

PUBLIC

AI Index: ASA 28/031/2003

10 December 2003

Further Information on UA 323/03 (ASA 28/027/2003, 11 November 2003) and follow-up (ASA 28/029/2003, 24 November 2003) - Fear of torture or ill-treatment/incommunicado detention

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

On 9 December, students Shahrulnizam Hamzah, Mohamed Faiz Kamarulzaman, Nurul Mohamed Fikri Mohamed Safar and Mohamed Arifin Zulkamaen, were released subject to restriction orders confining them to their home districts. They had been held under the Internal Security Act (ISA) during police investigations since 10 November.

Five other students arrested at the same time, Mohamed Ikhwan Abdullah, Mohamed Radzi Abdul Razak, Edi Irman Shaari, Mohamed Akil Abdul Raof and Abidzar Jaafar were ordered by the Home Minister on 9 December to be detained for two years without charge or trial under the ISA. The five have been transferred to Kamunting Detention Camp in Perak state, where they are permitted limited access to their relatives and lawyers. The risk of torture or ill-treatment, a serious concern during the period of police investigation, has declined.

The nine students were detained on 10 November, along with four others, who were released unconditionally on 24 November. 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 southeast Asia, through the use of force.

BACKGROUND INFORMATION

There are currently 84 alleged Islamist militants reported detained under the ISA 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.

Although at least nine of the 13 students arrested were eventually allowed access to family members and lawyers, in the past most suspects detained under the ISA have been held incommunicado, 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 interventions, including *habeas corpus* writs, are highly restricted, and when granted usually prove 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.

Many thanks to all those who sent appeals. Amnesty International will continue to campaign using longer-term methods on behalf of all detainees held without charge or trial under the ISA. If possible, please send a final round of appeals to arrive as quickly as possible, in English or your own language:

- welcoming the release of Shahrulnizam Hamzah, Mohamed Faiz Kamarulzaman, Nurul Mohamed Fikri Mohamed Safar and Mohamed Arifin Zulkamaen, but calling for their restriction orders to be lifted;
- expressing grave concern at the two-year detention orders without trial imposed under the Internal Security Act (ISA) on Mohamed Ikhwan Abdullah, Mohamed Radzi Abdul Razak, Edi Irman Shaari, Mohamed Akil Abdul Raof and Abidzar Jaafar;
- urging the authorities to charge them with a recognizably criminal offence and to 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 22 January 2004.