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Suhakam-record

MALAYSIA'S HUMAN RIGHTS RECORD IN 2001 A MIXED ONE, SAYS REPORT

KUALA LUMPUR, June 17 (Bernama) -- Malaysia's human rights record for 2001 was a mixed one with two key areas of fundamental liberties suffering, says a report tabled in the Dewan Rakyat today.

According to Human Rights Commission of Malaysia (Suhakam) Annual Report 2001, the two areas are the right to an open and fair trial and the right to peaceful assembly.

In other areas of fundamental liberties the country was reported to have made some progress.

"The appointment of Tan Sri Mohd Dzaiddin Abdullah as Chief Justice and Datuk Ainum Mohd Saaid as the Attorney-General in early 2001 raised hopes that the two important arms of democratic governance in Malaysia -- the judicial and legal institutions -- would once again be able to enjoy public confidence," the report says.

On the use of the Internal Security Act, which allows for detention without trial, it says those detained in Kamunting under the law almost doubled from 40 at the end of 2000 to 78 by the end of 2001.

"They included 21 persons who were detained for allegedly smuggling illegal immigrants, five Reformasi activists and 13 alleged members of the Kumpulan Militan Malaysia," it says.

The report says while the government justifies the ISA as a preventive detention law to deal with threats to national security, civil society groups see it as an oppressive law which can and has been abused to serve the political interest of the government.

"They argue that existing legislation such as the Penal Code and the Police Act is sufficient to deal with threats to public order and national security," it says.

According to the report, the situation, particularly dealing with the ISA, is now further complicated by the aftermath of the Sept 11 terrorist attacks in the United States.

This is because old democracies such as the US and Britain have resorted to preventive detention laws in their war against terrorism, and the Malaysian government sees their action as further validation for the retention of the ISA, it says.

The report says Suhakam plans to hold wide consultations this year to examine the ISA and other preventive detention laws with a view either to repeal or amend specific provisions to ensure that judicial and procedural safeguards are strengthened.

"As an interim measure, it is hoped that the authorities will study closely to ensure that any use of the ISA will strictly comply with its provisions on justification of arrests, uphold constitutional requirements and follow procedure. It is also hoped that those arrested will be given immediate access to their families and lawyers," the report says.

On freedom of assembly, it says Suhakam regards the blanket ban imposed in July on political talks/rallies (ceramahs) held at open spaces as an undue restriction on freedom of assembly and freedom of expression.

While the government justified the ban by stating that these political rallies posed a threat to national security, it says opposition parties had countered that nothing of that sort occurred over the past years in thousands of ceramahs held.

"Earlier this year, Suhakam, in response to several complaints on restrictions on freedom of assembly, undertook a review of all laws that

restricted the right to peaceful assembly and made recommendations to improve the present laws and practices to ensure that both freedom of assembly and preservation of national security and public order are met," it says.

The report says Suhakam feels that a relaxation on restrictions imposed on the right to peacefully assemble would go a long way to ease public discontent as it provided an avenue for the public to voice their concerns and exercise their right to free speech.

"For a start Suhakam welcomes the statement by the Prime Minister (Datuk Seri Dr Mahathir Mohamad) that the government would consider the proposal for the authorities to identify suitable public areas for peaceful assemblies," it says.

-- BERNAMA
SR AHH ABG