22
9.	Fear of getting killed	20
10.	Religious discrimination	16
11.	Rakhine Buddhist and the military abuse Rohingya women	21
12.	Confiscation of house and farmland	15
13.	Denial of Education	33
14.	Restrictions in healthcare	15

Source: prepared by the authors based on the data collected.

Out of 60 respondents, 22 were recent migrants to Malaysia, most of whom had moved within the last five years. Among recent migrants, a few had found their way to Malaysia only a couple of months earlier. Looking at the overall patterns, some of the violence is direct and immediate, whereas others are created slowly over a period of time. The highest number of respondents (48 out of 60) mentioned violence, particularly the 'killing' of Rohingya people as the primary reason for leaving Myanmar; the second highest (41 out of 60) mentioned direct physical attack, injury, and torture of the Rohingya people by the Army and/or the Rakhine Buddhist. Another significant number of respondents (31 out of 60) mentioned their village was attacked and/or their houses were deliberately burnt down. Thus, it was these direct and immediate acts of violence committed against the Rohingya in Myanmar that led to the massive exodus in August 2017, as well as in the past, particularly in 1978, 1990 and 2012.

A series of accounts were from the refugee respondents in Malaysia, where each recalled their memories of violence, torture, and killing in Myanmar, re-constructing a collective and shared memory for the community. Mohammad Shamsul (Interview with Mohammad Shamsul, 2019), 31, a daily labourer at Tasik Tambahan, Ampang, explained:

I am a Rohingya Muslim from Aung Mingalar Village of Sittway, Rakhine state, Myanmar. As a Rohingya, I had been persecuted in Myanmar for as long as I can remember. Our village is inside the downtown of Sittway, Rakhine and it is the only remaining Muslim village there. Our village was targeted for attack many times. The village is still restricted. During the violence, Rakhine Buddhist extremists were chasing me. They tried to kill me. I was not able to live in my village because the extremist Rakhine were looking for me to kill. The Rakhine extremists accused me of trying to kill them. I had a shop in the Sittway Market. I lost it during the violence. I lost all other belongings as well. I moved to another village named Thek Kya Pyin where the IDPs camps were

built. Muslims are the majority there. I went there and stayed for two years. After that I left the country in 2014.

Other types of violence were perpetuated over a period of time through structural inequality. For instance, when Rohingyas citizenship was denied in 1982, inequality became institutionalized by the state by making them non-citizens, or stateless people, and creating an environment where various forms of abuse, oppression, and human rights violations could easily take place. Peter Van Arsdale in his book, Forced to Flee: Human Rights and Human Wrongs in Refugee Homelands, argued that structural inequalities and structural violence are interlinked (Arsdale, 2006). Such systematic structural violence are also manifested in refugee narratives. Refugees mentioned displacement from their land several times, noting their forced relocation to model villages in Sittway where the living situation is "worse than a jail" (27 out of 60); there, they were forced to flee again for similar reasons: burning houses, inflicting tortures, killing, rape, and humiliation. Their basic rights and needs were denied, and slowly created the context in which they were forced to abandon their 'homeland' to save their lives.

Fatima Begum (Interview with Fatima Begum, 2019), 23, a housewife in Changlun, Kedah:

The Buddhist people in Myanmar are very rude towards the Rohingya Muslims. We cannot even get married in Myanmar, because the Army do not allow us to be married. They think that if they allow us to marry, then we will have children and grandchildren, which means we will produce a new generation in Myanmar and our population will increase. They see it as a threat because if Rohingya people increase, they may fight for their rights one day. Out of fear, they do not allow Rohingya of Rakhine state to get married. However, there is another way that permits Rohingya marriage. That is, if someone wants to marry, he or she needs to pay a bribe to the Army. Only then they may allow.

But I came from a very poor family. My father couldn't afford that much money. So, I had no chance to get married. Not only that, but we also had no right to work in Rakhine state. The Army always takes my father or brother to their camp and forcefully makes them work for them but doesn't pay anything to them. Imagine, when we are not paid anything, what, and how, will we have something to eat? We even had no place to sleep in peace in Rakhine. Men need to sleep in the jungle. If they sleep in their houses, the Buddhists or the Army torture them. I don't know how to explain to you but they always torture us, like flog us without any reason. Sometimes they even flog Rohingya to death. I myself saw killing by the Army. I have a great fear of them. That's why I decided to leave Rakhine and come to Malaysia.

This section explored the remembrance by Rohingya in Malaysia of the violence and genocide they had encountered in Myanmar. Besides the refugee narratives, the horrible and gross violation of human rights has also been documented by various international agencies such as the United Nations, and Human Rights Watch (2020), who termed the Rohingya situation in Myanmar 'genocide' (Bowcott & Ratcliffe, 2020). Burma Campaign UK reported on August 23, 2018, that "it is believed that thousands of Rohingya were killed and there was mass rape of Rohingya women. Eyewitness accounts describe babies and children snatched from their parent's arms and thrown into burning homes or drowned in rivers. Families were burned alive in their homes, villagers lined up and executed at gunpoint, and civilians targeted indiscriminately". All these indicate that the longstanding, systematic human rights violations against the Rohingya compelled an increasing number of Rohingya to flee to neighboring countries and beyond to save their lives where, ironically, they again found themselves unwanted.

Unwanted Migrant's Desperate Journey to Malaysia

Though more than 100,000 Rohingya have reluctantly made their desperate journey to Malaysia, it was only in 2015 that the Malaysian locals came to learn about the Rohingya crisis, when various local and international news media such as The Guardian (2015), Reuters (Menon, 2015), and the Straits Times (2015) provided extensive coverage. Our interviews uncovered unending sadness. Many recounted the deaths of their children and family members en route to Malaysia. Some women said they were trafficked to Malaysia at a young age to marry fellow Rohingya, the transaction having been arranged by their family members.

However, since Malaysia is not a signatory to the 1951 U.N. Refugee Convention or its 1967 Protocol, refugees are not recognized as refugees; simply put, in Malaysian law, refugees do not exist. Instead, they are regarded as illegal migrants; always at risk of arrest, detention, punishment, and deportation. They continue to remain as 'people without a state,' although they fulfill all the criteria to be considered 'refugees'. Malaysia, unlike many other countries (Farzana, 2008), does not confine the refugees into any particular camp settlements; rather, it allows the refugees to coexist among the local population in urban and rural settings. This policy allows the refugees to remain scattered and invisible.

Furthermore, there is no standard official framework or protocol to deal with refugees in the country. Variances exist, depending on their country of origin (United Nations Relief and Works Agency, 2018; Munir-Asen, 2018). For example, Palestinian, Bosnian, and Syrian refugees are well-respected in Malaysia, stemming from their experience of violence and forced migration to Malaysia. In 2018, Malaysian Prime Minister Najib Razak announced in his speech to the U.N. General Assembly that the country would provide a home to 3,000 Syrian refugees. The Government of Malaysia (GoM) also encouraged the host community to be sympathetic to certain refugee communities; in one instance, it went on to launch a national fundraising campaign to support Palestinian refugees. Many

of these refugees benefitted from a government-sponsored scholarship program that allowed them to continue their education in Malaysia. Some even married Malaysian nationals and settled well in the host country.

However, the Rohingyas were not accorded similar attention or state-sanctioned sympathy. Although the government is highly tolerant on humanitarian and shared-religion compassionate grounds, it does not offer any social survival security (Reynolds & Hollingsworth, 2015), nor does it provide any permanent future prospects in Malaysia. This official attitude - regarding the Rohingya refugees as illegal migrants, and not extending any legal or administrative assistance - is also reflected in the host community's response to their perceptions as to the reasons behind the Rohingya refugees' influx into Malaysia.(1)

Although a majority of respondents (29 out of 40) from the host community say that they believe the Rohingya refugees are in Malaysia to seek shelter, save their lives, and escape genocide in Myanmar; a significant number (19) believe that refugees, like all other economic migrant workers, are in Malaysia to earn and send money home.(2) As See Qi Poh, 52, a shop owner from Johor says, "I think all foreigners [migrant workers, refugees] are the same. They come here for economic reasons. Their country has a low-value currency, and their paid wages are very low in their country." Other host respondents note

(1) Our host respondents are from various states of Peninsular Malaysia (West Malaysia). Of the total 40 respondents, 20 are from the Malay community, 10 from Indian, and 10 from Chinese communities. In terms of gender, 21 are male, and 19 are female. All respondents are within the range of 20 to 60 years of age, with the majority in the 25 to 45 age range. On their marital status, 62% (25) are married and 37% (15) are unmarried. They represent all sectors of society— government officials such as customs officers, army officers, government nurses, retired officers, and inspectors of police and ordinary citizens such as university students, shopkeepers, shop owners, factory owners, factory workers, vendors, security guards, housewives, teachers, drivers, and businessmen.

(2) The total number of respondents does not add up to 100%, as each respondent mentioned several reasons for refugees coming to Malaysia.

that it is also not easy to tell a migrant worker from a refugee. Nur Zafirah, 25, a university student, said that "most of them [Rohingya refugees] mingle with the migrant workers from Bangladesh and Nepal. So when they gather among them, it's difficult for us [locals] to differentiate who is from where."

Furthermore, the vast majority of the host community, 60% (24), appears to hold negative perceptions about the impact of the Rohingya presence in the country. They showed concern over the increasing number of refugees in the country. However, about 22.5% (9) of respondents indicated that refugees do not adversely affect Malaysian society; rather, they contribute to society by working in informal sectors. Another 12.5% (5) respondents supported both 'yes' and 'no' to highlight that refugees are contributing but that they also adversely impact society. Only a small proportion, 5% (2) of respondents, were not sure about the impact. From the interviews, we also found that the host community often considers Rohingya refugees as a security threat (10), a reason for local unemployment (9), a reason for crime and social problems (12), a reason for environmental, cultural pollution, and disease (14). Some (5) feared that the refugees may want to stay permanently, and others (3) believed that the refugees were damaging the image and reputation of the country. Asked about the host community's perceptions on a solution to the Rohingya crisis, most respondents mentioned that the solution lies in Myanmar, the refugees' country of origin, and that they should be sent back to Myanmar as soon as it is safe for them to return. Another group of respondents strongly highlighted that the Malaysian government should restrict the number of refugees in the country.

Exile Life in Malaysia: Problems of Protection

While the majority of Rohingyas obtained UNHCR cards, an estimated 30,000 to 40,000 are undocumented and do not hold official documents. However, with or without the UNHCR cards, most of the refugees are scattered all over Malaysia, especially on the outskirts of the capital and other main cities, working in the cleaning and construction sectors. Being non-recognized by the states as refugees, they are absolutely deprived of any social, economic, health, and educational benefits. Such survival vulnerabilities are further jeopardized by some unscrupulous and corrupt law enforcement officials and local thugs' rent-seeking and exploitative practices that impose extra financial and security burdens on the Rohingyas. Though they are not recognized as refugees, yet the government is highly tolerant on humanitarian and fellow-religious compassionate grounds. But this does not ensure their long-term social survival security; nor does it provide any permanent future prospects in Malaysia.

Ali, president of a Rohingya community-based organization, expressed his gratitude to the Malaysian authorities and the police department for showing tolerance and allowing them to stay in the country. But he is not sure what the future holds:

The authorities know we exist. They know what we are doing. Sometimes they call us for discussion and clarification, but things move slow[ly], or sometimes do not move at all. Life remains the same as [being] stateless in a foreign country.

"Anxiety and fear do not seem easy to leave us," expressed Laila, 34, a female refugee now living in Kuala Lumpur. Similar accounts came from many other refugee respondents, highlighting the multiple challenges and marginalization they face in Malaysia. It does not mean that there is no exception. Interestingly enough, in the capital city, Kuala Lumpur, there is a small number of refugees

who identify themselves as Rohingya but are, in fact, very much different from the typical Rohingya faces the world is familiar with. Their complexion, body structure, and facial features are unlike the typical Rohingya; they come from the earlier capital city Rangoon, belong to the merchant or local aristocratic classes, and hold Myanmar passports. In Kuala Lumpur, they run businesses, own expensive properties, and are engaged in foreign trades.(1) However, this group remains invisible from the public eye, and they also do not socialize with the typical Rohingya.

The vast majority of Rohingya are the forced migrant diaspora uprooted from their past, facing daily survival insecurities in their current situations, and they see no viable future in life. Most of our respondents mentioned that they do not have access to formal work opportunities; others lamented that their children did not have access to formal education, and no access to public hospitals, as they do not have the UNHCR card. Many noted their vulnerability to abuse and exploitation by locals and the authorities, while others pointed out their vulnerability to arrest and detention by law enforcement. Some feared forced repatriation, punishment, and harassment, and a small number of respondents did not agree to share their experience in Malaysia either because they had newly arrived, or feared that speaking frankly about their lives would expose them to the authorities.(2) What this means is that the Rohingya refugees' sufferings and challenges did not end with their exile in Malaysia.

(1) At personal and family levels the first author came across at least two such families in Kuala Lumpur who own million-dollar mansions in the most expensive residential part of the city, and who drive Mercedes Benz cars.

(2) There are exceptions. During the data verification process, we accidentally met a Rohingya technician at a local car repair shop in Kedah who is married to a local Malay. We also observed that some respondents had developed survival-coping skills, such as learning to speak Bahasa (the official language) and/or English language.

Such problems are also reported in various studies, for example, Tay, et al. (2019) in their clinical research identified post-migration living difficulties, common mental disorders, and poor health among Rohingya refugees in Malaysia (Tay & et al, 2019). Hence, life in exile often aggravates the pain and trauma that they carry with them, as expressed by the respondents' narratives e.g.: "suffering greet us all the time", "no respect for Rohingya in Malaysia", "we are the unfortunate/impoverished (orang miskin)", "we are the illiterate (Kuraja)" indicating their feelings of unworthiness, fear, and hopelessness living in Malaysia.

The COVID-19 pandemic intensified immense mental pressure for the Rohingya refugees in Malaysia. During the outbreak, there was a noticeable rise in hateful campaigns and xenophobic rhetoric from certain groups on Malaysian social media, targeting the Rohingya community (Free Malaysia Today, 2020). The government also refused entry to boats carrying new Rohingya arrivals, citing fears of the virus spreading (The Straits Times, 2020). Furthermore, areas like the Selayang district, a popular location where many Rohingya men worked, saw restrictions imposed, and local authorities barred foreigners from entering or working in the market (The Malay Mail, 2020). In addition, access to villages and mosques, such as the local Surau, was denied to the Rohingyas. One placard displayed the message: "We are not welcoming Rohingya to KG (Kampung for village) Plentong Baru" written in both English and Malay, as shown in picture 1 below.



Picture 1: This image, taken on 22 June 2020, was collected during fieldwork by a research assistant. It depicts a local Surau (mosque) in Johor denying access to the Rohingya community, along with a ban on entering the village.

What this indicates is that the stateless community of the Rohingya encountered extraordinary challenges amid the pandemic. In many ways, the pandemic has turned their world upside down by severely damaging their livelihood and changing the way they live their lives in Malaysia, perhaps forever. Many Rohingya refugees lost their jobs as daily or monthly wage workers. Those who work as handymen/ gardeners, usually earn 30 to 50 Ringgit for three to four hours of work once or twice a month, but they could not work due to COVID-related Movement Control Orders and its related restrictions. Many had to move from one location to another looking for jobs. For instance, Din Muhammad (Interview with Din Muhammad, 2019), 35, from the Langkawi island of Kedah said:

We are hard-pressed by the challenges related to the pandemic. Work has stopped, and locals have shown their back to the Rohingya. They do not like us anymore. No one is giving work. It has been very difficult to manage two meals a day for my family. My brother's "Rohingya Learning School" has closed down as the funds that used to come to run the school have shrunk. I was arrested for being illegal in the country and was detained for three months during the Movement Control Order (MCO). The situation left us with no other option but to leave Kedah, and look for a job elsewhere … maybe in Kuala Lumpur.

From the reflections of these narratives, the plight and challenges of the Rohingya refugees' everyday life in Malaysia are obvious. This is also indicative of the Malaysian government's discretionary treatment of the Rohingyas. Although Malaysia was the first Southeast Asian country to openly criticise Myanmar (Menon, 2016; Kumar, 2021; France 24), yet the ambiguities in the laws, policies, and local practices continue to shape the lives of the Rohingya people negatively in Malaysia, leaving them vulnerable, marginalized, and underprivileged.(1) How they cope with such life-in-exile, is a separate topic and beyond the scope of this paper. We have argued elsewhere, in another publication,(2) That the refugees often take shelter in their cultural and religious practices to maintain their identity and to experience relief from distress and helplessness. Religious sounds and a traditional genre of songs called taranas now popular, represent a strategic way to cope with their life in exile in Malaysia.

(1) In 2019, the Ministry of Education announced non-citizens' rights to education to ensure that no child is left behind as Malaysia as a nation progresses socially and economically. This, however, does not include the marginalized non-citizen refugees and asylum-seeking children living in Malaysia. It allows only those children who have at least one Malaysian citizen parent.

(2) Rohingya diaspora's religious songs and identity politics in Malaysia have been placed in a book chapter (2024): "Sounding Resilience and Resistance: Tarana Songs of Rohingya Refugees in Malaysia" in Lorea, C. & Hackett, R. (eds) *Religious Sounds Beyond the Global North: Senses, Media, and Power*. The Netherlands: Amsterdam University Press.

Legal Responses

At the international level, it is for the International Court of Justice (I.C.J.) to determine the Myanmar state's ill intention, but in its preliminary ruling on 23 January 2020, the I.CJ. already ordered the state to stop the genocide immediately (Choudhury, 2020). As far as the Rohingya narratives are concerned and the people who encountered the atrocities, suggests that Myanmar has violated its obligations under the Genocide Convention and the State is involved in the crime of a slow genocide. The United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948), defines the term 'genocide' as acts committed with the intention to destroy, in whole or in part, a national, ethnical, racial, or religious group, as follows:

a. Killing members of the group;

b. Causing serious bodily harm;

c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

d. Imposing measures intended to prevent births within the group; and

e. Forcibly transferring children of one group to another

In the case of the Rohingya, a particular ethno-religious group in Myanmar, the elements of killing the Rohingya population is at the center, including bodily harm/torture, deliberate destruction of their property, imposing measures of birth control, and forcible relocation are all prevalent. Myanmar is accountable for what it did to its own people. This is not only an abuse of human rights; it is also a crime against humanity, and an ongoing genocide. In an interview, Professor John Packer of the Human Rights Research and Education Centre at the University of Ottawa, Canada, said:

There is abundant and overwhelming evidence - in large part from Myanmar's own policies and laws - that Myanmar overtly and badly discriminates against Rohingya and violates almost all their human rights ... with now some 85% of the entire population, over the last many years, having fled their homeland … the general position of the State is oppressive and genocidal (Khan, 2019).

In Malaysia, their statelessness is obvious. Although some of these so-called 'stateless people' earned 'refugee' status by the U.N., by Malaysian standards, refugees do not exist in the country. Although many of the Rohingya refugees have lived in Malaysia for decades and work in informal sectors (Chowdhury & Abid, 2022), they mostly remain 'invisible' and their status is undetermined. They are being perceived as 'illegal' or 'prohibited' immigrants under the Immigration Act who often encounter various socio-economic and political challenges and marginalization.

Should Malaysia sign the 1951 Refugee Convention or its Protocol? Refugee and migration issues are receiving attention from the government and civil society in Malaysia causing pressure on the government. The former government has tried to adopt policies such as providing short-term work permits for a small number of registered Rohingya refugees in certain plantations and manufacturing sectors on an experimental basis to avoid social and economic risks posed by unemployed refugees. However, that pilot project failed, as it was not quite practical for the refugees because it demanded only refugee men to move to those work sites for months leaving behind their families without protection and for a minimum salary. The previous Malaysian government promised to sign the refugee Convention and to improve the condition of the Rohingya refugees but with the change of government and volatile political situation, the issue was put under the carpet again.

Secondly, Malaysia's neighboring Southeast Asian countries such as Cambodia, East Timor, and the Philippines have already signed the Convention and its Protocol. Signing the Convention did not bring more refugees or make the refugee situation permanent in those countries. Therefore, Malaysia should not be too concerned that signing will encourage more refugees to come to Malaysia or make them permanent; rather, it will help to develop rules and regulations that can favor Malaysia in dealing with refugees and asylum seekers. It will also raise the status of Malaysia on human rights issues in the eyes of the international community.

Thirdly, Malaysia should sign the 1951 Refugee Convention and its Protocol because this sovereign state is a member of the United Nations (U.N.) and a party to many other major international human rights documents, such as the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (C.A.T.) and Convention on the Rights of the Child (C.R.C.), to name a few. As a member of the U.N., Malaysia is legally obligated to promote "universal respect for, and observance of, human rights and fundamental freedom for all without distinction as to race, sex, language, or religion" as mentioned in articles 55 and 56 of the U.N. Charter. All member states of the U.N. are also party to the Universal Declaration of Human Rights (U.D.H.R.) which may not be a binding document but provides in Article 2 that every individual is entitled to all the rights mentioned in the U.D.H.R. irrespective of their "race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This wording also appears in other major human rights documents. It means that Malaysia is in violation of its international legal obligation by refusing to recognize the rights of those who are refugees in its territories. Indeed, Malaysia's signing of the Convention is likely to empower the country to fight against Myanmar's genocide institutionally both locally and internationally.

Conclusion

In the changing context of Myanmar politics, particularly since the February 2021 coup, the military encountered unprecedented resistance by its own population and resorted to brutal tactics of repression towards those who opposed the military government. Some members of the international community subsequently placed sanctions, but that does not appear to be effective in influencing the behavior of the military government. This is because there are several influential countries such as India, China, and Russia, who are involved in "training and cooperation with the Burmese Military" (Burma Campaign UK). Moreover, the Russian invasion of Ukraine has shifted the focus of the international community away from Myanmar, making its military government normalized and overshadowing the genocide of the Rohingyas in Myanmar. Therefore, it is important to keep exploring the Rohingya genocide case to establish the factual reality to hold the perpetrators accountable to international laws and institutions.

The Rohingya refugees are living embodiments of a painful history in Myanmar. They are the victims of genocide in Myanmar, and they continue to suffer in their vulnerable and marginalized lives in exile. This paper documented the narratives of the Rohingya genocide survivors from Malaysia to highlight Myanmar's state power and its genocidal acts as counter-evidence against the state's official arguments in Myanmar. Furthermore, the plight of the Rohingya refugees' exiled life in Malaysia can be seen as an outcome of their forced migration from Myanmar. The diasporic exile life in Malaysia may be far from exceptional compared to the sufferings that refugees are forced to bear in many countries in Asia, Europe, and the Middle East (Zahrawi & Al-Oudat, 2024; Thabet, 2015). However, these are evidence-based facts from a group of genocide survivors that can contribute to preventing such acts in the future and holding the perpetrators accountable.

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لاجئو الروهينجا في ماليزيا
"وجهات نظر حول وضعهم وروايات الإبادة الجماعية في ميانمار"

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ملخص البحث:

تواجه ميانمار اتهامًا في محكمة العدل الدولية بارتكاب إبادة جماعية بحق أقلية الروهينجا العرقية. يوثق المقال بعض روايات الناجين من الشتات الموجودين حاليًا في ماليزيا. ومن خلال القيام بذلك، ينظر المقال إلى حياتهم في المنفى ليس فقط لفهم الوضع ولكن أيضًا لرؤيته كنتيجة لمثل هذه الهجرة القسرية. تأتي بيانات هذا البحث الاجتماعي والإثنوغرافي من العمل الميداني الذي تم إجراؤه في أربع ولايات مختلفة في شبه جزيرة ماليزيا في الفترة من مارس 2019 إلى أغسطس 2020. يشير التحليل في هذا البحث إلى أن الروهينجا واجهوا عدم مساواة هيكلية تقرها الدولة وعنفًا وحشيًا منهجيًا في ولاية راخين بسبب دينهم وثقافتهم وهويات العرقية. وتشير حياتهم الحالية في المنفى إلى المعاملة التقديرية التي تمارسها الحكومة الماليزية تجاههم. يخلص البحث إلى أن اللاجئين من الروهينجا "عديمي الجنسية" هم المجموعة الأكثر ضعفًا وتهميشًا وحرمانًا، وأن لهم فرصة ضئيلة للعودة لوطنهم

الكلمات الدالة: الروهينجا، الإبادة الجماعية، الشتات، المهمشين، ماليزيا

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