

PUBLIC

AI Index: ASA 28/38/98

4 November 1998

Further information on UA 357/97 ((ASA 28/13/97, 13 November 1997) and follow-up (ASA 28/15/97, 24 December 1997; ASA 28/03/98, 12 February 1998 ASA 28/04/98, 3 March 1998)- Legal Concern / Health Concern /Prolonged Detention without Trial / Prisoners of Conscience, and new concern: Health concern

**MALAYSIAProfessor Lutpi Ibrahim, aged 48, professor in Islamic studies at the University of Malaysia  
Fadzullah Shuib, aged 40, lecturer at Mara Institute of Technology  
Syed Sulaiman bin Syed Hassan, aged 35  
Zainal Adam, aged 46  
Said Muda, aged 43  
Ustaz Abdul Hassan, aged 50  
Che Kamarulzaman Ismail, aged 44**

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Che Kamarulzaman Ismail is reported to be on hunger strike in protest at his continued detention without trial. Amnesty International is concerned for his health amid fears that he may not have access to adequate medical care.

Che Kamarulzaman Ismail, together with the others named above were detained under the Internal Security Act (ISA) in November 1997 for allegedly propagating teachings of the Shi'a sect of Islam -- activities the authorities maintain are 'prejudicial to national security and Muslim unity'. They were subsequently ordered to be detained without charge or trial for up to two years. All are considered by Amnesty International to be prisoners of conscience.

The ISA allows any person suspected of threatening the national security or economic life of Malaysia to be detained without warrant for a police investigation period of up to 60 days. The Minister of Home Affairs may subsequently, and without reference to the courts, issue detention orders of up to two years, renewable indefinitely.

#### **BACKGROUND INFORMATION**

Professor Lutpi Ibrahim and Fadzullullah Shuib were released on 23 December 1997, after the High Court allowed a *habeas corpus* application and ruled their detention to be invalid, only to be immediately rearrested by police under the ISA. Badrol Baharom, Paharuddin Mustapha and Abdullah Hassan, also detained under the ISA and featured in the original action, were released but remain under ISA restriction orders curtailing their freedom of movement and association.

The ISA has been used against other religious groups in Malaysia accused of propagating allegedly 'deviationist' Islamic teaching. Between 1994 and 1998 at least 29 members of the banned *Al Arqam* Sunni Islamic sect were detained without trial under the ISA in this connection. All have been released, but at least 13 former *Al Arqam* members remain under ISA restriction orders.

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

- expressing concern for the health of Che Kamarulzaman Che Ismail, currently on hunger strike in protest at his detention without trial, and requesting the government provide him with all necessary medical care;

- calling on the government to allow the detainees to receive visits from their families and to ensure they have full access to medical care;
- expressing concern at the continued detention without charge or trial of the seven above-named men under the Internal Security Act (ISA), for the non-violent expression of their religious beliefs and calling for their immediate and unconditional release;
- calling for the ISA to be amended so that it no longer allows for those who peacefully express religious or political beliefs to be arrested and imprisoned;
- calling for the ISA to be amended also to ensure that those suspected of threatening national security have the opportunity to defend themselves before a court of law;
- reminding the Malaysian government of its commitment to the Universal Declaration of Human Rights, in particular Article 9: "No one shall be subjected to arbitrary arrest, detention or exile."

**APPEALS TO:**

**Fax tones can be difficult to obtain but are likely to be more readily available during office hours local time (+8 GMT).**

Prime Minister and Minister of Home Affairs  
Dato' Seri Dr Mahathir bin Mohamad  
Prime Minister and Minister of Home Affairs  
Jalan Dato' Onn  
50502 Kuala Lumpur, Malaysia  
**Telegrams: Prime Minister, Kuala Lumpur, Malaysia**  
**Faxes: + 60 3 238 3784**  
**Salutation: Dear Prime Minister**

**COPIES TO:**

Deputy Minister of Home Affairs  
Dato' Tajol Rosli Ghazali  
Deputy Minister of Home Affairs  
Jalan Dato' Onn  
50502 Kuala Lumpur, Malaysia  
**Faxes: + 60 3 230 1051**

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 16 December 1998.

**"No one shall be subjected to arbitrary arrest, detention or exile."**

Article 9, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>