

PUBLIC

AI Index: ASA 28/13/98

EXTRA 34/98

Fear of refoulement

15 May 1998

MALAYSIA

27 Acehnese asylum seekers

Twenty-seven Acehnese asylum seekers are in danger of being forcibly returned to Aceh province in Indonesia, where they could be at risk of serious human rights violations, such as "disappearance", incommunicado detention, torture and extrajudicial execution.

The asylum seekers were handed over to the Malaysian police after they sought refuge in the French, Swiss and Brunei diplomatic compounds on 10 April 1998. On 14 May, a senior Malaysian police officer announced that they are to be deported.

On 26 March an attempt to deport Acehnese people held in four detention camps led to a riot in one of the camps, in which eight Acehnese and one Malaysian policeman died. Some of the Acehnese who escaped from the camps during the operation sought protection in the United Nations High Commissioner for Refugees (UNHCR) compound on 30 March, and in the US, Swiss, French and Brunei diplomatic compounds on 10 April. The UNHCR and the US authorities have permitted the Acehnese to remain in the compounds while their claims to refugee status are being assessed.

The Swiss, the French, and the Bruneian authorities immediately handed over the asylum seekers in their compounds to the Malaysian police. The French government made a public statement labelling the asylum seekers as economic migrants, despite the fact that no assessment of their individual claims to refugee status had apparently been conducted.

International calls for the UNHCR and other monitors to gain access to these Acehnese have been refused, as have calls for access to a number of other Acehnese who have been detained in recent weeks.

BACKGROUND INFORMATION

Operations to return all undocumented foreigners in Malaysia continue. A large number of foreign nationals remain in detention, awaiting return to their countries. Amnesty International believes that some of them may be from countries where grave human rights violations frequently occur, such as Algeria, Myanmar and Cambodia. Yet the Malaysian authorities refuse to allow the UNHCR or any outside observer access to the detention centres.

The around 545 Acehnese who were forcibly returned to Indonesia on 26 March were detained at Rancung detention camp in Aceh, but the majority have since been released. They do however remain under the scrutiny of local military personnel. Fourteen people, alleged by the military to be involved in separatist activities, are believed to remain in detention for "re-education". Amnesty International has welcomed a decision by the Indonesian authorities to allow future access to Aceh by the International Committee of the Red Cross (ICRC), and is continuing to seek further information about the fate and whereabouts of the fourteen.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English, French or in your own language:

- urging the Malaysian authorities to ensure that the 27 Acehnese who entered the French, Swiss and Brunei diplomatic compounds, and all other

possible asylum seekers who could be forcibly returned to their country are given full and immediate access to the UNHCR;

- urging the Malaysian authorities to allow the UNHCR and other independent observers full and unhindered access to the detention centres;

- urging the Malaysian authorities to abide by their obligations under the principle of *non refoulement*, and to ensure that no person is returned to a country where they may be at risk of serious human rights violations;

- calling on the Swiss, French and Brunei authorities to seek assurances that the Acehnese who entered their diplomatic compounds on 10 April 1998 and were subsequently handed over to the Malaysian police are given access to the UNHCR and are given protection from *refoulement*.

APPEALS TO:

Dato' Seri Dr Mahathir bin Mohamad

Prime Minister and Minister of Home Affairs
Jalan Dato'Onn, 50502 Kuala Lumpur, Malaysia

Telegrams: Prime Minister, Kuala Lumpur, Malaysia

Faxes: + 60 3 298 4172

Salutation: Dear Prime Minister

Mr Flavio Cotti, Foreign Minister

Eidgenossisches Department Jur auswärtige Angelgenheiten
Bondeshaus West, 3003 Bern, Switzerland

Fax: + 41 31 3223 237

Mr H Vendrine, Foreign Minister

Ministry of Foreign Affairs
37 Quai d'Orsay, 75700 Paris. France

Fax: + 33 1 45516012

Prime Minister HM Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah

Istana Nural Iman
Bandar Seri Bagawan
Brunei Darasassalam

Fax: + 673 2 241 717

COPIES TO:

Dato' Seri Anwar Ibrahim

Deputy Prime Minister and Minister of Finance
Jalan Dato' Onn, 50502 Kuala Lumpur, Malaysia

Faxes: + 60 3 230 1051

and to diplomatic representatives of Malaysia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 June 1998.