

25 AUGUST 1998
AI INDEX: ASA 28/17/98

Malaysia: Amnesty International declares Lim Guan Eng a prisoner of conscience, demands his immediate release

Amnesty International is deeply shocked at today's decision by the Federal Court, Malaysia's highest court, to uphold a three-year sentence of imprisonment against opposition parliamentarian Lim Guan Eng for sedition and publishing 'false news'.

"Lim Guan Eng today becomes a prisoner of conscience, solely for expressing his opinion and fulfilling his duties as a parliamentarian. We believe the charges laid against him, and the authorities' demands for a custodial sentence, were politically-motivated and aimed to remove a prominent political critic from further participation in public life.

"Amnesty International members and supporters in more than 100 countries around the world now begin a campaign to demand his immediate and unconditional release".

The arbitrary and selective application of the Sedition Act and the Printing Presses & Publications Act against Lim Guan Eng reflects the Government of Malaysia's continuing use of restrictive legislation to intimidate those who express dissenting opinions, and to engender a public reluctance to criticize those in power.

"We are gravely concerned that the Federal Court's decision to jail Lim Guan Eng will have the wider effect of curbing free speech in Malaysia, and will encroach on the fundamental right of every Malaysian to peacefully express their opinions," Amnesty International said.

Background

Lim Guan Eng, a member of parliament for Kota Melaka (Malacca) and Deputy Secretary-General of the opposition Democratic Action Party (DAP), went on trial in January 1996. He was charged under the Sedition Act with "*prompting disaffection with the administration of justice*" after he publicly criticized the Malaysian Government's handling of allegations of statutory rape made against the former Chief Minister of Malacca, Tan Sri Abdul Rahim Tamby Chik, in 1994. He was also charged under the Printing Presses and Publications Act with "*maliciously printing*" a pamphlet allegedly containing "*false information*" about the case.

In 1994 Malaysian newspapers carried stories that Mr Tamby Chik was alleged to have had sex with a 15-year-old schoolgirl, which under Malaysian law constitutes statutory rape. Public controversy over the case grew when the girl was taken into "protective custody" for questioning by the police. She was later transferred by the courts to a rehabilitation centre for "wayward girls" for three years, despite continued efforts by her grandmother to secure her release. She gave birth to a baby while at the centre.

The girl admitted that she had a sexual relationship with Mr Tamby Chik and with a number of other men. The police asked her to lodge a complaint against the other men, but not against the Minister. Attorney General Mohtar Abdullah announced there was insufficient evidence to prosecute Mr Tamby Chik and, at the same time, publicly revealed details of the girl's sexual history. The other men alleged to have raped her were prosecuted in court.

The High Court originally convicted Lim Guan Eng in 1997, imposing a fine of RM 15,000 (approximately US \$6,000) which, by law, would have been sufficient to disqualify him from parliament. However the Malaysian authorities then appealed the High Court's judgement asking for the fines to be replaced by two concurrent custodial sentences, amounting to three years in prison, and also calling on the Court of Appeal not to grant bail. The Court of Appeal imposed the custodial sentence while allowing bail pending a final appeal before the Federal Court.

ENDS.../