

Abolish the ISA and all oppressive laws
Malaysianmirror.com
03 August 2010

OPINION Thirty-five persons -- 30 in Petaling Jaya, four in Penang, and one in Ipoh -- were detained by police during a peaceful candle-light vigil held in several parts of the country on the night of Sunday 1 August 2010, the date commemorating the 50th anniversary of the oppressive Internal Security Act (ISA).

Those arrested were among the people who had gathered to protest against the country's most hated and feared legislation, which allows for detention without trial and has been wielded against more than 10,000 people since it went to effect on 1 August 1960.

The enactment of the ISA in 1960, three years after Malaya gained independence, was related to the internal battle against the Communist Party of Malaya (CPM) which was then involved in an armed insurgency and insurrection, which started soon after World War 2.

Earlier in 1948 after three European planters in Perak were killed by communists, the then colonial British administration introduced the Emergency Regulations Ordinance 1948 and declared the infamous Emergency across the country.

Under the Emergency Regulations, the police were given sweeping powers of arrest, and severe punishment, including the death penalty, could be administered without an ordinary trial.

The martial law rule forced the CPM to go underground and launched an armed struggle using hit-and-run guerrilla warfare tactics.

The Emergency officially ended on 31 July 1960, after 12 long years. But the CPM campaign continued on a much smaller scale, and officially ended only in 1989 when the communists laid down arms.

Following the formal ending of the Emergency, the then Malayan Parliament enacted the ISA on 1 August 1960 to replace the colonial Emergency Regulations Ordinance 1948.

The ISA has been in force since 1 August 1960, and this year marks the 50th year of existence.

When it was first tabled in Parliament on 21 June 1960, the then Deputy Prime Minister cum Home Minister Tun Razak declared that the law was meant to deal with the CPM and related subversive activities, and not to restrict legitimate political activities. The ISA was not enacted to silence the voice of dissent nor meant for the ruling party to abuse it to curb its political rivals.

However, over the years, the ISA has evolved to become a harsh tyrannical law to curb political dissension and to silence the critics of the ruling party. It has, in effect, become a legal, but immoral, legislative tool in the hands of the ruling party leaders to get rid of their political rivals, abusing it to put the popular legitimate opposition leaders under detention without trial.

Under the ISA, anyone can be arbitrarily detained indefinitely without trial at the pleasure of the Home Minister.

Hence, the ISA is a draconian law that violates the fundamental human, civil and constitutional rights of the citizens, and is in contradiction to the democratic concept of the rule of law.

The ISA has been abused by the authorities during the recent years, the most recent case being the unjustified detention of Selangor senior state executive councillor Teresa Kok of the DAP, and Sin Chew Daily reporter Tan Hoon Cheng on Friday 12 September 2008.

The most notorious abuse of the ISA was during the Mahathir administration when he launched Operation Lalang which was carried out on 17 October 1987 to crack down on opposition leaders, social activists, and church leaders.

The operation saw the arrest of 106 persons under the ISA and the revoking of the publishing licences of English daily The Star, Chinese newspaper Sin Chew Daily and the new defunct Bahasa Malaysia weekly Watan. They were given back their publishing permits about six months later. The employees of these publications had to undergo half a year of hardship, with no job, no money, and they should be counted as victims of the oppressive ISA, too. I was one of them.

Among the prominent persons arrested during Operation Lalang were the then Opposition Leader and DAP supremo Lim Kit Siang, his son Guan Eng, DAP strongmen Karpal Singh and the late P. Pato, trade unionist and DAP strongman the late V. David, the then PAS Youth secretary Khaled Abu Samad, Brother Anthony Rogers of the Catholic Church, university lecturer and pastor Dr Poh Boon Sing, religious teacher Jamaluddin Othman, the then Penang PAS Youth chief Mohamad Sabu, and Christian social activist Lim Chin Chin.

The ISA is no more relevant, and should be abolished. The Najib administration should be bold and brave enough to acknowledge the current geo-political realities in the contemporary world on our multi-racial, multi-religious, multi-cultural and multi-lingual nation, and act to abolish the oppressive draconian ISA to give due recognition and respect to the dignity of the human person and his fundamental God-given human, civil and constitutional rights.

Why has our FDI (foreign direct investments) declined so drastically? One basic reason is our poor record of human right practices, whether the federal government admits it or not.

Human rights are the fundamental basis for a holistic well-being of all human persons in all aspects -- spiritual, moral, intellectual, emotional, physical, social, and economical. A progressive nation must ensure the balanced development of all these aspects for its citizenry.

If we want to be a progressive developed nation by 2020, the most fundamental matter we need to get right is our practice of human rights. There is the primary need for the authorities to recognise and respect the right to racial, religious, cultural, political, social, economic self-determination of all persons. Due recognition and respect must be given to the dignity, equality, and religious and educational rights of all citizens, irrespective of colour, creed, culture, and class.

As the first step toward such an ideal morally righteous, equitable, virtuous, and just society, the Najib administration should abolish the ISA, review and revamp all other restrictive and oppressive laws such as the Police Act, the Official Secrets Act, the Printing Presses and Publications Act, and the Universities and University Colleges Act.

The second step for the federal government to ratify all the international human rights covenants and conventions of the United Nation, especially the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Racial Discrimination.

The preservation, promotion and propagation of human rights are essential to the pursuit of a balanced holistic, just and fair development.

If the Najib administration is prepared to walk the talk, and take the country to greater heights by taking positive, committed action to abolish the ISA, and remove all the legal restrictions to allow for truth, righteousness, freedom, justice, fairness, and peace to flourish and bloom in our nation, it has my vote at the next general election.

But, I think I am just having a hallucination!

Copyright © 2009 www.malaysiamirror.com

Source :

<http://www.malaysianmirror.com/media-buzz-detail/41-opinion/47645-abolish-the-isa-and-all-oppressive-laws>