

'Anwar prisoner of conscience if jailed'

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"If Anwar Ibrahim is jailed, Amnesty International (AI) will consider him a prisoner of conscience," said Richard Bennett, Amnesty International's Asia Pacific Director.

AI said this in calling for the Malaysian authorities to end their politically motivated persecution of government critics including Anwar Ibrahim, ahead of the final decision in the long-standing 'sodomy' case against the opposition leader.

"The 'sodomy' charges against Anwar are clearly politically motivated and a blatant attempt by the Malaysian authorities to silence and undermine a critical voice.

"Today's decision also has to be seen in the context of a wider clampdown on critics in Malaysia. Over the past months, the authorities have increasingly made use of draconian laws to silence opposition voices and other activists – this must end."

The "sodomy" case against Anwar, also PKR de facto leader, began in 2008.

The High Court cleared him of all charges in 2012, but the Court of Appeal overturned the acquittal in March this year and sentenced him to five years in prison.

Anwar has been on bail ever since and appealed the decision to the Federal Court, the highest court in the country, which will make its final decision on 28-29 October. If found guilty, Anwar could face a jail term.

"Today, the Federal Court has an opportunity to demonstrate the independence of the Malaysian judiciary from political interference," said Bennett.

Repeal 'sodomy' law

Bennett also said that the government should not criminalise consensual sexual activity between adults – including those of the same sex – is contrary to international human rights law.

This is not the first time that Anwar will be jailed. In 1998, after calling for political reform, then Deputy Prime Minister Anwar was dismissed from government and arrested for corruption and committing 'illegal' homosexual acts – allegations he has always denied.

He was beaten up while in police custody and convicted for corruption in 1999 and for 'sodomy' in 2000. He remained imprisoned until 2004 when the "sodomy" conviction was overturned.

“No person should be detained for consensual sex with another adult – it is not a recognisable criminal offence under international law. The ‘sodomy’ law should be removed from the books altogether,” said Bennett.

Wider crackdown

AI also took Malaysia to task for making use of the Sedition Act, another colonial-era piece of legislation that the authorities use to charge and imprison critics.

Two people have been convicted of sedition this year, with at least a dozen others currently facing charges solely for peacefully expressing their views. Scores more have been investigated for “seditious” activities – Anwar himself was placed under investigation for sedition in September.

In July 2012 Prime Minister Najib Tun Razak publicly committed to repealing the law stating that it represented “a bygone era”, but over two years later his promise remains unfulfilled.

“The Malaysian government’s widespread use of the Sedition Act is not just an attempt to silence certain individuals but is creating a wider climate of fear,” said Bennett.

“The PM should stick to his promise – the draconian Sedition Act must be repealed or amended to bring it in line with international standards.”

'Concern over series of events leading to hearing'

The Asian Forum for Human Rights and Development (FORUM-ASIA) also agreed that Anwar’s persecution is politically motivated and raised concern over the series of events leading up to today’s hearing at the Federal Court.

Evelyn Balais-Serrano, Executive Director of FORUM-ASIA said this include the Federal Court’s rejection of a motion by Anwar to disqualify a member of the prosecution team, Shafee Abdullah, a lawyer closely linked with the ruling UMNO party, as well as the recent Sedition charges against one of Anwar’s lawyers, N. Surendran, over his criticism of the Court of Appeal’s March 2014 decision to overturn Anwar’s acquittal by the High Court.

“The government’s attempts to silence dissent is far-reaching and systematic,” said Balais-Serrano who also condemned University of Malaya to task for banning a talk by Anwar on campus and issuing a show cause letter to a student leader.

She also called for the repeal of all repressive laws, namely the Sedition Act and sodomy laws, which are being used to muffle government critics and against human rights.

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