



## PRESS RELEASE

### **MALAYSIA: No U-turn on repeal on Internal Security Law**

**Geneva, 21 November 2011. The World Organisation Against Torture (OMCT) today called on the Malaysian authorities to follow through on its commitment to revoke one of the regions' most notorious security laws and to end detention without trial.**

'The continuous and again increased use of arrests under the Internal Security Act (ISA) in Malaysia is at odds to the Governments' plans to end detention without trial', said Gerald Staberock, Secretary General of the OMCT. Since its enactment in 1960, the colonial style security legislation is used to detain persons without trial or charge.

According to the information received, 13 individuals were arrested under the ISA in Tawau, in Sabah state. OMCT's member organisation Suaram identified the following 11 individuals: **Mohd Nazri Bin Dollah** (religious teacher at SMK Kinabutan), **Yusof Bin Saripuddin** (poultry dealer), **Muhd Adnan Bin Umar** (teacher at MJU Tuition Centre), **Muhd Abduh Bin Umar** (lorry driver), **Adwan, Faizal Bin Hamma** (newspapers distributor), **Joni Muadz** (newspapers distributor), **Azmi, Suriadi, Darto Bin Bandu** (teacher at MJU Tuition Centre) and **Bakar Bin Baba** (teacher at SMK Umas-umas). They were reportedly arrested by police officers of the Department of Special Task Force, Bukit Aman, between the 14 and 15 November 2011 and are currently being held under police custody in Kota Kinabalu, in Sabah. No further information on their fate is currently available. The reasons for their arrest remain unclear but it is believed to be associated with allegations of terrorism.

Prime Minister Najib Razak had announced two months ago in a widely regarded speech his governments' intention to revoke the ISA. However, no timetable has been set on the end to the practice of detention without trial or charge. Repealing the ISA is an important and much needed step that should be accompanied with an immediate moratorium on its application.

The ISA carries an extraordinary legacy of arbitrary detention, political abuse and has created an environment facilitating torture and ill-treatment as documented by the UN Working Group on Arbitrary Detention in 2010 and by civil society organisations in Malaysia, including OMCT's member Suaram<sup>1</sup>. Recent reports also suggest that the ISA may be replaced by a modified and marginally improved regime of administrative detention under new counter-terrorism legislation.

'Replacing it with a counter-terrorism regime of detention without trial will only entrench arbitrary detention and risks being not much more than window dressing', said Gerald Staberock. 'Rather than side-lining the cause of justice there is need to strengthen the ordinary civilian justice system to respond adequately to security threats.'

OMCT also calls on the government to immediately release all remaining individuals detained under the ISA, including the aforementioned individuals, and other detention-without-trial laws in the absence of valid legal charges and judicial process consistent with international legal standards. If such charges exist, the authorities should bring them before an impartial and competent tribunal and guarantee their procedural rights at all times.

Finally, OMCT also calls on the government of Malaysia to take the necessary steps to sign and ratify without delay, and thereafter effectively implement the United Nations Convention against Torture and

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<sup>1</sup> Already in 2003, the Working Group on Arbitrary Detention considered that administrative detention on such grounds, even when in conformity with a domestic law, constitutes a violation of the right to a fair trial by an independent and impartial judicial authority. It consequently considered that the detention under such conditions was arbitrary. See Opinion No. 10/2004 (MALAYSIA).

Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Optional Protocol to this Convention.

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