

31 March 1998

Further information on EXTRA 23/98 (ASA 28/06/98, 27 March 1998) - Fear of forcible refoulement of Acehese asylum-seekers / Fear of excessive use of force during repatriation of asylum-seekers and immigrants / Medical and health concerns and new concern: Incommunicado detention / Fear of torture

MALAYSIA/INDONESIA **Ishak Daud, member of Acehese Refugee Committee in Malaysia (ARCM)**
Iqlil Hyas Leube, ARCM member
Zahizi Tengku Ubaidullah
Musanna Tengku Abdul Wahab
Muhammad Diah Badai
Burhan Syamaun, member of the Aceh/Sumatra National Liberation Front
Syahrul Syamaun
Ali
Effendi
A Qader Hasan

An unknown number of illegal migrants and asylum-seekers deported from Malaysia after 26 March 1998 have arrived in Aceh province in Indonesia. Around 500 are now believed to be in Rancung military detention facility in Lhokseumawe where they are undergoing questioning. Local human rights lawyers in Lhokseumawe are quoted by Reuters as saying that they are being denied access to those who have been returned.

Rancung was used as a detention facility between 1989 and 1993, the most intensive period of the Indonesian military's counter-insurgency operations against Aceh Merdeka, the armed Acehese separatists. Suspected members of Aceh Merdeka detained in Rancung were frequently subjected to torture and ill-treatment. Amnesty International knows of recent cases of individuals being held incommunicado at Rancung.

Many of those returned are known to be Acehese who are at particular risk of human rights violations because of alleged links to Acehese separatists.

According to Indonesian newspaper reports, between 25-42 of the group had serious injuries, including gunshot wounds. They are believed to have been transferred to hospital on arrival in Lhokseumawe. Unconfirmed reports talk of more deaths in transit as a result of injuries sustained during the deportation process.

In Malaysia it has been reported that at least 10 Acehese, listed above, have been detained since 18 March. All are understood to have identity cards issued either by the Malaysian authorities or by the United Nations High Commissioner for Refugees (UNHCR), granting them special permission to remain in Malaysia.

No reasons have been given for their arrest and there are fears that they may be at imminent risk of refoulement. At least four Acehese, in possession of official Malaysian residence cards, were reportedly deported by ferry from Port Klang to Indonesia on 27 March.

The whereabouts of Ishak Daud, Burhan Syamaun, Syahrul Syamaun, Ali and Effendi are unknown. A Qader Hasan is believed to be being detained at the Port Klang Immigration Deport in Selangor State. Iqlil Hyas Leube, Zahizi Tengku

Ubaidullah, Musanna Tengku Abdul Wahab and Muhammad Diah Badai are believed to have been detained at the Rawang Police Station in Selangor State.

On 30 March, 14 Acehnese sought refuge in the UNHCR compound in Kuala Lumpur.

All are seeking protection from deportation and are now being interviewed by UNHCR officials, in an effort to determine their refugee status. Twelve members of the group are believed to be among those who escaped from the detention camps during the Malaysian authorities' massive deportation operation on 26 March.

FURTHER BACKGROUND INFORMATION

In previous years several hundred Acehnese fleeing human rights violations in Indonesia were granted special leave to remain in Malaysia, based on a decision by the UNHCR to grant them "political protection". However, their situation has remained uncertain, given Malaysia's refusal to sign the UN Convention relating to the Status of Refugees. In late 1996 the Malaysian authorities warned that the Acehnese asylum-seekers in Malaysia could have their status revoked and be forcibly returned to Indonesia. According to recent press reports, UNHCR believes there are at least 2,000 Acehnese asylum-seekers currently in Malaysia. UNHCR efforts to establish their refugee status have been seriously hampered by lack of access to the detention camps, where Acehnese asylum-seekers have been detained along with alleged illegal immigrants.

In Indonesia, torture of detainees in both military and police custody is common, particularly when individuals are denied access to their families and lawyers of their choice. Indonesia's Code of Criminal Procedures provides some protection of detainees' rights, including the right to independent legal representation, but these rights are frequently ignored in practice. Under the code, the Indonesian Armed Forces have no legal authority to conduct arrests. Those arrested by the military are therefore placed at risk of human rights violations, including torture and ill-treatment.

Please continue action as specified in original UA. In any further appeals please send telegrams/faxes/express/airmail letters in English or in your own language:

To the Malaysian government:

- expressing concern at the fate of at least 10 Acehnese with special leave to remain in Malaysia who are reported to have been arrested;
- urging the authorities to clarify their whereabouts and not to deport them to Indonesia;

To the Indonesian government:

- urging the authorities to ensure that any individual taken into custody following their return from Malaysia is given access to human rights lawyers and to the International Committee of the Red Cross;
- urging the authorities to clarify the charges against any of those being currently detained;
- urging the authorities to clarify the identity of those in custody and those receiving medical treatment.

APPEALS TO: (Malaysian government)

Prime Minister

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 3 238 3784 / 298 4172

Salutation: Dear Prime Minister

APPEALS TO: (Indonesian authorities)

Commander of the Armed Forces (ABRI)

General Wiranto, Panglima ABRI

Markas Besar ABRI, Jl. Medan Merdeka Barat No 13

Jakarta Timur, Indonesia

Telegrams: General Wiranto, Jakarta, Indonesia

Faxes: + 62 21 36 1471 / 37 8144 / 35 6404

Salutation: Dear General Wiranto

COPIES TO: (of letters to Malaysian Government only)

Deputy Prime Minister

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 28 April 1998.