

URGENT ACTION

REPRESSION CONTINUES AFTER REFORM RALLY

Six activists are still detained, and more than 40 others are now facing prosecution.

Six Malaysian activists for election reform are being detained indefinitely without charge. They are challenging their detention in court, and need access to their lawyers by 15 July to prepare affidavits. On 22 July the High Court will hear their habeas corpus application for release.

Since 2 July the six detainees – Socialist Party MP Dr Jeyakumar Devaraj and five party officers – have been held under an Emergency Ordinance, which allows for indefinite detention and blocks judicial review.

The six were among 30 activists arrested in Penang on 25 June while travelling to an event for the Coalition for Clean and Fair Elections (Bersih 2.0). Police remanded them on suspicion of “waging of war against the King”. The other 24 were released on 4 July, but some of them have been charged with associating with Bersih 2.0 – which was made an illegal organization only after their arrest.

On 9 July police arrested 1,667 protestors at a peaceful Bersih 2.0 rally in Kuala Lumpur. All were released without charge later that night, but many had visible injuries.

Police beat protestors and also injured them by firing teargas canisters directly into crowds. One protestor, 59-year-old Baharuddin Ahmad, collapsed and died trying to escape the teargas.

Around 40 people arrested ahead of the rally still face prosecution. Most have been charged under the Societies Act with possession of illegal materials, including Bersih T-shirts. If convicted, they could be imprisoned for up to five years and fined for having exercised their right to peaceful expression and assembly.

Please write immediately in English or your own language:

- calling on the authorities to release the six activists (naming them) detained under the Emergency Ordinance, or else promptly charge them with a recognizably criminal offense and bring them before a court of law.
- urging them to allow the six detainees regular access to lawyers of their choice, their families, an independent court and any medical attention they may require;
- asking the authorities to drop charges against activists under the Societies Act arising from their peaceful exercise of the rights to freedom of expression and assembly in connection with Bersih 2.0;
- expressing concern that the Emergency Ordinance violates 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.

PLEASE SEND APPEALS BEFORE 23 AUGUST 2011 TO:

Minister of Home Affairs

Datuk Seri Hishammudin Hussein
Ministry of Home Affairs
Blok D1 & D2, Kompleks D
Pusat Pentadbiran
Kerajaan Persekutuan
62546 Putrajaya, Malaysia
Fax : +60 3 8889 1613, +60 3 8889 1610
Email: hishammuddin@moha.gov.my
Salutation: Dear Minister of Home Affairs

Inspector General of Police

Tan Sri Ismail Omar
Ketua Polis Negara
Ibu Pejabat Polis Diraja Malaysia
50506 Bukit Aman
Kuala Lumpur
Malaysia
Email: rmp@rmp.gov.my
Salutation: Dear Inspector General

And copies to:

Human Rights Commission of Malaysia (SUHAKAM)
Tan Sri Hasmy Agam, Chairman
Suruhanjaya Hak Asasi Manusia Malaysia
Menara Tun Razak, 29th Floor
Jalan Raja Laut
50350 Kuala Lumpur, Malaysia
Fax: +60 3 2612 5620
E-mail: humanrights@suhakam.org.my

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Under the Emergency (Public Order and Prevention of Crime) Ordinance 1969, police can hold detainees for 60 days without judicial review. After 60 days of questioning, the Home Minister can order further detention for up to two years, a period which is renewable indefinitely.

Like the Internal Security Act, the Emergency Ordinance infringes international human rights standards by enabling indefinite detention without charge or trial. Both Acts deny detainees the right to challenge their detention in a court of law. The Internal Security Act is imposed at a ministerial level, while requests for Emergency Ordinances are made by the police.

The Societies Act 1966 restricts the formation and activities of organizations, associations and political parties. The law places restrictions on the right to freedom of assembly and association, through criminal sanctions, including imprisonment. Amendments enacted in 1981 to include "political" societies are used to restrict the activities of any group which seeks "to influence in any manner the policies or activities of the Government", including policies for electoral reforms.

Names:

Dr Jeyakumar Devaraj, Socialist Party (PSM) MP for Sungai Siput (m)

M Saraswathy, PSM national deputy chairman (f)

Choo Chon Kai, central committee member (m)

M Sugumaran, central committee member (m)

A Letchumanan, Sungai Siput branch secretary (m)

R Sarathbabu, national youth chief (m)

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