

URGENT ACTION

ARREST UNDER NEW LAW MEANS TORTURE RISK

Mohd Hilmi Hasim, one of the first people arrested under Malaysia's new security law, has been detained without charge and without access to lawyers since 7 February. He is at risk of torture and other ill-treatment.

Police arrested cafeteria worker **Mohd Hilmi Hasim** at his workplace in the capital, Kuala Lumpur on 7 February 2013. They also arrested his co-worker, Yazid Sufaat, for "promoting terrorist activities". The two men were the first people arrested under the Security Offences (Special Measures) Act 2012 (SOSMA), introduced in June 2012.

The next day, Yazid Sufaat and a third person, Halimah Hussein, were brought to court and charged with inciting or promoting "terrorist acts", allegedly in relation to the conflict in Syria. However, Mohd Hilmi Hasim was never brought to court, and he is still detained without charge.

Two lawyers representing Mohd Hilmi Hasim accompanied his family on a visit to the Jinjang lock-up on 15 February, but police told them that he had been transferred to Sungai Buloh prison, and that only family members were permitted to see him. During his family's visit to prison, Mohd Hilmi Hasim's mother has said that she was "interrogated" by the police, but the police did not officially record their "interrogation". Mohd Hilmi Hasim's lawyers have lodged a report against the police, for denying Mohd Hilmi Hasim access to legal counsel.

The SOSMA, which replaced Malaysia's draconian Internal Security Act (ISA), falls short of international human rights standards: among other things, it allows detention without charge or access to courts for up to 28 days, and allows the police to detain suspects incommunicado for 48 hours, increasing the risk of torture. Despite the law allowing access to legal counsel after 48 hours, the Malaysian police are still denying Mohd Hilmi Hasim access to his lawyers eight days after his arrest.

Please write immediately in English, Malay or your own language:

- Urging the authorities to grant Mohd Hilmi Hasim access to legal counsel of his choice, and ensure that his family can visit him free from harassment and intimidation;
- Calling on them to ensure that he is not tortured or otherwise ill-treated;
- Urging them to charge Mohd Hilmi Hasim promptly with a recognizably criminal offence and bring him before a court of law, or else release him;
- Calling on them to repeal or revise the Security Offences (Special Measures) Act (SOSMA) so that it conforms with international human rights standards.

PLEASE SEND APPEALS BEFORE 29 MARCH 2013 TO:

Minister of Home Affairs
 Datuk Seri Hishammudin Hussein
 Ministry of Home Affairs
 Blok D1 & D2, Kompleks D
 Pusat Pentadbiran
 Kerajaan Persekutuan
 62546 Putrajaya, Malaysia
 Fax : +60 3 8889 1613, +60 3 8889 1610
 Email: hishammuddin@moha.gov.my
Salutation: Dear Minister of Home Affairs

Inspector-General of Police
 Tan Sri Ismail Omar
 Royal Malaysian Police
 Ibu Pejabat Polis Diraja Malaysia
 Bukit Aman
 50560 Kuala Lumpur
 Email: kpn@mp.gov.my
Salutation: Dear Inspector-General

And copies to:
Human Rights Commission of Malaysia (SUHAKAM)
 Tan Sri Hasmy Agam, Chairman,
 Suruhanjaya Hak Asasi Manusia
 Malaysia
 Menara Tun Razak, 29th Floor,
 Jalan Raja Laut,
 50350 Kuala Lumpur, Malaysia
 Fax: +60 3 2612 5620
 Email: hasmyagam@suhakam.org.my

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

ARREST UNDER NEW LAW MEANS TORTURE RISK

ADDITIONAL INFORMATION

The Security Offences (Special Measures) Act (SOSMA) replaced the Internal Security Act (ISA) in June 2012. The law allows police to arrest without warrant suspects whom they “believe to be involved in security offences” and detain suspects incommunicado for 48 hours, increasing the risk of torture. The law also permits detention for up to 28 days without charge or access to the courts. It allows for violations of human rights such as freedom from arbitrary detention, torture and other ill-treatment, the right to privacy and the right to a fair trial.

The SOSMA allows the authorities to detain people and intercept communications without court approval and on the sole basis of “belief” or “consideration” that people may be involved in security-related offences.

While the Internal Security Act was repealed in 2011, approximately 23 ISA detainees remain incarcerated in Malaysia. They have yet to be brought before a court of law.

Name: Mohd Hilmi Hasim

Gender m/f: m

UA: 43/13 Index: ASA 28/001/2013 Issue Date: 15 February 2013