

'Accept commission's proposal, repeal EO'
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Two former members of the royal police commission have urged the government to heed the commission's recommendation, made two years ago, to repeal the Emergency Ordinance (EO).

"Malaysia's legal system clearly provides for offences in the Penal Code that can be used to charge a person provided if there is sufficient evidence.

"If not, the suspects should not be detained," said former commission member Khuthubul Zaman Bukhari when contacted today.

Khuthubul is also the former Bar Council president.

Another former commissioner Dr Denison Jayasooria recounted that the commission had unanimously decided that the EO should be repealed.

"While we took into account police justifications for still requiring such a law, it was felt (by the commission) that due to the numerous abuses of the EO, the police should present suspects to an open court for trial," he said, adding that past and present EO detainees are still innocent until proven guilty in a court of law.

He said there was no mechanisms in place that would ensure that the law would not be abused.

He noted that even Deputy Internal Security Minister Mohd Johari Baharum himself had publicly admitted that he had insufficient time to vet police advisories pertaining to EO detentions.

Johari had also accused the police of not carrying out proper investigations with regards to these cases.

The deputy minister had revealed this after he was accused of freeing several EO detainees upon accepting bribes amounting to RM5.5 million. Johari has denied the allegation.

An embarrassment

Reiterating the commission's recommendation that the EO had 'outlived its purpose', Denison said it was likely that the law does not help curb the soaring crime rate in the country.

"If I am a murderer, I will opt to come under EO, because (usually the) detention order is under two years. (At the end of it) I won't have criminal record and I won't be prosecuted in a court of law

"(Therefore the) use of EO impedes upon good police investigation," he said, adding that the way to curb crime is to bring more suspects to court.

Denison said it was likely that Malaysia was the only country in the world that uses preventive detention laws on crimes such as gangsterism.

Other developed countries use various methods such as tax evasion laws in order to cripple criminal gangs.

"The whole system now requires a major revisit. It's an embarrassment to Malaysia, a developing state of democracy to justify the use of such a legislation.

"It is human rights and basic Islamic principles that you must provide a person the opportunity to defend oneself, " he said.

Denison recommended that the government grant the police and the Attorney-General's Chambers more resources, manpower and capacity to bring more suspects to trial.

He said a witness protection programme, as recommended by the commission, will also help more witnesses to come forward in trials involving gang-related crimes.

"It involves a whole gambit of things. Arresting and locking up alone is not the solution," he said.

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