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Malaysia: Double injustice heaped on Anwar Ibrahim

Today's Court of Appeal decision not to free former Deputy Prime Minister Anwar Ibrahim represents another step in the further deterioration in the human rights situation in the country, Amnesty International said today.

Convicted on charges of sodomy and sentenced to nine years' imprisonment on 8 August 2000, Anwar Ibrahim had his appeal against these charges rejected today. His appeal against a six year prison sentence for corruption was rejected by the Federal Court on 10 July 2002.

Independent observers have expressed serious doubts about the fairness of Anwar Ibrahim's original trial and raised grave concerns about the independence of the judiciary in Malaysia with regard to politically sensitive cases. Amnesty International considers him to be a prisoner of conscience, detained because of his dissenting political activities and the challenge he posed to government leaders. His co-accused, Sukam Darmawan Sasmitaat Madja, Anwar Ibrahim's adopted brother, is also appealing against his conviction on the same charges.

"This decision adds to the already widespread perception that in politically sensitive cases the independence of the judiciary can no longer be guaranteed. Four years ago it was hoped that this case would spur efforts to restore respect for fundamental human rights and the rule of law in Malaysia; today the situation looks much bleaker." Amnesty International said.

Anwar Ibrahim's arrest signalled the beginning of further arrests of opposition activists. Six members of the political opposition were arrested in 2001, five of whom are members of *Parti Keadilan Nasional* (PKN) headed by Dr. Wan Azizah, Anwar Ibrahim's wife. All six are still in prison. Amnesty International considers Tian Chua, Hishamuddin Rais, Dr. Barul Amin Bahron, Lokman Adam, Saari Sungib and Mohd. Ezam Mohd.Nor all to be prisoners of conscience.

"The arrest and trial of Anwar Ibrahim in 1998 appeared at the time to mark a low point in the human rights situation in Malaysia. The interference by those in power to ensure Anwar Ibrahim's removal from public life caused immense damage to popular perception of the judiciary by bringing its independence into question. For many Malaysians, it also highlighted how safeguards intended to protect the fundamental rights of detainees had been progressively weakened by the government."

"However, five years on, today's decision sadly reflects a predictable pattern that has emerged since, where the authorities routinely crack down on dissent or political opposition. The use of selective prosecutions, the Internal Security Act (ISA) and other restrictive laws have created a human rights

situation in Malaysia that seems to be at its worst for over a decade." Amnesty International concluded.

Background

Anwar Ibrahim was arrested on 20 September 1998 and initially held without charge under the ISA. Subsequently, politically motivated charges of abuse of power (allegedly using his office to interfere with police investigations into alleged sexual offences and sodomy) were filed against him. After a trial which Amnesty International considered to be unfair, Anwar Ibrahim was sentenced in April 1999 to six years in prison for abuse of power. He was later found guilty on charges of sodomy and sentenced to 9 years' in prison. With the sentences running consecutively Anwar Ibrahim could eventually spend up to 15 years in prison.

The organization remains concerned that the existence of laws relating to same-sex relations not only allows the authorities to use alleged homosexuality as a pretext against political opponents, but also violates international human rights, including freedom of conscience, freedom from discrimination and the right to privacy.

Amnesty International would consider any person detained solely on the grounds of their real or perceived sexual orientation to be a prisoner of conscience, along side those detained solely on the grounds of their political, religious or other conscientiously held beliefs, or solely by reason of their ethnic origin, colour, or gender.

Amnesty International observers attended Anwar Ibrahim's original trial. The organization's concerns with the criminal prosecution included the series of amendments to the charges related to the dates of the alleged offences, rulings to the introduction of evidence and calling of witnesses, and statements by Prime Minister Mahathir Mohamad that undermined the presumption of innocence of the accused.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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