

## MALAYSIA

**T**he government of Mahathir Mohamed, beginning his third decade as prime minister, continued to crack down hard on potential political challengers, arresting key opposition leaders, banning political rallies, and breaking up public gatherings with force.

The year began with the prime minister's popularity in decline. In November 2000, the ruling coalition suffered a by-election defeat in Mahathir's home district in Kedah state and the government faced increasingly vocal opposition protests. In response, it turned the draconian Internal Security Act (ISA) against its political opponents. Among those targeted under the ISA, which allows detainees to be held indefinitely without charge or public airing of the evidence against them, were minority Shi'a Muslims, supporters of jailed former Deputy Prime Minister Anwar Ibrahim, and youth leaders in the opposition PAS (Partai Islam Se-Malaysia) party, although individuals linked to specific violent acts were also among those detained. In the wake of the September 11 attacks in the United States, authorities used global concern with terrorism to justify their actions.

### HUMAN RIGHTS DEVELOPMENTS

The government detained six Shi'a Muslims under the ISA between October 2000 and January 2001, three of whom reportedly were still being held in November. Other ISA detentions of Shi'a Muslims in previous years were said by government officials to be necessary to prevent "religious disharmony" that could damage the nation's political and economic development.

On November 5, 2000, police punched and kicked participants at a peaceful demonstration outside the city of Klang, fired tear gas and water cannons, and arrested 126 people demonstrating in support of Anwar Ibrahim. The National Justice Party (Partai Keadilan Nasional or Keadilan), founded by Anwar's wife, Wan Azizah, had applied for but been denied a permit to hold the demonstration.

In January, nine government opponents were arrested and charged with rioting in the run-up to the November 2000 by-election in Kedah. The nine were accused of trying to prevent busloads of supporters of the ruling coalition (Barisan Nasional), whom they believed were traveling to the area to vote illegally, from reaching the polls.

In January, police also forcibly prevented political speeches and stopped cultural displays at a multi-cultural festival organized by the opposition, despite having issued a permit for the festival. Police also stopped a book launch party at a restaurant attended by more than 1,000 former Labour Party members. The book was a historical account of the leftist party disbanded three decades ago.

In February, police arrested four protestors, including Keadilan Vice-President Tian Chua and columnist/filmmaker Hishammuddin Rais, at a demonstration

calling for former Attorney General Mohtar Abdullah to be for abuse of power in conducting the prosecution of Anwar. On February 14, police used tear gas and water cannons to disperse 15,000 to 20,000 people at a Keadilan political rally in Kampung Lahar, held on private property. Police had refused to grant a permit for the rally.

On February 9, Marina Yusoff, former vice president of Keadilan, was fined 5,000 ringgit (approximately U.S. \$1,315) for asserting in a speech in September 2000 that the ruling coalition had sparked anti-Chinese riots in 1969 following a local election defeat. On March 5, Keadilan youth leader Mohamed Ezam Mohamed Nor was arrested and subsequently charged with sedition for remarks published in *Mingguan Malaysia* newspaper in which he reportedly stated that he would continue leading street demonstrations until the government was brought down. On March 6, police arrested nine people who held a candlelight vigil for him outside a police station. Ezam was released on bail on March 13, but, as described below, was subsequently rearrested less than a month later under the ISA.

Ethnic violence broke out on March 9 when ethnic Indians and Malays clashed in Kampung Medan, a poor quarter of Kuala Lumpur. Police reported that six people, including five of Indian origin, were killed and over fifty injured. Most of the wounded were also ethnic Indians. Four opposition party leaders jointly challenged the official casualty figures, suggesting the actual figures were higher: in response, the government threatened to charge them with sedition, though no charges were ultimately brought. Indian community representatives continued to demand further investigation.

On April 10-11, just days before public protests planned to mark the second anniversary of the sentencing of former Deputy Prime Minister Anwar Ibrahim, the authorities detained seven opposition leaders under the ISA, then three other people in the following days. Most of the ten, who were all held incommunicado until May 4, were members of Keadilan. The authorities alleged that they were plotting to overthrow the government but produced no evidence to substantiate this. On May 30, in an unusual and courageous ruling Judge Hishamuddin Yunus ordered the release of two ISA detainees on a writ of habeas corpus, and suggested that the parliament should review and either scrap or amend the ISA to reduce its potential for abuse. By mid-November, authorities had released three more detainees, but five had been served with two-year detention orders and were being held at the Kamunting Detention Centre. The five are: Tian Chua, Ezam Mohamed Noor, Hishammuddin Rais, Saari Sungib, and Lokman Nor.

In July, the authorities detained two student activists, Khairul Anuar Ahmad Zainuddin and Mohamad Fuad Mohamad Ikhwan, under the ISA, the former for twenty three days and the latter for ten days.

Also in July, the government banned all political rallies stating that they would undermine the country's security. When PAS subsequently planned a series of meetings to protest the policy, police refused to grant permits and dispersed those who attempted to attend. On August 2-4, police arrested an additional ten people under the ISA, all of whom were affiliated with or supporters of PAS, including four prominent youth leaders. The authorities said the ten belonged to a group that planned to overthrow the government, sometimes labeling the group the Malaysian

Militant Group and sometimes the Malaysian Mojahedin Group. One of those detained, Nik Adli Nik Aziz, was the son of a leading PAS official. The authorities alleged he had received military training in Afghanistan and had learned bomb making from Muslim rebels in the Philippines, but he denied this and PAS leaders emphasized that they used only peaceful, democratic means in their struggle against the ruling coalition. As of mid-November, nine of the ten remained in custody after being served two-year detention orders.

Four days after the September 11 attacks in the United States, Deputy Prime Minister Abdullah Ahman Badawi sought to justify the ISA as providing “an initial preventive measure before threats get beyond control,” and on October 10 two other alleged members of the Malaysian Mojahedin Group were detained under the act. PAS leaders, however, dismissed the detentions as a “political ploy” and challenged the government to bring charges and produce the detainees in open court.

The government maintained important restrictions on press freedom. Under the Printing Presses and Publications Act, newspapers were required annually to obtain licenses to publish from the government and those held to have breached the terms of their license could be restricted or shut down. The PAS organ *Harakah*, formerly a biweekly publication, continued to be restricted to two issues per month for allegedly breaching the terms of its license in 2000 by selling to non-PAS members. In March, editions of both *Far Eastern Economic Review* and *Asiaweek*, which had been chronicling the growing opposition to Mahathir and signs of political unrest, were held back by government censors. Mahathir had complained that the photo of him on the cover of an earlier edition of *Asiaweek* had made him look like “an idiot.”

Authorities also appeared to be struggling for a way to rein in independent Internet daily *malaysiakini.com*, winner of an International Press Institute 2001 Press Freedom Award. As part of its effort to promote Malaysia’s multimedia corridor, the government had promised there would be no Internet censorship, and Internet sites were exempt from media licensing provisions. Early in the year, ministers accused *malaysiakini.com* of receiving funds via a Bangkok press group from financier George Soros, long pilloried in the government-controlled Malaysian press as personally responsible for the Asian economic crisis in 1997. On February 11, an information ministry official said that *malaysiakini.com* would be barred from covering government press conferences “because their credibility is doubtful.” On May 23, the deputy home affairs minister told parliament that the government was monitoring “every article” published by *malaysiakini.com* to ensure that its writings did not upset public order.

The threat of multimillion dollar libel awards against journalists and media publications, said to be the highest such awards among the fifty-four countries of the Commonwealth, also continued to limit press freedom. A Bar Council publication in March noted that, since businessman and one-time Mahathir insider Vincent Tan won a 10 million Ringgit (approximately U.S. \$2.2 million) judgment against a group of media defendants in 1994, more than seventy libel cases had been filed against journalists and media defendants, many seeking millions of dollars in damages.

Serious questions remained about the independence of the judiciary. In March,

the Kuala Lumpur Bar Committee issued a memorandum concluding that “the administration of justice in Malaysia is in its darkest hour since independence.” By early November, however, a number of developments suggested that the appointment in December 2000 of respected jurist Dzaiddin Abdullah as chief justice was beginning to have a positive impact. On March 15, former police chief Abdul Rahim Noor was sentenced for the prison beating of Anwar Ibrahim, though only to a two-month term. In June, a federal court dismissed contempt charges that had been laid against Anwar’s lawyer, Zainur Zakaria, when he petitioned for the removal of two of the prosecutors during Anwar’s trial. The May 30 decision of Judge Hishamuddin Yunus to order the release of two ISA detainees was also a powerful reassertion of judicial independence.

In another important decision on June 8, high court judge Muhammad Kamil Awang overturned the results of the March 1999 state elections in Likas (Sabah) after finding that the electoral roll included nonexistent voters. (Sabah’s three million population includes an estimated 500,000 immigrants, mostly from neighboring Indonesia and the Philippines). The judge also sparked a police investigation into improper judicial interference when he disclosed that one of his superiors had ordered him in 1999 to dismiss the case.

On October 16, prominent human rights lawyer Karpal Singh was put on trial for sedition for comments he had made in January 2000 while lead defense counsel for Anwar Ibrahim. Following reports that increased levels of arsenic had been found in Anwar’s blood, Singh had suggested in court that “people in high places” were trying to poison his client. He faced up to three years in jail if convicted.

It was a difficult year for migrant workers. In May, the government announced plans to expel 100,000 illegal migrant workers. Government figures showed that 50,953 illegal immigrants were detained in nationwide operations between January and the end of June. In August, the government announced plans to amend the Immigration Act to punish illegal migrant workers and employers who engage them with imprisonment and caning. Officials justified the measures as necessary to stem the influx of illegal migrants, who they blamed for an increase in serious crime.

## **DEFENDING HUMAN RIGHTS**

Human rights groups continued to play a critical role in investigating and publicizing abuses. In response to the increased use of the ISA, rights groups such as Aliran, Hakam, and Suaram (Suara Rakyat Malaysia) helped form a new umbrella organization called AIM (Abolish ISA Movement), which campaigned actively on behalf of detainees’ rights and for repeal of the law. Some human rights workers were among those detained: Badaruddin Ismail (also known as Pak Din), a member of Suaram’s secretariat, was among those detained under the ISA. He was released on June 5.

With the government still exerting substantial control over major media outlets, Malaysia’s alternative media and rights groups were also important sources of independent information about human rights and related developments.

Malaysia's national human rights commission (Suhakam), established by the government in late 1999, also began to speak out more forcefully, though its performance was uneven. It called for review of the ISA and urged the government, unsuccessfully, to allow Anwar to travel to Germany for surgery for back injuries that he apparently sustained as a result of being beaten in custody. In early August, Suhakam criticized the police in a report on freedom of assembly. The commission said police had refused to grant permits for public gatherings without adequate justification, and had given protestors insufficient time to disperse and used excessive force against them. It called for amendment of the Police Act to remove the police permit system and require only that police be given advance notice of an assembly, to provide that any conditions should not restrict free expression, and to require the police to exercise restraint in dispersing demonstrators. The commission also recommended amendment of the Public Order (Preservation) Act 1958, which it said unduly restricted freedom of assembly. Later in August, Suhakam published the results of its five-month inquiry into police conduct in connection with the November 2000 Keadilan-sponsored rally near Klang. The commission accused the police of using excessive force in crowd control and in the arrest and treatment of detainees. The government said it would study Suhakam's findings and recommendations.

The trial of Irene Fernandez, head of Tenaganita (Women's Force), already the longest trial in Malaysian history, entered its sixth year. Fernandez faced three years in prison if convicted on charges of malicious publishing for her July 1995 memorandum on abuses in immigration detention centers. Several former detainees testified in 2001, corroborating allegations in the report of the existence of torture and sexual abuse in the camps.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

The continuing crackdown in Malaysia evoked little international response either in the region, including from Japan, the country's largest bilateral aid donor and one of its most important investors, or from Western governments.

In April 2001, Foreign Minister Syed Hamid complained when a dozen foreign Malaysia-based diplomats attended a private briefing by Wan Azizah on the health of her husband, Anwar Ibrahim. The minister said he would summon the diplomats and explain to them "the actual political situation" in Malaysia.

The Bush administration shifted its position on Malaysia following the September 11 attacks. In late June, Wan Azizah visited Washington and met senior U.S. State Department officials and members of Congress. A few weeks later, Syed met with U.S. Secretary of State Colin Powell and was reportedly told that a meeting between President Bush and Prime Minister Mahathir could take place only if there were progress on Anwar's case and in the treatment of political dissidents. However, when Mahathir and Bush met at the Asia Pacific Economic Cooperation (APEC) summit in Shanghai in late October, Bush reportedly made no public comment on Malaysia's human rights record.