

PUBLIC

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Prisoner of conscience / Legal concern

28 August 1998

MALAYSIA

Lim Guan Eng, member of parliament and Deputy Secretary-General of the opposition Democratic Action Party

Amnesty International is concerned by the recent imprisonment of opposition parliamentarian Lim Guan Eng, convicted of sedition and printing "false news", as it believes this will impact negatively on the fundamental right of every Malaysian to peacefully express their opinions.

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 after publicly criticising the government's handling of allegations of statutory rape against the former Chief Minister of Malacca, Abdul Rahim Tamby Chik, in 1994. In 1997 he was convicted by the High Court under the Sedition Act of "*prompting disaffection with the administration of justice*" and under the Printing Presses and Publications Act of "*maliciously printing*" a pamphlet allegedly containing "*false information*" concerning the case and fined RM 15,000 (US\$3,570) - an amount sufficient to disqualify him from parliament.

Following this the Malaysian authorities appealed against this asking the Court of Appeal to replace the fine by two concurrent custodial sentences and to disallow bail. This resulted in the substitution by the Court of the fine with the custodial sentences, though bail was granted pending a final appeal before the Federal Court in August 1998.

Lim Guan Eng was sent to Kajang prison on 25 August 1998 to serve two simultaneous 18-month sentences following the Federal Courts', Malaysia's highest court, decision to uphold the sentence.

Amnesty International immediately declared Lim Guan Eng a prisoner of conscience, imprisoned solely for expressing his opinion and for fulfilling his duties as a parliamentarian. The organization believes that the charges against him and the authorities' demands for a custodial sentence were politically motivated and aimed to remove a prominent critic from public life.

Under the Malaysian Constitution a member of parliament fined more than 2000 ringgit (US\$476) or sentenced to more than one year in jail is automatically disqualified from parliament. The only recourse is to petition the King, the *Yang di-Pertuan Agong*, within two weeks of the conviction, to remove the disqualification.

The organisation believes that the Government of Malaysia continues to apply restrictive legislation in an arbitrary and selective manner.

This case has provoked expressions of deep concern and outrage among womens, human rights, legal and other groups in Malaysia.

BACKGROUND INFORMATION

In 1994 Malaysian newspapers carried stories that Mr Tamby Chik was alleged to have had sex with a 15-year-old schoolgirl. This constitutes statutory rape under Malaysian law. Public controversy over the case grew when the

girl was taken into "protective custody" for questioning by the police and later transferred by the courts to a rehabilitation centre for "wayward girls" for three years. This was despite continued efforts by her grandmother to secure her release.

The girl, who admitted having a sexual relationship with Mr Tamby Chik and a number of other men, was asked by police to lodge a complaint against these men but not against the Minister. The other men were subsequently prosecuted whilst the Attorney General, Mohtar Abdullah, announced insufficient evidence to prosecute Mr Tamby Chik. He also publicly revealed details of the girl's sexual history.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- expressing grave concern that Lim Guan Eng has been imprisoned for the peaceful expression of his opinion and for fulfilling his duties as a parliamentarian;
- respectfully calling on the King, the *Yang di-Pertuan Agong*, to grant an appeal not to disqualify Lim Guan Eng from parliament and calling on him to award him a pardon thereby securing his immediate and unconditional release from prison.

APPEALS TO:

The King of Malaysia and Supreme Head of State
 Yang di-Pertuan Agong
 DYMM Tuanku Jaafar Ibni Al-Marhum Tuanku Abdul Rahman
 Istana Negara
 50500 Kuala Lumpur
 Malaysia
Telegrams: King of Malaysia, Kuala Lumpur, Malaysia
Faxes: + 60 3 230 4646 / 201 1535
Salutation: Your Majesty

COPIES TO:

The Attorney General
 Datuk Mohtar Abdullah
 Attorney General's Chambers
 Jabatan Peguam Negara Malaysia
 Tingkat 20, Bangunan Bank Rakyat
 Jalan Tangsi
 50512 Kuala Lumpur
 Malaysia
Faxes: + 60 3 293 2021 / 603 298 4989

and to diplomatic representatives of Malaysia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.