

YOURSAY | Sosma: End lengthy detention, allow bail

Malaysiakini

21 December 2022

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YOURSAY | “This is the time to review and revise Sosma.”

Kilimanjaro: Security Offences (Special Measures) Act 2012 (Sosma) has become a tainted piece of legislation. In the wrong hands, it can become abusive. At the same time, security should have the means to protect people from terrorists and hardcore violent criminals.

Maybe it makes sense to do away with Sosma as it is still perceived as a craft of the former prime minister Najib Abdul Razak's administration designed to silence even political critics. Come up with new legislation where the concerns of the security forces are accounted for and at the same, it takes care of the concerns of the people in safeguarding human rights.

Some of those detained under Sosma are now being charged under the Penal Code and those charged would not be brought to court until 2024. Yes, 2024. If the authorities have the evidence why should they drag it for so long?

Apart from having doubts, the way they are dragged through Sosma and then charging them under the Penal Code looks fishy.

Sosma has taken enough thrashing. The case of former Petaling Jaya MP Maria Chin Abdullah and those charged for alleged Liberation Tigers of Tamil Eelam (LTTE) activities sorely pushes Sosma to a defensive corner and trying to save it will not help the already "tainted" legislation.

GreenCheetah0027: The problem is not Sosma but how it was used. The immediate remedy is not to abolish Sosma but to quickly secure the detainees' release through the appropriate court process.

This includes charging the detainees under whatever laws (not use Sosma) they are alleged to have breached and letting the court decide whether to free them or otherwise.

If there is no case against these detainees, then release them through the appropriate court process.

As a separate but urgent step, the government could amend Sosma to make it a more 'humane' national security law.

All the major democracies have national security laws to protect against terrorists and attempts against the country. Malaysia should have one too... but it can be overhauled to ensure all rights are protected and detainees are afforded due legal process within a reasonable time.

One should not be too hasty on things such as this.

MarioT: This law is repressive, it does not allow bail but allows detention without trial at the sole discretion of the authorities. When power becomes absolute, it gives room for abuse and manipulation of charges. The British introduced the now-defunct Internal Security Act (ISA) to contain the spread of communism.

The same law under the name of Sosma is still in existence to deprive a detainee of any legal redress. This is a serious violation of human rights.

The home minister is asked to look into this matter in earnest and release the detainees on bail while reviewing their cases.

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Mugi: "Sosma gives the police the power to arrest people for 28 days without charging them in court and denying them bail."

Within the first 14 days of arrest, the police will raise the charges. However, this period could be extended with court approval to another 14 days. If the police could not prescribe any charges to the arrest, the person/s should be freed after 28 days. If Sosma was to be amended with some fine-tuning, maybe we can accept it.

The current 28 days of police lock-up look eternal, with no end in sight.

Cogito Ergo Sum: If the home minister is adamant that Sosma be retained, then the whole cabinet and the prime minister have given the green light to maintain it. It would seem that reformasi was merely a campaign promise and not meant to be carried out.

Laws that go against fundamental liberties are just not part of an administration that swept into power on the clarion call of reformation. How does one put food on the table if one is on an indefinite remand?

Kawak: Let's see how the home minister and Minister in the Prime Minister's Department (Law and Institutional Reform) Azalina Othman Said are going to deal with this piece of draconian law.

The ordeal of the families of Sosma detainees and the outcry by human rights

groups should be looked into. Of course, the enforcement agency wants a strict law to facilitate their investigation. But the investigation and the legal process took too long to complete, causing many to be detained without trial for years in custody.

JW: This is the time to review and revise Sosma. In this day and age, there should not be a law that takes away a human being's basic right of being innocent until proven guilty in a court of law.

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