

Don't retain OSA, give us FOI law instead - Suhakam tells gov't

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The Human Rights Commission of Malaysia (Suhakam) today urged the government to abolish, not maintain the Official Secrets Act (OSA) 1972, reminding that the law was used by the previous administration to curtail access to 1MDB-linked documents.

In a statement, its chairperson Razali Ismail said a freedom of information law that grants the public access to government documents upon request should be enacted instead.

"Suhakam regrets the government's decision to retain the outdated OSA and would like to remind the new government that access to information which concerns public interest is pivotal to the democratic principals of transparency and good governance, as well as the rule of law.

"The government can no longer afford to evade the protection of the right to freedom of information of the rakyat," said Razali.

He then raised the 1MDB issue, which happened during former premier Najib Abdul Razak's administration.

"Suhakam (also) wishes to remind this government that the OSA was misused by all past governments, including the Najib administration, to curtail access to 1MDB documents alleging corruption.

"Maintaining the OSA may, therefore, give reason for the public to believe that subsequent governments can also abuse the law to mask corruption," cautioned Razali.

He noted further that the OSA grants the executive unfettered discretion to classify any document and information as an official secret and criminalises not only primary but secondary disclosure of classified information, casting a wide web that has resulted in a large number of arrests since its passing.

"In recognising the legitimate need to restrict the disclosure of certain types of information relating to national security, Suhakam urges the government to enact a federal freedom of information law in place of the OSA that will allow the public to access government documents upon request.

"With adequate and genuine stakeholder consultations, this law can be drafted in line with international standards, except for documents that fall under specific and targeted exemptions on security grounds," said Razali.

The fate of Malaysia cannot be left in the hands of a few good men, and instead,

institutional and legal guarantees are the way forward, he added.

This was in reference to Prime Minister Dr Mahathir Mohamad telling Malaysiakini in an interview earlier this week that the OSA would stay - saying the previous BN-led administration had just abused it.

Under the new Pakatan Harapan government, the law will be left in the hands of people who will not break the law, the premier had assured.

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