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## **Malaysia: Opposition leader Anwar faces ‘show trial’**

Amnesty International has urged the Malaysian authorities to drop politically motivated criminal charges of sodomy against Anwar Ibrahim, the country’s opposition leader, after he today lost an appeal for access to the government’s evidence against him.

His trial is now set to begin on 2 February at the High Court. This case is the second time in 12 years that the authorities have brought such charges against the former deputy prime minister.

Following his public criticism of then-Prime Minister Mahathir Mohammed in 1998, Anwar was arrested and convicted on sodomy and corruption charges. He spent six years in solitary confinement before his conviction was overturned and he was released.

“The Malaysian authorities have resorted to the same old dirty tricks in an attempt to remove the opposition leader from politics,” said Sam Zarifi, Asia-Pacific director at Amnesty International. “Malaysia’s judiciary should throw out these charges.”

Amnesty International considered a prisoner of conscience before his release in 2004.

For five years, Anwar was banned from seeking public office as a result of his conviction on corruption charges. After the ban expired in April 2008, he won a parliamentary seat on 26 August 2008, and become opposition leader as head of the People’s Justice Party (Parti Keadilan Rakyat).

But one month before his election, on 17 July 2008, Anwar was again arrested on charges that he had committed sodomy with a male former aide. If convicted, he faces up to 20 years in prison and loss of political office.

The criminal charge of sodomy against Anwar, under Section 377B of the Penal Code, is at odds with international human rights standards. This British colonial-era law provides for prison and whipping, a punishment that violates the international law prohibition on torture and other ill-treatment. Moreover, the UN Human Rights Commission in 1997 ruled that sodomy laws infringe the fundamental right to privacy.

Amnesty International is seriously concerned about fair-trial issues surrounding Anwar’s case. The prosecution’s refusal to deliver evidence to the defence at the pre-trial stage infringes international fair-trial standards and Malaysian law.

“Anwar’s case has rightly raised doubts among the international community and investors about Malaysia’s commitment to justice and the rule of law,” said Zarifi.

Under Section 51A of the Malaysia's Criminal Procedure Code, the prosecution must deliver documents and a written statement of facts favourable to the defence. The UN Human Rights Committee has established that the minimum facilities for fair trials "must include access to documents and other evidence which the accused requires to prepare his case."

On 29 January, however, the Malaysian Federal Court failed to uphold the prosecution's obligation to provide access to evidence which Anwar's lawyers believe may help exonerate him. In an earlier decision, the Court of Appeals had termed the defence's application for evidence a "fishing expedition."

"The court's decision to allow the prosecution to withhold key evidence sets a dangerous precedent for criminal cases in Malaysia," said Zarifi. "This is a recipe for unfair trials."