

Malaysia

## Abolish the ISA

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The release of four political prisoners merely highlights the need for reform



ON JUNE 1st, Malaysia's government announced the release of four leaders of the *reformasi* opposition movement who have been held without trial since 2001 under the country's Internal Security Act (ISA). It is tempting to see this as a sign that, as Mahathir Mohamad prepares to hand over power to his personally-selected successor, Abdullah Badawi, a more tolerant Malaysia is emerging. After all, it would have been perfectly possible, under the ISA's provisions, to renew the detention orders for a further two years.

Tempting, but probably wrong. For one thing, it is hard to resist the conclusion that the four have been released only because they no longer pose much of a threat to the ruling party: their own party, Keadilan, has faded into electoral insignificance. The primary leader of the *reformasi* movement, the former deputy prime minister Anwar Ibrahim, whose intellect and charisma means that he indeed poses a threat, is still safely behind bars. Mr Anwar recently had his appeal against a sodomy conviction rejected, despite the fact that the only witness (the alleged victim) had even changed his evidence as to the year in which the offence occurred. Two other Keadilan leaders remain behind bars, but are due for release next week.

But the real point is that, even if all the *reformasi* detainees are released, the ISA will remain. Drawn up in the early 1960s, when there was a genuine threat from Chinese-backed communists, the ISA is an autocrat's dream. Judicial review of arrests carried out under it is limited to questions of procedure: at no point are the authorities required either to produce evidence, or even detailed charges. The number of people held is

not disclosed, but is reckoned to run into the hundreds. Most of these are allegedly connected to Islamic terrorist groups, but there is considerable scope for political abuse, as the arrests of the Keadilan activists demonstrate. (The government claims that they planned to use violence to overthrow the state, but has never attempted to prove this: if it were true, it would surely be madness to let them out now.) Many of the supposed terrorists happen to be connected to another opposition party, PAS, which already controls two states, and aims to win more in elections due by the end of next year.

Government supporters argue that, with a genuine terrorist threat in South-East Asia, the ISA is still needed, and also like to score a cheap point by referring to it as Malaysia's equivalent of America's post-September 11th Patriot Act. But the problem with the ISA is that it lacks any sort of safeguard, which is why it is so easy to abuse it. The Patriot Act fares somewhat better on these grounds—certainly, even the most ardent anti-American does not contend that the Patriot Act is being, or could conceivably be, used against legal political parties that oppose the Republicans. But anyway, a bad law in America is no justification for a bad, and much older, one in Malaysia. That is not to say that there is no case for a security law in Malaysia, just that the ISA is the wrong one.

If it were only western activists, or interfering newspapers, who objected to the ISA, that would be one thing. Dr Mahathir easily brushes aside such talk, on the grounds that it comes from "white people". But in fact, a broad-based coalition of forces inside Malaysia itself is campaigning against the act. It now includes the Bar Council and Malaysia's official human-rights organisation, Suhakam, neither of them known for striking radical attitudes. When Mr Badawi takes over in October, he would do well to listen. ■