

URGENT ACTION

STUDENT CONVICTED FOR POSSESSION OF 'ILLEGAL' BOOKS Research student Siti Noor Aishah has been sentenced by the Kuala Lumpur High Court to five years in prison for possessing 12 books deemed 'illegal' by the Malaysian government.

On 26 April, the Kuala Lumpur High Court sentenced **Siti Noor Aishah** to five years in prison for her possession of 12 books. She was found guilty under Section 130JB(1)(a) of Malaysia's Penal Code which prohibits any "possession, custody or control of any item associated with any terrorist group or the commission of a terrorist act". The law is both broad and vague as it does not clearly define what books or other materials would be prohibited.

While Siti Noor Aishah contended the books were for researching her thesis at Universiti Malaya, where she majored in Islamic studies, the High Court indicated it applied the standard of strict liability which meant the reason for her having the books was irrelevant. The 12 books in question are not banned and can be legally purchased at bookshops in the country.

After her first arrest on 22 March 2016, Siti Noor Aishah was subjected to prolonged periods of detention pending her most recent hearing before the High Court.

Amnesty International is concerned with the Malaysian government's continued use of preventive detention laws, such as the Security Offences (Special Measures) Act 2012 (SOSMA) and the Prevention of Crime Act 1959 (POCA), 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 or your own language:

- Urging the Malaysian authorities to quash Siti Noor Aishah's conviction;
- Urging the authorities to immediately and unconditionally release Siti Noor Aishah;
- Urging them to repeal or amend Section 130JB(1)(a) of the Penal Code, ensuring that any offense relating to terrorism is clearly defined and this definition complies with international standards as set out by the Special Rapporteur on Human Rights and Counter-Terrorism in December 2010;
- Urging them to repeal or amend the Security Offences (Special Measures) Act and all laws that allow for prolonged detention without charge.

PLEASE SEND APPEALS BEFORE 9 JUNE 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 Apani 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, 020 7235 8033, Fax 020 7235 5161, mwlon@btconnect.com

Please check with your section office if sending appeals after the above date. This is the first update of UA 79/17. Further information: www.amnesty.org/en/documents/asa28/6019/2017/en/

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ADDITIONAL INFORMATION

Siti Noor Aishah's 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.

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 (POCA) 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.

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.

Further information on UA: 79/17 Index: ASA 28/6136/2017 Issue Date: 28 April 2017