

EXTERNAL (for general distribution)

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Please bring this to the attention of the refugee coordinator in your section*

UA 217/92

Fear of forcible return

29 June 1992

MALAYSIA: 43 asylum-seekers from Aceh, Sumatra, Indonesia

Amnesty International is concerned for the safety of 43 Acehnese asylum-seekers in Malaysia who may face forcible return to Indonesia. The 43 asylum-seekers entered the premises of the United Nations High Commissioner for Refugees (UNHCR) in Kuala Lumpur on 22 June 1992, in order to seek protection from UNHCR officials. Amnesty International believes that at least some of the 43 may be at risk of serious human rights violations if they are returned to Indonesia. It believes that many other Acehnese in Malaysia would be at similar risk if returned.

In March 1992 the Malaysian Deputy Minister for Foreign Affairs announced that all migrant workers in Malaysia were required to register with the immigration authorities and to obtain current identity papers before 30 June 1992. The authorities have declared that all those who fail to register will be returned to their country of origin on or after 1 July 1992. The Malaysian authorities have to date claimed that all the Acehnese in Malaysia are "economic migrants". The Acehnese asylum-seekers currently seeking refuge in the UNHCR premises have reportedly stated that they fear returning to Indonesia, are afraid to register with the immigration authorities, and wish to seek asylum.

It is reported that many other Acehnese asylum-seekers, possibly up to 400, have been detained since early 1991 in the Malaysian states of Penang, Kedah and Perak, and that an unknown number of these have been returned to Indonesia. Malaysian Foreign Minister Abdullah Ahmad Badawi confirmed on 11 October 1991 that 10 Acehnese had been returned to Indonesia but said that none had been or would be sent back against their will.

Despite these assurances, Amnesty International is concerned by recent reports that some 172 detained Acehnese may have been returned to Indonesia during 1991 and 1992, particularly since none of the detainees has been permitted to receive visits from UNHCR officials. Indeed, Indonesian consular officials are the only people to have been granted access to the detainees and there are fears that some of the Acehnese may have agreed to return under pressure from Indonesian officials.

Amnesty International urges the Malaysian Government not to forcibly return any Acehnese asylum-seeker and to ensure that all Acehnese claims for asylum are fully and impartially examined. It calls on the Malaysian Government to cooperate fully with UNHCR in making provision for the examination of the asylum-seekers' claims. Such a process is essential if the authorities are to identify those among the Acehnese who would be at risk if returned to Indonesia and who should be given effective and

durable protection.

The principle of *non-refoulement* is recognized by the international community as a norm of general international law, binding on all states. It places an obligation on states not to send any person against their will to a country where they would be at risk of serious human rights violations.

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BACKGROUND INFORMATION

Aceh has had a long tradition of rebellion against a central authority, be it Dutch or Indonesian. In 1976 Aceh nationalists declared independence for Aceh and formed Aceh Merdeka (also known as the Aceh Sumatra National Liberation Front). Since mid-1989 an estimated 2,000 civilians are believed to have been extrajudicially executed by Indonesian troops during the course of government efforts to suppress Aceh Merdeka in Aceh and North Sumatra provinces. Hundreds of real or suspected members of Aceh Merdeka have been detained without trial and many of them severely tortured. Others, including prisoners of conscience, have been tried unfairly and sentenced to lengthy prison terms. The Indonesian authorities have consistently denied evidence of serious human rights violations in Aceh and have impeded the efforts of international and domestic human rights organizations to conduct independent investigations there.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters:

- expressing concern for the safety of 43 Acehnese asylum-seekers who may face forcible return to Indonesia;
- noting that the Malaysian Government is obliged under international law to refrain from returning any person to a country where they risk being subjected to serious human rights violations;
- seeking assurances that Acehnese at risk of human rights violations will not be returned against their will to Indonesia;
- seeking assurances from the Malaysian Government that all Acehnese wishing to claim asylum will be given access to a fair and satisfactory refugee determination procedure;
- urging the Malaysian Government to allow UNHCR officials immediate access to all detained Acehnese asylum-seekers;
- expressing concern that, in view of the restrictions placed on the activities of human rights organizations in Aceh, there is no reliable means of monitoring the fate of those who have already been returned to Indonesia.

APPEALS TO

1) Dato' Seri Dr Mahathir bin Mohamad

30098 EPUPM MA

Faxes: +60 3 238 3784;

+60 3 238 7214; +60 3 238 7215

Prime Minister Affairs

Prime Minister's Office

Jalan Dato'Onn Malaysia

50502 Kuala Lumpur, Malaysia

Salutation: Dear Prime Minister

Telegrams: Prime Minister, Kuala Lumpur, Malaysia

Telexes: 30091 LARA MA;

33099 PERMA MA;

2) Datuk Abdullah Ahmad Badawi
Minister of Foreign Affairs
Jalan Wisma Putra
50602 Kuala Lumpur, Malaysia
**Telegrams: Foreign Affairs Minister,
Kuala Lumpur, Malaysia**

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Ali Alatas
Minister of Foreign Affairs
Jalan Taman Pejambon 6
Jakarta, Indonesia
Faxes: + 62 21 36 0517; + 62 21 36 7781

and to diplomatic representatives of Malaysia in your country.

PLEASE SEND APPEALS IMMEDIATELY. Please check with the International Secretariat, or your section office, if sending appeals after 10 August 1992.