

Gerakan, MCA say 'No' to preventive detention

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By Kow Kwan Yee

Preventive detention can be abused and should therefore be done away with, says BN component party Gerakan.

"In the past, preventive detention has been abused, especially for political purposes, and the public anger that followed resulted in the repeal of the Internal Security Act (ISA) and Emergency Ordinance (EO).

NONE"What safeguards are in place this time?" asked Gerakan acting president Chang Ko Youn in a statement today.

He said while Gerakan supports the government's efforts to fight crime, "the party also steadfastly maintains that there should be no return of any law that provides for preventive detention".

This, Chang said was pertinent in light of the police's fierce resistance to any oversight body, including the Independent Police Complaints and Misconduct Commission (IPCMC).

"Preventive detention is merely a quick fix. What we need is a comprehensive plan to fight crime and the causes of crime.

"Locking people up and throwing away the key is not the solution, going by our past experiences with the EO.

"In fact, what we need is for the police to fully and systematically investigate crimes and for the prosecution to be brave in prosecuting suspects," he said.

Chang added that preventive detention should not overtake due process as it is against the human rights tenets that Malaysia professes to uphold.

MCA choruses opposition

MCA also voiced opposition to the two-year detention without trial included under the proposed amendments to the Prevention of Crime Act 1959 (PCA).

The party's vice-president Gan Ping Sieu said such detention was no longer suitable to be implemented.

NONE" MCA is not in favour of the detention without trial order although we see the government's effort to strike a balance between combating crime and human rights," Gan told a press conference at Wisma MCA today.

He explained that the 71-day police remand order under the current Act as well as restricted residence imposed were adequate enough to supervise a person suspected of having committed a registrable offence as outlined in the PCA.

"The legal representation for the registered person is not wide enough," he said.

Lauding another proposed amendment as a progressive move, Gan said it allowed power transition in issuance of the detention order from Home Ministry to a three-member board led by a judge.

However, he said that it was a shame that the Home Ministry did not include religious extremists and big-time Ah Long (moneylenders) under registrable offences.

"They are part of the crime scene and should not be left out," he reiterated, adding that he hoped the party's legislators would raise this matter in Parliament.

Judicial review move lauded

The newly-introduced Section 15A(1) explicitly states that no judicial review is allowed against the board's decision or findings in the exercise of its discretionary powers.

However, Gan, a practising lawyer, argued that judicial review was allowed to challenge the board's decision to issue a detention order.

NONEBased on the amendment bills that he had read, Gan said, only issuance of a supervision order was not allowed to be challenged, except for matters concerning procedural requirements.

Meanwhile, MCA's Heng Seai Kie (right) said while the government is "only doing what it deems best for the betterment of the people", nevertheless, she described some of the proposed amendments as "too harsh".

Besides that, the amendment to punish perpetrators of vandalism with jail (term) for up to three years is also an example of where the punishment is not proportionate to the crime committed.

"Acts of vandalism should be categorised and penalised according to its degree of seriousness and age of vandals," she said in a statement.

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