

26 April 2001

Further information on UA 94/01 (ASA 28/006/2001, 11 April 2001) - Fear of torture or ill-treatment / incommunicado detention without charge or trial/ prisoners of conscience

**MALAYSIATian Chua [m], Vice President, *Parti Keadilan Nasional* (PKN)
Mohd Ezam Mohd Noor [m], National Youth Chief, PKN
Haji Saari Sungip [m], PKN activist
Hishamuddin Rais [m], media columnist and social activist
Raja Petra Kamaruddin [m], Director of Free Anwar Campaign
N. Gobala Krishnan [m], Secretary General, PKN Youth
Abdul Ghani Harun [m], PKN Youth Central Committee member
New names: Badaruddin Ismail [m], human rights defender
Dr Badrul Amin Baharom [m], PKN Youth leader
Lokman Nor Adam [m], Executive Secretary, PKN Youth Wing**

Malaysian police have arrested another two opposition politicians and a human rights defender, bringing to ten the total number of detainees held under the Internal Security Act (ISA), which allows for indefinite incommunicado detention without charge or trial. They are being held in an unknown place of detention and denied access to their families and lawyers. They are all at grave risk of torture or ill-treatment.

On 26 April Malaysian police arrested human rights defender Badaruddin Ismail, who is a member of the secretariat of a leading human rights organization, *Suara Rakyat Malaysia* (Suaram), Voice of the Malaysian People. He had been assisting families of detainees and documenting an official enquiry into police brutality. The authorities have given no reasons for his arrest. Amnesty International believes that he has been arrested because of his peaceful activities in defence of fundamental human rights.

Dr Badrul Amin Baharom was arrested on 20 April in the capital, Kuala Lumpur, and Lokman Nor Adam was arrested in Shah Alam in the state of Selangor on 20 April. Both men are leading members of the opposition party, *Parti Keadilan Nasional* (PKN), National Justice Party.

The seven opposition politicians previously arrested have now been held incommunicado for over two weeks, and fears are mounting that they may have been tortured. The police have refused to reveal their exact place of detention. The Prime Minister, Dr Mahathir Mohamad, has denied that the arrests are politically motivated and has defended the detention without trial, claiming that the police have evidence that the PKN activists were planning to use explosives and weapons in street demonstrations to topple the government. No evidence supporting this accusation has been made public or presented before the courts. Amnesty International believes the real reason for the arrests is to suppress legitimate peaceful dissent, and considers all the detainees to be prisoners of conscience.

The seven detainees' lawyers have sought to challenge the legality of their arrests and have called for them to be brought before a court. However, on 25 April a High Court judge dismissed the *habeas corpus* petition issued by the lawyers of five of the detainees, ruling that the court had no jurisdiction over the matter as the arrests had been carried out by the police in line with the powers accorded to them under the ISA. The families of the detainees plan

to lodge an appeal against the decision. A similar application on behalf of two other detainees is currently pending before another court.

The Malaysian Human Rights Commission, *Suhakam*, have requested access to the detainees, but so far the police have failed to respond to the request. *Suhakam* have also called for their release, and urged for the ISA to be repealed or amended to prevent it from being used to violate fundamental human rights. The High Court judge reportedly criticized *Suhakam's* demand, calling it an "interference with the lawful exercise of discretion by the police". Other groups representing Malaysian civil society, including the Bar Council, leading opposition parties and non-governmental organizations, have also expressed concerns for the safety of the detainees, and have intensified their calls for the repeal of the ISA.

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

- calling for the immediate and unconditional release of Badaruddin Ismail, who has been detained on account of his peaceful activities in defence of human rights;
- calling for the immediate and unconditional release of the other detainees named above, who have been arrested solely for their peaceful dissenting political activities;
- urging the authorities to guarantee that they will not be tortured or ill-treated in detention;
- calling for them to be allowed immediate access to lawyers, families and medical attention;
- urging that the ISA be either repealed or amended so that it no longer allows for the detention without trial of those exercising their right to peaceful freedom of expression or assembly.

APPEALS TO: (Please note that it can be difficult getting through to Malaysian fax numbers. Please be patient and keep trying):

Minister of Home Affairs and Deputy Prime Minister

Dato' Abdullah Haji Ahmad Badawi

Menteri Dalam Negeri

Jalan Dato Onn,

50502 Kuala Lumpur

Malaysia

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Email: tpm@smpke.jpm.my

Salutation: Dear Minister of Home Affairs

Inspector General of Police

Tan Sri Norian Mai

Ketua Polis Negara

Ibupejabat Polis Diraja Malaysia

Bukit Aman

50502 Kuala Lumpur

Malaysia

Fax: + 60 3 22731326

Salutation: Dear Inspector General of Police

COPIES TO:

Chairman, Human Rights Commission (SUHAKAM)

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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 7 June 2001.