

EXTERNAL

AI Index: ASA 28/10/97

UA 196/97 Possible prisoners of conscience/Ill-treatment/denial of medical treatment

2 July 1997

MALAYSIA42 members of the Dayak Iban indigenous community

42 members of the *Dayak Iban* indigenous community were arrested on 25 June 1997 in connection with a dispute with an oil palm plantation company over their native customary land. The *Iban*, from Sungai Bong, Teru, Miri Division in the state of Sarawak, were reportedly trying to negotiate a peaceful settlement with surveyors from the Land and Survey Department, working on behalf of the oil palm plantation company, when they were arrested by members of the Malaysian police and armed forces.

The *Iban* allege that they were beaten, kicked and assaulted with machine guns by police officers before being taken to Miri Central Police Station. The following day the group, which includes nine women, were brought before Miri Magistrates Court where they were ordered under Section 67 of the Criminal Procedure Code to sign a bond to keep the peace for six months and to pay bail of RM3,000 each (about US\$1,170). When they refused because they considered they had not committed any criminal offence they were ordered to be sent to Miri Central Prison, Lambir, where they continue to be held.

A number of the group are said to be suffering from bruises and swellings on their body, hands and abdomen and to have requested medical treatment while in the custody of the police, which was refused. Since their transfer to Miri Central Prison, medical treatment has reportedly continued to be denied by the prison warden.

Three members of the group, Tait Ak Barau, Alau Ak Ngira and Bugul Ak Ugap, were later freed on bail after their families paid the amount stipulated so they could seek immediate medical treatment for their injuries at Miri General Hospital. One of the three is said to have been beaten so badly that he lost consciousness. All three are reported to have lodged a complaint at Miri Police Station.

Amnesty International believes that those remaining in detention are possible prisoners of conscience who may have been detained solely on account of lawful peaceful activities in protest at the commercial development of their native customary land. Amnesty International has not received any reports indicating that they have committed a criminal offence and the grounds for their arrest and continued detention are not clear.

BACKGROUND INFORMATION

Members of the indigenous *Dayak Iban* communities have been protesting against the development of their native customary land for an oil palm plantation by the Sarawak State Government. They have claimed that those affected by the development were not consulted beforehand by the Sarawak State Government. Their protests have taken various forms, including setting up blockades to stop logging activities within their area. They have also instituted legal actions against a timber company and the State Government's Land Custody and Development Authority, in charge of developing the land. The legal suits are pending at the High Court in Miri.

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

- expressing concern at the arrest of a group of 42 *Dayak Iban* on 25 June 1997 in Sungai Bong, Miri Division in the state of Sarawak;
- urging that those remaining in detention be released immediately and unconditionally if they have been detained solely on account of peaceful activities in protest at the development of their native customary land;
- expressing deep concern at the reports of ill-treatment of members of the group;
- calling for all those still in detention in Miri Central Prison to be allowed immediate access to medical treatment;
- urging the authorities to set up a prompt and impartial inquiry into the reports of ill-treatment, to publish the findings and to bring to justice anyone found responsible.

APPEALS TO:

Chief Minister of Sarawak
YAB Datuk Patinggi Tan Sri Abdul Taib Mahmud
Chief Minister of Sarawak
Tingkat 14, Wisma Bapa Malaysia
Petra Jaya
93502 Kuching, Sarawak
Malaysia

Telegrams: Chief Minister, Sarawak, Malaysia

Faxes: +60 82 440 506

Salutation: Dear Minister

Inspector General of Police
Tan Sri Rahim Noor
Inspector General of Police
Federal Police Headquarters
Bukit Aman
Kuala Lumpur
Malaysia

Telegrams: Inspector General, Bukit Aman, Kuala Lumpur, Malaysia

Faxes: +60 3 291 0707

Salutation: Dear Inspector General

COPIES TO:

Prime Minister:
Dato' Seri Anwar Ibrahim
Acting Prime Minister
Prime Minister's Department
Jalan Dato' Onn
50502 Kuala Lumpur
Malaysia

Faxes: +603 298 4172

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 13 August 1997.