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To: Health professionals
From: Medical office / Asia Program
Date: 21 May 2001

MEDICAL LETTER WRITING ACTION

**Fear of psychological torture of 10 detainees
Malaysia**

Key words fear of torture / ill-treatment / incommunicado detention / prisoners of conscience

Summary

In April 2001 Malaysian police arrested nine opposition activists and a human rights defender under the Internal Security Act (ISA), which allows for indefinite detention without charge or trial. Most detainees have been held incommunicado for more than four weeks, but recently some of the detainees have been allowed family visits. However, the detainees were unable or unwilling to speak freely. Amnesty International believes the detainees may have been subjected to intense psychological pressure amounting to torture and is concerned for their safety. Amnesty International regards all 10 detainees as prisoners of conscience and is calling for their immediate release.

The following men have been detained:

Tian Chua, Vice President, Parti Keadilan Nasional (PKN - National Justice Party);
Mohd Ezam Mohd Noor, National Youth Chief, PKN;
Haji Saari Sungip, PKN activist;
Hishamuddin Rais, media columnist and social activist;
Raja Petra Kamaruddin, Director of Free Anwar Campaign;
N. Gobala Krishnan, Secretary General, PKN Youth;
Abdul Ghani Harun, PKN Youth Central Committee member;
Badaruddin Ismail, human rights defender;
Dr Badrul Amin Baharom, PKN Youth leader;
Lokman Nor Adam, Executive Secretary, PKN Youth Wing.

Recommended actions

Please write letters in English or your own language:

calling for the immediate and unconditional release of Badaruddin Ismail, who has been detained on account of his peaceful activities in defence of human rights;
calling for the immediate and unconditional release of the detainees named above, who have been detained solely for their peaceful dissenting political activities;
urging the authorities to guarantee that they will not be subjected to physical or psychological torture or ill-treated in detention;
expressing concern at reports that ISA detainees are held in prolonged isolation, denied contact with the outside world, subjected to deprivation of normal sensory stimulation and deprived of regular food and sleep; pointing out that such conditions can amount to torture or cruel, inhuman or degrading treatment;
calling for all the detainees to be allowed immediate and regular access to lawyers, families and medical attention;
expressing concern at reports that Tian Chua is suffering from asthma and urging the authorities to provide him with adequate medical care;
urging the authorities to grant immediate permission to the Malaysian Human Rights Commission, *Suhakam*, to visit the detainees;

urging that the ISA be either repealed or amended so that it no longer allows for the detention without trial of those exercising their right to peaceful freedom of expression or assembly.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you are sending appeals after 15 July 2001, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Addresses

Minister of Home Affairs and Deputy Prime Minister

Dato' Abdullah Haji Ahmad Badawi
Menteri Dalam Negeri
Jalan Dato Onn,
50502 Kuala Lumpur
Malaysia
Fax: + 60 3 230 1051 or + 60 3 230 1217
Email: tpm@smpke.jpm.my
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
Fax: + 60 3 22731326
Salutation: Dear Inspector General of Police

Minister in Prime Minister's Department with responsibility for legal affairs

Datuk Dr. Rais Yatim
Law Division
Prime Minister's Department, Block 1
Federal Government Administration Centre
62502 Putrajaya, Selangor
Malaysia
Fax: +60 3 8888 3424
E-mail: jpmrais@smpke.jpm.my
Salutation: Dear Minister

Minister of Health

Datuk Chua Jui Meng
Ministry of Health
Jalan Cenderasari
50590 Kuala Lumpur
Malaysia
Fax: + 60 3 291 1436 / 298 5964 / 292 8702

E-mail: CJM@moh.gov.my
Salutation: Dear Minister of Health

(Please see next pages for addresses to send copies of your appeals to)

Copies

Please send copies of your letters to:

Chairman, Human Rights Commission (SUHAKAM)

Ybhg. Tan Sri Musa Hitam
Suruhanjaya Hak Asasi Manusia Malaysia
29th Floor
Menara Tun Razak
Jalan Raja Laut
50350 Kuala Lumpur
Malaysia
Fax: + 603 26125620
E-mail: humanrights@humanrights.com.my

Malaysian Medical Association

Dr Yan San Lee, President
4 th Floor
MMA House
124 Jalan Pahang
53000 Kuala Lumpur
Malaysia
Fax: +60 3 4041 8187
E-mail : mma@tm.net.my

and to diplomatic representatives of Malaysia accredited to your country.

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MEDICAL CONCERN

**Fear of psychological torture of 10 detainees
Malaysia**

In April 2001 Malaysian police arrested nine opposition activists and a human rights defender under the Internal Security Act (ISA), which allows for indefinite detention without charge or trial. Most detainees have been held incommunicado for more than four weeks, but recently some of the detainees have been allowed family visits. However, the detainees were unable or unwilling to speak freely. Amnesty International believes the detainees may have been subjected to intense psychological pressure amounting to torture and is concerned for their safety. Amnesty International regards all 10 detainees as prisoners of conscience and is calling for their immediate release.

The following men have been detained:

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Abdul Ghani Harun, PKN Youth Central Committee member;
Badaruddin Ismail, human rights defender;
Dr Badrul Amin Baharom, PKN Youth leader;
Lokman Nor Adam, Executive Secretary, PKN Youth Wing.

Background information

Arrests

Seven of the detainees named above were arrested a few days before a demonstration they were reportedly planning to mark the second anniversary of the sentencing of prisoner of conscience Anwar Ibrahim. [Anwar Ibrahim, the former Deputy Prime Minister, is serving a 15-year sentence following convictions in 1999 and 2000 for a politically motivated trial for sodomy and abuse of power]. The detainees were apparently also planning to submit a memorandum to the Malaysian Commission on Human Rights.

Dr Badrul Amin Baharom and Lokman Nor Adam, leading members of the opposition party, *Parti Keadilan Nasional* (PKN, National Justice Party), were arrested on 20 April 2001. On 26 April Malaysian police arrested human rights defender Badaruddin Ismail, who is a member of the secretariat of a leading human rights organization, *Suara Rakyat Malaysia* (Suaram, Voice of the Malaysian People). He had been assisting families of detainees and monitoring an enquiry into police brutality. Amnesty International believes that he has been arrested because of his peaceful activities in defence of fundamental human rights. No reason for his arrest has been given.

The police have claimed that the opposition party activists were planning violent street demonstrations to overthrow the government. No evidence supporting this accusation has been made public or presented before the courts. Lawyers representing the detainees have so far failed in their attempts to have them brought before the courts to challenge the legality of their arrests. Since 1998, the authorities have forcefully suppressed a series of predominantly peaceful demonstrations organized in support of Anwar Ibrahim, and calling for political reform. Amnesty International believes the real reason for the arrests is to suppress legitimate peaceful dissent, and considers the detainees to be prisoners of conscience. The Malaysian Human Rights Commission called for their immediate release on 11 April.

Recent family visits

Five of the detainees, Mohd Ezam Mohd Noor, Haji Saari Sungip, Raja Petra Kamaruddin, Dr Badrul Amin Baharom and Lokman Nor Adam, have recently been allowed visits from their families, but it is not clear whether further visits will be permitted. Some relatives reported that while the detainees did not show signs of physical assault, they were unable or unwilling to speak of their experience during interrogation, appeared “not themselves” and returned repeatedly to the subject of the safety and well-being of their families.

The others, Badaruddin Ismail, Tian Chua, Hishamuddin Rais, N. Gobala Krishnan and Abdul Ghani Harun, have not yet seen their families and their place of detention is unknown. All ten detainees, most of whom have been held incommunicado for over four weeks, continue to be denied access to their lawyers. The police also continue to refuse the Malaysian Human Rights Commission, *Suhakam*, permission to visit the detainees. *Malaysiakini*, an online news site, reported on 15 May that Tian Chua’s family were worried about his health because he suffers from asthma. His father told *Malaysiakini* that the police told them “not to send medication as their doctors would take care of that”.

Detention under the Internal Security Act (ISA)

The detainees are held under the Internal Security Act (ISA), a draconian law which allows the police to detain without a 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 then extend the period of detention for up to two years, without reference to the courts, by issuing a detention order, which is renewable indefinitely.

Malaysian women holding AI posters protest against torture and the Internal Security Act. © Malaysiakini

Domestic and international human rights organizations have repeatedly called for the repeal of the ISA, as it violates fundamental human rights and has been used as a tool to suppress peaceful political, academic and social activities perceived as threats by the authorities. It has been used to detain scores of prisoners of conscience, including prominent politicians, trade unionists, teachers, religious activists and community workers. It has also been used as a threat against the legitimate activities of non-governmental organizations. It was most recently used against supporters of Anwar Ibrahim in 1998. Dozens of Malaysian non-governmental organizations, including women’s and student groups, have formed a new coalition to campaign against the ISA.

Psychological torture

Those arrested under the ISA are held in incommunicado detention. In the past, detainees held under the ISA during the 60-day “investigation period” have been forced to strip, deprived of sleep, food and water, told that their families would be harmed, and subjected to prolonged aggressive interrogation to coerce them to confess. ISA detainees are usually held in solitary confinement, in a windowless cell where they lose all sense of time. The interrogation procedure is designed to induce a feeling of complete disorientation and dependence on the interrogators as the only point of human contact. The sense of helplessness is exacerbated by their knowledge that no judicial or legal intervention is permitted and that family visits are entirely at the discretion of their interrogators. Several former detainees have suffered mental breakdowns as a result of prolonged intense psychological pressure during interrogation. Others have been forced to make false confessions.

Medical experts have commented on the damaging role of isolation of prisoners under interrogation; Ba_o_lu and Mineka have stated that “isolation during the period of detention constitutes a major

source of stress for the detainee”. [Ba_o_lu M, Mineka S. *Uncontrollable and unpredictable stress in torture* in: Ba_o_lu M. (ed). *Torture and its consequences - Current treatment approaches* (1992)]

The Istanbul Protocol - *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* - (chapter VII, p.65) draws attention to the torturer's attack on the victim's sense of being grounded in a family and society. By dehumanizing and breaking the will of their victims, security personnel seek to make an example of their victims, it suggests.

The Istanbul Protocol states that a number of symptoms seem to occur regularly with torture survivors. It notes, for example that :

“ There are clusters of symptoms and psychological reactions that have been observed and documented in torture survivors [resulting either from psychological or physical torture] with some regularity (...). Many victims experience profound emotional reactions and psychological symptoms. The main psychiatric disorders associated with torture are posttraumatic stress disorder and major depression”.

[For the full Istanbul Protocol, please consult the web-site of *Physician for Human Rights USA* at: http://www.phrusa.org/research/istanbul_protocol/index.html]

Dr Munawar Anees, former prisoner of conscience, chained to his hospital bed after being detained and tortured under the Internal Security Act, September 1998. © Friends of Dr Anees

Dr Munawar Anees, ex-prisoner of conscience, friend and former speech writer of Anwar Ibrahim, was arrested under the ISA in 1998, held incommunicado and forced under torture to confess to having had a sexual relationship with Anwar. In his Statutory Declaration (16 November 1998) of which parts are quoted below, he describes his treatment under ISA detention:

“... I found I was in a small room. There were four men in that room. They were all in plainclothes and they immediately adopted a very aggressive confrontational stance against me. They were exceptionally rude and coarse in the language they used. They asked me to strip naked. I tried to resist but had no option but to accede to their request. My clothes, slippers, watch and glasses were taken away...

... I saw that I was in a cell of approximately 8 feet [2.4 metres] square. The cell had no window and ventilation was through two tiny rat holes at the bottom of one wall. There was no bedding or blankets...The room was brightly lit by an overhead light that was never switched off throughout my stay there.

...I was forced to sit...and, against my will, shaved bald...when I had finished sweeping up my hair I was once again blindfolded and handcuffed and returned to my cell.... After the 50th step I was asked to stop. One of the two swung me around and punched me in the stomach...

... one of the guards took my blindfold off. I saw I was facing an open room. It was brightly lit. I was dazed, fazed out, blinded by the intense light and for the first few minutes after the blindfold was removed could make no sense of things.....

.... There was then suddenly a barrage of questions directed at me. One interrogator would ask a question, I would be in the middle of my answer when another would cut in with a second question. I would turn to the second officer and the third would attack me with a different question. I would turn to the third and the first would yell at me demanding his answer....The questions were never related, there was no link between them though they were all directed at my personal particulars, about my work, something about everything but nothing indicative of any subversive or criminal activities.

By the end of the second day the long hours of interrogation, the lack of sleep, and the lack of decent food had left me completely disoriented and exhausted. My health was deteriorating and I was extremely worried about my family.... I had no idea of time.... My cell

had no pillow or anything that even remotely resembled comfort...The only way I could lie on the platform was in the fetal position. The light and the sound from the vent made sleep impossible....I had done nothing wrong but I was deeply frightened. I felt hopelessly outnumbered and very vulnerable.

They warned me and then threatened me and abused me in turn. They threw questions at me but did not wait for answers....it became apparent that this routine and the haranguing was going to go on for ever. Truth and my denials were getting me nowhere. I was at the point of collapse and could not go on. I knew I had to play along with them.

.... Suddenly one of the four screamed at me to stand up. I did so. All four came from behind the table and surrounded me in a very aggressive manner as if they were about to assault me. One of them literally had his face in mine. They all screamed at me, in my ears, loudly, again and again and again....They screamed and screamed and screamed, in my ears, at my face, at me, again and again, over and over asking me to say yes until I gave in and broke down saying yes, yes. They stopped screaming. That was what they wanted to hear. They were not interested that it was untrue.

I was interrogated over long and continuous sessions. I was always removed from my cell as No: 26, always blindfolded and handcuffed. I was systematically humiliated by my captors who always remained unidentified. They stripped me of all self-respect; they degraded me and broke down my will and resistance; they threatened me and my family; they frightened me; they brainwashed me to the extent that I ended up in Court on 19 September 1998 a shivering shell of a man willing to do anything to stop the destruction of my being."

In a letter to the editor of online newspaper *Malaysiakini*, 13 April 2001, Dr Munawar Anees described his continuing problems after the ordeal he had been through:

"My ability to speak, read and write took a considerable time to show signs of recovery. Short-term memory lapses were frequent. I existed in a fluid state in which suicidal tendencies, depression and despair were punctuated by fits of rage and indignation. In spite of more than two years since I regained my freedom, I continue to suffer from psychiatric difficulties".