

11 June 1998

**Further information on Extra 34/98 (ASA 28/13/98, 15 May 98) - Fear of Refoulement****MALAYSIA27 Acehnese asylum seekers**

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Concerns have intensified that the Malaysian authorities might contravene the internationally recognised principle of *non-refoulement*\*, by forcibly returning 27 Acehnese asylum-seekers to Aceh province in Indonesia.

The 27 Acehnese at risk of *refoulement* were handed over to the Malaysian authorities after seeking protection in the Swiss, French and Brunei diplomatic compounds in Kuala Lumpur on 10 April 1998. The Malaysian government asserts that they, and thousands of other undocumented foreigners currently detained in Malaysia, are illegal immigrants who should be repatriated as part of an on-going campaign against economic migrants. The Malaysian authorities have refused the United Nations High Commission for Refugees (UNHCR) access to these detainees.

On 10 June a representative of the UNHCR announced that 14 other Acehnese, who sought refuge in the UNCHR compound on 30 March, and eight who entered the US Embassy compound on 10 April, have been found to be in need of international protection and should not be returned to Indonesia. The UNHCR and the US authorities had permitted the Acehnese who sought refuge with them to remain in the compounds pending an assessment of their refugee claims. Efforts are now being made to resettle these Acehnese in third countries.

The UNHCR's announcement reinforces concerns over the risks of serious human rights violations, such as "disappearance" incommunicado detention, torture and extrajudicial execution, being committed against those Acehnese who are returned to Indonesia and are suspected by the Indonesian authorities of being sympathetic to the Acehnese separatist movement.

The Malaysian government continue to deny the UNCHR and other monitors access to migrant detention centres and police stations in order to assess the validity of claims of refugee status. The French authorities have also publicly stated that the Acehnese asylum seekers who had entered their Embassy compound were economic migrants, despite the fact that no assessment of their individual cases appears to have been conducted.

\*The principle of *non-refoulement* forbids states from forcibly returning people to a country where they may be at risk of serious human rights violations. It is a principle of customary international law and is binding on all states.

**BACKGROUND INFORMATION**

Amnesty International is concerned that, among the thousands of undocumented foreigners held in detention in Malaysia under threat of deportation, there may be a significant number of refugees from countries where grave human rights violations frequently occur, including Indonesia, Algeria, Myanmar and Cambodia. The organization believes there is a pressing need for full access by the UNHCR and other monitors to assess refugee claims.

The around 545 Acehnese who were forcibly returned to Indonesia on 26 March 1998 were detained at Rancung detention camp in Aceh. The majority have since been released from the camp. At least 14 were alleged by the military to be involved in separatist activities and required to undergo 're-education'. It remains unclear what has happened to them, though at least one is reported to remain in military custody.

Amnesty International welcomed a decision by the Indonesian authorities to allow a recent mission to Aceh by the International Committee of the Red Cross (ICRC). Amnesty International is continuing to seek further information about the fate and whereabouts of the Acehnese returnees, especially those remaining in detention.

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

- urging the Malaysian authorities to ensure that the 27 Acehnese who entered the French, Swiss and Brunei diplomatic compounds on 10 April 1998, and all others currently at risk of being forcibly returned to their country are given full and immediate access to the UNHCR;
- urging the Malaysian authorities to allow the UNHCR and other independent observers full and unhindered access to the detention centres;
- urging the Malaysian 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;
- calling on the Swiss, French and Brunei authorities to seek assurances that the Acehnese who entered their diplomatic compounds on 10 April 1998 and subsequently handed over to the Malaysian police are given access to the UNHCR and given protection from *refoulement* - especially in light of the UNCHR's acceptance on 10 June of the refugee claims of the Acehnese who sought protection in the UNCHR and US compounds.

**APPEALS TO:**

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 3 298 4172**

**Salutation: Dear Prime Minister**

Mr Flavio Cotti, Foreign Minister  
Eidgenossisches Department fur auswartige Angelegenheiten  
Bundeshaus West, 3003 Bern, Switzerland

**Telegrams: Foreign Minister Cotti, Bern, Switzerland**

**Fax: + 41 31 3223 237**

**Salutation: Dear Foreign Minister**

Mr H Vendrine, Foreign Minister  
Ministry of Foreign Affairs  
37 Quai d'Orsay, 75700 Paris. France

**Telegrams: Foreign Minister Vendrine, Paris, France**

**Fax: + 33 1 45516012**

**Salutation: Dear Foreign Minister**

Prime Minister HM Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah  
Istana Nural Iman, Bandar Seri Bagawan, Brunei Darasassalam

**Telegrams: Sultan Hassanal Bolkiah, Brunei**

**Fax: + 673 2 241 717**

**Salutation: Your Majesty**

**COPIES TO:**

Dato' Seri Anwar Ibrahim, Deputy Prime Minister and Minister of Finance  
Jalan Dato' Onn, 50502 Kuala Lumpur, Malaysia

**Faxes: + 60 3 230 1051**

**Salutation: Dear Deputy Prime Minister.**

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 7 July 1998.