

16 October 1998

Further information on Extra 34/98 (ASA 28/13/98, 15 May 1998) and follow-up (ASA 28/15/98, 11 June 1998) - Fear of refoulement

MALAYSIA Safuan bin Abdullah, also known as Hasanuddin bin Yunus
Zulkifli bin Hanafiah
Khaidir bin Amin
Mukhtar bin Rasjid
Nasir bin Mubin
Tjut Muhibuddin bin Tjut Saridin
Fadli bin Ismail
Zainal Abidin bin Hasjem
Ali bin Abdullah
Hamid bin Ali, also known as Hasan Basri bin Basjah
Abubakar bin Ahmad, also known as Zakaria bin Harun
Munawar bin Affan
M. Isa bin Yusuf
Hambali bin Tgk. Piah, all Acehnese asylum-seekers

There are grave fears that the 14 above-named asylum-seekers face imminent *refoulement* to Aceh province, Indonesia, where they may be at risk of serious human rights abuses.

They are part of a group of 27 asylum-seekers arrested by the Malaysian authorities in April 1998. Amnesty International has just learned that six of the 27 were *refouled* on 9 September and another seven on 7 October. The organization is currently seeking further information regarding their situation.

The group of 27 were handed over to the Malaysian authorities after seeking protection in the Swiss, French and Brunei diplomatic compounds in the capital, Kuala Lumpur on 10 April. Since then they have been held incommunicado in Bukit Aman federal police headquarters in Kuala Lumpur. They are reported to have been subjected to torture and beatings after arrest and during interrogation.

Despite repeated requests to the Malaysian authorities, the United Nations High Commissioner for Refugees (UNHCR) continues to be denied access to the above-named Acehnese detainees. The UNHCR considers them to be in need of protection as refugees on the grounds that their situation resembles that of another group of 14 Acehnese, who sought refuge in the US embassy and the UNHCR compound in Malaysia on 10 April and 30 March respectively. These 14 are currently being resettled in third countries after having their cases assessed by the UNHCR.

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

- urging the authorities to ensure that the 14 above-named Acehnese asylum-seekers are not *refouled* to Indonesia, where they may be at risk of suffering serious human rights abuses;
- urging that they are given full and immediate access to the UNHCR;
- expressing dismay that Acehnese asylum-seekers have been *refouled* to Indonesia after being denied the opportunity to have their asylum claims assessed by UNHCR;

- urging the authorities to allow the UNHCR and other independent observers full and unhindered access to the detention centres for migrants;
- urging the 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;
- reminding the authorities of Malaysia's commitment to the Universal Declaration of Human Rights, notably Article 5: "No one shall be subjected to torture or cruel, inhuman or degrading treatment".

APPEALS TO:

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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 13 November 1998.

"No one shall be subjected to torture or cruel, inhuman or degrading treatment".

Article 5, Universal Declaration of Human Rights

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