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## **Malaysia: Anwar verdict -- A door has opened that cannot be closed**

The six year prison sentence passed today against former Deputy Prime Minister Anwar Ibrahim reflects a disturbing pattern of misuse of the law and of state institutions by the Malaysian executive for political purposes, Amnesty International said today.

“Amnesty International believes that Anwar Ibrahim’s detention was motivated by political differences within the Malaysian government, and that the charges were brought against him as a pretext to remove him from further participation in public life.”

“We therefore consider Anwar Ibrahim to be a prisoner of conscience, detained solely for peacefully expressing his dissenting political opinions, and reiterate our call for his immediate and unconditional release.”

“Our conclusion has been reinforced by the unfair conduct of proceedings throughout his case, including his incommunicado detention and ill-treatment before the trial, the intimidation of his defence team, and procedural decisions during the trial on the nature of the charges”.

“The prison gates may have shut today on Anwar Ibrahim, but the public debate about human rights and political freedoms that his case has generated in Malaysia cannot so easily be silenced”

The statement came following today’s judgement by High Court Judge Augustine Paul, convicting Anwar of having misused his ministerial office by interfering with police investigations into allegations of sexual misconduct made against him.

*“Events surrounding the arrest, trial and conviction of Anwar Ibrahim have demonstrated for many Malaysians the degree to which the ruling party has comprehensively weakened safeguards protecting their fundamental rights over many years for political purposes,” Amnesty International said.*

*“The erosion of constitutional principles has provoked a tide of opinion in support of the protection of human rights and equality under the law that cannot be turned back.”*

*“We believe that Anwar Ibrahim’s imprisonment will spur efforts to restore respect for fundamental human rights and the rule of law in Malaysia. We hope that today’s sentence has brought the country one step closer to the day when all Malaysians – including Anwar Ibrahim, opposition parliamentarian Lim Guan Eng jailed last year, and women’s rights activist Irene Fernandez, who is still on trial, will be able to peacefully express their opinions, form associations and protest in public, free from the fear of arbitrary arrest, ill-treatment and imprisonment.”*

### **Background information**

*Amnesty International observers have attended Anwar’s trial at different stages. The organization’s concerns about his criminal prosecution are as follows:*

#### **Pre-trial:**

- Within a day of Anwar’s dismissal as Deputy Prime Minister, the authorities improperly released affidavits made against him to the press before they could be tested in court, thereby imputing guilt and compromising his right to be presumed innocent until proven guilty.*
- Anwar was subsequently arrested, not under previously threatened charges of treason, sedition or sexual misconduct, but under the Internal Security Act (ISA), which allows for indefinite detention without charge or trial. Amnesty International declared Anwar, and his sixteen political associates detained under the ISA shortly afterwards, to be prisoners of conscience -- detained*

for their non-violent political activities and exercise of their right to freedom of association and expression.

- A Royal Commission of Inquiry confirmed that, while held incommunicado under the ISA and denied rights of access to legal counsel and to members of his family, Anwar was seriously assaulted. Access to medical attention was delayed.
- Investigations into the assault, which eventually identified the perpetrator as the former head of the Royal Malaysia Police, were not prompt, or open at every stage. Amnesty International remains gravely concerned at credible reports of the use of torture and other forms of ill-treatment to force confessions of other detainees held incommunicado, and of the ill-treatment of peaceful demonstrators arrested by police.

#### **During the trial:**

Although Anwar's trial on four criminal charges of corrupt practice before the High Court in Kuala Lumpur was held in public, and the accused had eventually been allowed access to a defence counsel team of his choice, Amnesty International is seriously concerned that events during the conduct of proceedings undermined the fairness of the trial. These events included:

- The Prime Minister stated publicly that he believed Anwar to be guilty, threatening the accused's right to presumption of innocence and undermining the independence of the judiciary.
- The duty of Anwar's counsel to mount a vigorous defence to the best of their ability was undermined by the intimidating effects of threatened or actual contempt of court proceedings. These included the summary sentencing of a defence lawyer, Zainur Zakaria, to three months' imprisonment for citing an affidavit in court which alleged that the Attorney General had offered a detained associate of Anwar, who faced a charge carrying the death penalty, a reduced charge on the condition that he would give false evidence against Anwar.
- Lawyers on Anwar's defence team faced police intimidation when called in for questioning on purported allegations of tampering with witnesses. Police

also searched one of their offices. When the issue was brought to the judge's attention, he refused to intervene to protect the defence counsel from further harassment. A member of the defence team, Zulkifli Nordin, was detained under the ISA and released shortly before the trial.

Anwar was denied the ability to rebut evidence of sexual misconduct presented by prosecution witnesses when the Judge, at the end of the prosecution's case, allowed them to amend the charges, and expunged the record of all evidence of sexual misconduct. The effect was to allow serious damage to the defendant's character while, inimical to the spirit of a fair trial, denying him the opportunity to rebut these serious allegations and mount an adequate defence. ENDS...\

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**To arrange an interview, please call Amnesty International on (+44) (0) 171 413 5566/5729 or mobile number (+44) (0) 468 670 247.**