

TO: Sections

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EXTERNAL (for general distribution)

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PLEASE BRING TO THE ATTENTION OF THE SECTION'S REFUGEE COORDINATOR

TLX 31/91 Fear of Torture/Extrajudicial Execution

9 May 1991

MALAYSIA: 109 Acehese asylum-seekers

Amnesty International is concerned about reports that more than 100 Acehese people in Malaysia are in imminent danger of being forcibly returned to Indonesia where they risk torture and extrajudicial execution. Amnesty International is urging the Malaysian Government not to return the refugees to Indonesia against their will.

The 109 asylum-seekers fled to Malaysia by boat between 15 March and 7 April 1991 from the Aceh region on the northern tip of the Indonesian island of Sumatra. Indonesian armed forces have committed widespread human rights violations since 1989 while attempting to suppress a separatist insurrection in Aceh. Amnesty International believes that more than 2,000 unarmed civilians, and possibly many more, have been killed by security forces in the area in the past 18 months. Indonesian General Pramono, in an interview in the 17 November 1990 issue of the Indonesian news-weekly, Tempo, said: "I've told the people, the important thing is if you see a GPK [rebel], kill him. There's no need for investigating." Amnesty International also knows of hundreds of real or suspected rebel supporters imprisoned without charge or trial, many of whom have been tortured or ill-treated while in custody. In mid-April 1991, an eyewitness reported that Indonesian security forces were no longer arresting suspects in the Sigli and Peureulak areas of Aceh, from where the asylum-seekers have fled, but were instead killing them.

The Malaysian Government has stated that it will shortly be returning the Acehese asylum-seekers to Indonesia. Malaysian officials say that they are to be sent back because Malaysia does not want to support a separatist movement in a neighbouring country and wishes to maintain its good relations with Indonesia. Malaysian officials have also reportedly stated that they do not wish to open the floodgates to a flow of more Acehese refugees and that they are satisfied with assurances given by the Indonesian Government that the refugees will not be harmed on their return.

Amnesty International opposes people being returned against their will to countries where they risk imprisonment as prisoners of conscience, torture, "disappearance" or execution. The forcible return of such people is a violation of the fundamental principle of *non-refoulement* which is binding on all states. International standards also require governments to give full consideration to the request of any person who seeks their protection, and that such people should be given an opportunity to contact a representative of the United Nations High Commissioner for Refugees (UNHCR). Amnesty International is concerned that in this instance the Malaysian authorities have not permitted a representative of UNHCR to meet the asylum-seekers.

Despite the assurances reportedly given by the Indonesian Government, Amnesty International is concerned that, given the current serious human rights violations reported in Aceh, these people would be at severe risk of being ill-treated, tortured

and possibly extrajudicially executed by the Indonesian armed forces once they are forcibly returned. The organization believes that the assurances given by the Indonesian Government may not be enforced and that it will be virtually impossible to monitor the situation of those who return. The authorities have consistently denied documented accounts of human rights violations in the area and have resisted efforts by international and domestic human rights organizations to conduct first hand investigations.

BACKGROUND INFORMATION

Aceh has had a long tradition of rebellion against central authority, be it Dutch or Indonesian. The Acehnese engaged in a thirty year war with the Dutch colonial army from 1873. In 1945 and from 1953 to 1959, there were revolts against Indonesian rule led by Islamic groups. In December 1976, an Aceh nationalist, Hasan di Tiro, declared independence for Aceh and formed Aceh Merdeka (also known as the Aceh Sumatra National Liberation Front), a small movement to free Aceh from Indonesian rule. A number of suspected Aceh Merdeka members were jailed in the late 1970's and early 1980's. In 1989, the movement began attacks on Indonesian police and armed forces personnel and suspected government informers. While claiming that these attacks were the work of criminal gangs, the Indonesian armed forces have resorted to detentions without trial, torture and unlawful killings to combat the rebels. More than 20 suspected Aceh Merdeka supporters, many of them academics and civil servants, have recently been charged with subversion, a crime for which the maximum penalty is death; their trials began in March 1991.

RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:

- urging that the 109 Acehnese seeking asylum in Malaysia should under no circumstances be returned against their will to Indonesia because they would be in danger of torture and possible extrajudicial execution on their return;
- referring to the fundamental international principle of *non-refoulement* which is binding on all states;
- urging that the UNHCR be given immediate access to the 109 Acehnese, as required by international standards dealing with the protection of refugees;
- expressing concern that the assurances given by the Indonesian Government may not be enforced and that it will be virtually impossible to monitor the situation of those who return.

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and to diplomatic representatives of Malaysia and Indonesia in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 May 1991.