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Human rights defender faces trial

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Amnesty International is concerned about the forthcoming trial of Irene Fernandez, the Director of *Tenaganita*, a women's non-governmental organization (NGO) based in Kuala Lumpur, the Malaysian capital. Irene Fernandez, aged 49, was arrested on 18 March 1996 and charged under Section 8A(1) of the Printing Presses and Publications Act¹ with publishing "false news" in a report on alleged human rights violations in camps for detained migrants. She is currently on bail awaiting trial which is scheduled to take place from 10 to 14 June 1996. If found guilty, she faces a prison term of up to three years. Should she be imprisoned, Amnesty International believes Irene Fernandez would be a prisoner of conscience.

Amnesty International is concerned that Irene Fernandez is to be tried solely because of her peaceful human rights activities. The organization is urging the Malaysian authorities to withdraw all charges against her and to address the findings of *Tenaganita's* report by establishing an independent public inquiry.

TENAGANITA'S REPORT

Tenaganita's report, released in August 1995, details allegations of a pattern of abuses in camps for detained migrants, including a series of deaths reportedly caused by malnutrition, beri-beri and other treatable illnesses. During the course of a year *Tenaganita* staff interviewed over 300 migrant workers following their release from detention as alleged illegal immigrants at various centres in Semenyih, Juru, Kelantan, Johore and Melaka. Most of the migrant workers interviewed are believed to be of Bangladeshi, Indonesian or Filipino nationality. The majority of the former detainees are alleged to have been suffering from dehydration and malnutrition on their release.

¹ Section 8A(1) of the Printing Presses and Publications Act stipulates that "Where in any publication there is maliciously published any false news, the printer, editor and the writer thereof shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or a fine not exceeding RM20,000 or both."

Many also claimed to have been beaten or made to stand in the sun for hours if they asked for water and there were allegations of sexual abuse of female detainees. Medical treatment was also claimed to have been denied to sick detainees.

Following publication of *Tenaganita's* report, the Deputy Minister of Home Affairs, Datuk Megat Junid Megat Ayob, admitted that deaths had occurred in the detention camps and announced in September 1995 the appointment of a visitors' panel to study conditions in the camps.

In October 1995 Amnesty International wrote to the Deputy Minister of Home Affairs expressing concern that the visitors' panel -- comprising former civil servants, media representatives and members of some NGOs -- had not been granted authority to investigate the causes of the deaths in the detention centres. Amnesty International urged the Deputy Minister to establish a full independent inquiry into the deaths and to investigate all allegations of torture or ill-treatment, making the findings public. The organization also appealed to the authorities to ensure that all detainees are treated humanely and have prompt access to medical treatment. No reply was received. Furthermore, to Amnesty International's knowledge the visitors' panel has only made one visit to a detention centre and has not published its findings to date.

In April 1996 the Ministry of Home Affairs is reported to have said that 71 detainees, including 37 Bangladeshis, have died in camps for detained migrants since 1992. However, the Ministry claimed that medical reports showed that the deaths were not caused by any abuse or torture and dismissed all allegations of sexual abuse of female detainees².

CONTINUING CONCERNS OVER FREEDOM OF EXPRESSION

Amnesty International is concerned that the Malaysian Government is again using existing legislation to threaten and intimidate those who seek to expose human rights violations or publicize issues of public concern. NGO workers, opposition politicians and other individuals who exercise their lawful right to freedom of expression and who publicly criticize the government appear to be increasingly vulnerable to prosecution and imprisonment for "criminal defamation" under the penal code or under other legislation such as the Printing Presses and Publications Act or the Sedition Act. One such case is that of Lim Guan Eng, an opposition parliamentarian who has been charged under both acts with publishing "false information" and with "prompting disaffection with the administration of justice in Malaysia". His trial began in January 1996 and is continuing.³

Amnesty International believes the charges against Irene Fernandez are a result of her peaceful activities in defence of human rights; the organization believes that all such charges should be withdrawn. It also reiterates its appeal to the authorities to conduct a full and impartial investigation into the cause of all deaths in the detention camps and other allegations of ill-treatment and to make the findings public. Amnesty International further calls on the authorities to ensure that those peacefully expressing their right to freedom of expression may do so free from intimidation and arrest.

² Report in the Sun newspaper of 11 April 1996.

³ See Malaysia: Opposition parliamentarian on trial for sedition (AI Index: ASA 28/04/96)

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