

Malaysia rounds up Acehese refugees for deportation

By John Roberts
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In a flagrant attack on democratic rights, Malaysian police last week set up road blocks around the United Nations High Commissioner for Refugees (UNHCR) office in Kuala Lumpur and detained scores of people seeking to register as refugees. Many were from the war-torn province of Aceh on the northern tip of the island of Sumatra where the Indonesian military has been conducting a huge offensive against separatist guerrillas since May.

Last Tuesday several hundred Acehese, including women and children, were seeking to register at the UNHCR office as refugees and to obtain documents from UNHCR officials. Some already held documents identifying them as refugees awaiting third country settlement. Instead of allowing the asylum seekers to enter the UNHCR office, police seized them from taxis and private vehicles and bundled them into police trucks. They were initially held at a police station before being transferred to the Langkap detention centre in the northern state of Perak. In all, 232 people were detained.

UNHCR spokesman Evan Ruth described the Malaysian government's action as "unprecedented". He said because of the situation in Aceh "we believe that these civilian Acehese must be protected and should not be returned to Aceh." At least 600 people have been killed so far in the Indonesian military offensive and a series of human rights abuses have been reported.

Malaysian Deputy Prime Minister Abdullah Ahmad Badawi defended the police detentions and declared last Wednesday that Malaysia intended to deport the Acehese. "If foreigners are found without valid entry permits, they will be sent back. This is the law of the country," he said. But after protests by lawyers and non-government organisations, Badawi indicated the

government may allow some detainees to stay temporarily but ruled out granting asylum.

Late last week, however, immigration officials in Perak announced that 120 of the 232 detained had agreed to return to Aceh and their relatives in Malaysia to pay the expenses. While no explanation was provided, the refugees were obviously put under duress.

The Malaysian government is under pressure from Jakarta to deport the Acehese. The speaker of Indonesia's People's Consultative Assembly (MPR), Amien Rais, publicly warned Malaysia to "seriously consider" the adverse effect on bilateral relations of a decision to grant the refugees even temporary residence.

Rais, who is a strong supporter of the offensive in Aceh, said such a decision would mean that Indonesia had failed to give full protection to its own citizens. "I suggest that Malaysia handle the matter seriously, consider it with full calculation, in order to avoid possible tension with Indonesia," he warned.

The Malaysian government has a long history of trampling on the rights of refugees and immigrants. In the immediate aftermath of the 1997-98 Asian financial crisis Prime Minister Mahathir Mohammad launched a vicious campaign against "illegal immigrants," seeking to make them the scapegoats for the rapid rise in unemployment and decline in living standards.

Malaysia is one of the few countries that has refused to sign the 1951 UN Convention on refugees. The country's Immigration Act makes no distinction between illegal immigrants and refugees effectively denying anyone refugee status. The Act provides heavy penalties for anyone entering the country without a permit: a fine of up to 10,000 ringgit (\$US2,600); imprisonment for up to five years and six strokes of the

rotan (cane); and deportation to the country of origin.

One recent high profile case involved an Acehnese, Ahmad Adnan, who, along with his family, was subjected to persecution by the Indonesian military. Despite being granted refugee status by the UNHCR in July 2002, he was arrested in April and tried without legal representation. He was convicted and sentenced to 10 months imprisonment, two strokes of the rotan and denied the right to appeal.

Only the efforts of the UNHCR led to a higher court ordering a new trial and the eventual dropping of the charges. Ahmad Adnan was rearrested, however, and taken to an immigration depot to await deportation. He was only freed after Denmark agreed to accept him for resettlement.

A report released in early August by the US-based Human Rights Watch detailed serious abuses by Malaysian authorities against Rohingya Muslims fleeing from Burma. The ethnic group from the Burmese province of Arakan has suffered the systematic persecution under the Burmese military junta. The Human Rights Watch report points to cases of beatings, extortion and arbitrary detention of the Burmese in Malaysia. Schooling and health care are denied to the refugees as a matter of course.

Deputy Prime Minister Badawi's announcement that some Acehnese detainees may be allowed to remain temporarily in Malaysia represents no fundamental shift of policy. Rather it reflects concerns that opposition parties might capitalise on the plight of the Acehnese. The government has no intention of changing its draconian anti-immigrant laws or halting the persecution of thousands of refugees.

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