

PUBLIC

AI Index: ASA 28/029/2003

24 November 2003

Further Information on UA 323/03 (ASA 28/027/2003, 11 November 2003) - Fear of torture or ill-treatment/incommunicado detention

MALAYSIA	Ahmad Muaz Ali Bakry (m), aged 21]
	Mohamed Amin (m), aged 20] released
	Ahmad Firdaus Kamaruddin (m), aged 18]
	Mohamed Tarmizi Nordin (m), aged 17]
	Mohamed Ikhwan Abdullah (m), aged 19] Students at Abu Bakar
	Mohamed Radzi Abdul Razak (m), aged 19] Islamic University, Karachi
	Shahrulnizam Hamzah (m), aged 21]
	Mohamed Akil Abdul Raof (m), aged 21] students at the
	Edi Irman Shaari (m), aged 19] University of Islamic Studies,
	Mohamed Faiz Kamarulzaman (m), aged 18] Karachi
	Nurul Mohamed Fikri Mohamed Safar (m), aged 18]
	Mohamed Arifin Zulkamaen (m), aged 18]
	Abidzar Jaafar (m), aged 18]

On 24 November, Ahmad Muaz Ali Bakry, Mohamed Amin, Ahmad Firdaus Kamaruddin, Mohamed Tarmizi Nordin were unconditionally released from detention under the Internal Security Act (ISA). They had been detained by the police since 10 November. The other nine students named above, continue to be detained under the ISA. They can be held for an indefinite period without charge or trial, during which they will be at risk of torture or ill-treatment.

The students, all Malaysian nationals, had been studying at two Islamic universities in the Pakistani capital Karachi. They were detained by Pakistani authorities on 20 September 2003 for their alleged links to militant Islamic groups, and were held without charge for two months before being returned to Malaysia, where they were immediately arrested by Malaysian police. Police officials stated that the thirteen were detained in order to establish whether they have any links with *Al Qa'ida* or the regional group *Jemaah Islamiyah*, which allegedly wants to create an Islamic state in South East Asia, through the use of force.

In response to the arrests, the Malaysian Human Rights Commission (SUHAKAM) called on the authorities not to misuse the ISA, and to complete investigations into the cases of those held under the Act quickly and in good faith. SUHAKAM secretary Kamaruddin Mohamed Baria stated that the government should apply the principle of 'innocent until proven guilty', especially because the students are aged between 17 and 25.

BACKGROUND INFORMATION

There are currently 79 alleged Islamist militants detained under the ISA, without charge or trial, in Kamunting Detention Camp. Some of these detentions date back to July 2000. Under the ISA, the police may detain without warrant any person deemed a threat to the national security or economic life of Malaysia for up to 60 days for investigation. The Minister of Home Affairs can subsequently issue a renewable two-year detention order, without reference to the courts.

Those detained under the ISA have in the past been denied access to lawyers and their families, and been held in solitary confinement during the first 60 days of their detention. Detainees have reported being physically assaulted, forced to strip, deprived of sleep, food and water, and told their families would be

harmed. There have been reports of the use of prolonged aggressive interrogation techniques, used in order to coerce a confession or to elicit information, that amount to torture or ill-treatment. The detainee's vulnerability is increased by the fact that judicial or legal intervention is highly restricted, and when granted usually proves ineffective.

The ISA has been repeatedly criticized by domestic and international human rights organizations, as it violates fundamental human rights and has been used as a tool to suppress peaceful political, religious, academic and social activities perceived as threats by the authorities.

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

- welcoming the release of Ahmad Muaz Ali Bakry, Mohamed Amin, Ahmad Firdaus Kamaruddin and Mohamed Tarmizi Nordin;
- expressing concern at the continued detention of the other nine students named above;
- urging the authorities to guarantee that the nine students will not be subjected to physical or psychological torture, or other ill-treatment, while in custody;
- urging the authorities to charge them with a recognizably criminal offence and bring them before a court of law, or else release them immediately;
- expressing concern that the Internal Security Act (ISA) violates fundamental human rights, as set out in the Universal Declaration of Human Rights, including the right to a fair and public trial and the right to be presumed innocent until proven guilty according to law.

APPEALS TO:

Prime Minister

Dato= Abdullah Haji Ahmad Badawi
Prime Minister=s Department, Block 1
Federal Government Administration Centre
62502 Putrajaya, Selangor, Malaysia

Telegram: Prime Minister, Putrajaya, Selangor, Malaysia

Fax: + 60 3 8888 8344 / 3530 (faxes may be switched off outside office hours, 7 hours ahead of GMT)

Salutation: Dear Prime Minister

Inspector General of Police

Tan Sri Norian Mai
Ketua Polis Negara
Ibupejabat Polis Diraja Malaysia
Bukit Aman
50502 Kuala Lumpur, Malaysia

Telegram: Inspector General of Police, Ketua Polis Negara, Kuala Lumpur, Malaysia

Fax: + 60 3 2273 1326 (please keep trying)

Salutation: Dear Inspector General of Police

COPIES TO:

Chairman of National Human Rights Commission

Tan Sri Abu Talib Othman
Suruhanjaya Hak Asasi Manusia Malaysia
29th Floor, Menara Tun Razak
Jalan Raja Laut
50350 Kuala Lumpur, Malaysia

Fax: + 60 3 2612 5620

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 5 January 2004.