

**Parliament: Seven Safeguards For Security Offences Bill**  
**Bernama**  
**April 16, 2012**

KUALA LUMPUR, April 16 (Bernama) -- The government has decided to come up with seven safeguards following the formulation of the Security Offences (Special Measures) Bill 2012, said Prime Minister Datuk Seri Najib Tun Razak.

He said among the measures to be drawn up in the new bill aimed at replacing the Internal Security Act (ISA) 1960 was that no one could be arrested and detained under this section merely based on his political belief or activities.

"According to the provision under Section 4 Sub-Section 3, 'no one can be arrested and detained under this section merely for his political belief or political activities'.

"This gives the meaning of protection to involvement in activities that is legal under the law through the expression of opinion or action taken according to the principles of a political party which was registered at the particular time under the Societies Act 1966 (Act 335).

"This is proven through membership, contribution to the party, open participation and active in party affairs, expression of opinion directed at any government in the Federation or action aimed at any government in the Federation," he said when tabling the bill in Parliament, here Monday.

The Prime Minister said that under the bill, the powers of the Home Minister to detain any individual without trial was also abolished with the police being provided special powers to arrest and detain those believed to be involved in security offences.

Najib said that those detained were free to make habeas corpus application in the court and could challenge the grounds of detention and detention procedures where the power for judicial review was returned fully to the court unlike the provision in the ISA which obstructed the power of judicial review except in the case of detention procedures.

"In this regard, (I) wish to emphasise that the government and the authorities will respect whatever decision made by the court. In other words, someone who has been discharged, will not be detained again for investigation for the same offence," he said.

The Prime Minister said the "sunset clause" for a 28-day detention must also be reviewed once in five years and must cease to be effective unless when a review was made, a resolution was passed by both Houses of Parliament to extend the enforcement of the provision.

Najib said a subsequent safeguard was that the police in carrying out investigation on someone must inform the next-of-kin of the person concerned as soon as possible on the arrest and detention of the individual with the duration of the detention not exceeding 48 hours.

He said that before the expiry of the period of detention, the police officer conducting the investigation must send the Investigation Papers to the public prosecutor whether to charge the accused in court or to free him, meaning that the individual concerned would not be

detained after the 28-day period.

The Prime Minister said the government would also set up a committee administratively to review the whole act from time to time whereby the committee concerned was also responsible for scrutinising its implementation and to make recommendations for improvement.

Najib said the committee's membership was not only confined to the agencies concerned but also involved the President of the Bar Council and the Human Rights Commission of Malaysia (Suhakam).

"The final and biggest safeguard was the power and aspiration of the people. We should know that the people are the ones who have the power to decide, once in every five years, which party should be given the mandate to govern as this is the thrust of the system of parliamentary democracy," he said.

The Prime Minister also suggested that a special court be created administratively to hear security cases under the bill and an experienced judge be given exposure to all forms of security offences and the legal provisions used.

In addition, Najib also announced that the government would review comprehensively the Sedition Act without ignoring any option.

"The tabling of the Security Offences Bill 2012 does not mean the end of the efforts started seven months ago. The government will certainly continue the efforts towards noble political change and transformation," he said.

---BERNAMA

Copyright © 2012 BERNAMA

Source: <http://www.bernama.com/bernama/v6/bm/newsindex.php?id=659299>