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PM: Federal Court ruling against police shows independence of judiciary

KUALA LUMPUR, Mon. - The recent Federal Court ruling against the police is a clear indication that the judiciary was independent and free from any sort of interferences, Datuk Seri Dr Mahathir Mohamad said today.

He said that the court's decision, in favour of several ISA detainees, speaks volumes in deflecting unjustified and lopsided views about the Malaysian judiciary.

"Only last week the authorities had lost their case in the pursuit of security implementation under the Internal Security Act when the highest court in the land decided to decide for the detainees.

"That decision speaks volumes in deflecting the hitherto unjustified and lopsided view that the judiciary in this country has been subject to an array of strident and biased comments from many a quarter."

The Prime Minister said this in his speech at the opening of the Conference On Human Rights and Education conference at the Putra World Trade Centre here.

His speech was delivered by Minister in the Prime Minister's Department Datuk Seri Dr Rais Yatim.

Elaborating on what freedom and human rights actually stand for, Dr Mahathir said absolute freedom could not possibly be a reality as such a liberty would only spell anarchy.

He said that unless limited restrictions were placed on certain rights, the people could abuse the rights and create moral degradations such as killing the unborn and the young, stressing that in upholding their own rights individuals must also respect the rights of others.

"The Western concept of rights differs from that of Asian countries. While the West places rights of the individuals before the interest of the group or society, Asian culture places society above self.

"The Internal Security Act, which has been vehemently condemned by the West, is necessary to safeguard the nation's security and hence provide protection for the vast majority," Dr Mahathir said, adding that Malaysians need not be apologetic in their quest to uphold the rule of law while holding a disciplined stand in security.

The Prime Minister also highlighted the fact that certain countries, while vehemently preaching human rights, were unilaterally declaring war against others without any consideration for international law.

This, he said, shows that the right of might had replaced the right to deliberate via accepted international norms.

"We must thus be unafraid to say what is right for human rights in our own country.

"Rights must always be seen in the larger context of the quality of life for the community and not just pegged on the ideals of 1948 (The Universal Declaration of Human Rights adopted in 1948), which even the United Nations has not been able to effectively implement."

Dr Mahathir said Malaysia remained in the forefront in the line-up of safeguarding human rights based on its achievements in the health-care, education, human resources development, women's and children's rights and religious freedom and the eradication of poverty via a host of definite Government policies.

"Malaysia's healthcare, especially maternal and childcare, is among the best in the world.

"In 1999, the infant mortality rate was eight per 1,000 and for children

between one and four years, the mortality rate is a mere 0.4 per cent.

"In August 2000, Malaysia have also been declared polio free."

The conference today was organised by the Malaysian Human Rights Commission (Suhakam).

Also present were Suhakam chairman Tan Sri Abu Talib Othman, Inspector-General of Police Tan Sri Norian Mai, Suhakam commissioners and foreign Government representatives.

Meanwhile, Abu Talib said the Federal Court judgment was a good sign for the progress of human rights in the country.

Asked for his comments on the much discussed ruling, he said the verdict should serve as a lesson to the detaining authorities to act according to the provisions of the law and not abuse it.

"They should take note of it and comply with whatever advice given in the judgement.

"It (the ruling) ensures the protection of human rights, that you cannot use the law for purposes which it is not intended for."