

PUBLIC

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Fear of torture or ill-treatment/fear of incommunicado detention 14 March 2003

MALAYSIA

Mohamad Amin Musa (m), aged 29

Mohamad Amin Musa was reportedly arrested on 9 March under the Internal Security Act (ISA), which allows for indefinite detention without charge or trial. Amnesty International is concerned that Mohamad Amin Musa is at risk of torture or ill-treatment during police detention.

A spokesperson for the Malaysian police reportedly stated that Mohamad Amin Musa was arrested in the southern Malaysian state of Johor. The Malaysian police claim he is being held for suspected involvement with *Jemaah Islamiyah* (JI), a group which allegedly wants to create a regional Islamic state in Southeast Asia through the use of force.

BACKGROUND INFORMATION

Under the Internal Security Act (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 an indefinitely renewable two-year detention order, without reference to the courts.

Those detained under the ISA have in the past been denied access to lawyers and their families, and been held in solitary confinement during the first 60 days of their detention. Detainees have reported being subjected to ill-treatment and in some cases torture, during their first 60 days of detention. Such reports include allegations of physical assault, being forced to strip, and the use of prolonged aggressive interrogation techniques, including sleep deprivation and threats of harm to the detainees and their families. The detainee's vulnerability is increased by the use of incommunicado detention and the fact that judicial or legal intervention is highly restricted, and when granted usually proves ineffective.

At least 74 people accused of links with suspected militant Islamist groups have been arrested under the ISA in Malaysia since May 2001. None of those arrested have been tried in court for the allegations made against them. 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.

However, since the attacks on the USA on 11 September 2001, and the bomb attack in Bali, Indonesia on 13 October 2002, the Malaysian authorities have justified the continued use of the ISA as a necessary means to prevent 'terrorist' activity. International criticism of the Malaysian government's use of the ISA to suppress political opposition supporters, and other legitimate civil society has diminished as other countries have adopted anti-terrorist legislation, such as the Patriot Act in the USA, which also permits detention without trial.

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

- urging the authorities to guarantee that Mohamad Amin Musa will not be subjected to physical or psychological torture, or other ill-treatment, while in custody;
- calling for Mohamad Amin Musa to be allowed immediate and regular access to a lawyer, his family and independent medical attention;
- urging the authorities to charge Mohamad Amin Musa with a recognizably criminal offence and bring him before a court of law, or else release him;

- expressing concern that the 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;
- emphasizing that human rights must not be sacrificed in the name of security, and that all accusations of human rights violations must be promptly investigated by an independent authority.

APPEALS TO:

Minister of Home Affairs & Deputy Prime Minister

Dato= Abdullah Haji Ahmad Badawi

Ministry of Home Affairs (Menteri Dalam Negeri)

Aras 13, Blok D1

Parcel D, Pusat Pentadbiran Kerajaan Persekutuan

65202 Putrajaya, Selangor

Malaysia

Telegram: Minister of Home Affairs, Ministry of Home affairs, Selangor, Malaysia

Fax: + 60 3 8886 8014 (if you experience difficulties, please try + 60 3 8888 3963)

Salutation: Dear Minister of Home Affairs

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 note this number is not always available; please keep trying)

Salutation: Dear Inspector General of Police

COPIES TO:

Chairman, Human Rights Commission (SUHAKAM)

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

E-mail: humanrights@humanrights.com.my

Salutation: Dear Chairman

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 25 April 2003.