

PUBLIC

AI Index: ASA 28/024/2001

3 October 2001

Further information on UA 200/01 (ASA 28/022/2001, 3 August 2001) and follow-up (ASA 28/023/2001, 6 August 2001) - Fear of torture or ill-treatment / incommunicado detention / possible prisoners of conscience

MALAYSIAAhmad Tajuddin Abu Bakar (m), *Parti Islam SeMalaysia* (PAS) youth leader
Solehan Abdul Ghaffar (m), activist, PAS welfare unit
Alias Ngah (m), activist, PAS welfare unit
Zainun Ismail (m)
Abu Bakar Che Doi (m), PAS member
Asfawani Abdullah (m), PAS member
Ahmad Pozi Darman (m)
Nik Adli Nik Abdul Aziz (m), school teacher and PAS member
Mohd Lothfi Ariffin (m), PAS youth leader

Released:Norashid Sakid (m), PAS youth leader

On 25 September the Minister of Home Affairs ordered the nine men named above, who were arrested in early August, to be detained for two years without trial under the Internal Security Act (ISA). They have been sent to Kamunting detention camp.

Norashid Sakid is reported to have been released but placed under a Restricted Residence Order, confining him to the state of Johor.

All ten were held incommunicado for at least 50 days during interrogation by police and were denied access to lawyers. It is feared they may have been subjected to intense psychological pressure amounting to torture, or to physical abuse.

The authorities claimed that the detainees had previously undergone religious and military training in Afghanistan and were planning to overthrow the Malaysian government by force and set up an Islamic state. The authorities issued public statements linking them to a local Islamic militant group, allegedly called *Kumpulan Mujahidin Malaysia* (Malaysian Mujahedin Group), which they claim was also responsible for a series of crimes including bank robberies, a murder and the bombing of a church and a temple. However, no evidence implicating the detainees has been made public. Under the ISA they are denied their right to defend themselves before a court of law.

Amnesty International believes that some of the detainees may be prisoners of conscience, detained solely on account of their peaceful dissenting political activities as leading members of Malaysia's largest opposition party, the *Parti Islam SeMalaysia* (PAS). PAS has said that the government's real motive for detaining these people is to discredit the party by portraying its members as extremists.

The government has recently cited the 11 September attacks on the World Trade Center and the Pentagon in the USA as justification for maintaining the ISA, which allows for indefinite detention without trial.

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that the Minister of Home Affairs has ordered the nine men named above to be detained without charge or trial for two years;

- calling for them to be released immediately if they have been detained solely for their peaceful dissenting political activities, or else be charged with a recognizably criminal offence;
- urging the repeal or amendment of the ISA, expressing concern that it 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.

APPEALS TO:

Minister of Home Affairs & Deputy Prime Minister

Dato' Abdullah Haji Ahmad Badawi

Ministry of Home Affairs (Menteri Dalam Negeri)

Aras 13, Blok D1

Parcel D, Pusat Pentadbiran Kerajaan Persekutuan

65202 Putrajaya, Selangor

Malaysia

Fax: + 60 3 8886 8014

E-mail: tpm@smpke.jpm.my

Telegram: Minister of Home Affairs, Ministry of Home affairs, Selangor, Malaysia

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: + 60 3 26125620

E-mail: humanrights@humanrights.com.my

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 14 November 2001.