

UA 303/98

Fear of ill-treatment / Possible prisoner  
of conscience

1 December 1998

MALAYSIATian Chua, 35, social scientist and human rights activist

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Tian Chua, a prominent human rights activist, who has already been detained twice since late September 1998 in connection with alleged involvement in public demonstrations, was arrested again on 30 November 1998. After reports that he was ill-treated during previous periods of detention, Amnesty International is concerned that he may be at risk of further ill-treatment in detention.

Tian Chua was arrested by two plain-clothes policemen immediately after being released on bail under charges of illegal assembly. He had been detained since 21 November, when he was arrested two hours after a public demonstration in central Kuala Lumpur. He was reportedly beaten by police at the time of arrest.

The police had failed to bring him before a magistrate within 24 hours of his arrest, as required by law.

This is the third time since September that Tian Chua, head of The People's Coalition for Democracy (Gagasan Demokrasi Rakyat), a recently formed coalition of non-governmental organizations and opposition political parties, has been arrested. Amnesty International believes he may have been detained in connection with his peaceful political activities, in which case it would consider him to be a prisoner of conscience.

Tian Chua was also arrested on 28 September and held in custody overnight after taking part in a peaceful demonstration that was broken up with force by police.

On this occasion he was reportedly beaten several times in detention, and has since lodged a complaint with authorities.

**BACKGROUND INFORMATION**

Since the arrest of Anwar Ibrahim, former Deputy Prime Minister and Finance Minister, demonstrations in support of him and in favour of his calls for broad political and social "reform" continue. The majority of these demonstrations have been peaceful. Hundreds of protesters have been arrested for illegal assembly. Many have reportedly been ill-treated by police both during and after their arrest and have had restricted access to legal counsel. In February 1999, 127 people are due to be tried under charges of participating in an illegal assembly. Amnesty International is concerned that many of these individuals have been detained for their peaceful exercise of the right to freedom of assembly. If found guilty, they may face a fine or up to a year's imprisonment.

For further information please refer to AI document *Malaysia: The arrest of Anwar Ibrahim and his political associates - an update* (AI Index ASA 28/39/98, 9 November 1998)

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

- expressing concern at reports that Tian Chua has been beaten in custody by police and seeking assurances that he is not ill-treated in detention;
- urging that he be charged with a recognizably criminal offence or released immediately;
- expressing concern at reports that Tian Chua and many others have been detained solely for peacefully exercising their right to freedom of assembly and opinion, and at reports that the police have ill-treated arrested demonstrators;

- urging the authorities to open a full and independent investigation of reports that Tian Chua and others who have been arrested in the context of ongoing demonstrations have been ill-treated by police, that the findings be made public and the suspected perpetrators be brought to justice;
- urging that pending their release from detention Tian Chua and all detained demonstrators be given full access to lawyers, relatives and medical care;
- reminding the government of Malaysia of its commitment to the Universal Declaration of Human Rights, in particular Articles 19 "Everyone has the right to freedom of expression and assembly" and 20 "Everyone has the right to freedom of peaceful assembly and association".

**APPEALS TO:**

**APPEALS TO:**

Prime Minister and Minister of Home Affairs

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 3 238 3784**

**Salutation: Dear Prime Minister**

**COPIES TO:**

Deputy Minister of Home Affairs

Dato' Tajol Rosli Ghazali

Deputy Minister of Home Affairs

Jalan Dato' Onn

50502 Kuala Lumpur, Malaysia

**Faxes: + 60 3 230 1051**

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 12 January 1999.