



1. Gerakan Mansuhkan ISA (GMI) wishes to begin by recollecting on a few important messages by the Prime Minister, Dato' Seri Najib Tun Razak on the Internal Security Act (ISA) 1960:

1. ISA will be totally abolished, said the PM in a special Malaysia Day address on 15 September 2011.

2. He gave his commitment that no individuals shall be detained simply because of his or her political ideology.

3. He also gave his commitment to safeguard human rights and freedom in any legislation

enacted while any extension of detention can only be made with the court's order (except for laws related to terrorism where the power remains with the minister) *(note: how does this safeguard human rights and justice?)*

4. He said two new laws would be introduced to safeguard peace and order "under the spirit and umbrella" of Article 149 of the Federal Constitution to prevent subversive elements as well as fighting organised terrorism and crime. *(note: Article 149, 150 and 151 actually goes against the constitutional provisions)*

2. In the same address, PM announced the Government's intention to table a motion to both Parliamentary sessions to end the effectiveness of three emergency proclamations still in existence. He cited reasons being that Malaysia's reality has changed and that rakyat aspire for an open and dynamic democracy where opinions, idea and mass concerns can be addressed.

3. During the Parliament session on 3 October 2011, PM stated that the motion to abolish ISA and Emergency Ordinance (EO) shall only be made in March 2012. This is to provide time to draft two new Acts to replace ISA and to further study and conduct consultations with relevant parties. The next Parliament session will begin on 12 March 2012 and will last until 12 April 2012.

4. The BIG question is, will there be a motion in Parliament to abolish ISA as promised by the PM in a very special address six months ago? The next BIG question is, will the two new Acts to replace ISA be enacted? And will it do away with detention without trial, arbitrary powers of the police and Minister of Home Affairs and arbitrary extension of detention, deemed as the most problematic elements in ISA? The following question then is, have the consultation on the two new Acts been carried out?

5. The situation so far is pointing to 'no action talk only' as there has been no indication of ISA being abolished and no consultation conducted to draft the two new laws. In fact, statements made by the Ministers were pointing to the wrong direction. All thorny issues within the ISA are confirmed to be retained in the two new laws except for minimal changes such as period of detention, notice to families of detainees and making appeals.

6. This was confirmed by Home Minister, Datuk Seri Hishammuddin Hussein on Nov 21, 2011 as reported by Bernama, when he said that the new law to replace ISA will still provide for detention without trial.

7. Minister in the Prime Minister Department Datuk Seri Mohamed Nazri Abdul Aziz said on Oct 3, 2011 as reported by Bernama also, that the two proposed new laws for national security will have to come into force first before the ISA can be repealed. He said the government wanted to ensure that the two new acts are ready before the abolishment of the ISA. In other words, to ensure elements within the ISA are safeguarded in the two new laws.

8. Having detention without trial and arbitrary powers within the Police and Minister goes against safeguarding justice, human right, freedom, and open and dynamic democracy.

9. To add salt to the wound, just about two months subsequent to PM's special announcement to abolish ISA, there were new detentions under the Act. On 14 and 15 November 2011, 13 people from Tawau, Sabah were detained for unproven allegations. In January 2012, two of them have been released but the remaining 11 were sent to Kamunting Detention Centre for a detention period of up to two years subject to further extension as deemed fit by Minister of Home Affairs. The allegations against the 11 individuals remain unclear. What is clear though, they are real people, with family and children, who have been denied their basic right to trial, justice and freedom. Is this how the Government proves their good intentions for political and social transformation? For details of the Sabah detainees and their family members, please see attachment based on GMI's visit in February 2012.

10. Gerakan Mansuhkan ISA (GMI) which is made up of more than 80 organisations consisting of NGOs, Political Parties, Human Right Bodies, Lawyers, Women, Students and Workers' Unions, wishes to demand the following:

1. PM to honour his promise and abolish ISA in the next Parliamentary session beginning 12 March 2012. The abolishment of ISA has been long outstanding. Any changes or detour from the promise shall have a serious dent to the credibility of the PM;

2. All other detention without trial acts such as Emergency Ordinance and Dangerous Drugs Act must be abolished as well;

3. No new laws are required to replace ISA as there are provisions in the existing laws to curb so called terrorist offences. By virtue of the Penal Code (Amendment) Act 2003, a new Chapter VII A entitled "Offences Relating To Terrorism" was inserted and this came into force on 6th March 2007. Similarly, by virtue of the Criminal Procedure Code (Amendment) Act 2006, a new Chapter XIIA entitled "Ancillary Investigative Powers In Relation To Terrorism Offences" was inserted and came into force on 6th March 2007. Malaysia also passed legislation dealing with anti-terrorism financing in the form of the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (Act 613);

4. In the event the new laws are still enacted, draconian elements as was dominant in ISA such as detention without trial, arbitrary detention and arbitrary powers of the Police and Minister must not exist;
5. There must be a public consultation before the government initiate or table any new laws in Parliament;
6. Kamunting Detention Centre should be closed down and be acknowledged as World Heritage or Muzium much like Robben Island, South Africa as a symbol of injustice and cruelty metted under ISA.
7. A Truth and Reconciliation Commission on ISA to be set up to uphold justice for all victims of torture and maltreatment under the ISA and their aggressors be brought to justice and open trials;
8. All victims of ISA should be paid gratuity equivalent to the torture and sufferings that was experienced by the detainees and family members;

9. The Government to adhere to international human rights charter in issues related to anti-terrorists activities and draft long term plans for the country in developing mechanisms to address terrorism without jeopardising basic rights and principles of justice; and
  
10. The Government to sign and ratify International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

GMI will continue to press for the above with the PM, Home Minister and Parliament within the next coming weeks. GMI seeks support and solidarity from the people, NGOs, Suhakam, NGIs, Political parties, MPs, ADUNs, media and the international community to demand for the above in the interests of justice, truth and freedom.