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Malaysia: Will review board's recommendations lead to freedom?

Amnesty International welcomes this month's recommendation by the Internal Security Act (ISA) review board that five prisoners of conscience be released.

"The review board's statement highlights the misuse of the ISA and provides an ideal opportunity for the government to act to secure the immediate and unconditional release of the five detainees. The review board's recommendation could pave the way for a public debate on the repeal of the ISA or its amendment to include international human rights standards such as the right to a fair trial," Amnesty International said.

The recommendation follows a Federal Court ruling on 6 September 2002 that the initial detention of three of the same detainees was unlawful. The government neglected to act on the Federal Court judgement.

"The government should not let this second opportunity to correct injustice pass it by," Amnesty International said.

The ISA allows for warrantless arrest and a 60 day period of detention for the purposes of investigation. After the initial detention period, the Home Minister is empowered under article 8(1) to issue a detention order for a period of up to two years which may be renewed indefinitely without charge or trial. The review board may make recommendations on release or continued detention, which are forwarded to the King and Home Minister, however the board is not permitted to order the release of detainees.

The review board's recommendation addresses the detention of Tian Chua, Saari Sungib, Hishamudin Rais, Lokman Nor Adam and Badrul Amin Bahron who were arrested between 10 and 20 April 2001 and accused of plotting to overthrow the government by "militant" means. No evidence to support these allegations was ever made public. Raja Petra Kamaruddin and Mohd Ezam Nor were also arrested in April 2001 on the same charges. Raja Petra Kamaruddin has since been released and Mohd Ezam Nor has been convicted under the Official Secrets Act and is serving a two-year sentence. The detainees have been vocal government critics and some have been involved in opposition politics.

Background

Despite international and domestic calls for the ISA to be abolished, the government continues to make regular arrests under the law and has modified the act on numerous occasions to limit or withdraw legal safeguards.

Those arrested under the ISA have included opposition activists, film-makers, students,

suspected "terrorists", labourers, civil society leaders, religious scholars and, recently, individuals accused of spreading 'rumours' of bomb attacks via email. More than forty people have been arrested under the ISA in 2002. Over 4,000 people have been detained under the act since the 1960s.

Public Document

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