

For Immediate Release**Malaysia: Reintroduction of Detention without Trial and Proposed Amendments to Strengthen Sedition Act Mark Country's Complete Return to Authoritarianism*****Regressive legislative initiatives part of an all-out effort to persecute opposition and critics***

(Bangkok, 8 April 2015) – The Asian Forum for Human Rights and Development (FORUM-ASIA) condemned the Malaysian government for reintroducing detention without trial through the hasty passing of the Prevention of Terrorism Act 2015 (POTA) by the Lower House of the Parliament on 6 April 2015 and for proposing amendments to the Sedition Act, which was tabled for first reading at the Parliament yesterday, 7 April 2015.

The regional human rights group said that these latest developments, set against the backdrop of the recent crackdown that saw more than 150 individuals arrested and investigated for exercising the right to freedom of expression in February and March 2015 alone, are clear indications that the Malaysian government has not only made an about-turn on its promises of democratic reforms, but has in fact dragged the country back to an entrenched form of authoritarianism.

The Asian human rights group stressed that the POTA, introduced under the pretext of combating terrorism and passed in a hasty manner at the Lower House of the Malaysian Parliament after midnight of 6 April 2015, contains key elements of the now-repealed Internal Security Act (ISA), including allowing detentions without trial for up to two years with indefinite extensions. The ISA was repealed in 2012 after being long criticised for its serious violations of fundamental rights and the government's continued use of the law to stifle dissent and political opposition. FORUM-ASIA further took the government to task for completing its about-turn on the Sedition Act, which Prime Minister Najib Razak had repeatedly promised to repeal since 2011, by introducing problematic amendments to further strengthen the repressive law.

"The POTA is a blatant reincarnation of the ISA, bringing back the most draconian elements of the old law that had been heavily abused by successive Barisan Nasional governments to stifle dissent. The reintroduction of detention without trial through the POTA is a clear indication of the government's return to authoritarianism despite its promises for democratic reforms. Following the hasty passing of the bill by the Lower House of the Parliament, we now strongly urge the Upper House to reject the POTA and ensure that the bill is not passed as it will have far-reaching and severe consequences on the fundamental rights of all Malaysians," said Evelyn Balais-Serrano, Executive Director of FORUM-ASIA.

Under the POTA, terrorist suspects may be detained by the police for an initial investigation period of 21 days, which may be extended for an additional 38 days. Detainees are denied the right to counsel except during the formal recording of statement by the investigation officer. Based on the initial investigation, a "Prevention of Terrorism Board", appointed by the King, may order a detention term of up to two years without trial, which may be extended to further unlimited number of two-year detention terms. The law denies detainees the right to challenge the board's decision through a judicial review other than on questions of compliance with procedural requirements. Additionally, the POTA empowers the same board to restrict a suspect's place of residence, travel, access to communications facilities, and use of the Internet, for renewable periods of up to five years.

Meanwhile, just one day following the controversial passing of the POTA, the government tabled amendments to the Sedition Act in Parliament to further strengthen the repressive law despite the ongoing review of the Federal Court on the constitutionality of the Act. The proposed amendments includes a new

provision that would allow the denial of the right to bail “[where] there is a certificate in writing by the public prosecutor stating that it is not in the public interest to grant bail to the person charged”, while an increase in the maximum punishment to a jail term of up to 20 years is proposed for offences that lead to bodily injury or damage to property. Another newly-proposed provision requires individuals charged under the Act to surrender their travel documents and are thus prohibited from travelling out of the country.

FORUM-ASIA stressed that both the introduction of POTA and proposed amendments to the Sedition Act are part of an all-out attempt by the Malaysian government to silence critics and dissent, a move which has already seen more than 150 individuals, including opposition politicians, journalists, and human rights defenders, being arrested and investigated in the last two months alone. Most recently on 3 April 2015, cartoonist Zunar was charged on a record of 9 counts under the Sedition Act for tweets criticising the decision of the Federal Court to imprison Malaysia’s opposition leader, Anwar Ibrahim.

“The international community must now recognise that Malaysia is clearly not the moderate and democratic country the government purports itself to be. These latest developments demonstrate that a full-blown authoritarian state is re-emerging in Malaysia, with deeply entrenched repressive laws and practices and a government that is absolutely intolerant of any form of dissent and criticism,” said Balais-Serrano.

Balais-Serrano further stressed, *“We strongly urge the Malaysian government to scrap the proposed amendments to the Sedition Act and reiterate our call on the strongest possible terms for the repeal of the Act. We further call on the government to withdraw all charges against individuals under the Sedition Act and stop its ongoing crackdown on dissent. This is the only option the Malaysian government has left to crawl out of the authoritarian path it has set itself on, to save its increasingly battered reputation in the international community.”*

About FORUM-ASIA:

FORUM-ASIA is a Bangkok-based regional human rights group with 47 member organizations in 16 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta and Geneva. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expressions, assembly and association, human rights defenders, and democratisation.

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