

PUBLIC

AI Index: ASA 28/12/98

30 April 1998

Further information on EXTRA 23/98 (ASA 28/06/98, 27 March 1998) and follow-up (ASA 28/07/98, 31 March 1998, ASA 28/11/98, 9 April 1998 and ASA 21/39/98, 23 April 1998) - Fear of refoulement of Acehese asylum-seekers and new concern: Arbitrary and incommunicado detention / Fear of torture or ill-treatment

MALAYSIAIshak Daud, member of ARCM

Syahrul Syamaun

Ali

Effendi, member of ASNLF

New names:

Yusra Habib bin Abdul Gani, member of ARCM

Hasan bin Ahmad, member of ASNLF

Razali bin Abdullah, member of ASNLF

Muhammad Nasir bin Usman

Ibrahim bin Daud

Bakhtiar bin Usman

Sofyan bin Hasan, member of ASNLF (also known as Burhan

Syamaun)

The above-named Acehese are believed to be in incommunicado detention at various police stations throughout Malaysia. It is feared they are at risk of torture or ill-treatment in custody and of possible *refoulement* to Aceh where they could face serious human rights violations in a province where "disappearances", incommunicado detention, torture and extrajudicial executions continue.

The Malaysian authorities have refused to disclose the reasons for their detention and all are reported to be denied access to lawyers and independent doctors.

Yusra Habib bin Abdul Gani, a member of the Acehese Refugee Committee in Malaysia (ARCM) and Hasan bin Ahmad, a prominent member of the Aceh-Sumatra National Liberation Front (ASNLF) were both arrested in Johor Bahru on 27 April 1998 and are believed to be detained at the local police headquarters. Yusra Habib bin Abdul Gani's house is believed to have been under police surveillance prior to and following the forcible return of Acehese to Indonesia on 26 March 1998. Razali bin Abdullah, also a prominent member of the ASNLF, was arrested on 23 April and is held at police headquarters at Bukit Aman, Kuala Lumpur.

The others named above were detained at various locations between 24 March and 21 April. In some cases their whereabouts remain unknown. The Malaysian police authorities recently denied holding Sofyan bin Hasan and Ishak Daud in custody. All reportedly have temporary permission to reside in Malaysia.

It is believed that the above men may have been arrested in connection with their ASNLF activities and also as a result of allegations that an "insider" may have "tipped off" other Acehese about the mass repatriation operation on 26 March hours before it happened. According to an article on 1 April in the *New Straits Times*, police are reportedly questioning 14 other Indonesians about their possible membership of the ASNLF. Four other Acehese arrested in March were detained for more than two weeks before being released without charge.

FURTHER BACKGROUND INFORMATION

Amnesty International believes that the number of Acehese arrested since March 1998 now totals more than 50. Some are reported to have been re-arrested after escaping from Lenggeng detention camp on 26 March during attempts to deport them. At least 25 Acehese were arrested after attempting to take refuge in the Swiss and French embassies and the Brunei diplomatic compound on 10 April.

Eight Acehese who sought refuge in the US Embassy on 10 April and 12 who gained access to the UNHCR compound on 30 March are having their refugee claims assessed.

Despite deep concern expressed by domestic and international non-governmental organizations and opposition parliamentarians about the forcible deportation of Acehese on 26 March, the Malaysian authorities continue to maintain that no human rights violations occurred during the operation. On 1 April the Inspector-General of Police, Tan Sri Abdul Tahim Noor, said that Malaysia neither interferes in the problems of Aceh nor provides political asylum to those from the province.

Operations to return all undocumented foreigners in Malaysia continue -- 16,800 undocumented Indonesian nationals are reported to have been returned in March alone. There also remain in detention a large number of undocumented nationals from other countries who await deportation. The information available to Amnesty International indicates that some of these people may be from countries with grave human rights violations, such as Algeria, Myanmar and Cambodia. The United Nations High Commissioner for Refugees (UNHCR) have been denied access to the detention centres.

The roughly 545 Acehese who were forcibly returned to Indonesia on 26 March were detained at Rancung detention camp but the majority have since been released. They remain, however, under the scrutiny of local military personnel. Fourteen people believed by the military to be involved in separatist activities remain in detention for "re-education". Amnesty International is seeking further information about their fate and whereabouts.

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

- urging the authorities to clarify the whereabouts and reasons for the detention of the above-named Acehese;
- calling on the authorities to release them if they are not to be charged with a recognizably criminal offence;
- urging that they be allowed immediate access to lawyers and doctors of their choice;
- 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;
- urging the authorities to ensure that all those who indicate a fear of returning to their country are given full and immediate access to the UNHCR.

APPEALS TO:

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

COPIES TO:

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 May 1998.