

URGENT ACTION

MALYSIAN ACTIVISTS HELD IN SECRET DETENTION

Six Malaysian activists detained under an emergency law are now being held in a secret location, which heightens their risk of torture and other ill-treatment.

After nearly two weeks in detention, six activists for electoral reform were allowed brief access to lawyers on 7 July. They are being held under an Emergency Ordinance, which allows for indefinite detention without charge.

The lawyers said the activists were blindfolded and handcuffed as they were escorted into a meeting room in Kuala Lumpur and were given only 15 minutes with them. The lawyers have filed a writ of habeas corpus, but have been told it will only be considered on 11 July.

The detainees are being held at an undisclosed location. Their detention order says they are being held at police headquarters but there are credible indications that they are being held at a police remand centre elsewhere. The holding of detainees in an undisclosed location places them outside protection of the law, and heightens their risk of torture and ill-treatment.

All six of the detainees hold positions in the Socialist Party (PSM), including Dr Jeyakumar Devaraj, a member of parliament. They were among 30 arrested in Penang on 25 June while travelling to an event for the Coalition for Clean and Fair Elections (Bersih 2.0), which the authorities banned as an illegal organization on 2 July.

Since 22 June, more than 230 people have been arrested ahead of a Bersih 2.0 rally planned for 9 July. The authorities have barred 15 leading activists from being in Kuala Lumpur, where many of them live, during the rally day. On 8 July, the day before the planned event, the authorities declined a permit for the rally.

Please write immediately in English or your own language:

- calling on the authorities to guarantee that the six detainees will not be tortured or otherwise ill-treated, and to disclose the location of their detention;
- urging them to allow the detainees immediate and regular access to lawyers of their choice, their families and an independent court as well as any medical attention they may require;
- urging them to charge the detainees promptly with a recognizably criminal offence and bring them before a court of law, or else release them;
- expressing concern that the Emergency Ordinance violates human rights, as set out in the Universal Declaration of Human rights, including the right to liberty, the right to a fair and public trial and the right to be presumed innocent;

PLEASE SEND APPEALS BEFORE 19 AUGUST 2011 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
Ketua Polis Negara
Ibu Pejabat Polis Diraja Malaysia
50506 Bukit Aman
Kuala Lumpur
Malaysia
Email: rmp@rmp.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

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 210/11. Further information:

<http://www.amnesty.org/en/library/info/ASA28/003/2011>

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ADDITIONAL INFORMATION

The six detainees are being held under an Emergency Ordinance, which allows for indefinite detention without charge and blocks judicial review. Under the Emergency (Public Order and Prevention of Crime) Ordinance 1969, police can hold detainees for 60 days without judicial review. After 60 days of questioning, the Home Minister can order further detention for up to two years, a period which is renewable indefinitely.

Like the Internal Security Act, the Emergency Ordinance infringes international human rights standards by enabling indefinite detention without charge or trial. Both Acts deny detainees the right to challenge their detention in a court of law. The Internal Security Act is imposed at a ministerial level, while requests for Emergency Ordinances are made by the police.

People detained under security laws such as the Emergency Ordinance have often been tortured or otherwise ill-treated by Special Branch police officers. When police lack evidence to bring charges, the Emergency Ordinance allows them to continue interrogation for a further 60 days after the seven-day remand period ends. The Inspector General of Police can block access to lawyers and family, resulting in incommunicado detention.

The Emergency Ordinance was enacted as a temporary measure in 1969; a state of emergency was declared when ethnic violence flared in the wake of a parliamentary election. More than four decades later, Malaysia has not revoked this emergency legislation.

Name/gender:

Dr Jeyakumar Devaraj, Socialist Party (PSM) MP for Sungai Siput (m)

M Saraswathy, PSM national deputy chairman (f)

Choo Chon Kai, central committee member (m)

M Sugumaran, central committee member (m)

A Letchumanan, Sungai Siput branch secretary (m)

R Sarathbabu, national youth chief (m)

Further information on UA: 210/11 Index: ASA 28/004/2011 Issue Date: 8 July 2011

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