

UA 246/99 Fear of ill-treatment/possible prisoners of conscience

20 September 1999

**MALAYSIA**

**Hishamudin Rais**, 48, former student activist, film director  
**Mohammad. Azmin Ali**, 34, former private secretary to Anwar Ibrahim, member of *Parti Keadilan Nasional* (PKN)  
**Sivarasah Rasiah**, 42, lawyer and human rights activist,  
**Dr. Mohammad Hatta bin Ramli**, Member of *Parti Islam SeMalaysia* (PAS) Central Committee  
**Mohammad Ezam Mohammad Nor**, former political secretary to Anwar Ibrahim, Head of *Parti Keadilan Nasional* Youth Wing  
**Helmi bin Muhammad**, believed to be seriously injured  
**Saidin bin Nayan**, 65  
**Four others, including civil servants and businessmen**

---

Amnesty International fears that at least 11 persons, including those named above, may be ill-treated in detention and may be possible prisoners of conscience. They were detained in the last 24 hours in connection with an opposition demonstration that took place at the national mosque in Kuala Lumpur on 19 September 1999. Authorities have announced that they plan to detain at least eight other persons in connection with the demonstration, which was the largest to take place in Kuala Lumpur this year. Amnesty International is further concerned by reports that peaceful demonstrators were beaten during the demonstrations.

Eight people, including Helmi bin Muhammad, Saidin bin Nayan and six unnamed others, were arrested at the time of the 19 September demonstration, and have been remanded into custody for further investigation. All eight are reported to have received hospital treatment, either as a result of injuries sustained, or for the after effects of the chemicals used by water cannon to disperse demonstrators. Helmi bin Muhammad is reported to have received serious injuries to his head, back, eyes and neck. Among those arrested were a 14-year-old school boy who was videoing the demonstration, and another juvenile. Both have now been released on bail. All the remaining detainees have been remanded in custody for eight days, with the exception of Saidin bin Nayan who has been remanded for four days.

Sivarasah Rasiah, Hishamudin Rais, Dr. Hatta and Azmin Ali, all prominent figures of the political opposition, were arrested on 20 September. Hishamudin Rais and Azmin Ali have been charged with illegal assembly under Section 27 of the Police Act and Section 147 of the Penal Code, for causing a riot. A warrant has been issued for the arrest of Mohd. Ezam Nor, Anwar Ibrahim's former political secretary.

According to an eye-witness report, demonstrators, including *Parti Rakyat Malaysia* Youth leader Faizal Sanusi and Tian Chua of the *Parti Keadilan Nasional*, were reportedly beaten by police with batons during the 19 September demonstration. The police are also reported to have charged with batons when demonstrators started to disperse peacefully, following a two hour stand-off at the mosque.

There are fears that further persons may be arrested in the context of a public meeting or demonstrations due to take place on the evening of 20 September 1999, the first anniversary of the arrest of Anwar Ibrahim, former Deputy Prime Minister. Amnesty International would consider anyone arrested solely for their peaceful exercise of the right to freedom of assembly to be a prisoner of conscience.

**BACKGROUND INFORMATION**

On 19 September a demonstration of around 10,000 people took place at the National Mosque in Kuala Lumpur, calling for the establishment of a Royal Commission of Inquiry to investigate allegations that former Deputy Prime

Minister Anwar Ibrahim was poisoned in custody. Opposition leaders took a memorandum on the subject to the King of Malaysia. Police fired water cannon laced with chemicals and tear gas on demonstrators, reportedly to prevent them from marching together with opposition politicians to deliver the memorandum to the National Palace. Three policemen were reportedly injured during the demonstration, when demonstrators threw objects including stones and flower-pots. Opposition groups have stated the clash was provoked by police after members of the police beat up several opposition leaders without any warnings and fired teargas at the crowd.

Since the detention of Anwar Ibrahim in September 1998, street protests in support of the reform movement in Malaysia have taken place, the majority of which have been peaceful. Police have repeatedly broken up these demonstrations using water cannon and tear gas. Peaceful protesters have been beaten by police and reportedly by men in civilian clothes wearing red armbands, believed to be plainclothes policemen. Hundreds of protesters have been detained amid reports of ill-treatment during and immediately after arrest, and in police station detention cells ('lock-ups'). They have had their access to legal counsel restricted or denied before remand hearings. Hundreds have so far been brought to trial for taking part in demonstrations, under charges including "illegal assembly" and "failure to disperse". The government has stated that at least 12 students who took part in protests would be expelled or suspended from their educational establishments. Under Malaysia's Universities and University Colleges Act, students are prohibited from involvement in opposition political activities.

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

- urging that anyone detained solely for the exercise of the right to engage in peaceful assembly, or on account of their peaceful exercise of political beliefs, be immediately and unconditionally released;
- urging that everyone detained in connection with demonstrations be given immediate access to family, independent lawyers and medical attention, and should not be ill-treated while in detention;
- expressing concern at reports that demonstrators have been beaten by police, and calling for a full and independent investigation of these reports and for those responsible to be brought to justice;
- urging that the Royal Malaysia Police exercise maximum restraint in their treatment of demonstrators, and act at all times in accordance with international standards on the use of force and firearms by law enforcement officials;
- urging the authorities to ensure that the right of Malaysians to engage in peaceful assembly is respected.

**APPEALS TO:**

Minister for Home Affairs  
 Abdullah Ahmad Badawi  
 Minister of Home Affairs and Deputy Prime Minister  
 Jalan Dato' Onn  
 50502 Kuala Lumpur, Malaysia  
**Faxes: + 60 3 230 1051**  
**Salutation: Dear Minister**

**COPIES TO:**

Inspector General of Police  
 Tan Sri Norian Mai  
 Ibu Pejabat Polis Persekutan  
 Bukit Aman  
 Kuala Lumpur  
 Malaysia  
**Faxes: + 603 2910707**  
**Salutation: Dear Inspector General**

**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 1 November 1999.