

PRESS STATEMENT**ISA and Emergency Declarations Repeal in Malaysia: First step among many towards complete reform**

(16 September 2011, Bangkok) The Asian Forum for Human Rights and Development (FORUM-ASIA) welcomes the announcement of the Malaysian Prime Minister to repeal the Internal Security Act (ISA) and three emergency declarations. We would like to congratulate people of Malaysia and civil society for achieving this important milestone in continued struggle for freedom and upholding human rights.

On 15 September, Malaysia Prime Minister Mr. Najib Razak announced in a speech that the government will repeal the ISA and emergency declarations, including the Emergency (Public Order and Prevention of Crime) Ordinance, and amend acts relevant to freedom of expression and assembly, including the Section 27 of the Police Act 1967 and the Printing Presses and Publication Act 1984. Prime Minister also added that the ISA will be replaced by two laws aimed at “preventing subversive activities, organised terrorism and crime to maintain peace and public order”. Unfortunately, subversion and terrorism are too vague and unclear terms that government has often used to suppress dissidents and opponents. His use of these terms brings doubts to government’s sincerity in abolishing these security laws to fully restore due process rights.

Both ISA and the Emergency Ordinance allowed detention without trial for up to two years, renewable indefinitely. These draconian laws have been continuously blamed for severe restrictions on human rights and silencing dissent in the country. Since its enactment in 1960, thousands of political dissidents and human rights defenders have been detained under the ISA in Malaysia, including 15 people still under detention in 2010 for various alleged crimes.¹ The Emergency Ordinance was introduced in 1969 and was used most recently by the government against six members of the Socialist Party of Malaysia in July, in relation to the Bersih 2.0 rally on the election reform.

We however question the intentions of the Malaysian government to introduce two new laws to replace ISA. We emphasize that there is no need to enact new anti-terrorism laws as the Malaysian government already has a detailed legal framework to combat terrorism including the Criminal Procedure Code, the Penal Code and the Anti-Money Laundering Act. We are especially concerned with the idea of continuing the practice of detention without trial for terrorism offences under the proposed laws. Detention without trial goes against the principle of justice and the fundamental right to trial and the right to be presumed innocent before proven guilty. It should be rejected even for terrorism cases.

FORUM-ASIA calls on the Malaysian government to initiate a more complete and thorough law reform, not limited to only the repeal of preventive detention laws and emergency declarations. There are still noxious laws in place in Malaysia which need to be abolished rather than merely revised to further guarantee freedom of expression and assembly. In line with this, we strongly urge the Malaysian government to remove, rather than amend, Section 27 of the Police Act 1967, and abolish the Printing Presses and Publication Act 1984. In addition to these, the Sedition Act 1948 and the University and University Colleges Act which continues to further limit space of free expression must be repealed. Other laws such as the Official Secrets Act 1992, the Communication and

¹ Working Group on Arbitrary Detention, Press Release, *Statement by the Working Group on Arbitrary Detention upon conclusion of its Mission to Malaysia (7-18 June 2010)*

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10176&LangID=E>

Multimedia Act 1998 and the election laws should be reviewed to conform with international human rights laws and standards.

Lastly, FORUM-ASIA calls on the Malaysian government to take concrete steps to implement the abolishment of the ISA and the emergency declarations and other preventive detention laws with a clear and transparent timeline. Only by abolishing these restrictive laws can the Malaysian government show its genuine commitment to human rights.

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