

PUBLIC

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UA 105/08

Detention without trial/ Health concern

23 April 2008

MALAYSIA

Ponnusamy Uthayakumar (m), lawyer, aged 46

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Ponnusamy Uthayakumar, also known as P. Uthayakumar has been held without trial since 13 December 2007. On 8 April 2008, he was hospitalised due to a worsening diabetic condition. After several days, during which he was handcuffed to his hospital bed, he was prematurely discharged and returned to Kamunting Detention Centre where he currently remains. His health continues to deteriorate as he is being denied essential medical care.

P. Uthayakumar was admitted to the Taiping General Hospital following a dangerous rise in his blood sugar levels, as well as an increase in protein and uric acid levels in his blood, which indicate kidney damage and risk of kidney failure. The doctor who treated him suspected damage to his eyesight (retinopathy) and to his heart muscle. This diagnosis can only be confirmed after an echocardiogram test, in which ultrasound is used to examine the heart. The test was arranged for 28 April by the hospital.

P. Uthayakumar is a legal advisor to the Hindu Rights Action Force (HINDRAF). He was arrested along with four other HINDRAF officials under the International Security Act (ISA) after they organised a mass rally to call for the rights of ethnic Indians in Malaysia. The authorities declared the five to be a threat to national security and allege that they have contacts with terrorist organisations. P. Uthayakumar has reportedly been detained for seditious speech and organising illegal assemblies. The ISA allows for detention without trial for up to two years.

Prior to his hospitalisation, P. Uthayakumar was not provided with a diabetic diet in detention and had to eat meals which contributed to high blood sugar levels. He was also refused access to his medication for a month, despite several attempts by his lawyer and family to ensure that he received it during the month of March. Their letters of complaints to the Prison Director at the failure of prison officials to pass on medication have so far received no response.

P. Uthayakumar is currently at the Kamunting detention centre where his condition is reportedly worsening due to his unsuitable diet and lack of appropriate medication. Denying him proper diet and medication is not only cruel and inhumane treatment but is also life threatening.

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

- expressing concern at the lack of due care P. Uthayakumar received at the Kamunting detention centre despite the range of diagnosed medical illnesses he suffers from;
- calling for him to be granted immediate specialist medical treatment of his choice and access to appropriate medication;
- asking for him to be released immediately and unconditionally unless he is to be charged with a recognisably criminal offence.

**APPEALS TO:**

Prime Minister  
Datuk Seri Abdullah Haji Ahmad Badawi  
Prime Minister's Department  
Federal Government Administration Centre  
Bangunan Perdana Putra

62502 Putrajaya  
Malaysia

**E-mail:** ppm@pmo.gov.my  
**Fax:** + 60 3 8888 3721  
**Salutation:** Dear Prime Minister

**COPIES TO:**

Inspector General of Police

Musa Hassam  
Ketua Polis Negara  
Ibupejabat Polis Diraja Malaysia  
Bukit Aman  
50502 Kuala Lumpur  
Malaysia

**Fax:** + 60 3 2273 1326 or + 60 3 2272 2710  
**Email:** rmp@rmp.gov.my

Attorney General

Abdul Gani Patail  
The Attorney General's Office  
Level 8, Block C3, Parcel C  
Federal Government Administrative Centre  
62512 Putrajaya  
Malaysia

**Fax:** + 603 8888 9378

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 3 June 2008.