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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE
AND DETENTION**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Treatment of detainees under Malaysia's Internal Security Act

On 8 December 2004, 12 detainees under the Internal Security Act (ISA) were beaten up by prison security officers in Kamunting Detention Camp. The next day another eight detainees were assaulted in the same camp. Security officers stomped on the detainees' fingers and toes, beat their knees and elbows with batons, and shaved their heads and beards. The detainees were then put into solitary confinement.

Reports of torture and cruel, inhuman and degrading treatment against ISA detainees are not new in Malaysia. According to the "Report of the Public Inquiry Into the Conditions of Detention Under the Internal Security Act 1969", made by SUHAKAM (Human Rights Commission of Malaysia) in 2003

"... there appears to be sufficient evidence to justify a finding of cruel, inhuman or degrading treatment of some of the detainees who testified before the Inquiry Panel. Slapping of detainees, forcible stripping of detainees for non-medical purposes, intimidation, night interrogations, and deprivation of awareness of place and the passage of time, would certainly fall within the ambit of cruel, inhuman and degrading treatment by virtue of the need to interpret this term so as to extend the widest possible protection to persons in detention" (para. 6.2.11).

In January 2004, 31 detainees held at the Kamunting Detention Camp submitted a memorandum to SUHAKAM alleging various abuses. These included being stripped naked, spat on and forced to drink spittle. In March 2004, 43 Kamunting detainees conducted a hunger strike for 19 days to protest their detention and poor living conditions, ending only when the Home Ministry promised to review their cases.

Detention without trial, as provided by the ISA, is a key factor behind torture and cruel, inhuman and degrading treatment of detainees. Section 73 of the Act empowers police to arrest those suspected of committing activities prejudicial to national security, and allows for initial detention of up to 60 days. After the expiry of this period, the police may recommend that the Minister for Home Affairs issue a two-year renewable detention order under section 8. The Government of Malaysia has used the ISA as a political tool to arrest and detain reformists and political activists from opposition political parties and non-government organisations. It deprives the rights of detainees to access judicial safeguards. No judicial order is needed for detention. The detainees are also denied access to both their lawyers and family members, and all visits are discretionary. Torture and cruel, inhuman and degrading treatment are used to threaten the detainees and pressure them to "confess their guilt".

In light of the above, the Asian Legal Resource Centre calls on the Commission to:

- a. Condemn the practice of torture and cruel, inhuman and degrading treatments against ISA detainees in detention camps.
- b. Demand that the Government of Malaysia establish the means for prompt inquiries into all torture and cruel, inhuman and degrading treatments against ISA detainees and take steps to punish fully those responsible.
- c. Pressure the Government of Malaysia to abolish the ISA and release all ISA detainees immediately.
- d. Urge the Government of Malaysia to allow the detainees' families, SUHAKAM members and lawyers to have access to the detainees.
