

Pota not like ISA, deputy minister tells critics

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By Elizabeth Zachariah

The Prevention of Terrorism Bill 2015 (Pota) is nothing like the scrapped Internal Security Act 1960 (ISA), the Home Ministry said today, following criticisms from opposition politicians and civil society concerned over "repressive" elements in the new law.

Deputy Home Minister, Datuk Seri Dr Wan Junaidi Tuanku Wan Jaafar said there were certain provisions in the Pota that differs from the ISA, including its executive powers and power of detention.

"The executive powers are not on the minister, like in the ISA, but it rests on the five-member advisory board," he said when tabling the bill for debate in Parliament today.

"In the ISA previously, the police will decide who to detain but under Pota, only the board is allowed to make such a decision.

"As such, criticisms that Pota is the twin of the ISA is baseless, inaccurate and untrue."

Putrajaya had tabled the Pota last Monday, which empowers authorities to detain terrorist suspects without trial and which also disallows judicial reviews on such decisions by a Prevention of Terrorism Board.

Under the proposed law, suspects can be first detained a maximum of 59 days (including the initial remand period), before being brought to the board, which can then order further detention of up to two years.

Following this, the detention period can be renewed if the board decides there are reasonable grounds. It can also direct a person to be set free if it deemed necessary.

The bill does not allow any judicial review in any court, noting that no court shall have jurisdiction over decisions by the board in its discretionary power.

Critics including Kuala Terengganu MP Datuk Raja Kamarul Bahrin Shah Raja Ahmad and Kelana Jaya MP Wong Chen had raised concerns over the new law, saying that it was just a "reincarnation" of the defunct ISA.

PR lawmakers also said selective prosecution remains a valid concern and that it would become a threat to human rights.

Prime Minister Datuk Seri Najib Razak had also earlier given his assurance that the new law would not be used for political purposes, saying that the executive arm of the government would have no say in whether to detain an individual.

"We will place it under a credible body so that only those truly involved in terrorism can be detained under the new act. That way, we can guarantee Malaysia will continue to be safe," said Najib.

Today, Wan Junaidi reiterated this, pointing out that not even a single politician has been arrested under amendments of the Prevention of Crime Act, proving that allegations otherwise were untrue.

"I stress that there is no intention on the government's part to do so (arrest politicians) and we take it seriously if such a thing happens," he said.

The Santubong MP said that allegations that the minister could intervene in the decisions of the board was also unsubstantiated as those elected to the panel would have to be consented by the King based on the prime minister's advice.

Speaking to reporters at the lobby later, Wan Junaidi said the suggestion by opposition lawmakers that the person detained be produced in the High Court within 24 hours of their arrest was not viable as there was "no time" to do it there.

"It may not be viable as the High Court will have its own things to do. The High Court itself is already bogged down with cases," he said.

Meanwhile, Pengerang MP Datuk Seri Azalina Othman, when debating the bill, said that those who opposed Pota were supporting the rights of terrorists, noting that the opposition had nothing to fear if they did not break the law.

"If we break the law, we will be arrested. But if we are parliamentarians and think we can do as we please, it means that you don't respect the law.

"Barisan Nasional respects the law, but the opposition does not. Pota is to protect the sovereignty of the country, I support the law," she said in a heated 20-minute speech. – April 6, 2015.

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