

1 June 2001

Further information on UA 94/01 (ASA 28/006/2001, 11 April 2001) and follow-ups (26 April 2001, ASA 28/007/2001 and 9 May 2001, ASA 009/2001) - Fear of torture or ill-treatment / incommunicado detention / 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. Gobalakrishnan [m], Secretary General, PKN Youth
Abdul Ghani Harun [m], PKN Youth Central Committee member
Badaruddin Ismail [m], human rights defender
Dr Badrul Amin Baharom [m], PKN Youth leader
Lokman Nor Adam [m], Executive Secretary, PKN Youth Wing

N. Gobalakrishnan and Abdul Ghani Harun were released on 30 May after a High Court judge ruled that their detention was unlawful. This is a very unusual ruling, which has been welcomed by local human rights groups. The police have appealed against the judge's decision.

The men had been held incommunicado under the Internal Security Act (ISA) for 50 days and 49 days respectively. They were allowed brief visits from their families only towards the end of this time. In his ruling, the judge said that denying them access to their families was "cruel, inhuman and oppressive", and that refusing to let them see their lawyers was "a gross violation of [their] fundamental human rights as enshrined in the Constitution". In his judgement at the court in Shah Alam, outside the capital, Kuala Lumpur, he also called for Parliament to review the ISA to prevent further abuses.

According to press reports, the two men appeared to have lost weight and looked pale when they were released. Their lawyers have advised them not to speak about their treatment in custody until all remaining detainees are released. The police had reportedly threatened them with re-arrest under the ISA. The judge ordered the police not to do so for at least 24 hours, to allow them to spend time with their families. In the past, on the rare occasions that courts have ordered the release of ISA detainees, they have been immediately re-arrested.

Amnesty International remains concerned for the safety of the other eight detainees, who are still held incommunicado, apart from brief family visits with police officers present, and are denied access to their lawyers. The Malaysian Human Rights Commission, *Suhakam*, visited them on 29 May, but were only allowed to speak to them with police officers present. According to a *Suhakam* press statement, they seemed anxious and one appeared to have lost a lot of weight. All had been refused access to reading materials for 30 days and one had not been allowed pen and paper. Another detainee said he had been refused permission to lodge a complaint about his treatment.

After detainees have been held for 60 days, the Minister of Home Affairs has the power to sign detention orders for up to two years at a time, which can be renewed indefinitely, without endorsement from the courts. It is believed he will make a decision regarding the remaining detainees on or around 9 June.

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

- welcoming the release of N. Gobalakrishnan and Abdul Ghani Harun, and urging the police to respect the decision of the Shah Alam High Court and not re-arrest them;
- urging that all the remaining detainees be released immediately and unconditionally;
- welcoming the news that the detainees have been allowed brief visits from their relatives and from *Suhakam*, but urging that they be allowed these visits on a regular basis, as well as full access to lawyers and medical attention;
- expressing concern that the detainees may have been subjected to intense psychological pressure amounting to torture, and urging that they not be tortured or ill-treated in any way;
- urging that the ISA be 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:

Minister of Home Affairs and Deputy Prime Minister

Dato' Abdullah Haji Ahmad Badawi

Menteri Dalam Negeri

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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 13 July 2001.