

URGENT ACTION

MP, ACTIVISTS DETAINED FOR PROTESTING

An opposition MP and five other activists calling for reform to Malaysia's electoral system have been detained without charge, and are at risk of torture.

The Malaysian authorities used the country's Emergency Ordinance on 2 July to keep a member of parliament, Dr Jeyakumar Devaraj, and five other activists in detention. This law allows for detention without charge and prevents judicial review.

The six (five men, one woman) are among 30 arrested in the city of Penang on 25 June en route to an event for an electoral reform movement, Bersih 2.0 ("Clean"). Police held them for seven days on suspicion of "waging of war against the King". The other 24 were released on 4 July but charged with associating with Bersih 2.0, which was not declared an illegal organization until after their arrest.

On 4 July, police barred lawyers from meeting with the six, who have not yet been allowed to see a lawyer. Prompt access to legal counsel is a key right of detainees, and an important safeguard against torture and other ill-treatment. According to credible local sources, one of the 24 released detainees said she was forced to stand for seven hours during interrogation.

The UN Committee against Torture and the Special Rapporteur on torture have found that painful stress positions such as these constitute cruel, inhuman or degrading treatment and, in particular when combined with other methods, may amount to torture. Torture and other forms of ill-treatment are prohibited absolutely under customary international law, which is binding on all states.

Another detainee said that a police officer punched her when she and other female detainees protested against being ordered to undress in front of male officers. A male officer videotaped the women as they undressed, and officers made sexually degrading comments to the women.

Please write immediately in English or your own language:

- calling on the authorities to guarantee that the six detained people (naming them) will not be tortured or otherwise ill-treated;
- urging them to allow the six immediate and regular access to lawyers of their choice, their families and an independent court as well as any medical attention they may require;
- urging them to charge the six promptly with a recognizably criminal offence and bring them before a court of law, or else release them;
- expressing concern that the Emergency Ordinance violates human rights, as set out in the Universal Declaration of Human rights, including the right to liberty, the right to a fair and public trial and the right to be presumed innocent;

PLEASE SEND APPEALS BEFORE 16 AUGUST 2011 TO:

Minister of Home Affairs

Datuk Seri Hishammudin Hussein

Ministry of Home Affairs

Blok D1 & D2, Kompleks D

Pusat Pentadbiran

Kerajaan Persekutuan

62546 Putrajaya, Malaysia

Fax : +60 3 8889 1613, +60 3 8889 1610

Email: hishammuddin@moha.gov.my

Salutation: Dear Minister of Home Affairs

Inspector General of Police

Tan Sri Ismail Omar

Ketua Polis Negara

Ibu Pejabat Polis Diraja Malaysia

50506 Bukit Aman

Kuala Lumpur

Malaysia

Email: rmp@rmp.gov.my

Salutation: Dear Inspector General

And copies to:

Human Rights Commission of Malaysia (SUHAKAM)

Tan Sri Hasmy Agam, Chairman

Suruhanjaya Hak Asasi Manusia Malaysia

Menara Tun Razak, 29th Floor

Jalan Raja Laut

50350 Kuala Lumpur, Malaysia

Fax: +60 3 2612 5620

E-mail: humanrights@suhakam.com.my

Also send copies to diplomatic representatives accredited to your country.

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

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ADDITIONAL INFORMATION

Under the Emergency (Public Order and Prevention of Crime) Ordinance 1969, police can hold detainees for 60 days without judicial review. After 60 days of questioning, the Home Minister can order further detention for up to two years, a period which is renewable indefinitely.

Like the Internal Security Act, the Emergency Ordinance infringes international human rights standards by enabling indefinite detention without charge or trial. Both Acts deny detainees the right to challenge their detention in a court of law. The Internal Security Act is imposed at a ministerial level, while requests for Emergency Ordinances are made by the police.

People detained under security laws such as the Emergency Ordinance have often been tortured or otherwise ill-treated by Special Branch officers. When police lack evidence to bring charges, the Emergency Ordinance allows them to continue interrogation for a further 60 days after the seven-day remand period ends. The Inspector General of Police can block access to lawyers and family, resulting in incommunicado detention.

The Emergency Ordinance was enacted as a temporary measure in 1969; a state of emergency was declared when ethnic violence flared in the wake of a parliamentary election. More than four decades later, Malaysia has not revoked this emergency legislation.

Amnesty International is also concerned about widespread arbitrary arrests ahead of a mass rally for electoral reform, which Bersih 2.0 has called for 9 July.

Names: Dr Jeyakumar Devaraj, Socialist Party (PSM) MP for Sungai Siput (m)
M Saraswathy, PSM national deputy chairman (f)
Choo Chon Kai, central committee member (m)
M Sugumaran, central committee member (m)
A Letchumanan, Sungai Siput branch secretary (m)
R Sarathbabu, national youth chief (m)

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