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PRESS RELEASE

International Day in Support of Victims of Torture 26 June 2009

Torture and other forms of ill-treatment can never be justified under any circumstances

MALAYSIA: NO MORE WORDS: WE WANT ACTION!

Kuala Lumpur – Geneva, 26 June 2009. On the occasion of the International Day in Support of Victims of Torture, the World Organisation Against Torture (OMCT) and its member organisation in Malaysia, Suara Rakyat Malaysia (SUARAM), jointly call on the Government of Malaysia to show its commitment to abolish torture and other forms of ill-treatment by signing, ratifying and implementing effectively the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) as well as the Optional Protocol to this Convention (OPCAT).

It is no longer sufficient to only “progressively study the proposal to ratify the International Covenant on Political and Civil Rights (ICCPR) and CAT¹”, as stated in its response to the United Nations Human Rights Council in the framework of the Universal Periodic Review (UPR). The failure to do so for so many years, despite repeated calls from Malaysian civil society and the international community reveals that the culture of torture and other forms of ill-treatment as well as the subsequent impunity of law enforcement agencies is tolerated by the Government.

In Malaysia today, the occurrence of torture and other forms of ill-treatment remains widespread, whether by gross abuses of use of force by police and other law enforcement agents during arrest and/or detention in prisons, rehabilitation centres and immigration detention centres, with poor conditions of detention or in the framework of its emergency laws, the 1960 enacted Internal Security Act (ISA), Emergency Ordinance (1969) and the Dangerous Drugs Act

In this regard, while some positive changes have occurred in 2009, as the release of 31 ISA detainees from Kamunting detention centre camp, the Government should not rest on these measures but must act beyond “a comprehensive study to review ISA”. Both organisations recall that ISA has facilitated human rights violations, including the practice of torture and other forms of ill-treatment, and should be repealed, as well as all other remaining ISA detainees to be released.

OMCT and SUARAM remain also gravely concerned about the plight of undocumented migrants, refugees and asylum seekers who are often detained in conditions amounting to cruel, inhuman and degrading treatment or subjected to harsh punishment upon conviction of illegal entry into the country or overstaying under the Immigration Act.

On this specific day dedicated to the victims of torture and other forms of ill-treatment, both organisations recall that the victims concerned must be ensured the right to an effective remedy for the human rights violations suffered as well as the right to full redress, including compensation and rehabilitation. In the present situation, however, which is characterized by a climate of persisting impunity, victims of such practices fail to obtain justice. Yet justice is instrumental for the victims' dignity to be restored.

¹ Response of the Government of Malaysia to the recommendations listed under paragraph 106 of the outcome report of the Universal Periodic Review of Malaysia, June 2009.

For purposes of remedying this situation of injustice, OMCT and SUARAM call 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 Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Optional Protocol to this Convention.

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