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# amnesty international

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## MALAYSIA

### Opposition parliamentarian on trial for sedition

January 1996

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Amnesty International is concerned about the imminent trial of Malaysian parliamentarian **Lim Guan Eng**. If found guilty he faces up to six years' jail and disqualification from parliament. A prisoner of conscience in the 1980s, Lim Guan Eng is again at risk of being detained for the peaceful expression of his political views.

Lim Guan Eng, a member of parliament for Kota Melaka (Malacca) and Deputy Secretary General of the opposition Democratic Action Party (DAP), has been charged under the Sedition Act and the Printing and Publications Act. His trial opens on Monday 29 January 1996 at the Malacca High Court.

Amnesty International considers that the charges against Lim Guan Eng are politically motivated, designed to intimidate dissenting voices and to limit debate on an issue of genuine public concern.

Malaysian police arrested and charged Lim Guan Eng after he publicly criticized the government's handling of allegations of statutory rape made against the former Chief Minister of Malacca, Tan Sri Abdul Rahim Tamby Chik in 1994.

In January 1995 Lim Guan Eng stated that 'double standards' were being applied in the statutory rape case. Attorney General Mohtar Abdullah had decided not to prosecute Tan Sri Abdul Rahim Tamby Chik, while the underaged alleged victim (a fifteen-year old Muslim schoolgirl) was placed under 'protective custody'.

On 28 February 1995 Lim Guan Eng was accused under Section 4(1) (b) of the Sedition Act of prompting 'disaffection with the administration of justice in Malaysia'. If found guilty he faces three years in jail, a RM5,000 (approximately US\$1,960) fine or

both. In addition, on 17 March 1995 Lim Guan Eng was charged under Section 8A (1) of the Printing and Publications Act for printing a pamphlet containing allegedly 'false information' specifically because he had used the term 'imprisoned victim' in reference to the alleged rape victim. This charge carries a jail term of three years, a fine not exceeding RM20,000 (approximately US\$7,894) or both.

## **BACKGROUND INFORMATION**

### **The statutory rape case**

Lim Guan Eng's statements reflected widespread public disquiet over the handling of the alleged rape case, and the fact that the victim and not the alleged perpetrator appeared to have been punished. Local newspapers and women's groups criticized Attorney General Mohtar Abdullah's public disclosure, in apparent violation of the Evidence Act, of the victim's sexual history as he announced in October 1994 that charges would not be pursued against Tan Sri Abdul Rahim Tamby Chik due to 'insufficient evidence'.<sup>1</sup>

Criticism focused on the fact that the police detained the girl for eight days before gaining her father's permission to place her in 'protective custody' in a home for 'wayward' girls for a period of three years. The daughter of Prime Minister Mahathir Mohamad, Marina Mahathir, described the authorities' treatment of the girl as appearing to be a 'gross mockery of justice' in comments published in an article in November 1994.

Following the statutory rape allegations and charges of corruption Tan Sri Abdul Rahim Tamby Chik resigned all his posts. Despite public concerns, on 16 January 1996 the supreme council of the United Malays National Organisation (UMNO), the dominant party in the ruling National Front coalition, decided to reinstate him as UMNO Youth leader after the public prosecutor dropped charges against him involving corrupt land deals.

### **The Sedition Act**

Members of the DAP allege that the government is using the Sedition Act, as it has previously used the Internal Security Act, as a means to harass and intimidate the opposition. Besides an apparent move to silence a leading critic, there are suspicions that the case against Lim Guan Eng is part of an established government strategy of selectively using repressive laws in prominent cases to engender a wider public reluctance to criticize the authorities

Although the ruling National Front won a decisive victory in the April 1995 general election and is politically secure, the boundaries for public dissent appear to

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<sup>1</sup> Under the Malaysian Penal Code sexual intercourse with a minor is rape, with or without consent.

remain restricted, with the threat of prosecution limiting the expression of political opinion outside of parliament.

Lim Guan Eng, along with his father DAP leader Lim Kit Siang, was detained without charge or trial under the Internal Security Act from 1987 till 1989. There is now a strong possibility that Lim Guan Eng, seen as a potential future leader of the opposition, will once again be imprisoned and that he will lose his parliamentary seat. Members of parliament who are jailed for a year, or are fined more than RM2,000 (approximately US\$784), automatically forfeit their seats. If Lim Guan Eng is imprisoned and disqualified from parliament, Amnesty International is concerned that his constituents will be denied their elected representative simply because he took up their concerns.

Amnesty International believes that if convicted, Lim Guan Eng would be a prisoner of conscience imprisoned solely for the peaceful expression of his political views. The organisation is therefore urging the Malaysian authorities not to pursue the charges against him and to allow him to continue to exercise peacefully his role as a parliamentarian.

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**WHAT YOU CAN DO:** *Please send faxes/telegrams/express and airmail letters either in English or your own language:*

*Urging the authorities to drop the charges against Lim Guan Eng;*

*Urging the Malaysian Government to ensure that those peacefully expressing their right to freedom of expression do so free from intimidation and the threat of imprisonment.*

**PLEASE SEND APPEALS TO:**

*Prime Minister*

*Dato' Seri Dr Mahatir bin Mohamad*

*Prime Minister*

*Jalan Dato'Onn*

*50502 Kuala Lumpur*

*MALAYSIA*

*Fax: +603 298 4172*

*Minister*

*Salutation: Dear Prime*

*Attorney General*

*Datuk Mohtar Abdullah*

*Attorney General's Chambers*

*Jabatan Peguam Negara Malaysia*

*Tingkat 20, Bangunan Bank Rakyat*

*Jalan Tangsi*

*50512 Kuala Lumpur*

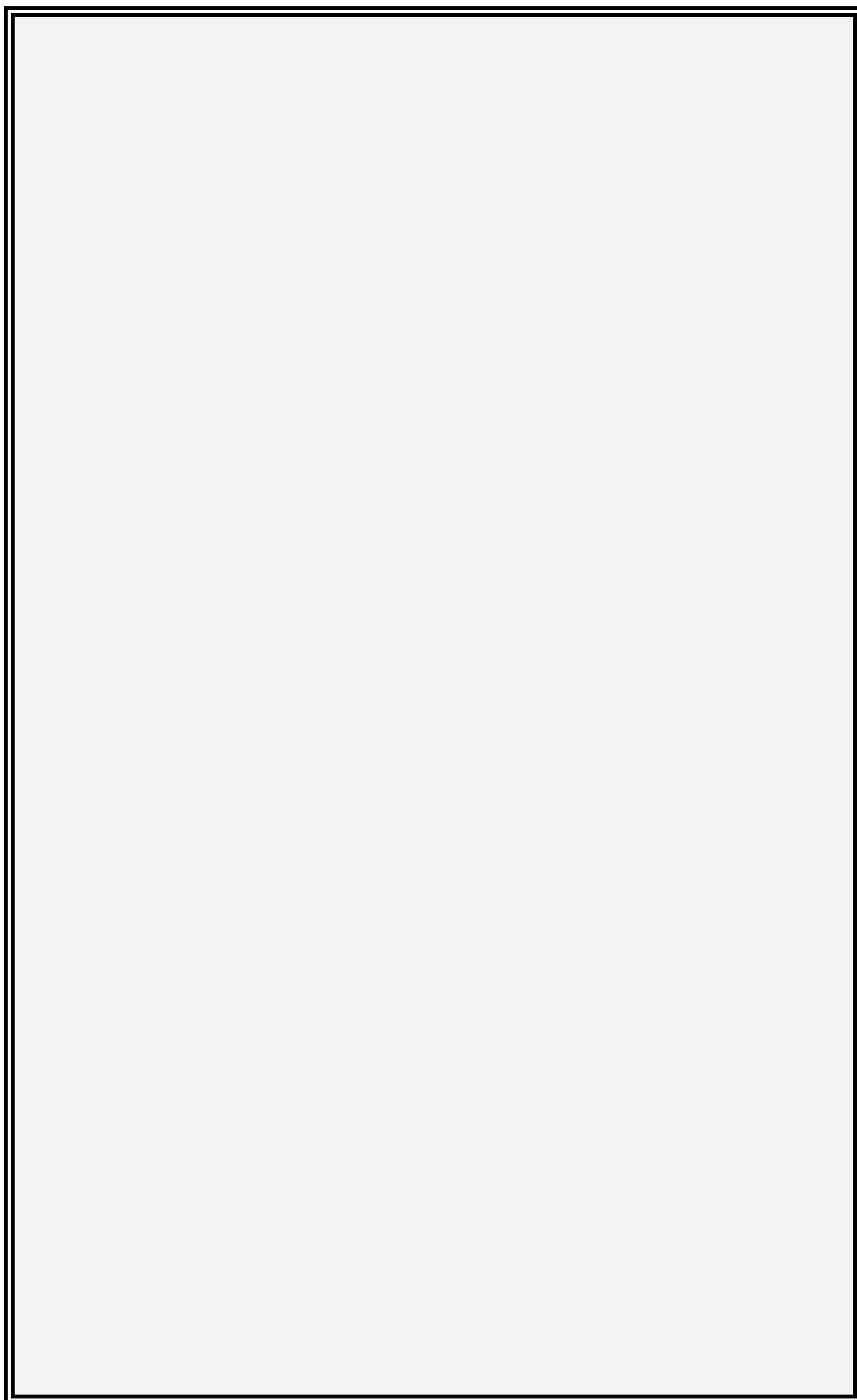
*MALAYSIA*

*Fax: +603 293 2021 or + 603 298 4989*

*Salutation: Dear Attorney General*

*and to diplomatic representatives of Malaysia accredited to your country.*

**PLEASE SEND APPEALS IMMEDIATELY**



**KEYWORDS:** PARLIAMENTARIANS / POLITICALLY MOTIVATED CRIMINAL CHARGES /  
CENSORSHIP /

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