

UA 200/07 Fear for safety/ torture or ill-treatmentMALAYSIA Ayu (f), aged 44
Other transsexual individuals in Malaysia

Ayu, a male-to-female transsexual, was seriously beaten by state religious officials who detained her while she was talking to friends at the Old Melaka bus station in Kota Melaka, Melaka (Malacca) state, southwest Malaysia at around 11.30pm on 30 July. Ayu may be at risk of further abuse, and other transsexual people may also be in danger.

Ayu was reportedly approached by three enforcement officers from the Melaka Islamic Religious Affairs Department (*Jabatan Agama Islam Melaka*, JAIM), a local government body tasked with enforcing social norms based on Sharia law. The officials, all dressed in civilian clothes, reportedly punched and kicked Ayu when they detained her. One of them reportedly kicked her hard in the genital area. They only identified themselves as JAIM officials when bystanders intervened to try to prevent the assault. When she said she was in serious pain, they took her briefly to the local JAIM office, before transferring her to Melaka General Hospital. She had to undergo surgery on 31 July for a pre-existing abdominal hernia condition, which had been aggravated by the assault.

JAIM ordered the hospital authorities to report the names of other transsexuals who came to visit Ayu in hospital. It is unclear whether any were reported, but Amnesty International fears that other transsexual people in Melaka, and in Malaysia generally, may face similar abuses.

According to media reports, a JAIM official later clarified the reasons for Ayu's detention, namely that she had committed the 'offence' of 'men dressing up as women in a public space' which is punishable with a fine of RM1,000 (approx. US\$288), a six-month prison sentence or both under Section 72 of the Melaka Sharia Offences Enactment. However, a social worker with the Malaysian non-governmental organization, Pink Triangle, claimed that the officials had contravened procedures by failing to take Ayu to a police station after they detained her.

Ayu was discharged from hospital on 2 August. It appears that JAIM officials have not yet pressed charges against her, agreeing to release her on 'compassionate' grounds under a guarantee from a friend. However, the officials reportedly warned Ayu that if she failed to appear in court when charged, her friend would be fined RM1,000 (approx US\$288). In response to media questions, a JAIM official reportedly denied the assault allegations claiming that Ayu was sent to hospital because 'she was sick'.

BACKGROUND INFORMATION

Abuses against transsexual people appear to be rising in Malaysia at the hands of both the ordinary police and so-called 'religious police' like JAIM. There are fears that such actions may be creating a climate of vigilantism among community groups and society at large against those whose sexuality or gender identity is perceived to deviate from the 'norm'.

In April 2007, it was reported that the authorities in Terengganu state were planning to set up a 'rehabilitation centre' for transsexual people due to fears that men were becoming more 'effeminate' and that many transsexual people were 'back to their old habit' even after serving time in prison.

While the scope and target of their operations may differ in different parts of the country, 'religious police' may impose sanctions on anyone deemed to be engaged in 'indecent behaviour', such as transsexual people, couples kissing in public (both mixed and same-sex), Muslim women deemed to be dressed inappropriately, or even young people wearing punk-style clothing.

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

- urging the authorities to conduct a full, immediate and independent investigation into allegations that Ayu was assaulted by JAIM religious affairs officers and to ensure that those found responsible for the violence against Ayu are brought to justice;
- calling for immediate guarantees that Ayu and other transsexuals in Melaka, will not be subjected to further abuse from JAIM officers;
- calling on the authorities not to press any charges against Ayu which are based on her gender identity and violate her fundamental human rights to freedom of expression and freedom from non-discrimination;
- expressing concern that JAIM ordered the hospital to report other transsexuals visiting Ayu and calling on the authorities to ensure that transsexual people in hospital are able to receive visitors without harassment or discrimination and in line with regular hospital practice for all patients;
- urging the authorities to reform all laws, regulations and policies which discriminate against transsexual people in violation of their human rights.

APPEALS TO:

Datuk Seri Mohd Ali Mohd Rustam
Chief Minister of Melaka
Aras 1, Blok Temenggong,
Seri Negeri, Hang Tuah Jaya,
75450 Ayer Keroh, Melaka, Malaysia
Fax: +60 6232 8620
Salutation: Dear Chief Minister

Dato' Alias bin Md. Saad
Director, Islamic Religious Department of Melaka
Jabatan Agama Islam Melaka (JAIM)
Imarah B, Kompleks MAIM, Bukit Palah, 75150 Melaka, Malaysia
Fax: +60 6283 4022
Email: jaim@melaka.gov.my
Salutation: Dear Director

ACP Johari bin Yahaya
Chief of Police
IPD Melaka Tengah
PDRM, Jalan Banda Kaba, 75561 Melaka, Malaysia
Fax: +60 6282 3848
Salutation: Dear Chief of Police

COPIES TO:Prime Minister

Dato' Sri Abdullah Ahmad Badawi
Pejabat Perdana Menteri
Aras 1, Blok Utama, Bangunan Perdana Putra,
Pusat Pentadbiran Kerajaan Persekutuan, 62502 Putrajaya, Malaysia
Fax: +60 8888 3444
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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 September 2007.*****