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Former prime minister Tun Dr Mahathir Mohamad with (from left) Datuk Seri Mohd Shafie Apdal, Tan Sri Muhyiddin Yassin, Tan Sri Tengku Razaleigh Hamzah, Tan Sri Sanusi Junid and Datuk Seri Ong Tee Keat in Putrajaya on Monday. Pic by Mohd Fadli Hamzah

# RPK: Was Dr Mahathir protesting Sosma or...?

NST- 14/10/2015

I think Dr Mahathir is worried that since two of his agents have lost their freedom (Matthias and Khairuddin) while two cabinet ministers have lost their jobs (Muhyiddin and Shafie), this would mean he has lost his face because he had guaranteed them that they would be safe but apparently they are not

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RAJA PETRA KAMARUDIN

**D**ID Tun Dr Mahathir Mohamad call for a press conference yesterday to protest Sosma or to protest the use of Sosma against his agents, Khairuddin Abu Hassan and Matthias Chang?

And were Muhyiddin Yassin and Mohd Shafie Apdal, who both sat at the main table with Dr Mahathir together with some other political leaders, also protesting Sosma or were they protesting the fact that Prime Minister Datuk Seri Najib Razak had used Sosma to neutralise two of Dr Mahathir's agents or operatives?

This is almost like back in 1998-2001 when the opposition protested the use of the ISA against supporters of Anwar Ibrahim (not once but twice) and in the same breath shouted 'Tangkap! Tangkap!...Tangkap Mahathir!' and then asked that the prime minister be detained under the ISA for crimes against the nation.

During one ceramah, Mat Sabu (then in Pas) asked the crowd whether they wanted Dr Mahathir detained under the ISA and the crowd responded with a resounding yes. Mat Sabu then stopped talking and after a short pause he said, 'This is the problem with the opposition. We protest the ISA and want it abolished and yet we want it used against Mahathir. If the ISA is wrong then we should not tolerate it being

used even against our enemies, not just against our friends.'

Once in awhile that chap does make sense.

In fact, the Abolish ISA Movement (AIM) was launched in 2001 by the then Pas president, Ustaz Fadzil Muhammad Noor, when 10 of us were detained under the ISA in April that same year. The movement came about not just because 10 of us were detained for opposing the government (six were sent to Kamunting for two years) but to fight for the repeal of the law.

The ISA (Internal Security Act 1960) was finally repealed in mid-2012 and was replaced with Sosma (Security Offences [Special Measures] Act 2012). The ISA is detention without trial while Sosma allows for one to be charged in court to face trial (and, hence, can be freed if the court finds there is no case against the accused).

When the ISA was repealed and replaced with Sosma in 2012, Dr Mahathir was one of those who criticised Najib and opposed the move. Dr Mahathir felt that Malaysia still needs the ISA to ensure the peace, stability and security of the nation. Dr Mahathir felt that Najib had gone soft and maybe should no longer continue as prime minister if he cannot guarantee the peace, stability and security of Malaysia.

Eleven years before that, in 2001, the year 10 of us were detained under the ISA and when AIM was launched, the Twin Towers in New York were brought down and Dr Mahathir gleefully said that America's

Twin Towers suffered attack because they did not have the ISA. Malaysia, however, has the ISA and that is why Kuala Lumpur's Twin Towers are still standing.

The US, too, needs laws such as Malaysia's ISA, said Dr Mahathir. The ISA is a preventive law. It stops people before they commit a crime. Why bother to try to arrest them after they have committed a crime and many people have died? Most likely the criminals would have already escaped and would be far away by then, said Dr Mahathir.

So we need to detain them before they commit a crime, even while they are still just thinking of committing a crime, argued Dr Mahathir. The ISA allows for the detention of people who may still just be thinking of doing something criminal even before they actually do it.

In short, the ISA allows Malaysia to detain people for thinking. And that is why the ISA is called a preventive law. It prevents crimes from happening.

And the US probably listened to Dr Mahathir's arguments and wise words and must have agreed with what he said because two months later America introduced the Patriot Act and used it against Muslims all over the world that are perceived as or suspected of being a threat to the security of the US.

Two years later, in September 2003, the *New York Times* reported that America's Patriot Act was being used against "alleged potential drug traffickers without probable cause". The NYT article also mentions a

study that was done by Congress that referred to hundreds of cases where the law was used "to investigate non-terrorist alleged future crimes".

In November 2005, *Business Week* reported that the FBI had issued tens of thousands of "National Security Letters" to embark on what they called "fishing expeditions". Earlier, in June 2005, the United States House of Representatives voted to repeal a certain provision in the Patriot Act that allowed federal agents to examine people's book-reading habits at public libraries and bookstores as "part of terrorism investigations".

Can you imagine that? The US even investigates what books you read to see whether you may have that one per cent possibility of harbouring "terrorist tendencies". So there you have it. Note those key words: potential crimes, without probable cause, non-terrorist crimes, alleged future crimes, fishing expeditions, etc.

And did Dr Mahathir not tell the US that for the good of America, they need a law just like the ISA? And did

the US not listen to Dr Mahathir and two months later introduced a law just like the ISA, the Patriot Act? And did the NYT not say two years later that the Patriot Act is being used against non-terrorists, potential crimes, alleged future crimes and without probably cause?

Hell... Sosma is very tame in comparison to Dr Mahathir's ISA and America's Patriot Act. At least under Sosma, they do not subject you to waterboarding torture to extract confessions and instead you are allowed a trial.

So, was Dr Mahathir protesting Sosma yesterday when he regards Sosma not good enough and too tame compared to the ISA and Patriot Act? Or was he protesting the fact that two of his agents have been put out of action?

I think Dr Mahathir is worried that since two of his agents have lost their freedom (Matthias and Khairuddin) while two cabinet ministers have lost their jobs (Muhyiddin and Shafie), this would mean he has lost his face because he had guaranteed them that they would be safe but apparently they are not.

## 1,316 held under ISA up to 2005

**KUALA LUMPUR:** A total of 1,316 people were detained under the Internal Security Act (1960) from 1981 to 2005. The offences include human smuggling and trafficking, and religious extremism.

The highest number of detainees in a single year was 136 in 1998 during the Reformasi period, following the sacking of then deputy prime minister Datuk Seri Anwar Ibrahim.