

Authoritarian Malaysia

## Ten minutes of freedom

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A disputed security law may become even harsher

**L**AWYERS and human-rights campaigners in Malaysia often describe the Internal Security Act (ISA), which provides for indefinite detention without trial, as draconian. But according to Mahathir Mohamad, the prime minister, it is not draconian enough. When a court ordered the release of an ISA detainee last week, the government allowed him to remain free for a token ten minutes before arresting him again. And despite the fact that judges have freed only three of the 70-odd people currently held under the ISA, **Dr Mahathir wants the act strengthened to prevent any recourse to the courts at all.**

British colonial authorities originally introduced the act to counter a communist insurgency. Since independence, successive governments have argued that the act is necessary to prevent the race riots that used to trouble the young country. But, in practice, they have used the ISA to suppress political dissent.

In April last year, for example, the government arrested six supporters of **Anwar Ibrahim**, the jailed former deputy of Dr Mahathir. Four months later, they arrested ten members of Malaysia's biggest opposition party. All were accused, improbably, of plotting coups, as were the alleged Muslim militants who make up the majority of detainees. Nasharuddin Nasir, the detainee granted ten minutes of freedom, was said by the government to be a member of an extremist group.

But, since the September 11th terrorism, foreign governments, many of which have resorted to similar measures themselves, have toned down their criticism. Nor, despite Dr Mahathir's incentive, have the courts interfered much. The Federal Court, Malaysia's highest, produced a spectacularly contorted ruling in September, which upheld the continued detention of Mr **Anwar's** supporters even as it declared their arrest illegal. Since the government can immediately rearrest anyone set free, it has little to fear from legal challenges.

Nonetheless, it is proposing to outlaw all judicial scrutiny of jailings and arrests under the ISA. As it is, the courts can review such detentions only on procedural grounds. Many lawyers think the government's proposals are unconstitutional. But it would be a brave judge who gave a ruling to that effect. In the only other ruling to challenge the ISA this year, **Hishamuddin Yunus**, a high-court judge, wrote:

It is perhaps time for parliament to consider whether the ISA, which was originally meant to counter communist terrorism in the early years of independence & really relevant to the present-day situation. If at all it is to be retained, its provisions may need to be thoroughly reviewed to prevent or minimise the abuses highlighted in this judgment.

The judge has since been transferred. And the current review, presumably, is not what he had in mind.