

URGENT ACTION

AT LEAST 13 DETAINEES DETAIL ABUSE AND TORTURE

At least 13 detainees, arrested under the Security Offences Act, have reported torture or other ill-treatment by the authorities and sexual harassment of their family members.

At least **13 detainees** who were arrested for suspected security offences under the Security Offences (Special Measures) Act 2012 (SOSMA), have reported torture and other ill-treatment by the authorities in various prisons across Malaysia. They remain at serious risk.

In January 2016, the human rights organisation Suara Rakyat Malaysia (SUARAM) reported receiving letters written by seven detainees, including one woman. In the letters the detainees detailed physical and mental abuse including being beaten up and stepped on, forced to strip, crawl like a dog and forced into performing sexual acts in the presence of the authorities and their family members were sexually harassed. In February 2016, six other men, also detained under the SOSMA, sent letters to SUARAM reporting cruel and inhumane treatment and torture during interrogations, including being held at gun point, and being drenched in cold water and left in an air-conditioned room.

The SOSMA was introduced in 2012 to “provide for special measures relating to security offences for the purpose of maintaining public order and security” and it gives the authorities wide-ranging and arbitrary powers. The Act fails to meet international human rights standards in several key ways, including by allowing police to detain suspects incommunicado for up to 48 hours, increasing the risk of torture, and by allowing detention without charge or access to courts for up to 28 days.

Amnesty International is aware that the Malaysia Human Rights Commission (Suhakam) has initiated an investigation into the allegations.

Please write immediately in English, Malay or your own language:

- Urging the authorities to ensure that all those detained are not tortured or subject to other ill-treatment;
- Calling on them to ensure that all detainees are provided with appropriate medical care, access to lawyers of their choice, access to family members and that their families are not threatened or harassed;
- Urging them to independently investigate the allegations of torture and other ill-treatment of the 13 detainees, make the findings public, and ensure that all those responsible, are brought to justice in fair trials, and that victims are provided with reparations.

PLEASE SEND APPEALS BEFORE 27 APRIL 2016 TO:

Inspector General of Police

Tan Sri Dato' Sri Khalid bin Abu Bakar
Ibu Pejabat Polis Diraja Malaysia
Bukit Aman
50560 Kuala Lumpur
Malaysia
Fax: +603 2070 7500

Salutation: Dear Inspector General

Attorney General

Tan Sri Mohamed Apandi Ali
Attorney General's Office
No. 45, Persiaran Perdana, Precinct 4,
62100 Putrajaya, Wilayah Putrajaya,
Malaysia
Fax: +603 8890 5670
Email: pro@agc.gov.my

Salutation: Dear Attorney General

And copies to:

Chief Executive Officer, Enforcement

Agency Integrity Commission

Kamal Baharin Omar
Aras 5, Blok Menara, Bangunan Menara
Usahawan
No. 18 Persiaran Perdana,
Presint 2, 62652 Putrajaya, Malaysia
Fax: +603 8888 6526
Email: aduan@eaic.gov.my

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

**AMNESTY
INTERNATIONAL**



Please check with your section office if sending appeals after the above date.

URGENT ACTION

AT LEAST 13 DETAINEES DETAIL ABUSE AND TORTURE

ADDITIONAL INFORMATION

Torture and ill-treatment are prohibited in all circumstances under international law. There are frequent reports of unnecessary or excessive use of force and allegations of torture and other ill-treatment of detainees by the Malaysian police. There were 11 recorded deaths in custody as a result of alleged torture or other ill-treatment in 2015. The government continued to reject calls to establish an Independent Police Complaints and Misconduct Commission as recommended by a Royal Commission in 2005.

Under SOSMA a person suspected of a security offence may be detained for an initial period of 24 hours and thereafter, for purposes of investigation, this may be extended up to 28 days by the police. This extension is not subjected to judicial oversight. Section 5 of SOSMA permits the police to delay a detainee's access to legal counsel for up to 48 hours.

Even though provided in law, such detention may be arbitrary and a violation of international human rights law if not demonstrably necessary and proportionate to the security threat. When persons are held in detention without access to lawyers and family members, this may violate the right to a fair trial by hindering the detainee's ability to prepare a defence. In addition to this, access to lawyers and family members – and judicial review of the lawfulness of detention - is an important safeguard against torture.

Malaysia has not ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), its optional protocol, or the International Covenant on Civil and Political Rights (ICCPR).

Name: At least 13 detainees

Gender m: all

UA: 59/16 Index: ASA 28/3642/2016 Issue Date: 16 March 2016