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Malaysia: Internal Security Act used to punish human rights activists

New information about the arbitrary detention of five Malaysian government critics obtained by Amnesty International researchers highlights the need for the Malaysian parliament to immediately abolish the country's Internal Security Act, Amnesty International said today.

A recent Amnesty International mission to Malaysia researching the human rights situation there established that the sole reason for the detention of five members of Hindu Rights Action Force (HINDRAF), a group dedicated to defending the rights of Malaysia's ethnic South Asians, was for expressing concerns about the marginalization of ethnic South Asians within Malaysian society and specifically for organizing rallies.

"The detentions illustrate exactly what is wrong with the Internal Security Act," said Donna Guest, Amnesty International's Asia-Pacific Deputy Director. "These men are being treated like criminals, but they have never been charged, much less convicted, of a crime. They should be released immediately."

The government has accused the five of being "leaders and legal advisers of an organization which affects national security of Malaysia through having illegal assemblies, sending of memorandum, forums whose activities incite racial sentiment and hatred towards government among Indians".

HINDRAF had organized a series of meetings and rallies, culminating in a protest demonstration of some 20,000 people in Kuala Lumpur on 25 November 2007. The five men, Ganabathirau Veraman, Kenghadharan Ramasamy, Manoharan Malayalam, Uthayakumar Ponnusamy and Vasantha Kumar Krishnan, are currently being held at Kamunting Detention Centre, Perak State.

"If the Malaysian opposition parties are serious about reforming the country's political system, they need to start the process to abolish this draconian legislation," Donna Guest said. "The ISA has been used for too long to stamp out legitimate criticism of the government."

Background Information

In 2007, the government demolished a number of Hindu temples to make way for development projects, despite petitions by local Hindu communities. HINDRAF organized series of meetings and rallies, culminating in the protest demonstration of some 20,000 people in Kuala Lumpur on 25 November 2007.

In October 2007, local authorities destroyed an 80-year old Hindu temple in Taman Karuppiah, Shah Alam on the eve of the Hindu Deepavali festival. Police shot at devotees trying to stop the demolition, injuring several of them, and arrested at least 14. When lawyers Ganabathirau, Manoharan, Uthayakumar and

HINDRAF leader Waytha Moorthy came to the Police Station to seek bail for the 14 in detention, the police also arrested them. They were released the next day.

Two days before a planned demonstration in the Batu Caves Hindu temple, Uthayakumar, Ganabathirau and Waytha Moorthy were arrested and detained for sedition. They were subsequently released. When the Hindu devotees gathered in the temple, in the early hours of 25 November, police dispersed them using chemically laced water and tear gas. Police then arrested a number of the devotees, most of whom have subsequently been released.

On 11 December, Uthayakumar was arrested for sedition and fined 50,000 Malaysian Ringgits (£7,400) despite the maximum bail for sedition being at 5,000 Malaysian Ringgits (£740). He posted bail but was immediately re-arrested. He was released the next day. On 13 December, police arrested Ganabathirau, Kenghadharan, Manoharan, Uthayakumar and Vasantha Kumar. Waytha Moorthy, who was in the United Kingdom at the time of arrests, is seeking asylum there.

Lawyers of the HINDRAF detainees filed a writ of Habeas Corpus, but this was dismissed by the Federal Court on 15 May 2008. Based on a different set of grounds, their lawyers filed another Habeas Corpus on 4 August. A decision is expected by the Ipoh High Court on 8 September.

At least 65 people are being held at Kamunting Detention Centre under the administrative detention provisions of the ISA. The Internal Security Act allows the police to arrest individuals they believe have acted, or are “about to” or “likely to” act in a way that would threaten Malaysian security, “essential services” or “economic life” (Article 73 (1)b).

Detainees can be held for up to 60 days for investigation by the police, after which time the Home Minister can issue a two year detention order under the ISA. The two year detention can be renewed indefinitely without the detainee ever being charged with a crime or tried in a court of law. As such the ISA is contrary to fundamental principles of international law, including the right to liberty of the person, to freedom from arbitrary arrest, the presumption of innocence, and the right to fair and open trial in a court of law.