

EO 'paves way' for graft
Malaysiakini.com
March 6, 2007
Bede Hong

Three groups that have been lobbying against use of preventive detention laws have an additional reason now for wanting the Emergency Ordinance 1969 (EO) scrapped.

In the wake of the corruption allegation against Deputy Internal Security Minister Mohd Johari Baharum, they claimed that use of the law could allow those in authority to profit from it.

Opposition Parti Keadilan Rakyat president Dr Wan Azizah Wan Ismail said the government should re-examine the validity of the EO in light of the allegation that Johari had authorised the release of three suspected criminals for bribes exceeding RM5 million.

The allegation - dubbed 'freedom for sale' - surfaced over the weekend in an anonymous posting on an obscure website and was picked up by The Star. Johari has denied the allegation.

"This goes beyond a case of 'freedom-for-sale'," said Wan Azizah in a statement.

"If found to be true, it becomes a case of national security, as those who are in charge of security matters, can sell out to the highest bidder."

The EO, which allows indefinite detention without trial, only encourages officials to exploit the desperation of those detained, she claimed.

The law was enacted following the 1969 racial riots, to curb mob-rule. Based on statistics, it is more frequently used than the Internal Security Act 1960 (ISA), which also provides for detention without trial.

Human rights group Suaram estimated that 700 people are currently detained under the EO, compared to 89 under the ISA as at last year.

Wan Azizah also called for a Royal Commission to be set up to examine the validity of the EO.

She further urged the government to suspend Johari (photo) immediately, saying the police would be unable to conduct an unbiased investigation as they report to him.

"Neither is the Anti-Corruption Agency (ACA) suitable, considering it is currently embroiled in its own scandal with the director-general (Zulkipli Mat Noor) alleged to be corrupt," she said.

Zulkipli has denied the allegations, but the government has come under pressure to suspend him while investigations are in progress.

"Repeal EO'

Suaram secretariat member Elizabeth Wong said the EO should be repealed to reduce

avenues for corruption.

"As the detainees do not have access to the judicial process, their families begin to get desperate. It opens up situations where those in power might take advantage of them. In a proper criminal justice system, the potential for bribery would be less," she said.

Bar Council president Yeo Yang Poh said the scandal showcased "blatant" double-standards.

"The EO is used whenever there is insufficient evidence to charge someone. Why is it not... used whenever a politician is accused of corruption and there is insufficient evidence to charge him?" he asked.

"When the liberties of a person are dependent on one or a few people, abuses can occur."

Since 2005, the Bar Council has been providing the services of dozens of lawyers to EO detainees held at the Simpang Renggam detention centre. It has also been calling for repeal of all preventive detention laws.

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.
Source : <http://www.malaysiakini.com/news/64124>