

Repeal Of ISA Shows Government's Courage & Openness

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KUALA LUMPUR, April 16 (Bernama) -- Today represents an important day in Malaysia in terms of law reform as it is consistent with the norms of international human rights.

With the tabling of the Security Offences (Special Measures) Bill 2012 to replace the Internal Security Act (ISA) in Parliament here today, it shows the government, under Prime Minister Datuk Seri Najib Tun Razak, has been true to its word to repeal laws that are deemed to be out of sync with current times.

It also amply demonstrates the government's readiness and gumption to do away with legislation that may be inconsistent with the Federal Constitution.

The ISA, enacted more than 51 years ago, has often been viewed as an oppressive and draconian piece of legislation, especially with regard to the provisions of preventive detention without trial.

Condemned for being a gross violation of human rights, it has been estimated that more than 10,000 people had been detained without trial under the ISA.

As for the tabling of the Security Offences (Special Measures) Bill 2012, it represents a progressive step towards honouring the rights and fundamental liberties of citizens in the country.

Instead of the ability to detain individuals without trial for up to two years on orders from the home minister under the ISA previously, the new law provides a maximum detention of 28 days for investigation purposes.

The new law also notably states that no individual can be arrested solely for his political belief or any political activity.

The Bill still allows any police officer 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.

Najib, when tabling the Bill for second reading, had assured that those detained were free to make habeas corpus application in the court.

They 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.

He also emphasised that the authorities would respect whatever decision made by the court, and that someone who had been discharged would not be detained again for investigation of the same offence.

Najib had announced three initiatives on Malaysia Day (Sept 16) last year under the aegis of

the political transformation involving the repeal of the Emergency Declaration, ISA, Restricted Residence Act 1933 and Banishment Act 1959, formulation of the Peaceful Assembly Act, and amending the Publications and Printing Presses Act 1984.

Also in the works is a new law to replace the Publications and Printing Presses Act 1984, which also does away with the need for newspaper publishers to renew publishing licences annually.

While some may view with concern that repealing the Publications and Printing Presses Act 1984 may lead to a "free for all" in terms of news stories that could be inflammatory or seditious as seen in some countries, those well-versed in the law argue that the provisions of other existing laws of the land will be adequate enough to temper such exuberance.

It is important to take heart to what Najib said in Parliament today: "The important thing is, we are building a nation where the supremacy of the constitution and sovereignty of the law are the protection for each individual so that he or she is free to voice opinions, criticise, support, hold differing views, be involved in politics and be a member of any association.

"In short, no one will be punished for exercising his or her rights as guaranteed under the Federal Constitution and the country's laws."

Najib's courageous approach towards law reform is to be commended and even British Prime Minister David Cameron found it fitting to say so, during his visit to Malaysia the other day.

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