

AI Index: PRE 01/009/2012  
09 January 2012

## **Malaysia: Anwar case shows why sodomy law must be scrapped**

The Malaysian government must repeal the criminal sodomy law used in a politically motivated attempt to bar Anwar Ibrahim from politics, Amnesty International said today after the opposition leader was acquitted by the country's High Court.

“Anwar's acquittal is a welcome move. Fortunately, the Malaysian authorities have refrained from turning the country's opposition leader into a prisoner of conscience,” said Donna Guest, deputy Asia-Pacific director at Amnesty International.

“The government must now repeal the sodomy law, a repressive statute that enabled this politically motivated persecution.”

The High Court verdict comes in the run-up to national elections, widely expected to take place in early 2012.

If Anwar had been convicted and sentenced to prison for a year or more, he would have been barred from politics for five years.

This case was the second time Anwar was prosecuted for criminal sodomy.

After he was sacked as deputy prime minister in 1998, he was arrested on sodomy charges and imprisoned for six years. The sodomy conviction was later overturned and he was freed in 2004.

As a result of that conviction, Anwar was barred from politics until 2008.

In July 2008, a month before he returned to parliament in a by-election, the opposition leader was again arrested on sodomy charges. A 26-year-old former aide told police that he and Anwar had had a sexual encounter in a Kuala Lumpur apartment.

Laws criminalizing consensual sexual activity between adults are contrary to international human rights standards.

In December 2011, the UN Human Rights Commissioner published a report calling on states to repeal provisions that criminalize same-sex relations between consenting adults.

In the case of *Toonen v Australia*, the UN Human Rights Commission in 1994 found that laws punishing same-sex sexual behaviour infringe on the right to privacy.

Malaysia's criminal sodomy law, Section 377, was drawn from the Indian Penal Code of 1860 and imposed under British colonial rule. In 2009, India repealed its sodomy law.

“The sodomy law violates the rights of gay Malaysians. Moreover, it was used as a tool of political

repression against Anwar,” said Donna Guest.