

MALAYSIA

Off with the ISA!

A promise made to repeal Malaysia's dreaded Internal Security Act—arguably the country's most oppressive security law—could leave local police no room to abuse the principles of justice. If the repeal comes through as vowed by Prime Minister Najib Razak, what would this mean for the majority of Malaysians, and the war against terror in Southeast Asia?

In what was dubbed as the biggest shake-up of the Malaysian system since 1957, Prime Minister Najib Razak on September 15 promised to review regulations to reduce government interference and pressure on the media. He also vowed to scrap the 1959 Banishment Act as well as a law on residency dating back to the 1930s. However, his televised address that day will most likely be remembered by millions of Malaysians for one promise alone—the promise of civil liberties through the repealing of the Internal Security Act (ISA) and the Emergency Ordinance. Both allow for indefinite detention without trial. He said the two laws would be repealed and replaced by two new laws for use mainly against suspected militants.

Should this fail to materialize, Najib is sure to upset his electorate, who have been complaining about economic uncertainties, spiraling food prices and the rising cost of living. However, if and when the ISA repeal takes place, Najib could find himself alienating top conservative politicians who have struggled for a tougher stance against political dissidents.

Designed to curb a perceived communist threat in the 1960s, the ISA authorizes the arrest and detention for an indefinite period of anyone suspected of committing an act deemed dangerous to national security. Detainees can be held for 60 days without legal counsel, and preventive detention can then be renewed every two years.

According to reports, the ISA has been



Malaysian Prime Minister Najib Razak speaks on live television in Kuala Lumpur.

lice are hardworking and good enough to gather the evidence," said Tai Soon, adding the "Criminal cases are heavily weighted against the suspects in court, so I do not see why the prosecution are afraid of charging suspects for terrorism offenses."

Tai Soon pointed out that the prosecution in Malaysia have immense powers in court and is not obligated to disclose their case to the defense until their pre-trial statements. "Questions of witness tampering do not arise, and the criminal procedure in Malaysia is very much in favor of the prosecution," he said.

He added that it was obvious following years of campaigning by human rights and civilian liberties activists, that this 'abhorrent piece of law' is being repealed, and therefore, credit should go to them. "Many Malaysians do not understand why we need the law which was meant for the militant communists at our border in the 1960s."

Separately, Syed Ibrahim Syed Noh, who chairs Malaysia's Abolish ISA Movement, has said that Malaysia's other existing laws, such as Chapter VIA Penal Code on Terrorist Offense, would do the job outside of the ISA, so long as the enforcement officers acted professionally and diligently in their investigations.

"With the repeal, there will be no room for abuse and violation of principles of justice and human rights. If new laws on security or anti-terrorism were to be enacted, it must have provisions for trial and judicial review," Syed Noh told *Tempo English*.

When asked whether or not this was Razak's political attempt at winning back middle class voters, he answered: "Yes! Definitely. However it will be won if the proposed repeal really goes through."

Not all have expressed happiness with the proposed repeal. Al Chaidar, an Indonesia-based terror analyst, said that this would be seen as a blow by many top anti-terror officers across the Southeast Asian region, because Malaysia's ISA was seen as the 'last frontier' in the war against terrorism in Southeast Asia.

"It is seen by many top anti-terror officers as an effective coercive legal defense to slow down the forces of radicalism. This will have a ripple effect across the region," Al Chaidar said.

"With the ISA gone, relations and communications among terror suspects in the region, particularly between Malaysia and Indonesia, will strengthen."

Gita Lal

amended dozens of times. It also has provisions to restrict freedom of assembly, expression and movement, among others. A string of human rights and civil liberties organizations have long since called for the repealing of this law, following the detention of thousands, including political opposition leaders.

This law, according to one elections organizer, was unnecessary as existing Malaysian regulations are sufficient to deal with terror suspects.

Edmund Bon Tai Soon from the Malaysian Centre for Constitutionalism & Human Rights (MCCHR) told *Tempo English* that Malaysia would see reduced abuses of power, in terms of detention without trial by the police and those in authority. The police, Tai Soon said, would have to be more careful and diligent in investigating criminal cases, and improving their quality of service and professionalism as they could no longer take 'shortcuts' to arrest and detain people without good reason.

"More cases will be brought to court to charge suspects of serious crime. Overall, the repeal of the ISA will better serve the interests of the nation," he added.

"We have more than enough laws under the Penal Code to charge suspects for any types of offenses, including terrorism. The question is whether there is sufficient evidence, and whether our po-

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