



Hate Speech and Discrimination as Mundane Violence against Rohingya Refugees during COVID-19

Ruji Auethavornpipat | ORCID: 0000-0003-0476-1205

Visiting Fellow, Department of International Relations, Coral Bell School of Asia Pacific Affairs, The Australian National University, Canberra, Australia;
Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany

ruji.auethavornpipat@anu.edu.au

Abstract

This article advances the critical atrocity lens in challenging the dominant atrocity framework that overly emphasises systematic and large-scale killings in conflict settings. To do so, it argues for the broadened scope of violence to illustrate that hate speech and discrimination produce similar consequences of stripping vulnerable populations of their rights and livelihoods despite the absence of mass killings. This article captures such mundane violence by unpacking the interplay between atrocity crimes, hate speech and discrimination against Rohingya refugees during the COVID-19 pandemic. The findings urge scholars and practitioners to consider broader human rights protection during peace time to address root causes of atrocities. In doing so, it can foster inter-communal respect and tolerance, hence preventing grievances from turning into incitement of mass violence.

Keywords

critical atrocity lens – mundane violence – hate speech – Rohingya refugees – discrimination – COVID-19

1 Introduction*

At the onset of the COVID-19 pandemic border closure in 2020, a wooden vessel with approximately 200 Rohingya refugees arrived at Malaysia's famous tourist island of Langkawi. Concurrently, a Rohingya community activist, Zafar Ahmad Abdul Ghani, urged the Malaysian government to provide greater protection to the Rohingya community in the country. His statement was widely misinterpreted, and disinformation spread online that he demanded citizenship, hence being ungrateful to the host community. These two related events instigated a series of unstoppable online hate speech by the locals who perceived the Rohingya to be a serious threat to their collective identity, cohesion, and nation. Such hate speech initially targeted specific individuals such as Zafar and later morphed into a widespread call to eradicate the presence of Rohingya refugees from Malaysia. Since the circulation of fake news, Zafar, his wife and three children have lost their livelihoods due to death threats, trauma, and fear for their safety.¹ The surge in hate speech deprives the rights and livelihoods of vulnerable populations, resembling the outcome of atrocities despite the absence of mass killings. It reveals that hate speech both exemplifies discrimination and an early warning sign of atrocities, which should inform both scholarly thinking and prevention programs, especially in the context of the global pandemic.

This article unpacks the dynamics of hate speech by demonstrating the interplay between hate speech, discrimination, and atrocity crimes. It challenges the dominant conception of atrocity that is based on a rigid understanding of violence, and presents a critical atrocity lens to shift the debate towards broader human rights protection as an atrocity prevention tool. To do so, this article argues for a broadened scope of violence beyond systematic and mass killings during conflicts in the dominant atrocity framework and emphasises human rights protection during peace time in order to address structural violence and the root causes of atrocities. Interrogating mass atrocities through a critical lens can shed a new light on the socio-political conditions that drive

* I am indebted to Cecilia Jacob for sparking my research interests in this topic. I would like to thank her and Noel Morada for their feedback on an earlier draft. I am also grateful to GR2P editors and reviewer for the constructive comments. Any mistake is solely the author's.

1 Samuel Chua, '2 Years on "Fake News" Continues to Haunt Rohingya Activist, Family', *Free Malaysia Today*, 19 April 2022, <https://www.freemalaysiatoday.com/category/nation/2022/04/19/2-years-on-fake-news-continues-to-haunt-rohingya-activist-family/>, accessed 9 November 2022.

atrocities, which are often overlooked by the dominant framework.² It reveals how mundane violence is integral to impending mass atrocity crimes. More importantly, the emphasis placed on rights protection during peace time has a greater potential to foster inter-communal respect and tolerance, hence preventing grievances from turning into incitement of mass violence.³ In presenting the argument, this article contributes to the debate by urging scholars and practitioners to pay more attention to the mundane and indeterminate form of violence such as day-to-day discrimination and hate speech. By doing so, it can have long-term impacts on the rights and livelihoods of vulnerable populations.

To empirically demonstrate the argument, I collected data from social media platforms, predominantly Facebook. I initially mapped Facebook groups and posts with anti-migrant sentiments in Malaysia based on Reuters reports.⁴ Subsequently, I followed updates from a public Facebook page called 'Friends of Immigration', which was set up by immigration officials in their personal capacity. This page regularly provides immigration-related news, including the arrival of the Rohingya refugee boats during the pandemic, hence providing important access to investigate online reactions to migrant and refugee issues. Recognising that members of the same Facebook group tend to express similar views, I triangulated data across public sources. I did so by incorporating online comments made in response to news articles on the Rohingya that were published by Malaysian presses.⁵ In total, I surveyed more than 5,500 online comments. This approach is helpful for revealing broad public perception and hate speech against the Rohingya community in Malaysia. In particular, the large sample size and repetition of similar content in the collected evidence allowed for constructing and confirming the dynamics of hate speech in this article.

This article proceeds as follows. The next section outlines the critical atrocity lens. The third and fourth sections provide the context of the Rohingya refugees' settlement and limited protection in Malaysia. The fifth section identifies the triggers of hate speech against the Rohingya community before the dynamics of hate speech increasing the risks of discrimination and atrocities

2 Ernesto Verdeja, 'Critical Genocide Studies and Mass Atrocity Prevention', *Genocide Studies and Prevention: An International Journal*, 13(3) 111–127 (2019), p. 119.

3 Kirsten Ainley, 'From Atrocity Crimes to Human Rights: Expanding the Focus of the Responsibility to Protect', *Global Responsibility to Protect*, 9(3) 243–266 (2017), p. 255.

4 Rozanna Latiff and A. Ananthalakshmi, 'Anti-Migrant Sentiment Fanned on Facebook in Malaysia', *Reuters*, 14 October 2020, <https://www.reuters.com/article/uk-facebook-malaysia-rohingya-idUKKBN26Z0BP>, accessed 5 January 2021.

5 These include Free Malaysia Today, The Star, Malaysiakini, Harian Metro, and Sinar Harian.

are illustrated in the sixth section. The last section encapsulates the contribution of the critical and human rights approaches to both academic debates and policy responses to atrocities.

2 The Critical Atrocity Lens

The critical atrocity lens challenges the dominant conception of violence that puts a strict limit on what are considered atrocity crimes.⁶ According to Strauss, the dominant framework is associated with the second generation of genocide research, which seeks to understand ‘systematic, mass violence targeted against particular civilian populations’ by comparing country case studies across time and space.⁷ Gradually, the conception of genocide as large-scale and systemic violence was reconstructed to mirror the Holocaust as a strict benchmark of mass killings by a totalitarian or authoritarian state.⁸ In other words, the Holocaust provides the yardstick for assessing the criteria of scope, methods, targets, and victims, thus shaping subsequent research on mass atrocities. As Moses puts it, ‘a genocide must resemble the Holocaust to become visible’.⁹ This dominant thinking largely fits into what Shaw calls ‘transhistorical comparisons’¹⁰ of a small number of major genocide cases as a discrete phenomenon. As a result, ‘Genocide, it is widely assumed, concerns a relatively small number of large, isolated, exceptional, almost totally murderous episodes’.¹¹ This body of scholarly work thus largely emphasises the analysis of systematic, purposive, and selective killings along ethno-religious lines committed by an identifiable perpetrator group or state.¹² Such an emphasis puts a limit on the scholarly thinking and programmatic response, as discussed below.

6 Verdeja, ‘Critical Genocide Studies’, p. 119.

7 For the overview of the second-generation scholarship on genocide, see Scott Straus, ‘Second-Generation Comparative Research on Genocide’, *World Politics*, 59(3) 476–501 (2007), p. 478.

8 A. Dirk Moses, ‘Revisiting a Founding Assumption of Genocide Studies’, *Genocide Studies and Prevention*, 6(3) 287–300 (2011), p. 289.

9 Moses, ‘Revisiting a Founding Assumption of Genocide Studies’, p. 289.

10 Martin Shaw, ‘From Comparative to International Genocide Studies: The International Production of Genocide in 20th-Century Europe’, *European Journal of International Relations*, 18(4) 645–668 (2012), p. 648.

11 Shaw, ‘From Comparative to International Genocide Studies’, p. 648.

12 Barbara Harff and Ted Robert Gurr, ‘Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945’, *International Studies Quarterly*, 32(3) 359–371 (1988), p. 363.

This article questions the utility of the dominant approach by introducing the critical atrocity lens. The critical approach can capture the broadened scope of violence that is overlooked by the dominant framework, shedding new light on the root causes of atrocity crimes. This article adopts Verdeja's assertion of the critical lens, which:

requires examining how our dominant concepts of violence systematically erase certain kinds of harms and experiences ... It means prioritizing the structural prevention dimension of current practice by devoting greater attention to how systemic and long-term processes of exploitation, marginalization, powerlessness and cultural imperialism ... are linked to the various forms of direct violence that dominate the attention of the prevention community. It also means moving beyond thinking of these harms merely as precursors to atrocities and instead seeing them as significant on their own, requiring immediate attention.¹³

Reinforcing these ideas, Collins argues that the framing of conflict and violence should be shifted towards considering socio-economic and political practices as central to comprehending violence against vulnerable populations.¹⁴ As illustrated further below, the critical lens highlights how mundane violence such as discrimination through hate speech can contribute to the destruction of vulnerable populations' livelihoods and collective identity even without mass violence.

The critical atrocity lens therefore urges scholars and practitioners to consider the way in which the dominant framework conceals other types of violence which contribute to atrocity crimes. While the dominant approach has produced vibrant scholarship, it unfortunately treats genocide as a rare event.¹⁵ It prioritises mass killings during armed conflicts above other forms of violence by normalising other harmful processes that do not fit into a rigid notion of identity, violence, and history.¹⁶ As a result, it cannot capture how smaller-scale or less-murderous episodes of violence, not to mention mundane human rights violations which can occur without physical violence, also contribute to a group's destruction. This restricted understanding is conceptually and practically flawed as it limits the parameters of scholarly thinking and

13 Verdeja, 'Critical Genocide Studies', pp. 120–121.

14 Laura Collins, 'Rethinking Genocide, Mass Atrocities, and Political Violence in Africa', *Genocide Studies and Prevention: An International Journal*, 13(2) 2–13 (2019), p. 2.

15 Straus, 'Second-Generation Comparative Research on Genocide', p. 478.

16 For the hegemonic approach, see Benjamin Meiches, *The Politics of Annihilation: A Genealogy of Genocide* (Minneapolis: University of Minnesota Press, 2019), p. 12.

policy responses.¹⁷ Put simply, it neglects structural and mundane violence which puts vulnerable populations at risk of atrocities. Structural violence can be routinised and naturalised in both formal and informal politics to the extent that a specific agent cannot be held responsible. Such violence can marginalise vulnerable populations as manifested in discrimination, high rates of poverty, unemployment, displacement, and emotional and physical insecurity that deepen societal divisions.¹⁸ The indeterminate nature of structural violence thus raises questions of the mainstream understanding of atrocities which emphasises the determinate and purposive characteristics of systematic killings committed by an identifiable perpetrator. Consequently, the dominant framework overlooks political and social conditions that create societal divisions and grievances over a sustained period before the outbreak of physical violence.¹⁹

Broadening the scope of violence is therefore significant for understanding how mundane human rights violations are central to atrocity crimes. Discrimination and hate speech that deprive vulnerable populations of their rights and incite violence should be considered an early warning of impending mass atrocities.²⁰ As further asserted by the UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein:

None of these atrocities crimes were unleashed without warning. They built up over years – and sometimes decades – of human rights grievances. Among them we must count deficient or corrupt governance and judicial institutions; discrimination and exclusion of minorities; inequities in development; exploitation and denial of economic and social rights; and repression of civil society and public freedoms.²¹

His statement demonstrates the important relationship between mundane rights violations and atrocity crimes. It highlights the centrality of existing political and social conditions that produce discrimination and grievances,

17 Ainley, 'From Atrocity Crimes to Human Rights', p. 243.

18 Verdeja, 'Critical Genocide Studies', p. 120.

19 Verdeja, 'Critical Genocide Studies', p. 120.

20 See Risk Factor 7 in United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes; a Tool for Prevention* (New York: United Nations, 2014).

21 Zeid Ra'ad Al Hussein, 'Preventing and Addressing Violence and Atrocity Crimes Targeted Against Minorities', 25 November 2014, Seventh Session of the United Nations Forum on Minority Issues, <https://www.ohchr.org/en/statements/2014/11/opening-remarks-mr-zeid-raad-al-hussein-united-nations-high-commissioner-human>, accessed 10 June 2022.

and subsequently the deterioration of inter-communal relations and motivation of atrocity crimes.

Shifting our attention towards mundane rights violations raises an impetus for strengthening human rights mechanisms during peace time in order to prevent discrimination and hate speech from turning into incitement of mass violence. In other words, the focus on human rights protection can tackle the indeterminate nature of structural violence and socio-political processes that fall outside of the dominant atrocity framework. Reaffirming this perspective, Ainley contends that the focus on human rights protection has a greater potential to stop large-scale human rights violation from being committed in the first place.²² In discussing the protection of displaced child migrants, D'Costa argues that the underlying and invisible challenges entrenched in state policies and practices need to be addressed in order to prevent more severe forms of rights violation.²³ Furthermore, Jacob argues that any discussion of atrocity prevention 'needs to start at the heart of the political, social, and ideological core of domestic politics and inter-communal relations to be effective in transforming the structural conditions where risks factors emerge'.²⁴ Thus, in line with the critical atrocity lens, the discrimination against a particular community that disrupts inter-communal relations during peace time should be viewed as central to atrocity prevention.

Building on the human rights approach, this article further asserts that hate speech is not only an early warning sign of atrocities but also exemplifies discrimination and human rights violations, paving a way for incitement of mass violence. This point is highly relevant to the current and post-COVID-19 context in which local populations encounter worsening socio-economic conditions, including unemployment or political insecurity associated with the perceived loss of sovereignty to outsiders such as 'intruding' migrants and refugees. Midlarsky and Harff explain that crises and public anxieties can spark motives and demands for violence against vulnerable groups.²⁵ Such anxieties can also be aggravated by exclusionary ideologies that create a hierarchy along ethnic, racial or religious lines, thus sparking hate speech that incites violence

22 Ainley, 'From Atrocity Crimes', p. 256.

23 Bina D'Costa, 'Of Responsibilities, Protection, and Rights: Children's Lives in Conflict Zones', *Global Responsibility to Protect*, 10(1-2) 261-277 (2018), pp. 270-71.

24 Cecilia Jacob, 'State Responsibility and Prevention in the Responsibility to Protect: Communal Violence in India', *Global Responsibility to Protect*, 7(1) 56-80 (2015), p. 61.

25 See, Manus I. Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge: Cambridge University Press, 2005), p. 86; Barbara Harff, 'No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955', *American Political Science Review*, 97(1) 57-73 (2003), p. 59.

to eliminate the out-group to avoid such loss.²⁶ Furthermore, hate speech can be used to justify discriminatory policies in denying the protection of vulnerable populations, creating long-lasting impacts on the livelihoods of the targeted group.

To explicate further, this article identifies three dynamics of hate speech to illustrate their connection with discrimination and atrocities. First, hate speech builds on and exacerbates underlying discrimination through dehumanising rhetoric. Victims of hate speech are often compared to objects, animals, or superhuman creatures. They are portrayed as inferior non-humans who are not members of a community where moral values, rules, and fairness apply.²⁷ As a result, dehumanised perception reduces empathy for the pain of victims through a 'psychological and legal denial of their human rights and [promotes] extreme violence against them'.²⁸ Second, dehumanising hate speech constructs the 'inferior' out-group as a national or existential threat. The perceived threat is thought to be contaminating 'pure' local values and undermining the social cohesion and identity of the in-group. The threat perception can even extend to imagining the loss of territorial integrity and sovereignty. Through threat construction, hate speech can initially target specific individuals before labelling the whole out-group as a threat by culturally affinitive associations. Threat perception subsequently paves a way for the third dynamic of hate speech. In this stage, individuals who engage in hate speech invoke extraordinary measures to justify mass violence against the targeted population.²⁹ In doing so, the in-group intends to preserve their social cohesion or identity. Incitement to violence can include violent acts such as spitting, shooting, whipping, hanging, and bombing the out-group. The three dynamics of hate speech put a spotlight on how regularised discrimination

26 Daniel Chirot and Clark McCauley, *Why Not Kill Them All? The Logic and Prevention of Mass Political Murder* (New Jersey: Princeton University Press, 2010), p. 36.

27 Daniel Bar-Tal, *Shared Beliefs in a Society: Social Psychological Analysis* (California: Sage Publications, 2000), p. 122; Michał Bilewicz and Wiktor Soral, 'Hate Speech Epidemic. The Dynamic Effects of Derogatory Language on Intergroup Relations and Political Radicalization', *Political Psychology*, 41(S1) 3–33 (2020), p. 8; Nick Haslam, 'Dehumanization: An Integrative Review', *Personality and Social Psychology Review*, 10(3) 252–264 (2006), p. 254.

28 Gail B. Murrow and Richard Murrow, 'A Hypothetical Neurological Association between Dehumanization and Human Rights Abuses', *Journal of Law and the Biosciences*, 2(2) 336–364 (2015), p. 337.

29 Ruji Auethavornpipat, 'Hate Speech and Incitement in Malaysia', in *Preventing Hate Speech, Incitement, and Discrimination: Lessons on Promoting Tolerance and Respect for Diversity in the Asia Pacific* (Geneva: Global Action Against Mass Atrocity Crimes, 2021), pp. 119–158.

through hate speech is central to incitement of mass violence, raising the importance of human rights protection and respect for cultural diversity in combating hate speech and atrocity crimes. These three dynamics are analysed through the hate speech against Rohingya refugees. This analysis follows the next two sections which outline the settlement and limited protection of Rohingya refugees in Malaysia.

3 The Rohingya Journey to and Settlement in Malaysia

Malaysia has a history of providing temporary asylum since the 1970s. The country accommodated Filipino refugees from Mindanao in the 1970s and 1980s; Cambodian and Vietnamese refugees in the late 1980s and 1990s; a small number of Bosnian refugees in early 1990s; and some Acehnese in the early 2000s. As of December 2020, the United Nations High Commissioner for Refugees (UNHCR) indicates that Malaysia hosts 178,450 refugees and asylum-seekers registered with the UNHCR. Approximately 153,800 are from Myanmar. Within this group, 102,020 are Rohingya, 22,440 Chins, and 29,340 other ethnic groups from conflict-affected areas or fleeing persecution in Myanmar. Of all Rohingya refugees, the 2014 statistics show 9,761 are children under the age of 17.³⁰ In addition to refugees from Myanmar, approximately 24,650 refugees are from 50 countries in Central Asia, the Middle East, and Africa.³¹

The settlement of the Rohingya population in Malaysia can be traced back to the late 1970s. The exodus of the Rohingya community started after 1977 when the Myanmar government launched a campaign called *Nagamin* (King of Dragons). Citing unity of the country, the Ministry of Home and Religious Affairs sought to inspect identification cards and take 'actions against foreigners who have filtered into the country illegally'.³² This campaign also demonstrates the nationalist military viewpoint that viewed the Arakanese Muslims as 'illegal aliens' who needed to be screened out.³³ It reinforced the earlier attempts by the military government after the 1962 coup whose measures

30 Equal Rights Trust, *Equal Only in Name: The Human Rights of Stateless Rohingya in Malaysia* (London: Equal Rights Trust, 2014), p. 15.

31 UNHCR, 'Figures at a Glance in Malaysia', <https://www.unhcr.org/en-au/figures-at-a-glance-in-malaysia.html#:~:text=As%20of%20end%20October%202020,or%20fleeing%20persecution%20in%20Myanmar>, accessed 6 February 2021.

32 Human Rights Watch, 'The Rohingya Muslims: Ending a Cycle of Exodus', <https://www.hrw.org/reports/pdfs/b/burma/burma969.pdf>, accessed 6 February 2021.

33 Kazi Fahmida Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging* (New York: Palgrave Macmillan, 2017), p. 50.

pushed the Rohingya to leave Burma by withdrawing their citizenship, restricting their freedom, and creating obstacles for the Rohingya who wanted to join civil service.³⁴ The *Nagamin* campaign created a humanitarian crisis, resulting in the internal displacement of the Rohingya population. The majority of more than 200,000 Rohingya sought refuge in Bangladesh with some 200 to 300 'Burmese Muslims' reported to have crossed the Thai border into Malaysia at the beginning of 1981.³⁵

The exodus of the Rohingya to neighbouring countries became increasingly visible following the 2012 communal violence.³⁶ In May 2015, the plight of the Rohingya gained international attention with the discovery of a human smuggling and trafficking ring as well as the humanitarian boat crisis. In the former instance, smuggled Rohingya were trekking in the deep forest en route to Malaysia but found themselves victims of trafficking and trapped in the prison jungle camps along the Thai-Malaysian border. On the Thai side, mass graves of at least 30 bodies were found, implicating many corrupt local officials. It also led to the biggest human-trafficking trials in Thailand, involving 102 defendants and 62 convictions.³⁷ In addition, authorities found 139 graves in a series of 28 camps on the Malaysian side.³⁸ Within the same month, the international community kept a close watch on the Southeast Asian region due to a serious humanitarian 'boat crisis' during which regional governments engaged in 'human ping-pong' – pushing back boats carrying Rohingya refugees, leaving them stranded at sea with limited food and water and very poor sanitation. The journey was reported to take at least two months and an additional 3,000 to 4,000 people were estimated to still be at sea. In response, foreign ministers met on 21 May 2015 in Kuala Lumpur where Malaysia and Indonesia agreed to accept the boats. However, the agreement came with the one condition that the international community should provide humanitarian assistance and help resettle or repatriate all asylum-seekers within one year.³⁹

34 Human Rights Watch, 'The Rohingya Muslims'.

35 Sothi S. Rachagan, 'Refugees and Illegal Immigrants: The Malaysian Experience with Filipino and Vietnamese Refugees' in John R. Rogge (ed.), *Refugees: A Third World Dilemma* (New Jersey: Rowman & Littlefield, 1987), p. 254.

36 On atrocities in Rakhine, see Noel M. Morada, 'Continuing Violence and Atrocities in Rakhine since 2017: Beyond the Outrage, Failures of the International Community', *Global Responsibility to Protect*, 12(1) 64–85 (2020).

37 Ruji Auethavornpipat, 'Addressing the Root Causes of Conflict-Driven Human Trafficking in Southeast Asia', *Asia Pacific Bulletin*, no. 396 (2017), p. 1.

38 Human Rights Watch, 'Southeast Asia: Accounts from Rohingya Boat People', 27 May 2015, <https://www.hrw.org/news/2015/05/27/southeast-asia-accounts-rohingya-boat-people>, accessed 6 February 2021.

39 *ibid.*

The disruption of trafficking rings along the Thai-Malaysian border made it more difficult for Rohingya refugees to rely on jungle routes and so the smuggling of Rohingya refugees has recently used a maritime passage. Escaping from crowded and poor living conditions in refugee camps in Cox's Bazaar, Rohingya refugees need to make a down payment of approximately \$2,000, paid via mobile banking by a refugee's husband or relatives in Malaysia.⁴⁰ Refugees are then taken to the coast after bribing corrupt security forces at barb-wired security checkpoints. Departure points span from the Chittagong Division in Bangladesh to Rakhine State in Myanmar. In Rakhine, refugees depart from confined internally displaced persons camps and others from villages where their freedom of movement is seriously constrained. Rohingya refugees are then transferred to a small boat that hold about a dozen people before moving onto bigger boats that can hold about 1,000 people. These vessels are piloted by crews from Myanmar and smaller supply boats would bring them regular supplies such as food and drinking water.⁴¹ Following their departure, the vessels travelled south-east towards Malaysia.⁴² Indonesia, particularly Aceh, increasingly became a transit point where local fishermen-turned-smugglers transport the Rohingya into Malaysia via a narrow sea crossing that separates the two countries.⁴³ In 2020, amid the COVID-19 border closure, it was reported that approximately 500 Rohingya made it to Malaysia in three vessels.⁴⁴

As to the question of why Malaysia is a preferred destination, the data from the survey conducted by the Mixed Migration Centre reveals an interesting contrast to the general perception that the Rohingya population deliberately and intentionally select Malaysia as a preferred destination country. Overwhelmingly, 75.7 per cent or 153 respondents out of 202 surveyed Rohingya in Malaysia indicated that the smuggler was the one who chose the route. Only 24 per cent or 49 Rohingya indicated Malaysia was recommended by their family and network, and even fewer respondents said travelling to Malaysia was the easiest or most cost-effective option.⁴⁵ As such, this raises questions of the smugglers' operation and network across the region.

40 AFP, 'Rohingya Trafficking Network Sells Dreams, Delivers Violence and Extortion', *Bangkok Post*, 15 December 2020, <https://www.bangkokpost.com/world/2035715/rohingya-trafficking-network-sells-dreams-delivers-violence-and-extortion>, accessed 6 February 2021.

41 *ibid.*

42 UNHCR, 'Refugee Movements in South-East Asia 2018 – June 2019', <https://www.unhcr.org/5d91e2564.pdf>, accessed 6 February 2021.

43 AFP, 'Rohingya Trafficking Network Sells Dreams, Delivers Violence and Extortion'.

44 *ibid.*

45 Mixed Migration Centre, 'Drivers and Protection Risks of Rohingya en Route to Malaysia', http://www.mixedmigration.org/wp-content/uploads/2019/07/067_snapshot_asia.pdf, accessed 6 February 2021.

While at sea, Rohingya refugees can be subject to numerous human rights abuses. Malaysia's Human Rights Commission (SUHAKAM) and a non-governmental organisation (NGO) called Fortify Rights reveal that rights violations can include deception – for example, Rohingya survivors described they were made to believe they would be transported to Malaysia for a single or no fee while some traffickers promised the offer of jobs and legal status together with lump-sum payments for their left-behind family members in Rakhine and Bangladesh. Rohingya are also subject to physical and sexual violence such as beating, torture, and rape, murder, death from food and water deprivation, and suicide.⁴⁶ The reliance on smuggling networks makes the Rohingya vulnerable to rights violations, which does not end at sea as the difficulties of accessing rights protection is further aggravated by their immigration status once they arrive in Malaysia.

4 Criminalisation of Refugees and Undocumented Migrants in Malaysia

Undocumented migrants, refugees, and asylum-seekers are widely labelled in Malaysia as 'PATI' (Pendatang Asing Tanpa Izin, translated as 'illegal migrants' in English). Immigration matters are the purview of the Ministry of Home Affairs and the National Security Council. The entry of migrants and refugees without authorisation is considered a breach of immigration laws and is punishable by whipping, detention, imprisonment, and deportation. Section 6(3) of the Immigration Act 1959/63 states that a foreigner illegally entering Malaysia would be subject to a fine not exceeding RM10,000 or imprisonment for a term no greater than five years, or both, and subject to whipping of not more than six strokes prior to subsequent removal.⁴⁷ Furthermore, when arrested or detained, interpretation service is often limited and the representation of refugees is uncommon as they are not entitled to a duty solicitor for remand, bail, and mitigation hearings, and the burden of proof rests on the accused. Migrants and refugees found in contravention of immigration laws are subsequently sent to an immigration depot and deported once their

46 SUHAKAM and Fortify Rights, *Sold Like Fish: Crimes against Humanity, Mass Graves, and Human Trafficking from Myanmar and Bangladesh to Malaysia from 2012 to 2015* (Kuala Lumpur: SUHAKAM and Fortify Rights, 2019), p. 26.

47 Immigration Department of Malaysia, 'Frequently Committed Offences', <https://www.imi.gov.my/portal2017/index.php/en/main-services/entry-requirements-into-malaysia/offences-frequently-committed-by-foreigners.html>, accessed 6 February 2021.

prison sentence is completed.⁴⁸ As of 2017, there were 47,092 detainees and 885 minors held in Malaysian Immigration Detention.⁴⁹

Malaysia is not a state party to the 1951 Refugee Convention and so refugee status is not recognised by the state. Therefore, Malaysia does not have legal obligations to or frameworks for dealing with asylum-seekers and refugees. Without legal status, refugees are not formally entitled to rights such as employment, education, and healthcare. However, the UNHCR is in a unique position to advance some protection for refugees in Malaysia. In 2005, an Attorney General's Circular provided a certain degree of immunity from prosecution for asylum-seekers and refugees registered with the UNHCR. The Circular states:

all persons of concern who were registered with UNHCR prior to their arrest on immigration grounds should not be prosecuted in court, but should be released from all charges pertaining to illegal entry. For those who were registered with UNHCR after their arrest, the relevant court and prosecutor have the discretion whether to release them or not from prosecution and detention. In the meantime, UNHCR will negotiate with authorities for the release of those persons.⁵⁰

As such, registration with the UNHCR is crucial for protecting asylum-seekers and refugees from arrest, detention, and deportation. The government also previously attempted to grant employment rights to Rohingya refugees in 2006, which was halted after 17 days. Another attempt was made in 2016 when the government aimed to give working rights to 300 Rohingyas in the plantation and manufacturing sectors. Between 2015 and 2018, the government also carried out separate temporary residence and work rights programs for 3,000 Syrian refugees with the IMM13 permits for entire families. With this permit, children would be given access to education and the family would receive a 50 per cent discount for public hospitals.⁵¹

Yet despite ad hoc policies to support refugees' livelihoods, it is reported that immigration raids as well as detention of refugees and undocumented

48 Katrina Munir-Asen, *(Re)Negotiating Refugee Protection in Malaysia: Implications for Future Policy in Refugee Management* (Bonn: German Development Institute, 2018), p. 14.

49 Global Immigration Detention Observatory, 'Malaysia Immigration Detention Data Profile', 2020, <https://www.globaldetentionproject.org/wp-content/uploads/2020/12/Malaysia-Detention-Data-Profile-2020.pdf>, accessed 8 February 2021.

50 Munir-Asen, *(Re)Negotiating Refugee Protection in Malaysia*, p. 15.

51 Puteri Nor Ariane Yasmin, 'Opportunities for Refugee Access to Work in Malaysia', *ISIS Policy Brief*, no. 1–19 (2019), p. 1.

migrants persist. The UNHCR reported in 2015 that 5,648 asylum-seekers and 2,282 refugees were detained and prosecuted for immigration-related violations. Between January and July 2018, it made 100 visits to detention centres to either register or release refugees.⁵² The raids also continued during the COVID-19 pandemic as at least 1,368 undocumented migrants were rounded up despite the government's previous reassurance that they had nothing to fear in coming forth for COVID-19 testing.⁵³ As of 26 October 2020, the Home Minister stated 756 children were held in immigration detention facilities, including 326 from Myanmar detained without parents or guardians.⁵⁴ The lack of legal status not only subjects migrants and refugees to punishments but it also makes them an easy target of hate speech and incitement, which is discussed in the following sections.

5 Triggers of Hate Speech and Incitement in Malaysia

This section demonstrates how two specific events related to Rohingya refugees instigated an uncontrollable rise of online hate speech and incitement, subsequently sparking a backlash against the whole Rohingya community. Hate speech in Malaysia fits into the regional and global trend illustrated by academic studies revealing that migrants and refugees are often a target of hatred and discrimination.⁵⁵ In Malaysia, this is not the first time migrants have experienced derogatory remarks and exclusionary policies.⁵⁶ In the mid-1990s, migrants became demonised and portrayed as 'undesirable aliens', a depiction that served to generate a national imaginary against outsiders through

52 Munir-Asen, *(Re)Negotiating Refugee Protection in Malaysia*, p. 16.

53 Andika Wahab, 'The Outbreak of Covid-19 in Malaysia: Pushing Migrant Workers at the Margin', *Social Sciences & Humanities Open*, 2(1) 1–9 (2020), p. 5; Rozanna Latiff, 'Malaysia Seizes Hundreds of Migrants in Latest Lockdown Raid', *Reuters*, 12 May 2020, <https://www.reuters.com/article/us-health-coronavirus-malaysia-migrants-idUSKBN2201T5>, accessed 27 January 2021.

54 Human Rights Watch, 'Malaysia: End Abusive Immigration Detention', accessed 20 November 2020, <https://www.hrw.org/news/2020/11/20/malaysia-end-abusive-immigration-detention>, accessed 6 February 2021.

55 Carlos Arcila Calderón, David Blanco-Herrero, and María Belén Valdez Apolo, 'Rejection and Hate Speech in Twitter: Content Analysis of Tweets about Migrants and Refugees in Spanish', *Revista Española de Investigaciones Sociológicas*, 172 21–56 (2020), p. 31.

56 Ruji Auethavornpipat, 'Explaining the Lack of Change in Southeast Asia: The Practice of Migrant Worker Rights in the "ASEAN Migration Field"', *International Journal of Migration and Border Studies*, 5(3) 153–171 (2019), p. 164.

ethno-nationalism.⁵⁷ The pandemic has revived the undesirability of migrants and refugees in Malaysia. In particular, two major incidents contributed to the surge of hate speech and incitement: first, the arrival of refugee boats during the lockdown, and second, disinformation about a Rohingya activist.

Before discussing the rise of hate speech, the context of COVID-19 in Malaysia is provided to describe the conditions that both refugees and social media users experienced. The COVID-19 pandemic broke out in China's neighbouring countries in early 2020. As of January 2021, Malaysia has more than 130,000 confirmed cases and 551 deaths. Malaysia's first three COVID-19 cases were reported on 25 January 2020 and associated with Chinese citizens entering the country via Singapore. The first local transmission subsequently began on 4 February 2020 and confirmed COVID-19 cases spiked from March 2020 onwards. The sharp increase of local cases was also connected to an Islamic gathering attended by 16,000 people in Kuala Lumpur.⁵⁸

To control the virus, the government imposed the Movement Control Order (MCO) on 18 March 2020, closing all businesses except for essential services. The MCO in effect closed the border, prohibiting citizens from leaving and foreigners from entering.⁵⁹ With the border shut, the arrival of refugees without proper medical screening became a source of anxiety among the general public, especially when the arrival was also interpreted as a direct threat to Malaysia's border and security. As put by Malaysian Senior Minister Ismail Sabri Yaakob, 'Prior to this, there was no issue with them [Rohingya] coming here. But of late, during the Movement Control Order (MCO) there have been many reports and videos on social media on the Rohingya to provoke public anger towards them.'⁶⁰ The way in which this incident sparked hate speech is discussed in detail below.

57 Lucy Healey, 'Gender, "Aliens", and the National Imaginary in Contemporary Malaysia,' *SOJOURN: Journal of Social Issues in Southeast Asia*, 15(2) 222–254 (2000), p. 223.

58 Reuters, 'Made in Malaysia: How Mosque Event Spread Virus to SE Asia,' *Al Jazeera*, 18 March 2020, <https://www.aljazeera.com/news/2020/3/18/made-in-malaysia-how-mosque-event-spread-virus-to-se-asia>, accessed 10 March 2021.

59 Joseph Sipalan, 'Malaysia Closes Borders, Schools and Businesses as Virus Tally Climbs,' *Reuters*, 16 March 2020, <https://www.reuters.com/article/us-healthcare-coronavirus-malaysia/malaysia-closes-borders-schools-and-businesses-as-virus-tally-climbs-idUSKBN2131JY>, accessed 10 March 2021.

60 Faiz Zainudin, 'Why All the Fuss over Rohingya Now, Asks Senior Minister,' *Free Malaysia Today*, 27 April 2020, <https://www.freemalaysiatoday.com/category/nation/2020/04/27/why-all-the-fuss-over-rohingya-now-asks-senior-minister/>, accessed 8 February 2021.

5.1 *Refugee Boat Arrivals during the COVID-19 Lockdown*

The rise of xenophobic rhetoric started after a refugee vessel reached Malaysia's shore when the MCO was still in effect. On 5 April 2020, a boat carrying 202 Rohingya was found adrift near the northern resort island of Langkawi. In response, Malaysian authorities arrested 152 men, 45 women, and 5 children on board before handing them over to the Immigration Department with plans for COVID-19 screening and subsequently deportation.⁶¹ Shortly after, on 16 April 2020, the Royal Malaysian Air Force (RMAF) identified another boat carrying 200 people about 130 kilometres west of Langkawi Island. Malaysian authorities forcibly pushed the boat back to sea after giving some food and water.⁶² Such official responses to Rohingya refugee boats represented a drastic shift from the previous Najib Razak administration (2009–2018) which was more accommodating to the Rohingya despite the criticisms that the government exploited the Rohingya cause for political motives.⁶³

Official responses provided justification for rejecting refugees, which the public capitalised on in singling out the Rohingya community. The RMAF announced, 'With their poor settlements and living conditions ... it is strongly feared that undocumented migrants who try to enter Malaysia either by land or sea will bring [COVID-19] into the country.'⁶⁴ Further reaffirming Malaysia's decision, UMNO (United Malays National Organization) Deputy President Datuk Seri Mohamad Hasan indicated that Malaysia 'far exceeded' its capacity to host refugees and that resources to support their well-being had been depleted. Moreover, the decision to tow back the boat was also to send a warning and cut off any future cross-border movement. Mohamad indicated that, 'Receiving the Rohingya at times like this could open the floodgates for more foreign nationals and vessels to approach the Malaysian border and therefore hinder the government's effort to fight Covid-19.'⁶⁵

61 Associated Press, 'Malaysia Detains Boatload of 202 Presumed Rohingya Refugees', *ABC News*, 5 April 2020, <https://abcnews.go.com/International/wireStory/malaysia-detains-boatload-202-rohingya-refugees-69983424>, accessed 8 February 2021.

62 Rashvinjeet S. Bedi, 'UNHCR Urges Compassion in Handling of Rohingya Boat People', *The Star*, 19 April 2020, <https://www.thestar.com.my/news/focus/2020/04/19/unhcr-urges-compassion-in-handling-of-rohingya-boat-people>, accessed 8 February 2021.

63 Associated Press, 'Malaysia PM Urges World to Act against "Genocide" of Myanmar's Rohingya', *The Guardian*, 4 December 2016, <https://www.theguardian.com/world/2016/dec/04/malaysia-pm-urges-world-to-act-against-genocide-of-myanmars-rohingya>, accessed 8 February 2021.

64 Bedi, 'UNHCR Urges Compassion in Handling of Rohingya Boat People'.

65 Sarban Singh, 'Tok Mat: We Had No Choice but to Turn Away Boat of Rohingya Refugees', *The Star*, 19 April 2020, <https://www.thestar.com.my/news/nation/2020/04/19/tok-mat-we-had-no-choice-but-to-turn-away-boat-of-rohingya-refugees>, accessed 8 February 2021.

News of boat arrivals during the lockdown led to opposition against the Rohingya community online. A common pattern of hate speech exhibits the locals' desire to refuse and eject Rohingya refugees from the country while asking the government to prioritize citizens' welfare. This is evidenced below in a series of responses on Facebook to *The Star's* news report on UMNO Deputy President Mohamad's remarks refusing the refugees entry.⁶⁶

One Facebook user commented, 'Get rid of those already here. They are the reason many of them keep coming'. Another Facebook user asked the government to take care of the locals first:

We have many more poorer of our own peoples and our peoples are not working at the moment of times and foods are not cheap nowadays as we are not working and our financial are very fast going down to zero and do we need to accept them [Rohingya] in our country at the moment of time. Don't let them into Malaysia.

Another Facebook user reiterated the same sentiment:

Charity begins at home. Blood is also thicker than water. Priorities should be given to our citizens not outsiders. Let the dust of covid settle before accepting them. Anyway we [are] already facing a problem in taking care of them. Anyway they are not very appreciative to us for giving them three meals per day.

A strong xenophobic language was also expressed to construct a negative stereotype: 'Rohingya in Malaysia is a nightmare compare[d] to other races. Especially they throw rubbish everywhere they like without consideration for our host country.'

This particular news report received one comment on Facebook in which violence was incited: 'What you [UMNO Deputy President Mohamad did] is very good, next time try to "shoot to kill" to minimise the risk of infecting us rakyat [people]'

Clearly perceived as a breach of border and health security, the arrival of the boats at the early stage of the lockdown sparked an outcry among online users in Malaysia. Hate speech would greatly increase with the spread of misinformation about Rohingya activists, as demonstrated below.

66 *The Star*, 'Malaysia Has "Far Exceeded" Its Capacity to Host Refugees, Said the UMNO Deputy President', Facebook, 20 April 2020, <https://www.facebook.com/TheStarOnline/posts/1015651997352255>, accessed 8 February 2021.

5.2 *Disinformation on Rohingya Community Activism*

Following boat arrivals during the lockdown, disinformation on Rohingya activists in Malaysia exacerbated hate speech from late April. In a campaign of disinformation, it was widely spread that the leader of the Myanmar Ethnic Rohingya Human Rights Organisation Malaysia (Merhrom), Zafar Ahmad Abdul Ghani, had demanded the Malaysian government grant citizenship to the Rohingya community.⁶⁷ Zafar has denied he made claims for full citizenship and further explained that he only wanted ASEAN to put pressure on Myanmar to stop the persecution of the Rohingya and that he called for humanitarian aid for refugees already in Malaysia.⁶⁸ Coupled with this incident, Zafar's letter submitted to the Ministry of Human Resources, dated 14 January 2020, was subsequently shared on the internet and used to negatively portray the Rohingya community. The letter simply outlined the difficulties the Rohingya faced in Malaysia and called for greater access to health, employment, development, and education.⁶⁹ However, this list of demands was interpreted by local media as 'stepping on the [Malaysian] host's head'.⁷⁰ This depiction of the Rohingya population was extremely offensive as the head in Malaysian culture is the revered part of the body and the feet, being dirty, should not be raised or put on anyone's head. In effect, the Rohingya population was portrayed as being ungrateful by overstepping their boundaries in making demands for their well-being.

Zafar's repudiation of the misinformation failed to stop the hateful rhetoric against him, personally, and the wider Rohingya community. Condemnations

67 Robin Augustin, 'Fake News Sparks Hateful Remarks against Rohingya Refugees', *Free Malaysia Today*, 25 April 2020, <https://www.freemalaysiatoday.com/category/nation/2020/04/25/fake-news-sparks-hateful-remarks-against-rohingya-refugees/>, accessed 8 January 2021.

68 Arjun Mohanakrishnan, 'Rohingya Association President Claims He Has Been Receiving Constant Threats', *The Sun Daily*, 25 April 2020, <https://www.thesundaily.my/local/rohingya-association-president-claims-he-has-been-receiving-constant-threats-EB2333413>, accessed 14 January 2021.

69 Malaysia United, 'Mereka Sudah Mula Tuntut Macam-Macam, Lelaki Dedah Surat Presiden Rohingya Kepada Kerajaan [They Have Started Demanding Various Things, Men Reveal the Rohingya President's Letter to the Government]', *Malaysia United*, 23 April 2020, <https://www.malaysiaunited.my/mereka-sudah-mula-tuntut-macam-macam-lelaki-dedah-surat-presiden-rohingya-kepada-kerajaan/>, accessed 8 February 2021.

70 Arini Saleh, 'Seakan Pijak Kepala Tuan Rumah, Lelaki Dedah Antara Tuntutan Presiden Rohingya Malaysia [As if Stepping on the Host's Head, a Man Is Exposed to the Demands of the Rohingya President of Malaysia]', *OHBULAN!*, 22 April 2020, <https://ohbulan.com/seakan-pijak-kepala-tuan-rumah-ini-antara-tuntutan-presiden-rohingya-malaysia>, accessed 8 February 2021.

and threats were also directed at Zafar, his family, and Merhrom committee members. Zafar himself was also accused of breaching the MCO during the pandemic. It was further reported that Zafar was living in fear as he became a direct target of online hate speech and death threats.⁷¹ As Zafar describes, 'People have been calling me constantly saying they want to kill me ... It's mental torture and my kids are traumatised and can't study.'⁷² A report by Free Malaysia Today on 25 April 2020 compiled reactions on Twitter and Facebook that targeted Zafar and the whole Rohingya community:⁷³

One Twitter user commented, 'I am Malaysian and I can be racist to those stinky scumbags who don't respect our deeds and laws. So go f*ck your Rohingyas' assess into the seas, most of us don't care and don't want Rohingya refugees. If you go to Malaysian facebook and forum, you will see our hatred'.

Another Twitter user stated, 'Does the [UNHCR] card make them immune to the law? The time has come to cleanse this country of foreigners'.

Similarly, a Facebook user commented, 'Chase the Rohingya refugees out, it is not our responsibility to look after them and they have become extremists and a threat to the social, security and health situation of the people and country'.

The online reaction against the Rohingya also exhibited a backlash against broader human rights principles, 'Don't disturb us Malaysians as we are facing an economic downturn and cannot afford to support Rohingya anymore. Don't use human rights as an issue to cheat and ask for help'.

Such negative rhetoric is alarming. Amnesty International expressed concerns that the rising discrimination against the Rohingya only served to reinforce 'stereotypes that they are disease carriers are xenophobic and completely unsubstantiated'.⁷⁴

The disinformation and hate speech have also done further damage to the Rohingya community's internal cohesion and solidarity. Other Rohingya groups deliberately distanced themselves from both Zafar and Merhrom. Specifically, 17 Rohingya groups released a joint statement of apology, 'strongly

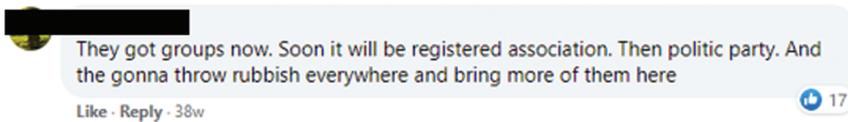
71 Free Malaysia Today, 'Rohingya Spokesman Lives in Fear after Fake News on Citizenship Sparks Death Threats', *Free Malaysia Today*, 24 April 2020, <https://www.freemalaysiatoday.com/category/nation/2020/04/24/rohingya-spokesman-lives-in-fear-after-fake-news-on-citizenship-sparks-death-threats/>, accessed 5 January 2021.

72 Mohanakrishnan, 'Rohingya Association President Claims He Has Been Receiving Constant Threats'.

73 Augustin, 'Fake News Sparks Hateful Remarks'.

74 Augustin, 'Fake News Sparks Hateful Remarks'.

condemn[ing] Zafar's statement and calling it 'unrealistic and irresponsible'.⁷⁵ Surprisingly, Rohingya groups also urged Malaysian authorities to take harsh action against Merhrom to prevent Zafar from making additional remarks that disregarded Malaysia's 'national interests and its peoples' feelings and sentiments'. Their joint statement also discredited Zafar by claiming that he was never elected as their leader, thus he was not in a position to issue any demands on behalf of the Rohingya people. Although this statement of apology was meant to avert future online hate speech and reconcile with the Malaysian host community, the Rohingya population received further negative reaction from internet users after its release. For instance, one Facebook user appears to be wary of all Rohingya organisations:



Despite the attempt to mitigate online hatred, the Rohingya group is perceived as troublesome, not worthy of settlement in Malaysia.

In addition to internal fragmentation, disinformation also damaged external support for the Rohingya community. In response to the demand made by the Rohingya, Malaysian Minister of Home Affairs Datuk Seri Hamzah Zainudin stated:

Any organisation that claims to represent the Rohingya ethnic group is illegal under the RoS [Registration of Societies] Act, and legal action can be taken ... Therefore, Rohingya nationals who are holders of the United Nations High Commissioner for Refugees (UNHCR) card have no status, rights or basis to make any claims on the government.⁷⁶

In doing so, the Rohingya and refugees were classified as 'illegal' migrants, deprived of rights and protection. More broadly, Human Rights Watch indicated

75 New Straits Times, 'Rohingya Groups Apologise to Malaysia for Merhrom's "Irresponsible" Statements', *New Straits Times*, 26 April 2020, <https://www.nst.com.my/news/nation/2020/04/587626/rohingya-groups-apologise-malaysia-merhroms-irresponsible-statements>, accessed 18 January 2021.

76 Mazwin Nik Anis, 'Rohingya Refugees Have No Right or Basis to Make Demands, Says Home Minister', *The Star*, 30 April 2020, <https://www.thestar.com.my/news/nation/2020/04/30/rohingya-refugees-have-no-right-or-basis-to-make-demands-says-home-minister>, accessed 8 February 2021.

that, 'Numerous online petitions calling for the expulsion of Rohingya were launched on Change.org and other platforms. Some petitions garnered thousands of signatures. Online users threatened prominent Rohingya activists, as well as their supporters, with physical attacks, murder and sexual violence'.⁷⁷ Alarmingly, three out of five online petitions collected more than 360,000 signatures.⁷⁸

6 Dynamics of Hate Speech against Rohingya Refugees in Malaysia

While the previous section shows the online reaction towards two specific incidents or individuals, this section demonstrates the dynamics of hate speech in the aftermath of such incidents. To recall, three dynamics of hate speech can be observed: first, online rhetoric dehumanises the Rohingya group; second, online rhetoric constructs the Rohingya community as a threat to Malaysia's national security during the pandemic; and third, as a result of perceived threats, extraordinary measures such as incitement to mass violence are called for in response.⁷⁹

6.1 *Dehumanising Rhetoric*

Dehumanising rhetoric most obviously targeted the Rohingya community as a disease carrier during the COVID-19 pandemic. For instance, Figure 1 illustrates a derogatory cartoon published by a Myanmar news outlet called The Voice. It portrays a Muslim or Rohingya man illegally crossing a barbed-wire border and bringing COVID-19 with him.⁸⁰

77 Human Rights Watch, 'Joint Letter Re: End Violent Threats and Anti-Rohingya Campaign', 11 May 2020, <https://www.hrw.org/news/2020/05/11/joint-letter-re-end-violent-threats-and-anti-rohingya-campaign>, accessed 7 February 2021.

78 Nicholas Chung, 'Anti-Refugee Petitions Pulled Down after Breaching Policy on Hate Speech', *Free Malaysia Today*, 28 April 2020, <https://www.freemalaysiatoday.com/category/nation/2020/04/28/anti-refugee-petitions-pulled-down-after-breaching-policy-on-hate-speech/>, accessed 8 February 2021.

79 These three dynamics patterns are adapted from the securitisation theory. See further, Alexander R. Arifianto, 'The Securitization of Transnational Labor Migration: The Case of Malaysia and Indonesia', *Asian Politics & Policy*, 1(4) 613–630 (2009).

80 Azim (@Azim42955748), 'TheVoice has been one of the local media in myr that promote racist propaganda against Rohingya since 2012', *Twitter*, 16 June 2020, 4.42 a.m., <https://twitter.com/Azim42955748/status/1272570133324554240>, accessed 21 October 2021.



FIGURE 1 A Muslim or Rohingya man labelled as 'illegal migrant' crossing borders with viruses

SOURCE: AZIM (@AZIM42955748), 'THEVOICE HAS BEEN ONE OF THE LOCAL MEDIA IN MYR THAT PROMOTE RACIST PROPAGANDA AGAINST ROHINGYA SINCE 2012', TWITTER, 16 JUNE 2020, 4.42 A.M., <https://twitter.com/Azim42955748/status/1272570133324554240/photo/1>.

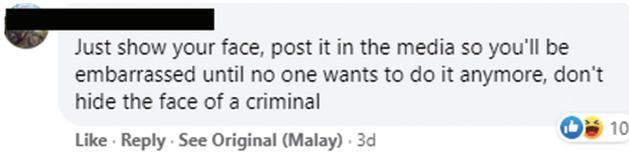
Similar remarks are commonly found among the host community in Malaysia. The comments below are made in response to the Rohingya boat arrival during the pandemic:

Tomorrow, imported +ve covid cases increase 200 +
Like · Reply · See Original (Malay) · 30w 13

Illegal immigrants landed again.. Langkawi is finished with illness.. take care of the disease people come again..
Like · Reply · See Original (Malay) · 30w 6

Beyond their 'disease carrier' depiction, Rohingya refugees are made comparable to criminals. The comment below was a reaction to a report in December

2020 on the arrest of four Burmese, suspected to be ethnic Rohingya, who were wearing medical masks in the picture:⁸¹



Hate speech also targets young Rohingya children. On 8 June 2020, Friends of Immigration shared pictures of men, women, and children being detained and sitting outside.⁸² The faces of young children are shown publicly, and many comments were made that Rohingya children would grow up to be a criminal like the notorious 'Long Tiger', a Rohingya man who was arrested for extortion in Malaysia.



A very commonly used dehumanising label is PATI or 'illegal migrants'. By using the label associated with an 'illegal' status, it denies the Rohingya of legal personality and protection before law and hence the unauthorised entry into Malaysia should be punished as a criminal offence. This can be observed after the Friends of Immigration reported news of the Rohingya boat arrival on 9 June 2020 at the height of COVID-19 outbreak.

81 Friends of Immigration, 'Op Benteng', Facebook, 2 January 2021, <https://www.facebook.com/Foimm2.0/posts/702272290486561>, accessed 5 January 2021.

82 Friends of Immigration, 'SELAMAT MALAM ROHINGYA', Facebook, 9 June 2020, <https://www.facebook.com/Foimm2.0/posts/567512620629196>, accessed 6 January 2021.

 Depot all illegal immigrants.
Malaysia cannot cope with too many PATIs

Like · Reply · 30w  1

The Rohingya are also being made comparable to demons and devils; micro-organisms such as parasites; animals such as cats, dogs, and ringworms; and objects such as garbage.

 this Rohingya is really evil boss.. big head should
not help to make a ball

Like · Reply · See Original (Malay) · 29w  8

 Dammm they are no wonder mymr's work killed them because their behavior and
they are giving birth like cats don't have control.. don't let them in here the more
they are here it's so hard not to backup...

Like · Reply · See Original (Malay) · 30w  2

 The parasites first came to the poor face and asked for equal rights for too long.

Like · Reply · See Original (Malay) · 22w

 No way to Rohingya. Talam dua muka.... Playing innocence. Ask for mercy. But in the
end , these dogs bite those hands whose feeding them. What a living demon....Look
familiar with this kind of behavior. Something....

Like · Reply · 38w  10

 Pity.. it's like a ringworm... later you'll be healthy biting the master..

Like · Reply · See Original (Malay) · 29w



This illegal garbage race doesn't deserve to live in Malaysia's land

Like · Reply · See Original (Malay) · 7w

6.2 *Threat Perception*

The dehumanising rhetoric above facilitates the construction of Rohingya refugees as a serious threat to Malaysia's society and polity. The set of comments below was made in response to the Friends of Immigration's Facebook video showing the docking of the Rohingya boat due to engine problems.⁸³ This post received 374 comments and 769 reactions in likes, angry, and laughing emojis. In particular, the comments reveal the Rohingya are considered to be trouble-makers who would eventually contaminate Malaysia's traditional values and political system of a federal constitutional monarchy and turn the country into a republic.



Malaysia's future is ruined if it's like this, our national sovereignty is being slapped by children, they are parasites, no need to fight, no dignity, just selling the name of ISLAM and adding sympathy.

Like · Reply · See Original (Malay) · 20w



You wait 1 days later, their people will claim all sorts of rights in Malaysia like an example. Not only these people, other people have been able to increase their followers. Nati, our own Malay children will sink. and then their beast attitude will affect us all. That's when Malaysians don't have any pure values anymore, what's the best, what's the reason? Because the races are ruining it

Like · Reply · See Original (Malay) · 20w



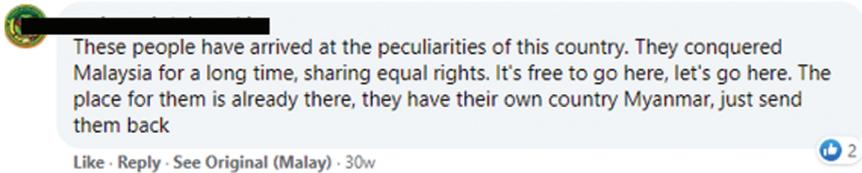
The acceptance of Rohingya refugees in this country will make other parties take advantage of smuggling unlicensed immigrants of China and India to demolish state administration and political systems, destroying the Constitutional King's system to a republic even through election process.

Like · Reply · See Original (Malay) · 20w



83 Friends of Immigration, 'Maaf kan kami. Bot kami rosak...!', Facebook, 9 June 2020, <https://www.facebook.com/Foimm2.0/posts/567793140601144>, accessed 22 January 2021.

The following comment was written in reaction to the arrival of 269 Rohingya refugees in Langkawi as shared by the Friends of Immigration on 8 June 2020. The post received more than 1,000 comments, 480 shares, and more than 12,000 emoji interactions, with the majority being like and angry emojis. The comment depicts the Rohingya as conquering Malaysia and having equal rights as the locals.⁸⁴



The comment below was made in reaction to the UN High Commissioner for Human Rights' call for compassion towards the Rohingya refugees after authorities pushed back the boat. The comment views the Rohingya as being disrespectful to the host community and at the same time giving birth at an uncontrollable rate.⁸⁵

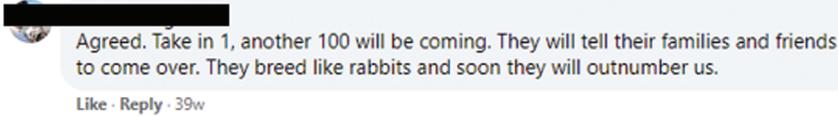


Similarly, this comment compares the Rohingya to rabbits, rapidly multiplying in number to the extent that Malaysians would be outnumbered.⁸⁶

84 Friends of Immigration, 'Rohingya mendarat di Langkawi', Facebook, 8 June 2020, <https://www.facebook.com/Foimm2.0/posts/567434920636966>, accessed 2 March 2021.

85 *The Star*, 'The United Nations Considers the Rohingya as One of the Most Persecuted Minorities in the World', Facebook, 19 April 2020, <https://www.facebook.com/TheStarOnline/posts/10156511570627255>, accessed 18 January 2021.

86 *The Star*, 'Malaysia Has "Far Exceeded" Its Capacity to Host Refugees, Said the Umno Deputy President', Facebook, 20 April 2020, <https://www.facebook.com/TheStarOnline/posts/10156511997352255>, accessed 6 January 2021.



The threat perception related to the increasing refugee arrival also led to the idea that Malaysia's territorial integrity was being infringed. The following comment considers the landing point of refugee boats, Langkawi, as being turned into a 'Rohingya island'.



More serious, the following comment shows a threat perception that Malaysia would completely lose its independence and become 'a Rohingya country'.



The following set of comments was made in response to the Rohingya groups' apology over Merhrom's statement published by *The Star* on 26 April 2020.⁸⁷ Several of them portray the Rohingya as conducting illegal activities in Malaysia. One comment promotes the idea that the Rohingya are troublemakers by referring to violence in Rakhine State and asks Malaysians to learn from history to prevent the same occurrence. The most popular comment justifies hate speech against the Rohingya by citing Aung San Suu Kyi who was perceived as willing to forgo her Nobel Peace Prize to fight against the Rohingya.

87 *The Star*, 'The Statements Had Triggered "Unprecedented Negative Sentiments" among Malaysians against the Rohingya Refugees in Malaysia, They Said', Facebook, 27 April 2020, <https://www.facebook.com/TheStarOnline/posts/10156536678277255>, accessed 19 January 2021.

it's pleasing to see now that even the Muslims in Malaysia are turning against them. Finally everyone is in the middle ground. They have undoubtedly created too many problems for us

Destroying the fences for MCO purposes
 Illegal businesses
 Illegal settlement in Langkawi
 Provoking Malaysians .. just to name a few

Like · Reply · 38w · Edited



Rakhine State was a safe place for them, they did the blunder, by killing the Hindus, Buddhist and the Christians, so the government have to step in. When the government took action, they distorted the news what happened there. If they are good people why no countries want them. Just look at Selayang.

Like · Reply · 38w



If Aung San Su Kyi was willing to forgo her Nobel Prize and many honours accorded to her fighting them, they are certainly not that simple and easy-going people as some would think.

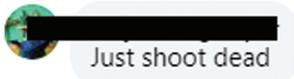
Like · Reply · 38w



6.3 *Incitement of Violence*

After Rohingya refugees were dehumanised and portrayed as a threat as per the first and second dynamics of hate speech, the third dynamic illustrates that individuals who engage in hate speech invoke physical and mass violence in order to eliminate such threats. The following set of comments was made in reaction to the arrest of four undocumented migrants, believed to be ethnic Rohingya.⁸⁸ It calls on authorities to punish the arrested by whipping and shooting.

88 Friends of Immigration, 'Op Benteng'.



One Facebook user urged authorities to hang Rohingya refugees in response to a video showing a boat arrival posted by Friends of Immigration on 9 June 2020.⁸⁹

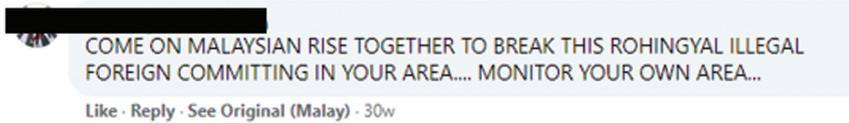


Similarly, one Facebook user posted a GIF image, urging Malaysian authorities to bomb refugee boats and leave the Rohingya to drown.



The following comment on Facebook seeks to mobilise Malaysian citizens against the Rohingya population. It asks the local people to play a vigilante role to monitor the activities of the Rohingya and foreigners in their own neighbourhood.

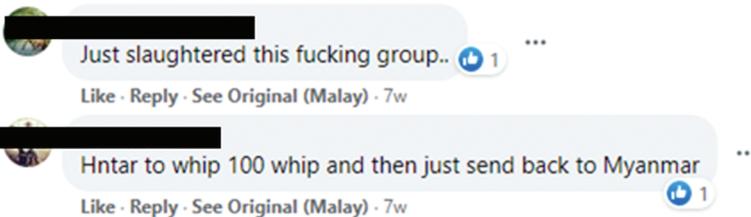
89 Friends of Immigration, 'Maaf kan kami. Bot kami rosak...'



Similarly, reacting to the arrival of 269 Rohingya in Langkawi, one Facebook user described the rage and frustration among Malaysians, asking the government to upgrade the defence capabilities. Otherwise, Malaysians would start acting on their own.⁹⁰



Violence was also incited to kill off the whole Rohingya population. This can be found in a reaction to the news report on two Rohingya men being accused of rape:⁹¹



Worryingly, following the announcement that Malaysia would block the entry of refugee boats, this Facebook user urged the government to hand over all Rohingya in Malaysia to the extremist Buddhist monk Ashin Wirathu in

⁹⁰ Friends of Immigration, 'Rohingya mendarat di Langkawi'.

⁹¹ Friends of Immigration, 'Dua lelaki Rohingya didakwa rogol remaja 15 tahun', Facebook, 12 November 2020, <https://www.facebook.com/Foimm2.0/posts/670987636948360>, accessed 6 January 2021.

Myanmar.⁹² By returning Rohingya refugees to Myanmar, such an act would not only violate the non-refoulement norm in international refugee law but also increase the risks of Rohingya populations being subject to human rights abuses and mass atrocities in Myanmar.



The three dynamics of hate speech illustrated above show that hate speech exemplifies lived experiences of migrants and refugees as they are subject to day-to-day discrimination in the host society. Dehumanisation through hate speech can create a perception that a particular group of people such as the Rohingya refugees is undeserving of empathy and human rights protection as part of the moral community. As a result, the Rohingya are constructed as a threat to Malaysia's values, security, and sovereignty. Viewed as a serious security threat, hate speech then leads to incitement of violence in which a whole group of people should be eliminated in combating such threats.

7 Conclusions

This article shifted the debate on mass atrocities by advancing beyond the dominant conception of violence that focuses on purposive and mass killing during conflicts. It presented a critical atrocity lens to argue for a broadened scope of violence in order to tackle the root causes of atrocities during peace time. In doing so, this article challenged the rigid understanding of violence in the dominant framework. It is important to recognise that atrocity crimes build on grievances and discrimination over a long and sustained period of

⁹² Friends of Immigration, 'Malaysia tegas sekat kemasukan Rohingya', Facebook, 27 June 2020, <https://www.facebook.com/Foimm2.0/posts/578757396171385>, accessed 6 January 2021.

time before mass violence occurs. In particular, this article showed that discrimination fuelled and was exacerbated by hate speech. The findings raise the impetus for rethinking atrocity prevention through broader human rights protection to address grievances within inter-communal relations. This shift in atrocity lens has greater potential in fostering tolerance and respect for cultural diversity, hence eliminating atrocity risks before the eruption of mass violence.