

## **Malaysia: A crossroads for human rights and the rule of law?**

Events in Malaysia following the dismissal of Anwar Ibrahim as Deputy Prime Minister on 2 September 1998 have reinforced Amnesty International's longstanding concerns over the imposition of unjustified restrictions on the exercise of fundamental human rights - particularly the right to peacefully express opinion free from the threat of arbitrary arrest and detention.

Shortly after Prime Minister Mahathir Mohamad dismissed Anwar Ibrahim, the police announced publicly that the former Deputy Prime Minister was under criminal investigation for sedition and other crimes. The police lodged at the High Court a number of affidavits, affirmed by the Attorney-General, alleging that Anwar had been involved in acts of sexual impropriety, tampering with evidence, bribery and threatening national security. Although the affidavits were unsubstantiated, and no charges have been filed against Anwar, the judge chose to allow their entire contents to be made public.

Attorney-General Mohtar Abdullah has stated that, subject to investigations, Anwar could be charged under the Internal Security Act (ISA), the Official Secrets Act (OSA), the Penal Code, the Women and Girls Protection Act and the Prevention of Corruption Act. Five of Anwar's associates have been arrested. Two of them, businessman S Nallakarrupan and journal editor Munawar Anees, have been charged under the Internal Security Act (ISA), which allows indefinite detention without charge, and Amnesty International is calling for them to be immediately released or charged with a recognised criminal offence.

As large crowds of supporters continued to gather at Anwar's residence and during his visits outside the capital the police also threatened to invoke the Police Act, which prohibits gatherings of more than three people without a permit and prescribes a punishment of up to six months imprisonment.

These events come on top of other prominent cases involving the government's selective application of restrictive laws and apparent misuse of judicial procedures, in particular the imprisonment of opposition parliamentarian and prisoner of conscience Lim Guan Eng, now entering the fourth week of a 18-month sentence, for sedition and printing 'false news', and the trial of women's rights activist Irene Fernandez, charged for publishing 'false news' about the ill-treatment of detainees in camps for migrant workers.

These cases have had a chilling effect on freedom of expression in Malaysia as those in power signal that the space for the dissenting political opinion is limited, and that the penalties for alleged transgressions severe.

While Amnesty International is not in a position to ascertain the truth of the allegations against Anwar or his associates, the government's actions have galvanized reaction within Malaysia society to the apparently politically-motivated misuse by government leaders of state institutions and judicial procedures. The timing and nature of statements and actions by the Royal Malaysia Police and the Attorney-General's office have prompted charges of political bias which appears at odds with their professional and constitutional duties to uphold the law equally.

More and more Malaysians, including politicians, lawyers, social and human rights activists and ordinary citizens, have stressed how recent government actions against Anwar and his associates pose a threat to the rights of all in Malaysia.

Amnesty International is monitoring developments in the wake of Anwar's dismissal and is urging the Malaysian authorities to ensure that Malaysian law is applied at all times in accordance with the basic human rights principles, enshrined in the Malaysian Constitution and in international human rights instruments, and is not misused to detain or imprison people solely for the non-violent expression of critical political views.

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