

EXTERNAL

AI Index: ASA 28/14/97

UA 407/97

Excessive force / Ill-treatment /
Possible prisoners of conscience

22 December 1997

MALAYSIA Enyang ak Gendung, aged 40)
Indit ak Uma) shot and injured
Siba ak Sentu, 36)

Untok ak Utom)
Rolly ak Sylvester Nyelong)
Sylvester Nyelong ak Mudat, aged 36)
Johan ak Jau, aged 19) detained
Jau, aged 50)
Tingom ak Rangking, aged 60)

Fear for the safety of members of the *Dayak Iban* indigenous community in the Malaysian state of Sarawak involved in a land dispute has been heightened after three *Iban* were shot and seriously injured by police during a protest on 19 December 1997. Several community members subsequently taken into police custody may be prisoners of conscience.

Officers of the Police Field Force (PFF), armed with M16 rifles, opened fire on unarmed villagers in Sungai Subukut, Bakong, Miri Division in Sarawak. Enyang ak Gendung is in a coma in intensive care and it is feared he may not survive. Indit ak Uma and Siba ak Sentu are also being treated at Miri General Hospital for gunshot injuries. Several others are reported to have been injured by police batons, including TR Bangga ak Andap the village headman, and Untok ak Utom who was admitted to hospital after being struck on the head. He was later taken into police custody.

The shootings and beatings happened during the course of a peaceful protest by about 300 members of the indigenous community against the development of their native customary land by an oil palm plantation company, Empresa Sdn. Bhd. Local people lodged complaints with the police against the company after it began clearing their land with bulldozers and damaging crops without any prior notification or consultation with them. When the police and other government authorities refused to take any action against the company and clearance operations continued, the villagers confiscated three of the company's bulldozers and began a peaceful protest, calling for negotiations over the use of their land. On 19 December PFF officers arrived at the scene and tried to arrest several people without any warrant. A commotion began and police officers opened fire on the villagers.

Six people, including Untok ak Utom, are reported to have been detained at Miri Central Police Station in connection with the incident. It is not known whether they have been charged with any offence.

According to an article published in the *Borneo Post* on 20 December, one police officer was injured by a machete during the incident. Large numbers of PFF officers have since been drafted into the area and there are fears that further arrests may be imminent.

BACKGROUND INFORMATION

Amnesty International is concerned about reports of escalating harassment and arbitrary arrests of members of the indigenous *Dayak Iban* communities who have been engaged in peaceful protests at the development of their native customary

land by oil palm plantation companies. In July 1997, 42 members of another Iban community in Sarawak were detained for several weeks in connection with a similar dispute. A number of the group were badly beaten during arrest. (See UA 196/97, ASA 28/10/97, 2 July 1997 and update, ASA 28/11/97, 4 August).

The following month the Miri High Court allowed their appeals against their detention, ruling that they had been arrested without just cause and quashing an order for them to keep the peace for six months.

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

- expressing deep concern at the shooting of Enyang ak Gendung, Indit ak Uma and Siba ak Sentu by police officers on 19 December 1997;
- calling for an immediate impartial inquiry into the shootings and reports of ill-treatment, for the findings to be made public, and for those responsible to be brought to justice;
- calling for immediate steps to ensure that members of the police abide by the UN Code of Conduct for Law Enforcement Officials;
- urging that anyone detained solely on account of their peaceful activities in protest at the development of their native customary land be released immediately and unconditionally;
- seeking assurances that the *Dayak Iban* who are engaged in peaceful protests at the development of their land will be able to do so free from the threat of arbitrary arrest or ill-treatment.

APPEALS TO:

Chief Minister of Sarawak

YAB Datuk Patinggi Tan Sri Abdul Taib Mohamad

Chief Minister of Sarawak

Tingkat 14, Wisma Bapa Malaysia

Petra Jaya, 93502 Kuching, Sarawak, Malaysia

Telegrams: Chief Minister, Sarawak, Malaysia

Faxes: +60 82 440 506;

Salutation: Dear Minister

Inspector General of Police

Tan Sri Rahim Noor

Federal Police Headquarters

Bukit Aman Police Station

50560 Kuala Lumpur, Malaysia

Telegrams: Inspector General, Bukit Aman, Kuala Lumpur, Malaysia

Faxes: +60 3 291 0707

Salutation: Dear Inspector General

COPIES TO:

Prime Minister

Dato' Seri Dr Mahathir bin Mohamad

Prime Minister and Minister of Home Affairs

Jalan Dato' Onn, 50502 Kuala Lumpur, Malaysia

Faxes: +60 3 255 6264 or +60 3 298 4172

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 10 February 1998.