

PUBLIC

AI Index: ASA 28/022/2003

UA 249/03

Fear of torture or ill-treatment/incommunicado detention

20 August 2003

MALAYSIA

Noralwieseh Lee Abdullah (f), Malaysian national

Noralwieseh Lee Abdullah is being held by the Malaysian police under the Internal Security Act (ISA), which allows for indefinite detention without charge or trial. Amnesty International is concerned that she is at risk of ill-treatment and possible torture during police detention at an unknown location.

Noralwieseh Lee Abdullah is the wife of Riduan Isamuddin (aka Hambali), who is alleged to be the operations chief of *Jemaah Islamiyah* (JI), a Southeast Asian extremist Islamic group with alleged links to Al Qaeda. JI is believed to be responsible for a number of recent attacks in the region, including the October 2002 bomb attack in Bali, Indonesia, in which some 200 people were killed. The two were arrested in Ayutthaya, Thailand on 11 August. Noralwieseh Lee Abdullah was then transferred to Malaysia, while Riduan Isamuddin is believed to be in US custody. (See UA 250/03, AMR 51/119/2003, 20 August)

It is unclear whether Noralwieseh Lee Abdullah is suspected of involvement in criminal offences or whether she is detained solely on account of her association with Riduan Isamuddin. In a statement given on 18 August, Malaysian Deputy Prime Minister Abdullah Ahmad Badawi said: "We think Hambali's wife has useful information for us. She is certainly important as far as we are concerned." On the same day, Norian Mai, Inspector General of Police, told the official Bernama news agency that her interrogation had begun.

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 a 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 have been held in solitary confinement during the first 60 days of their detention. Detainees have reported being physically assaulted, forced to strip, deprived of sleep, food and water, and told that their families would be harmed. There have been reports of the use of prolonged aggressive interrogation techniques, used in order to coerce a confession, that amount to torture or ill-treatment. The detainee's vulnerability is increased by the fact that judicial or legal intervention is highly restricted, and when granted usually proves ineffective.

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.

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

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

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:

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

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 1 October 2003.