

PUBLIC

AI Index: ASA 28/007/2002

18 December 2002

UA 368/02 **Fear of torture or ill-treatment/fear of incommunicado detention**

MALAYSIA **Female (name unknown), aged 22, Malaysian national.**
Male (name unknown), aged 40, Malaysian national.
Male (name and age unknown), Malaysian national.

Three unnamed individuals were arrested between the 17 and 18 December by the Malaysian Police under the Internal Security Act (ISA). It is not known where they are being held, or whether they have access to legal representation or to their families. Amnesty International is concerned that the three are at risk of torture or ill-treatment during police interrogation.

The Malaysian police reportedly arrested the three under Section 28 of the ISA, which covers 'Dissemination of false reports', for forwarding an e-mail which contained information regarding a possible bombing campaign in Kuala Lumpur. The police have reportedly threatened to arrest any one involved in the writing of the original e-mail, as well as anyone else who forwarded the e-mail to others, under the same Act. The police said that they could charge individuals under Section 44(A) which allows for up to one years' detention and/or a fine of up to 1,000 Malaysian ringgit.

BACKGROUND INFORMATION

Under the 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 ISA allows for indefinite detention without reference to the courts, as well as an array of other powers, including fines and restriction orders. The Malaysian government has increasingly justified its use of the ISA, particularly its provision for preventative detention, with specific reference to the 11 September attacks on the World Trade Centre and the Pentagon in the USA, and most recently to the 13 October bomb attack in Bali, Indonesia. It has also sought justification by comparing the ISA with recently adopted anti-terrorist legislation in the USA, which also permits detention without trial.

The ISA has been used to detain scores of prisoners of conscience, including prominent politicians, trade unionists, teachers, religious activists and community workers. It has also been used as a threat against the legitimate activities of non-governmental organizations. To the knowledge of Amnesty International this is the first time it has been used in reference to the Internet.

In the past, those detained under the ISA have been denied access to lawyers and been held in solitary confinement. Many detainees have been physically assaulted, forced to strip, deprived of sleep, food and water, and told their families would be harmed. Some were subjected to prolonged aggressive interrogation to coerce them to confess. The detainees' vulnerability is increased by their knowledge that no judicial or legal intervention is permitted and that family visits are entirely at the discretion of their interrogators.

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

- urging the authorities to guarantee the three unidentified individuals will not be subjected to physical or psychological torture or ill-treatment while they are in custody;
- calling for the three individuals to be allowed immediate and regular access to lawyers, their families and independent medical attention;
- calling on the authorities to charge the three individuals with a recognizable criminal offence and bring them before a court of law, or else release them immediately;

- urging that the ISA be repealed or amended to include fundamental human rights set out in the Universal Declaration of Human Rights, including the right to a fair and public trial and the right to presumed innocent until proved 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

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 22731326 (*please note this number is not always available*)

Salutation: Dear Inspector General of Police

COPIES TO:

Chairman, Human Rights Commission (SUHAKAM)

Abu Talib Othman

Suruhanjaya Hak Asasi Manusia Malaysia

29th Floor

Menara Tun Razak

Jalan Raja Laut

50350 Kuala Lumpur

Malaysia

Fax: + 60 3 26125620

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 29 January 2003.