

EXTERNAL

AI Index: ASA 28/08/96

UA 127/96 Legal Concern / Possible Prolonged Detention without Trial / Possible Prisoners of Conscience

22 May 1996

MALAYSIA Ibrahim Mohamad

Sabri Abdul Rani

Nasiruddin Ali

Fakhruddin Al-Rozi Abdullah

Special Branch police officers arrested four former members of the *Al Arqam* Islamic sect at their homes in Kuala Lumpur recently and detained them without charge under the Internal Security Act (ISA). Ibrahim Mohamad, Sabri Abdul Rani and Nasiruddin Ali were arrested on 7 May, while local newspapers reported that Fakhruddin Al-Rozi Abdullah was detained on 10 May. The men are believed to be held because of alleged attempts to revive the *Al Arqam* sect.

Police confirmed that the men are being held under Section 73 (1) of the ISA which allows any police officer to detain without a warrant any person suspected of acting in "*any manner prejudicial to the security of Malaysia*" for an investigation period of up to 60 days. Subsequently, the Minister of Home Affairs is empowered, without any reference to the courts, to sign Detention Orders of up to two years, which can be renewed indefinitely.

Amnesty International believes that the four detainees are being held for the peaceful expression of their religious beliefs. The organization calls on the Malaysian Government to either charge the four prisoners with a recognisable criminal offence or to release them.

BACKGROUND INFORMATION

The *Al Arqam* group, a Sufi sect with messianic beliefs belonging to the Sunni branch of Islam, had an estimated 100,000 followers in Malaysia and abroad. In 1994 the government accused *Al Arqam* of preaching "deviationist" Islamic teachings and made charges, never substantiated, that the group planned to use violence against the state.

In August 1994, after the National Fatwa Council (the highest authority on Islamic law in Malaysia) ruled that the teachings and beliefs of the group contravened Islamic practice and tenets, the government declared *Al Arqam* unlawful under the Societies Act (1966). Some 150 members arrested under the Societies Act were subsequently released on bail. However seven were held without the possibility of bail under the ISA, including *Al Arqam* leader in exile Ashaari Muhammad, who had been handed over to Malaysian police by the Thai authorities on 3 September 1994. On 31 October 1994 Ashaari announced the disbanding of *Al Arqam*, saying that he had accepted the charges of "deviationist" beliefs while discussing religious issues with police during his detention. All *Al Arqam* ISA detainees were subsequently released, though they continue to be subjected to ISA orders restricting their freedom of movement and residence. One of the recent detainees, Sabri Abdul Rani, was reportedly charged in April 1996 with allegedly breaking the terms of his restricted residence order.

The government continues to justify the use of the ISA against religious "deviationist" and other groups by claiming that it is necessary to preserve harmony and security in Malaysia's multi-racial and multi-religious society. Amnesty International remains concerned at the extra-ordinary and largely

unaccountable powers of arrest and detention which the ISA gives to the Executive and removes from the Judiciary.

Along with human rights groups within Malaysia, Amnesty International calls for a review of the ISA to prevent the detention without trial of prisoners of conscience. Those who are suspected of posing an extreme and imminent threat to racial or religious harmony should be brought before a court of law and given an opportunity to defend themselves. Such action would serve to uphold the right of the individual to the peaceful expression of his or her opinions, while recognising the need to protect the welfare and safety of the wider community.

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

- expressing concern at the detention without charge or trial of Ibrahim Mohamad, Sabri Abdul Rani, Nasiruddin Ali and Fakhruddin Al-Rozi Abdullah, former members of *Al Arqam*, for allegedly threatening the security of the state;
- urging that the four be charged with a recognizable criminal offence or immediately and unconditionally released;
- urging the government to allow all former *Al Arqam* members their freedom of religion and freedom of expression as set out in the Universal Declaration of Human Rights;
- calling for a review of the ISA so that the rights of the individual and the rights of the community can be balanced through courts of law and not through Executive action.

APPEALS TO:

Prime Minister and Minister of Home Affairs

Dato' Seri Dr Mahathir bin Mohamad

Prime Minister's Department

Jalan Dato' Onn

50502 Kuala Lumpur, Malaysia

Faxes: +603 298 4172

Telegrams: Prime Minister Mahathir, Kuala Lumpur, Malaysia

Salutation: Dear Prime Minister

COPIES TO:

Deputy Minister of Home Affairs

Datuk Megat Junid Megat Ayub

Jalan Dato' Onn

50502 Kuala Lumpur, Malaysia

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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 3 July 1996.