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Trial of Anwar Ibrahim: a defining moment for human rights in Malaysia

The trial of former deputy Prime Minister Anwar Ibrahim, which opens today at the High Court in Kuala Lumpur, will be a critical test for the future of human rights in Malaysia, Amnesty International said today.

“The significance of today’s trial goes far beyond the fate of Anwar Ibrahim,” the human rights organization said.

“The trial and its outcome will influence the path Malaysia takes as a society: either towards greater respect for the human rights principles enshrined in the Malaysian Constitution -- including freedom of expression and tolerance of dissenting opinion -- or towards a more repressive climate marked by the arbitrary and selective use of the law for political purposes.”

Amnesty International considers that the arrest of Anwar Ibrahim and his political associates under the Internal Security Act (ISA) fits a long-standing pattern of the Malaysian government’s use of restrictive legislation -- including the ISA, the Sedition Act, the Societies Act and the Printing Presses & Publications Act -- to curb freedom of expression and association.

Over the years, a wide range of Malaysians, including politicians, social activists and others with dissenting voices, have been denied their right to peacefully express opinions free from the threat of arbitrary arrest and detention.

Amnesty International believes Anwar Ibrahim -- and his detained political associates held under the ISA-- to be prisoners of conscience imprisoned for their non-violent political activity, expression and association. The organisation is calling for their immediate release.

“We are convinced that the true political motivations driving recent events were revealed by the circumstances in which Anwar was detained and brought to trial,” Amnesty International maintained.

One day after his dismissal from office on 2 September, affidavits -- which were not tested in court and implicated Anwar in a broad range of criminal offences -- were improperly made public. As Anwar became the focus for a broad-based popular movement calling for reforms, he was arrested without charge under the ISA, held incommunicado and denied due process, and allegedly beaten while in police custody. Nine days later Anwar was brought to court on charges which centred not, as previously suggested, on accusations of sedition and treason, but on alleged sexual offences.

Amnesty International is now closely monitoring Anwar’s trial to examine the nature and

basis of the evidence brought against him, and to assess the proceedings in light of international standards on fair trial, including the presumption of innocence of the accused. Amnesty International has sent representatives to attend the court sessions.

Amnesty International is deeply concerned about indications of a broader crackdown by the Malaysian Government on continuing calls for reform. In recent days, the authorities have threatened to apply the Societies Act, allowing imprisonment of up to five years for those found guilty of managing unregistered societies, against those linked to the recently formed Malaysian People's Justice Movement (*Gerak*) -- a group comprising a cross-section of opposition political parties and non-governmental organisations who seek the repeal of the ISA. Amnesty International reiterates its call on the Malaysian authorities to respect the right of peaceful association.

The organisation is alarmed that the authorities are citing public order concerns to justify the use of excessive force against peaceful demonstrators, and further restrict the right of assembly. Amnesty International is again calling on the police to act at all times in accordance with international standards on the use of force which state that force should only be used when strictly necessary, and only to the minimum extent required under the circumstances.
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