

PUBLIC

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8 September 2008

UA 249/08 Health concern/torture/ ill-treatment

MALAYSIA Sanjeev Kumar (m), age 25

Sanjeev Kumar, who has been detained without charge or trial for over a year, is not receiving the medical treatment he needs for injuries apparently sustained during torture. He is paralyzed on the left side of his body. His condition may deteriorate further if he does not receive immediate medical treatment.

Sanjeev Kumar was arrested on 28 July 2007 by 20-25 plain-clothed officers from the Special Branch of the Malaysian Police, together with one uniformed police officer. He is held under the terms of the Internal Security Act (ISA), which allows detainees to be held without charge indefinitely. He is accused of being a spy for a foreign government, which he denies.

Sanjeev Kumar was held at the Federal Police Headquarters in the capital, Kuala Lumpur, for the first eight weeks of his detention. According to sources close to him, he was tortured and ill-treated throughout this period. Police officers beat him repeatedly, stepped on his back, and hit his head with a plastic bottle filled with water. The police also made him drink his urine and inserted a mop into his anus. They forced him to sign a document, even though he reportedly cannot read or write. He did not have access to a lawyer, and the contents of the document he signed are not known.

On 21 September 2007, Sanjeev Kumar was transferred to Kamunting Detention Centre, Perak , with approximately 60 other ISA detainees. From his first day in Kamunting, he complained of headaches and numbness in his left hand. On 11 April 2008, he was admitted to hospital because of a prickling sensation in his arm. His condition deteriorated in hospital, and two days later he was paralysed down the left side of his body. After a few weeks, he was returned to the Kamunting Detention Centre. His health again worsened, and he was re-admitted to hospital, although the exact date of his admission is not known. However, he received no treatment, and was instead transferred to a psychiatric hospital. No explanation was given for this decision. Medical tests were carried out while he was in the psychiatric hospital, but neither he nor his relatives or lawyer have been notified of the results of these tests, nor of any diagnosis.

Sanjeev Kumar was later returned to Kamunting Detention Centre. He now uses a wheelchair, and is forced to depend on other detainees for help with personal care. A doctor at the centre gave him some medication, but did not explain what it was, so Sanjeev Kumar has refused to take it. His lawyer, who visited him end of August, said that his ordeal has left him severely depressed. Sanjeev Kumar has complained that his right hand is now numb, and fears that this may progress to further paralysis if he does not receive immediate medical treatment.

BACKGROUND INFORMATION

As of September 2008, approximately 65 people, including foreign nationals, are held in administrative detention under the ISA at Kamunting Detention Centre. The ISA is a law that 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 60 days, 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, to freedom from arbitrary arrest, the presumption of innocence, and the right to fair and open trial in a court of law.

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

- expressing concern that Sanjeev Kumar's health is deteriorating;
- calling for Sanjeev Kumar to be given a full medical examination and all necessary treatment and care immediately;
- calling for Sanjeev Kumar and his relatives to be informed of the results of tests and any diagnosis, without delay;
- calling on the authorities to conduct an immediate, thorough and impartial investigation into allegations that Sanjeev Kumar was tortured at the Federal Police Headquarters, with the results made public and those responsible brought to justice;
- urging the authorities either to charge all those detained under the ISA with a recognizably criminal offence or release them.

APPEALS TO:

Y.B. Dato' Seri Syed Hamid bin Syed Jaafar Albar
Home Minister and Internal Security Minister
Blok D 2, Parcel D,
Pusat Pentadbiran Kerajaan Persekutuan,
62546 Putrajaya, Malaysia
Fax: + 603 8889 3854
Salutation: Dear Minister

Tuan Yasuhimi Mohamad Yusuf
Director
Kamunting Detention Centre
Taiping, Perak, Malaysia
Fax: +605 883 7010
Salutation: Dear Director

COPIES TO:

Tan Sri Abu Talib Othman,
President, National Human Rights Commission (SUHAKAM)
Tingkat 29, Menara Tun Razak,
Jalan Raja Laut,
50350 Kuala Lumpur, Malaysia
Fax: + 603 2612 5620

Tan Sri Musa Hassan
Inspector General of Police (IGP)
50560 Bukit Aman,
Kuala Lumpur, Malaysia
Fax: + 603 2272 5613

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 20 October 2008.