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Rais-ISA

UNCOMMON FOR JUDGES TO URGE GOVERNMENT TO REVIEW LAWS - RAIS

By: S.Retna

KUALA LUMPUR, June 3 (Bernama) -- It is uncommon for judges to include in their verdict a call to the government to change certain laws, Minister in the Prime Minister's Department Datuk Dr Rais Yatim said today.

"Of course many people believe there ought to be changes...they can voice their feelings no doubt... but when interpreting the law it is rather uncommon for a judge to come to the conclusion that the government should change the law itself," he told Bernama in an interview here.

He was asked to comment on Wednesday's ruling by the Shah Alam High Court Judge, Datuk Mohd Hishamudin Mohd Yunus, that two so-called reformist activists held under the Internal Security Act (ISA) be freed.

Judge Hishamudin reportedly said that it was time for Parliament to consider whether the ISA, originally meant to counter communist terrorism in the early years of independence, was relevant in the present situation.

Rais said, "What a judge is normally required to establish, within the provisions at hand, is whether the guilt is there or whether it meets with the requirements of the law. As to which law to amend or which law is to be discarded, it is not the role of the judge."

Judge Hishamudin had said that if at all the ISA was to be retained, at least its provisions needed to be thoroughly reviewed to prevent or minimise abuses.

The two former ISA detainees involved are Abdul Ghani Haroon and N. Gobalakrishnan.

Following the judgment, Prime Minister Datuk Seri Dr Mahathir Mohamad on Friday said the government would see if it needed to look into the ISA as suggested by the judge.

Rais said as the decision of the Shah Alam court was a judicial one, hence all parties should refrain from making their own interpretations.

"But of course the public at large, academics as well as those practising law are quite free to express their own findings about the judgment. I can only summarise it in terms of the academic approach," he added.

He said the ISA, unpopular as it might be in the eyes of certain people, had produced the kind of calm, peace and tranquility that the country needed "in the past decades."

Rais said it was futile to simply to say that it was unjust or draconian -- the very popular interpretation of the ISA by the public.

"But the fact remains that it has produced the kind of tranquility that Malaysians have experienced," he added.

-- BERNAMA

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