

**Criticism grows over ISA replacement's threat to basic rights**  
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**By Shannon Teoh**

KUALA LUMPUR, April 11 — Putrajaya's law to replace the Internal Security Act (ISA) has met with growing criticism over claims that it persists in denying basic liberties, just hours after being tabled in Parliament.

Global civil liberties watchdog Human Rights Watch (HRW) said in a statement this morning the Security Offences (Special Measures) Bill 2012 will "open the door to a range of future abuses" if it is passed, as expected, by the ruling Barisan Nasional (BN).

DAP lawyer Gobind Singh Deo also added to criticism by his counterparts from the Bar Council who said yesterday the Bill must be reviewed as "counter-terrorism laws... must not usurp the very rights and freedoms that the terrorists themselves are threatening."

HRW's deputy Asia director Phil Robertson criticised the provision for a 28-day detention without judicial review and added that the delay of 48 hours before a suspect has access to a lawyer "encourages abusive interrogations."

"The Malaysian government is putting to rest the long-derided ISA, but it is also setting the stage for future abuses," he said.

Robertson added that the proposed law would allow police to make an arrest without a warrant if the officer merely "has reason to believe" that the person may be a security threat, and gives police broad powers to conduct searches and intercept communications without a warrant.

Gobind, who is also Puchong MP, noted that the police have "total unsupervised control over a suspect" during the 28-day detention and there is no good reason why a suspect cannot be brought before a judge during this time to ensure there is no physical or mental abuse on him.

The DAP central committee member also pointed out the Bill seeks to reintroduce the concept of confessions, which "has been done away with in most criminal trials as many accused have complained that statements were extracted from them during detention by improper means."

"So, to revert back to an outdated practice would be highly questionable, especially where there will be no access to court during the first 28 days of detention during which time severe pressure would be brought to bear upon a suspect.

"What we have is essentially a trade-off. Take away ministerial power to detain without trial for two years and introduce new rules making it easier to secure convictions for offences carrying the heaviest of penalties," he said.

The ISA replacement law was tabled in the Dewan Rakyat yesterday, removing the government's option to detain individuals without trial and providing a maximum detention

of 28 days for investigation purposes.

Under the ISA, an individual believed to have committed a security offence can be detained for up to two years without trial, on orders from the home minister.

The Bill seeks to provide for "special measures" relating to security offences for the purpose of maintaining public order and security and for connected matters.

The new law also notably states that no individual can be arrested solely for his political belief or any political activity, as promised by Prime Minister Datuk Seri Najib Razak last year when announcing a raft of reforms aimed at increasing civil liberties.

But the Bill, the first of two laws that will replace the ISA, still allows the police to arrest and detain "any person whom he has reason to believe to be involved in security offences" without warrant for 24 hours for investigation.

This led the Malaysian Bar to call for a review of the law which allows a summary of evidence to build a case, as opposed to the evidence itself and gives police power to detain for 28 days and intercept communications without judicial oversight.

"The radical departure from the ordinary rules of evidence may negatively impact on the accused's right to a fair trial," Bar Council president Lim Chee Wee said in a statement.

He also noted the Bill's definition of security offences under Section 3 was "too wide" and urged the government to use a more precise one, as can be found in the UN Convention for the Suppression of the Financing of Terrorism.

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