

EXTERNAL

AI Index: ASA 28/17/96

EXTRA 198/96

Fear of refoulement / Fear for safety

30 December 1996

**MALAYSIAMohammad Yasir Yusoff, 31**

**Zainal Abu Bakar, 25**

**Taufik Afizal Zainal Joned, 24**

**Siapul Abdullah, 33**

**Nikli bin Jusut, 28**

**Zulkisli bin Rasjid, 25**

**Busri bin Mulid Junus, 28**

**Munzir bin Jusuf, 23**

**and others**

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On 25 December 1996, 40 asylum-seekers from Indonesia's Aceh province in Sumatera attempted to enter six embassies in the Malaysian capital of Kuala Lumpur. According to reported statements of embassy officials, the asylum-seekers were not aggressive and were seeking political asylum, claiming they had been tortured by the Indonesian army because of their links to the separatist *Aceh Merdeka* (Free Aceh) Movement and that they would be persecuted if returned to Indonesia. They were also protesting Malaysia's attempts to forcibly return 53 Acehnese asylum-seekers the previous day (see below).

The asylum-seekers attempted to make their way into the embassies of the United States, France, the Netherlands, Switzerland, Britain and Italy. According to a Malaysian television station, several truckloads of riot police were sent to the embassies in response. Four of the embassies allowed the Malaysian police to enter their premises and forcibly remove the asylum-seekers, resulting in at least 13 being detained for trespassing. These individuals are now being held on remand at the Sentul police station in Kuala Lumpur, and may be handed over to immigration authorities for expulsion to Indonesia.

Eight Acehnese, named above, remain in the two other embassies (Switzerland and the Netherlands), awaiting decisions by the Swiss and Dutch governments as to their fates. The Swiss and Dutch ambassadors are awaiting instructions from their governments before they decide whether to allow the police to enter their compounds to arrest the asylum-seekers.

Up to 19 other Acehnese involved were dispersed by riot police and diplomatic staff at the embassies.

#### **BACKGROUND INFORMATION**

The events happened after 53 Acehnese protested at the Langkap detention camp in Perak on 24 December, following threats to deport them. Police used tear gas and batons to quell the protesters, before loading them on to several trucks, according to witnesses. They were then moved to Lenggeng and Semeyeh prisons, near Kuala Lumpur, pending expulsion. It is alleged that during the proceedings, Indonesian embassy officials were closely in touch, and may have been present during interrogations at the prisons.

Approximately 300 Acehnese were granted asylum in Malaysia based on a decision of the United Nations High Commission for Refugees to grant them "political protection" and an agreement with the Malaysian government to grant the Acehnese "exceptional leave to remain". The protests by the 53 Acehnese were in response to the apparent refusal of the Malaysian Government to honour its agreement.

Malaysia has now threatened to expel the other 300 Acehese, with Deputy Home Minister Megat Junid Megat Ayob warning that the asylum-seekers could have their status revoked and be forcibly returned to Indonesia.

Aceh Merdeka, a pro-independence movement that aims to set up an independent state in Aceh, has alleged that Acehese who have been forcibly returned have faced persecution by the Indonesian authorities.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:  
to Dutch and Swiss Embassies:**

- reminding the authorities of their obligations under the fundamental principle of non-*refoulement* in Article 33 of the 1951 Convention relating to refugees and Article 3 of the UN Convention against Torture, which prohibit any person being returned to a country where he or she faces serious human rights violations;

- seeking assurances that they will take steps to ensure that any Acehese at risk of human rights violations will not be returned against their will to Indonesia;

**to Malaysian Authorities only:**

- reminding the authorities of their obligations under the fundamental principle of non-*refoulement*, as set out in Article 33 of the 1951 Convention relating to refugees and numerous other international instruments and declarations of the UN General Assembly;

- seeking assurances that all Acehese wishing to claim asylum will be given access to a fair and satisfactory refugee determination procedure.

**APPEALS TO:**

**DUTCH FOREIGN MINISTRY**

**Faxes: +31 70 3485559**

**Salutation: Dear Minister**

**SWISS FOREIGN MINISTRY**

**Faxes: +41 31 3223237**

**Salutation: Dear Minister**

**ROYAL NETHERLANDS EMBASSY** in Kuala Lumpur

Ambassador ER Arnold

**Fax: +60 3 241 1959**

**Salutation: Dear Ambassador**

**EMBASSY OF SWITZERLAND** in Kuala Lumpur

Ambassador Henri Cuennet

**Fax: +60 3 248 0935**

**Salutation: Dear Ambassador**

**DEPUTY MINISTER OF HOME AFFAIRS**

Dato' Megat Junid bin Megat Ayob

Deputy Minister of Home Affairs

Jalan Dato' Onn

50502 Kuala Lumpur

Malaysia

**Fax: +60 3 230 1051**

**Telegrams: Deputy Minister Home Affairs, Kuala Lumpur, Malaysia**

**Salutation: Dear Minister**

**PRIME MINISTER**

Dato' Seri Dr Mahathir Mohamad  
Prime Minister and Minister of Home Affairs  
Jalan Dato' Onn  
50502 Kuala Lumpur  
Malaysia

**Fax: +60 3 238 3784 or 298 4172**

**Telegrams: Prime Minister, Kuala Lumpur, Malaysia**

**Salutation: Dear Prime Minister**

**COPIES TO:** 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 30 January 1997.