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Malaysia: Government passes up opportunity to right grave injustice

Amnesty International expressed its dismay at Home Minister Abdullah Badawi's statement today, that five government critics detained under the Internal Security Act (ISA) would not be freed, despite an earlier Federal Court ruling that their initial detention was unlawful. The ISA provides for indefinite detention without charge or trial.

The five prisoners of conscience Tian Chua, Saari Sungib, Hishamuddin Rais, Mohd Ezam Nor and Raja Petra Kamaruddin were arrested on 10 April 2001 and accused of plotting to overthrow the government by 'militant' means. No evidence to support these allegations was ever made public. Raja Petra Kamaruddin has since been released and Mohd Ezam Nor has been convicted under the Official Secrets Act and is serving a two-year sentence.

"Amnesty International believes these men are held solely on account of their peaceful dissenting political activities. They have been denied fundamental rights to liberty, freedom of expression and a fair trial. The Malaysian government have today passed up a golden opportunity to right a grave injustice".

On 6 September 2002 the Federal Court ruled that the detainees' first 60 days of detention were unlawful. Under the ISA detainees may be held for two months for the purposes of police investigation after which the Home Minister may issue a renewable two-year detention order. The court has ruled that its decision does not apply to the two-year detention, under which the detainees are currently being held.

Opposition activists Lokman Nor Adam and Badrul Amin Bahron, also accused of plotting to overthrow the government, were arrested under the ISA on 20 April 2001 and are currently in the process of challenging the legality of their initial detention.

Despite continued international and domestic calls for its removal from the statute books, Malaysian authorities continue to use the ISA in a politically-motivated and selective manner. Opposition activists, academics, students, trade unionists and other peaceful members of civil society continue to be detained. Amnesty International today renewed its call for the ISA to be repealed and for those detained under it to be charged with recognizable criminal offences or unconditionally released.

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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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