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BS-458/01

DRAFT Motion for a Resolution pursuant to Rule 50,
Tabled by John Cushnahan and Bernd Posselt, MEPs on behalf of the EPP Group:

Resolution on detention without trial under the Internal Security Act (ISA) in Malaysia

The European Parliament,

- A. recalling previous European Parliament resolutions on this very same issue,
- B. having regard to the Internal Security Act which allows the Malaysian government to order indefinite detention without charge or trial of any person suspected of acting in a manner prejudicial to national security,
- C. having regard to reports from the Malaysian Human Rights Commission (SUHAKAM) and other Malaysian and international organisations stating that presently over 40 people are being detained under the Internal Security Act including at least eight detained on grounds of the peaceful expression of their political or religious beliefs,
- D. whereas Article 5 of the Federal Constitution of Malaysia guarantees all Malaysians the right to liberty of their person,
- E. whereas, in addition to the Internal Security Act, Article 149 of the Malaysian Constitution has given legitimacy to other laws used by the authorities to detain thousands of Malaysians without trial for alleged criminal offences,
- F. whereas the High Court of Malaya at Shah Alam in setting free two ISA detainees under writs of habeas corpus on 30 May called upon the Malaysian parliament to thoroughly review the ISA,
- G. whereas various laws, principally, the Internal Security Act, the Emergency (Public Order and Prevention of Crime) Ordinance 1969 and the Dangerous Drugs (Special Prevention Measures) Act 1985, have been identified by SUHAKAM as being laws which provide for detention without trial and which require review and re-examination,
- H. whereas SUHAKAM along with numerous other civil society groups have called for the immediate release of those arrested under the ISA,
- I. whereas numerous Malaysian civil society organizations have for many years consistently called upon their government to abolish the Internal Security Act,
- J. concerned that in the past, many ISA detainees have been subjected to physical abuse and to intense psychological pressure at times amounting to torture during their periods of detention,
- K. concerned that four political activists (Mohamad Ezam Mohd Nor, Saari Sungib, Hishamuddin Rais and Tian Chua) have on 2 June been served two-year detention orders

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under the ISA solely for exercising their rights to legitimate political organisation and dissent,

L. whereas the guarantee not to be detained in any way without a fair and public trial is a basic and fundamental human right,

The European Parliament,

1. Deplores the fact that the Malaysian authorities continue to resort to the Internal Security Act to detain political opponents and other prisoners of conscience while denying them access to justice in an open court of law;
 2. Urges the Malaysian authorities to adapt the Malaysian Constitution and enact laws which ensure fair and public trials for all detainees in line with accepted international norms;
 3. Calls on the European Union and its Member States to press the Malaysian government to respect human rights and to review the Internal Security Act,
 4. Instructs its President to forward this resolution to the Commission, the Council, the Member States and the Government of Malaysia.
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