

14 June 2001

Further information on UA 94/01 (ASA 28/006/2001, 11 April 2001) and follow-ups (ASA 28/007/2001, 26 April 2001; ASA 28/009/2001, 9 May 2001; ASA 28/011/2001, 1 June 2001 and ASA 28/013/2001, 4 June 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
Dr Badrul Amin Baharom [m], PKN Youth leader
Lokman Nor Adam [m], Executive Secretary, PKN Youth Wing

Released:Badaruddin Ismail [m], human rights defender

The Minister of Home Affairs has ordered Dr Badrul Amin Baharom and Lokman Nor Adam to be detained for two years without charge or trial under the Internal Security Act (ISA). On 13 June they were transferred to Kamunting detention camp, where Tian Chua, Mohd Ezam Mohd Noor, Haji Saari Sungip and Hishamuddin Rais are also held.

Dr Badrul Amin Baharom is reportedly accused of involvement in activities "detrimental to the safety of Malaysia" and of "exploiting religious issues and making baseless allegations against the government". Lokman Nor Adam is apparently accused of being "directly involved in planning attempts on the lives of certain national leaders with the help of separatist guerrillas from a neighbouring country by using explosives". The authorities have failed to substantiate the allegations and continue to deny the men access to their lawyers, and the right to defend themselves in court. Amnesty International believes they have been detained because of their peaceful dissenting political activities.

The families of Dr Badrul Amin Baharom and Lokman Nor Adam were reportedly not informed of the detention orders, which were signed on 13 June, the day before the High Court in Shah Alam was due to hear *habeas corpus* petitions challenging the legality of their detention. A judge at the same court recently ordered the release of two other political activists after ruling that their detentions were unlawful.

Human rights defender Badaruddin Ismail was released unconditionally by the police on 5 June. He told reporters he had been kept in solitary confinement and subjected to daily interrogations.

Political activist N. Gobalakrishnan, who was released on 30 May after being held incommunicado for 50 days, has recently spoken about his treatment. He said that he had been kept in solitary confinement in a room measuring eight by six feet and had been subjected to daily, lengthy interrogation about alleged sexual relationships. The police did not question him about allegations that he had sought to topple the government through militant means. They told him that the reason for his arrest was that he had insulted the Prime Minister by repeatedly calling for his resignation. When he refused to make a confession, he was shouted at, harassed and pushed against the wall. He was also told repeatedly that his family did not wish to see him. When he was eventually visited by representatives of the Malaysian Commission on Human Rights, he was weak, shivering and breathing with difficulty, but the police officers

present prevented him from answering questions about his treatment. He was also repeatedly denied permission to lodge an official complaint.

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

- expressing deep regret that the Minister of Home Affairs has ordered Dr Badrul Amin Baharom, Lokman Nor Adam, Tian Chua, Mohd Ezam Mohd Noor, Haji Saari Sungip and Hishamuddin Rais to be detained without charge or trial for two years;
- urging that they be released immediately and unconditionally, as they are prisoners of conscience, detained solely for their peaceful dissenting political activities;
- expressing concern that the ISA violates fundamental human rights, as set out in the Universal Declaration of Human Rights, including the right not to be subjected to torture or other cruel, inhuman and degrading treatment, the right to a fair and public trial and the right to be presumed innocent until proved guilty according to law;
- 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
 Jalan Dato Onn,
 50502 Kuala Lumpur
 Malaysia
Fax: + 60 3 230 1051 or + 60 3 230 1217
Email: tpm@smpke.jpm.my
Salutation: Dear Minister of Home Affairs

COPIES TO:

Chairman, Human Rights Commission (SUHAKAM)
 Ybhg. Tan Sri Musa Hitam
 Suruhanjaya Hak Asasi Manusia Malaysia
 29th Floor
 Menara Tun Razak
 Jalan Raja Laut
 50350 Kuala Lumpur
 Malaysia
Fax: + 603 26125620
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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 26 July 2001.