

URGENT ACTION

STUDENT DETAINED FOR POSSESSION OF 'BANNED' BOOKS

Research student Siti Noor Aishah has been placed under 'preventive detention' for alleged possession of 12 books deemed 'illegal' by the Malaysian government.

Siti Noor Aishah, a 29-year-old research student at University Malaya, is being held in 'preventive detention' in Kajang Prison, pending her hearing before the Kuala Lumpur High Court on 10 April. She was arrested for the second time on 27 March for her alleged possession of 12 books signifying her alleged support for terrorist groups or the commission of terrorist acts.

Her first arrest took place on 22 March 2016, where armed police from Malaysia's Counter-Terrorism Unit surrounded Siti Noor Aishah's house and arrested her, in the state of Terengganu. She was kept in solitary confinement at an unknown location for 28 days under the Penal Code and the Security Offences (Special Measures) Act, and according to the NGO working on her case, SUARAM, was questioned for 12 hours on a daily basis concerning her alleged possession of books deemed 'illegal' by the Malaysian government. She was subsequently charged under the Penal Code in April 2016 for 'giving support to terrorist groups or for the commission of terrorist acts.' On 29 September 2016, the Kuala Lumpur High Court ordered her release after concluding the prosecution had failed to prove the books in her possession were illegal. On the same day of her release, she was arrested under the Prevention of Crime Act and detained for 60 days. She was subsequently placed under house arrest.

Her second and most recent arrest took place on 27 March 2017, after the prosecution was successful in appealing the High Court's decision at the Court of Appeal which ruled for her case to be reheard. She was taken into police custody immediately. No bail was offered and she is currently detained without charge, pending the hearing of her case on 10 or 11 April.

Amnesty International is concerned with the Malaysian government's continued use of preventive detention laws, which allow the authorities to arbitrarily arrest and detain individuals incommunicado- raising fears they could be at risk of torture or other ill treatment- and denying their access to the courts for up to 28 days.

Please write immediately in English, Malay, or your own language:

- Urging the Malaysian Attorney-General to withdraw the appeal from the High Court and to immediately and unconditionally release Siti Noor Aishah;
- Urging the authorities to ensure that, pending release, Siti Noor Aishah is not tortured or otherwise otherwise ill-treated, and granted access to her family, lawyer and any medical care she requires;
- Urging them to review and amend the Security Offences (Special Measures) Act and all laws that allow for prolonged detention without charge, and undermine fair trial rights.

PLEASE SEND APPEALS BEFORE 18 MAY 2017 TO:

Prime Minister
Office of the Prime Minister of Malaysia
Main Block, Perdana Putra Building,
Federal Government Administrative
Centre,
62502 Putrajaya, Malaysia
Fax: +603 8888 3444

Salutation: Dear Prime Minister

Home Minister
YB Dato' Seri Dr. Ahmad Zahid bin
Hamidi,
Kementerian Dalam Negeri Malaysia,
Blok D1, D2 & D9 Kompleks D,
Pusat Pentadbiran Kerajaan Persekutuan,
62546 Putrajaya Malaysia
Fax: +603 8889 1613
Email: ahmadzahid@moha.gov.my

Salutation: Dear Home Minister

And copies to:

The Attorney General of Malaysia
Tan Sri Mohamed Apandi Ali
Attorney General's Office,
No. 45 Persiaran Perdana Precinct 4,
62100 Putrajaya, Wilayah
Putrajaya, Malaysia
Fax: +603 8890 5670
Email: pro@agc.gov.my

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DATO AHMAD RASIDI HAZIZI Malaysian High Commission 45 Belgrave Square SW1X 8QT

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Amnesty International remains concerned with Malaysia's reliance on national security and preventive detention laws.

In the past, the Internal Security Act (ISA) was used as a tool to stifle peaceful political dissent. Those arrested under the Act could be detained without trial for up to 60 days while being investigated. The Minister of Home Affairs could then issue detention orders of up to two years, renewable indefinitely. Over the years, Amnesty International documented numerous cases of the torture and other ill-treatment of detainees held under the ISA.

The Security Offences (Special Measures) Act (SOSMA) 2012, amended in April 2015, replaced the ISA. The government had promised to replace the ISA with laws that "find a balance between national security and personal freedom". However, SOSMA fails to meet international human rights standards, as set in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) guaranteeing unimpeded access to lawyers, and ensuring prisoners have full and effective access to prison life on an equitable basis. Rather, SOSMA authorizes placing detainees in solitary confinement; detaining them incommunicado for 48 hours; and denies their access to the courts and/or lawyers for up to 28 days.

In a Parliamentary question, the Deputy Home Minister stated that a total of 989 people have been detained under SOSMA from 31 July 2012 to 22 February 2017; 363 of them have been released, 139 are facing trial and 502 people have been convicted.

The Act has been used indiscriminately against government critics as seen in the 11-day detention of Maria Chin Abdullah in November 2016 and the detention of Khairuddin Abu Hassan for reporting corruption. It is concerning that the government has increasingly invoked national security under a variety of circumstances that may not amount to a security threat, spurning checks and balances on executive power.