

AMNESTY INTERNATIONAL PRESS RELEASE

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Malaysia: Deporting Asylum Seekers - Violation of the International Law

Amnesty International is gravely concerned for the safety of more than 200 asylum seekers from the war-torn Indonesian Province of Nanggroe Aceh Darussalam (NAD) who have been detained since their arrests on 19 and 26 August 2003. Recent reports indicate that seven have already been deported to Indonesia and that others may face imminent deportation.

The asylum seekers, who may be genuine refugees fleeing the conflict, were arrested while trying to register with the United Nations High Commissioner for Refugees (UNHCR), the international agency mandated to protect refugees. Since their arrest and initial detention in Brickfields Police Station, they have been transferred by the Malaysian authorities to the Langkap detention camp in the state of Perak. They have not been given the opportunity to have their asylum claims assessed.

"To deport these individuals without determining their refugee status would be a violation of both the spirit and letter of international law," Amnesty International said. "These are vulnerable people who may have fled NAD in fear for their lives. To return them there without due process would be a violation of the most fundamental obligation of international refugee protection," the organization added.

The principle of *non-refoulement*, which prohibits forcible return of an individual to a country where they would face grave human rights abuses, is a principle of customary international law and is binding on all states. The rights of those seeking asylum are further affirmed in the Universal Declaration of Human Rights which applies to all UN Member States.

Amnesty International noted that meetings between the Malaysian government and the UNHCR were reportedly continuing. The organization urged the Malaysian government not to deport the remaining asylum seekers and to respect international standards regarding refugees. Citing concerns about the detention and conditions of detention, the organization called on the Malaysian government to take the first step of allowing the UNHCR full access to those detained.

"This is an opportunity for the Malaysian government to demonstrate its capacity to protect people fleeing persecution. Malaysia is in a strong position to do so through cooperation with the UNHCR and other members of the international community," Amnesty International concluded.

Background

Amnesty International has longstanding concerns about the human rights situation in NAD arising from the armed conflict between the Indonesian security forces and Gerakan Aceh Merdeka (GAM). The human rights situation has worsened significantly since the government of Indonesia declared a military emergency in NAD on 19 May 2003. The military claims that over 800 members of GAM have been killed. However, reports from other sources indicate that civilians, including children, are among the dead. More than 1,700 people have reportedly been arrested by or surrendered to the military or police. Most of those detained have not had access to the outside world and are believed to be at risk of torture or other grave violations of human rights. Tens of thousands have been internally displaced during the course of the conflict.

Their situation is made worse because international humanitarian organizations are denied access to them and independent human rights monitors are prevented from carrying out their work. GAM has also been accused of human rights abuses, including killings, abductions and the burning of schools.

Public Document

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