

EXTERNAL

AI Index: ASA 28/01/97

15 January 1997

Further information on EXTRA 198/96 (ASA 28/17/96, 30 December 1996) - Fear of refoulement/ Fear for safety

Please bring to the attention of the Refugee Coordinator in your country.

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

Amnesty International is still concerned for the fate of eight Acehnese asylum seekers who remain in the Dutch and Swiss Embassies in Kuala Lumpur, Malaysia having sought political asylum on 25 December 1996.

The eight were part of a group of up to 40 who sought asylum in the Dutch, Swiss, French, British, US and Italian embassies claiming that they were members of the separatist *Aceh Merdeka* (Free Aceh) Movement and that they would be persecuted if they were forcibly returned to Indonesia. Only the Dutch and the Swiss embassies allowed the Acehnese to remain in their embassy grounds. Between 23 and 32 Acehnese are believed to have been arrested by Malaysian Police after the police were permitted to enter the US, Italian, French and British embassies.

The eight, four each in the Dutch and Swiss embassies, have now been declared to be individuals of concern to the United Nations High Commissioner for Refugees (UNHCR). Despite this however, it is believed that the Malaysian Government is refusing to offer assurances that the eight will not be forcibly returned to Indonesia where Amnesty International fears they risk torture or ill-treatment.

The group arrested from within the four other embassies were taken into police custody along with other Acehnese arrested after a protest at the Langkap Detention Camp in Perak on 24 December. The Malaysian authorities stated that those arrested were being detained pending forcible return to Indonesia, but that some might face criminal charges for the embassy break-ins and for the protest at the detention camp. It is not clear exactly how many Acehnese asylum seekers are currently in police detention, but all risk forcible return to Indonesia, after being threatened with this by the Malaysian authorities. As at 6 January there were believed to be 158 Acehnese in police custody. There is no further information about their fate but it is believed that those detained have been so far denied access to the UNHCR.

BACKGROUND INFORMATION

While Malaysia is not a party to the 1951 United Nations (UN) Convention Relating to the Status of Refugees, it is nonetheless bound by the fundamental principle of *non-refoulement*, which prohibits any person being returned to a country where they face serious human rights violations. This principle, outlined in Article 33 of the 1951 Convention and in numerous other international

instruments and declarations of the UN General Assembly, is a norm of customary international law and is binding on all states.

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

To the Dutch and Swiss authorities:

- reminding the authorities of their obligations under the fundamental principle of *non-refoulement*;
- seeking assurances that they will not expel the eight Acehnese asylum-seekers from their embassies unless and until there are concrete assurances from the Malaysian authorities that the eight will not be forcibly returned to Indonesia.

To the US, French, British and Italian authorities:

- reminding the authorities of their obligations under the fundamental principle of *non-refoulement* and expressing dismay that their embassies allowed the Malaysian police access for the purpose of removing Acehnese asylum seekers in flagrant violation of those obligations;
- asking that they seek proper assurances from the Malaysia authorities that those Acehnese asylum-seekers arrested in their embassies will not be forcibly returned to Indonesia.

To the Malaysian Authorities only:

- expressing your dismay that the Malaysian authorities have detained Acehnese asylum seekers and threatened them with forcible return to Indonesia, in consultation with the Indonesian authorities and in blatant violation of international law;
- reminding the authorities of their obligations under the fundamental principle of *non-refoulement*;
- urging the authorities to grant assurances that the eight Acehnese asylum-seekers currently in the Swiss and Dutch embassies will not be forcibly returned to Indonesia;
- urging that the authorities allow those Acehnese asylum-seekers currently in Malaysian police custody access to the UNHCR;
- seeking assurances that all Acehnese wishing to claim asylum will be given access to a fair and satisfactory refugee determination procedure and that no one will be forcibly returned to Indonesia where they face serious human rights violations.

APPEALS TO:

Dutch Foreign Ministry

Fax: 31 70 348 5559

Salutation: Dear Minister

Swiss Minister of Interior

Mr Arnold Koller

Minister of Interior

Fax: 41 31 322 7832

Salutation: Dear Mr President

Diplomatic representatives of the US, France, Britain and Italy in your country.

MALAYSIAN AUTHORITIES

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 Mahatir 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: 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 12 February 1997.