



PRESS RELEASE

MALAYSIA: Stop the violent repression of demonstrations against the Internal Security Act (ISA)!

Geneva-Kuala Lumpur, 7 August 2009. The World Organisation Against Torture (OMCT) and its member organisation in Malaysia, Suara Rakyat Malaysia (SUARAM), express their utmost concern about the repression of the peaceful demonstration that took place on 1 August 2009 in Kuala Lumpur in order to denounce the Internal Security Act (ISA), and during which nearly 600 people were arrested, including children.

On 1 August 2009, thousands of police and security forces, including riot squad members, strongly repressed the peaceful rally organised by the civil society in order to challenge the 1960 enacted ISA, which permits indefinite detention without charge or trial of persons for security concerns.

From 2.30 pm onwards, the police started shooting tear gas and spraying chemical-laced water cannons towards the 10,000-strong crowd near Sogo shopping complex in Jalan Tuanku Abdul Rahman to force them to disperse. Another 2,000-strong crowd that marched from Masjid Negara to Pasar Seni were surrounded by FRU and police at Dataran Merdeka. Tear gas and chemical-laced water cannons were also used during aggressive attempts at dispersing the crowd.

The police then arrested at least 589 people, including 44 juveniles, and most of them were detained at Markas Pasukan Gerakan Am Cheras. A small group was also detained in Bukit Jalil police station. All but 91 of the persons arrested were released on the same day, and three children aged from 13 to 16 years old were detained overnight at the Petaling district police station. On 2 August 2009, around 60 persons were released. And around 30 detainees were remanded for two days at the Bukit Jalil police station and charged with different offences, including for taking part in an "illegal assembly" and for "assisting in the distribution of t-shirts for an unlawful society known as the Gerakan Mansuhkan ISA".

OMCT and SUARAM recall that over the past years, the Malaysian Government has systematically repressed every peaceful protests organised by civil society activists to protest the 1960 ISA, as illustrated in June 2009 when five undergraduates were found guilty of taking part in an illegal anti-ISA rally eight years ago and each condemned to a fine of RM 3, 900 (approx. 780 Euros).

OMCT and SUARAM strongly condemn the violent repression of the peaceful rally, which constitutes a violation of the right to freedom of expression and the right to peaceful assembly, as well as the use of violence, tear gas and chemical-laced water cannons against the protesters. OMCT and SUARAM also condemn the fact that children were handcuffed, mixed in cells with adults, not allowed to access legal assistance, separated from their parents and denied food for hours, in violation of articles 37 and 40 of the UN Convention on the Rights of the Child.

Accordingly, OMCT and SUARAM call upon the Malaysian authorities to stop any kind of harassment against the persons arrested, and to drop the charges against all peaceful protesters.

OMCT and SUARAM also note with disappointment that the Malaysian Human Rights Commission's (SUHAKAM) call to the police and Government to respect the right to peaceful assembly is belated and contradictory, as SUHAKAM had refused to monitor the protest on the basis that the police did not grant a permit to hold the demonstration. Both organisations urge SUHAKAM to fulfil its human rights protection mandate by including pre-emptive actions in situations where human rights violations are expected to occur.

Both organisations further call upon the competent Malaysian authorities to carry out a prompt, effective, thorough, independent and impartial investigation into these events to examine whether the use of force by police was consistent with national law and international standards, including the Basic Principles on the Use of Force and Firearms, and the Code of Conduct for Law Enforcement Officials, and then identify all those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law.

More generally, OMCT and SUARAM urge the Malaysian Government and the police force to put an immediate end to the continued crackdown on freedoms of the Malaysian civil society.

Finally, in light of the human rights abuses that the ISA has facilitated, both organisations reiterate their call upon the Malaysian Government to take the necessary steps to repeal the law in order to respect fundamental rights and freedoms, and release all the remaining individuals detained under the ISA in the absence of valid legal charges that are consistent with international legal standards, or if such charges exist, bring them before an impartial and competent tribunal and guarantee their procedural rights at all times.

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