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PARLIAMENT-EMERGENCY
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KUALA LUMPUR, JUNE 26 (BERNAMA) -- PROPOSED AMENDMENTS TO THE EMERGENCY ORDINANCE (PUBLIC ORDER AND CRIME PREVENTION) 1969 ARE AIMED AT PREVENTING THE DETENTION ORDER MADE BY THE HOME MINISTER FROM BEING QUESTIONED UNLESS WHEN THE REQUIREMENTS OF DETENTION STIPULATED BY LAW HAVE NOT BEEN OBSERVED.

PRIME MINISTER DATUK SERI DR MAHATHIR MOHAMAD SAID THIS TODAY WHEN MOVING THE SECOND READING OF THE EMERGENCY ORDINANCE (PUBLIC ORDER AND CRIME PREVENTION) AMENDMENT BILL IN THE DEWAN RAKYAT.

HE SAID THROUGH THE AMENDMENTS WHICH INTRODUCED THREE NEW SECTIONS, 7C, 7D AND 7E TO THE ORDINANCE, THE INTEGRITY AND SINCERITY OF THE MINISTER IN MAKING HIS DECISION WOULD NOT BE DISPUTED.

DATUK SERI DR MAHATHIR SAID AT PRESENT A DETENTION ORDER BY THE MINISTER COULD BE QUESTIONED IN COURT THROUGH VARIOUS METHODS.

THE FREQUENT METHOD USED WAS THROUGH THE +WRIT OF HABEAS CORPUS+ WHERE A COURT ORDER IS SOUGHT TO FREE A DETAINEE AND AFTER BEING FREED, HE AGAIN RESORTS TO THE COURT TO SEEK A DECLARATION TO SAY HIS DETENTION WAS UNLAWFUL AND ASKS FOR COMPENSATION THROUGH THE COURTS.

THE APPLICATION TO THE COURT WAS USUALLY MADE ON VARIOUS GROUNDS SUCH AS +MALA FIDE+ OR +BAD FAITH+ THAT IS THE DETENTION ORDER WAS ALLEGEDLY NOT MADE WITHIN THE FRAMEWORK OF THE LAW AND THE CONDITIONS OF DETENTION HAD NOT BEEN OBSERVED, HE SAID. -- MORE
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THE PRIME MINISTER SAID RECENTLY THERE HAD BEEN A TREND WHERE THE COURTS IN SEVERAL FOREIGN COUNTRIES HAD RESORTED TO PLAYING AN +INTERVENTIONIST+ ROLE BY REPLACING THE EXECUTIVE DECISION WITH A COURT DECISION.

HE SAID IF THE COURTS WERE ALLOWED TO REPLACE THE GOVERNMENT'S DECISION WITH THAT OF THEIR OWN IN MATTERS AFFECTING NATIONAL AND PUBLIC SECURITY THEN IT WOULD MEAN THE RESPONSIBILITY FOR ENSURING NATIONAL SECURITY RESTED ON THE COURTS AS THE COURTS HAD THE FINAL DECISION ON SECURITY MATTERS.

+THE EXPERTS IN THE FIELD OF SECURITY WERE IN FACT THE OFFICERS IN GOVERNMENT AGENCIES RESPONSIBLE FOR SECURITY,+ HE SAID.

+THE HOME MINISTER ACTED ON THE ADVICE OF THESE EXPERTS AND OTHERS CANNOT CONSIDER THEMSELVES AS EXPERTS BUT SHOULD IN FACT ACCEPT THE DECISION BASED ON EXPERT OPINION,+ HE ADDED.

DATUK SERI DR MAHATHIR SAID IT WAS THE GOVERNMENT WHICH WAS RESPONSIBLE TOWARDS ENSURING NATIONAL SECURITY AND STABILITY. -- MORE
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+IT IS NECESSARY THAT THIS POSITION BE GUARANTEED BY THE LAW BECAUSE THE GOVERNMENT IS THE MOST QUALIFIED AUTHORITY TO STUDY AND CONSIDER CONFIDENTIAL MATTERS AND TAKE PREVENTIVE MEASURES IN THE INTEREST OF NATIONAL SECURITY AND NOT THE COURTS,+ DATUK SERI DR MAHATHIR SAID.

THE COURTS HAD NOT BEEN SPECIFICALLY ASSIGNED THE DUTY NOR GIVEN THE RESPONSIBILITY OF ENSURING NATIONAL SECURITY BUT THEY WERE MERELY RESPONSIBLE IN GENERAL IN THE MATTER OF JUSTICE, THE PRIME MINISTER SAID.

WITH THE PROPOSED AMENDMENTS, THE GOVERNMENT HOPED THAT ONLY QUESTIONS OF PROCEDURE COULD BE DISPUTED IN THE COURTS AND NOT THE DISCRETION OF THE HOME MINISTER ON DECIDING THAT A PERSON WAS A THREAT TO NATIONAL SECURITY AND PUBLIC ORDER.

THE AMENDMENTS WOULD CLEARLY SPECIFY THE ROLE AND POWER OF THE EXECUTIVE IN PARTICULAR THE HOME MINISTER AND THE ROLE OF THE JUDGE IN A COURT OF LAW.

DATUK SERI DR MAHATHIR SAID THE CRIME RATE IN THE COUNTRY BETWEEN 1980 AND 1988 HAD INCREASED BY 11 PERCENT THAT IS FROM 70,823 CASES IN 1980 TO 78,497 IN 1988. -- MORE
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HE SAID A YEAR TO YEAR ANALYSIS SHOWED THAT THE CRIME RATE HAD INCREASED FROM 1980 TO 1986 BUT HAD DROPPED BY 10 PERCENT IN 1987 COMPARED WITH 1986 AND HAD DECLINED BY 7.9 PERCENT LAST YEAR WHEN COMPARED WITH 1987.

WHAT WAS OF CONCERN WAS THAT CRIME INVOLVING THE USE OF FORCE SUCH AS MURDER, RAPE AND ARMED ROBBERY HAD GENERALLY INCREASED FROM 7,481 IN 1980 TO 11,721 IN 1987 -- A 39 PERCENT INCREASE.

ABOUT 80 PERCENT OF THE CRIME INVOLVING THE USE OF FORCE OCCURRED IN THE FEDERAL TERRITORY, PULAU PINANG, SELANGOR, JOHOR AND PERAK AND THE HOME MINISTRY VIEWED THIS DEVELOPMENT WITH SERIOUS CONCERN AS THIS COULD AFFECT FOREIGN INVESTMENT AND THE FLOW OF TOURISTS, HE SAID.

HE SAID THE RELEVANT LAW USED SINCE 1969 TO COUNTER CRIME INVOLVING THE USE OF FORCE AND SECRET SOCIETY ACTIVITIES IS THE EMERGENCY ORDINANCE (PUBLIC ORDER AND CRIME PREVENTION) FORMULATED SOON AFTER THE MAY 13 INCIDENT IN THAT YEAR.

-- BERNAMA
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