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Malaysia: Anwar Ibrahim's release renews confidence in judicial independence

Amnesty International warmly welcomes today's decision by Malaysia's highest court to uphold the final appeals of former deputy prime minister Anwar Ibrahim and his adopted brother, Sukma Darmawan. Both men had been convicted on charges of sodomy.

"The Federal Court's decision to release Anwar Ibrahim marks an historic milestone in the restoration of confidence in the rule of law and respect for human rights in Malaysia," said Catherine Baber, deputy Asia director at Amnesty International.

The significance of Anwar Ibrahim's arrest and prosecution went far beyond the fate of one individual.

"It exposed a pattern of political manipulation of key state institutions including the police, public prosecutor's office and the judiciary, all of which are crucial in safeguarding the human rights of Malaysians," said Catherine Baber.

Amnesty International hopes today's ruling will serve as a lasting reminder of the role the judiciary must play in scrutinising executive actions and preserving key principles -- including freedom of speech and of political dissent -- which are enshrined in Malaysia's constitution and international human rights standards.

Noting how the Federal Court drew attention to abuses by police as seeking to elicit an involuntary 'confession' from Sukma Darmawan, Amnesty International urged the government to continue efforts to reform the police and other justice institutions. Amnesty International welcomed Prime Minister Abdullah Badawi's creation earlier this year of a Royal Commission of Inquiry to examine the police and urges the Commission to make recommendations for wide-ranging reform. The commission is due to report in early 2005.

Background

Anwar Ibrahim was detained in 1998 on politically motivated charges of 'abuse of power' and sodomy. He had been dismissed from his government posts after policy disagreements with former prime minister Mahathir Mohamad, and subsequently led a series of mass public protests calling for political reform.

In a first trial Anwar Ibrahim was found guilty in 1999 of 'abuse of power' and completed his sentence in 2003. In a second trial he and Sukma Darmawan were found guilty on charges of sodomy in 2000. They were sentenced to nine years and six years in prison respectively.

The trial was unfair in many ways. Police used severe physical and psychological pressure to force 'confessions' from witnesses; defence lawyers were intimidated; and government leaders publicly criticized Anwar Ibrahim, prejudicing his right to be presumed innocent.

Sukma Darmawan, a 42 year-old businessman, had never been involved with the police or played any political role. Amnesty International believes he was prosecuted solely to secure a conviction against Anwar Ibrahim

Both Sukma Darmawan and Anwar Ibrahim were ill-treated by police while in detention. In 1998 Anwar Ibrahim was brought to court with a swollen eye and bruised arm having been beaten by the former national police chief. Sukma Darmawan testified in 1999 that his initial confession of sodomy had been forced from him after 12 days of aggressive and humiliating interrogation during which police made him stand naked, groped his genitals and taunted him.

Public Document

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