

URGENT APPEAL - THE OBSERVATORY

Malaysia: Arbitrary arrest – Release on bail – Illegal search

Friday 22 June 2007, by [FIDH](#), [OMCT](#) (Date first published: 22 June 2007).

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MYS 001 / 0607 / OBS 067

Arbitrary arrest / Release on bail / Illegal search

Malaysia

June 22, 2007

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in Malaysia.

Description of the situation:

The Observatory has been informed by Suara Rakyat Malaysia (SUARAM) of the arbitrary detention and subsequent release on bail of Mr. Nyam Kee Han, the coordinator of SUARAM branch in Johor Bahru, and of Mr. See Siew Min, a secretariat member of the branch.

According to the information received, on June 17, 2007, Mr. Nyam Kee Han and Mr. See Siew Min were arrested around 11.00 am during a demonstration organised in front of the residence of the Chief Executive of the State, Mr. Menteri Besar, in order to draw his attention to the rising crime rate in Johor Bahru. Both men were then handing out leaflets calling for the immediate creation of the Independent Police Complaint and Misconduct Commission (IPCMC), recommended by the Royal Commission in April 2005, to push for the police reform [1].

On June 18, 2007, Mr. Nyam Kee Han and Mr. See Siew Min were brought to a magistrate's court in Johor Bahru. The police applied for a three-day remand order to custody but the court only granted a 24-hour remand. However, although the remand order ended on June, 19 at 2.45 pm, the two defenders were released on bail beyond the deadline, at 8.45 pm. Mr.

Nyam Kee Han and Mr. See Siew Min have to report back to the police station on June 26, 2007, at 8.00 am to find out if they will be charged by the police. If the police charge them, the Observatory fears that they be accused of “illegal assembly”, on the basis of the sedition law. Yet, the Observatory wishes to recall that freedoms of assembly and of expression are guaranteed by the Federal Constitution and are enshrined in the Malaysian Declaration on Human Rights.

Moreover, on June 19, 2007, around 8.00 am, the police searched Mr. Nyam Kee Han and Mr. See Siew Min’s houses without warrant while they were still in detention. The police took away Mr. Nyam Kee Han’s computer, pen drive as well as some personal documents. His computer was returned upon his release.

The Observatory expresses its deep concern at these acts of harassment against Mr. Nyam Kee Han and Mr. See Siew Min as they merely seem to sanction their human rights activities, all the more that Malaysia was elected to the United Nations Human Rights Council in June 2006 for three years. On this occasion, on April 28, 2006, Malaysia had submitted a four-page document in order to support its candidacy [2], in which it recalled that a “National Integrity Plan (NIP) [had been] launched on April 23, 2004, which aimed at [...] continuously and effectively combat[ing] and reduce the incidence of corruption, malpractices and abuse of power”. The Observatory expresses its concern over the abuses of the police that aim at intimidating defenders who simply call for the respect of human rights and fundamental freedoms in Malaysia.

Actions required:

Please write to the Malaysian authorities, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Nyam Kee Han and Mr. See Siew Min;
- ii. Put an end to acts of harassment, including judicial harassment, against Mr. Nyam Kee Han and Mr. See Siew Min, as well as against all human rights defenders in Malaysia;
- iii. Conform with the UN Declaration on Human Rights Defenders, adopted by the General Assembly on December 9, 1998, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels (Article 1) and that “for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually or in association with others [...] to meet or assemble peacefully” (Article 5);
- iv. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Malaysia.

Addresses:

* Dato' Seri Abdullah bin Haji Ahmad Badawi, Prime Minister and Minister of Internal Security,
Prime Minister's Office Malaysia,

Perdana Putra Building, Federal Government Administrative Centre,

62502 PUTRAJAYA, Selangor, Malaysia., Tel: + 60 3 8888 8000, Fax:

+ 60 3 8888 3444;

* Datuk Radzi Sheikh Ahmad, Minister of Home Affairs, Level 12,
Block D1, Parcel D, Federal Government Administrative Centre,
62546 Putrajaya, Malaysia, Tel: +60 3 8886 8000, Fax: +60 3 8889
1613;

* Johor Bahru Police Station: Mr. Nor Hashim, CID chief of IPD Johor
Bahru (Selatan); Mobile phone: +60 12 7235776;

* Mr. Tan Sri Musa Hassan, Inspector General of Police, Ibupejabat
PDRM, Bukit Aman, 50560 Kuala Lumpur, Malaysia; Fax-03-22731326;

* Mr. Tan Sri Abu Talib bin Othman, Chairman of the National Human
Rights Commission of Malaysia (SUHAKAM), Tingkat 29, Menara Tun
Razak, Jalan Raja Laut, 50350 Kuala Lumpur, Malaysia;
Fax-03-26125620; Email: humanrights suhakam.org.my;

* Ambassador King Bee Hsu, ICC-1er/ H, Pré-Bois 20, CP 1834,
CH-1215, Geneva 15, Switzerland; Email: mwgeneva ties.itu.int; Fax: +41 22 710 75 01.

* Embassy of Malaysia in Brussels, 414 A avenue de Tervueren, 1150
Woluwe-Saint-Pierre, Belgium, Tel: + 32 2 776 03 40. Fax: + 32 2
762 50 49

Please also write to the embassies of Malaysia in your respective countries.

Geneva - Paris, June 22, 2007

Kindly inform the Observatory of any action undertaken quoting the code
number of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the
protection of Human Rights Defenders and aims to offer them concrete
support in their time of need.

The Observatory was the winner of the 1998 Human Rights Prize of the
French Republic.

To contact the Observatory, call the emergency line:

Tel and fax: FIDH : +33 (0) 1 43 55 20 11 / 33 1 43 55 18 80

Tel and fax: OMCT : + 41 22 809 49 39 / 41 22 809 49 29

E-mail : Appeals fidh-omct.org

[1] mhtml:mid://00000060/#_ftnref1

In 2005, campaigns were launched by some human rights defenders in several cities of Malaysia to denounce abuses of power and acts of corruption by the Malaysian police. Some Malaysian NGOs, including SUARAM, called for the setting up of a Commission on police reform. This commission (the Royal Commission on Police Reform) was created in April 2005 and addressed 125 recommendations to the government calling for a reform of the police. One of these recommendations was the immediate creation of an Independent Police Complaint and Misconduct Commission (IPCMC), which would be in charge of dealing with cases of police abuse of power. However, the IPCMC has still not been set up although human rights defenders have been pushing for its creation.

[2] mhtml:mid://00000060/#_ftnref2

See

<http://www.un.org/ga/60/elect/hrc/malaysia.pdf>.

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